

Komarova Valentina Viktorovna, No. 10 2018

Real and imaginary extension of the subject of constitutional law

Annotation: In the modern science of constitutional law, according to the author of the article, the dynamism of the subject of constitutional law is given by the doctrine, the rule-maker (in a broad sense) and the activities of the Constitutional Court of Russia. If, regarding the role of the latter in expanding and deepening the subject of constitutional law, modern scholars are basically unanimous, since this happens on the basis of constitutionally enshrined powers - at the "will of the state, which gives these relations a fundamental character" (OE Kutafin), then it is advisable to reflect on the influence of the doctrine and normative acts on the expansion of the subject of constitutional law. In the article, using examples of normative acts and doctrinal proposals, the author shows from his point of view an imaginary and real extension of the subject of constitutional law. Arguing his point of view, he warns against further imaginary expansion of the subject of the leading branch of the Russian legal system and highlights promising directions for deepening the doctrinal foundations and thereby expanding the subject of constitutional law.

Bondar Nikolay Semenovich, No. 10 2018

The subject of constitutional law in the context of the practice of constitutional justice: stability and dynamism

Annotation.Based on the analysis of the tendencies in the development of domestic constitutionalism and the practice of constitutional justice, the article presents the author's understanding of the subject of constitutional law in the relationship between its stability and dynamism. The question of the substantive definiteness of constitutional law is "eternal" due to the fundamental, defining role that constitutional law plays in the system of legal regulation, in connection with which the position is substantiated according to which the substantive expansion of

the sphere of influence of threats to the law and the need to search for answers to them in line with systemic, intersectoral solutions that underlie the harmonization of the basic values of society - freedom, power and property.

The dynamics of the subject characteristics of constitutional law confirms that this is a kind of "supra-branch" formation, the core of the entire legal system; all branches of law, each branch institution are in the normative relationship with constitutional law, which is confirmed by the practice of the Constitutional Court of the Russian Federation. In this regard, special attention is paid to the analysis of the impact of constitutional justice on the development of the subject characteristics of constitutional law, thereby ensuring the constitutionalization of the legal system, as well as the practice of law enforcement.

Kokotov Alexander Nikolaevich, No. 10 2018

On the subject of constitutional and legal regulation

annotation... This article is devoted to the problems of identifying the subject of constitutional and legal regulation on the basis of the author's ideas about such categories as legal regulation and legal impact, lawmaking and law enforcement regulation, subject and object of regulation. The article shows the importance of methods and legal constructions for highlighting the subject of individual branches of law. It is shown that the originality of the subject of constitutional law is determined by the place of this branch in national law. Constitutional law, firstly, has its own sphere of regulation - relations regarding the formation and implementation of the supreme power. Secondly, constitutional law is aimed at solving a number of general legal problems, similar to those that, within the framework of individual branches of law, are solved by the norms of their general part. In the second direction, the subject of this branch covers the subject of national law as a whole. In addition, it includes all branches of national law (law becomes the subject of law).

Shakhrai Sergey Mikhailovich, No. 10 2018

Constitution of Russia: stability and development

Annotation: The article is devoted to the analysis of the features of the Constitution of the Russian Federation, ensuring stability and creative development of this fundamental act. It is emphasized that it is these characteristics that most directly affect the statesocio-political reality, since modern constitutions are nothing more than a political and legal mechanism, the effective functioning of which depends on maintaining the stability of sovereign social systems and their progress in a rapidly changing world. Particular attention is paid to the demonstration of the historical conditionality and functional effectiveness of the so-called "internal contradiction" of the Russian Constitution of 1993, the philosophical, political, legal and practical significance of the constitutional recognition of equal value for society of formally competing principles and ideas about what should be done is explained. It is noted that the model of the Constitution of the Russian Federation should be considered one of the most effective, since the average "lifespan" of democratic constitutions adopted in the period 1789-2005,

Osavelyuk Alexey Mikhailovich, No. 10 2018

Constitutional law in the system of Russian law: the uniqueness of the subject of the industry

Annotation. The article shows the most important features of the subject of constitutional law based on the analysis of the provisions of the Constitution of Russia, industry legislation and scientific publications. Particular attention is paid to the consideration of the uniqueness of two aspects of the subject of this industry: the uniqueness of the content and the uniqueness of the normative composition of constitutional law. It is reasonably shown that in many respects it is precisely to the indicated two aspects of its subject that the industry of the same name is the leading one in the legal system of the Russian Federation.

The most important feature of its subject is that it consolidates the foundations of legal relations between a person and the state; federal structure of the state, as well as the form of government and municipal authority. The need to regulate these relations by the constitutional law is caused by the fact that at the present stage of

development of human civilization only the state is the absolutely predominant way of organizing society. Acts as a necessary condition for the optimal existence of human civilization.

At the same time, the state as the dominant factor of modern social existence was not originally embedded in human nature. Therefore, the most important conceptual significance is the regulation of relations between a person and the state, which is able to place the activities of the state in a certain framework. That is, to limit it so that the state does not prevail over the individual. In other words, modern constitutional law proceeds from the fact that the state exists for a person, and not a person for the state. It is this legal idea that is the pivotal principle of the organization of the state and constitutional law as the leading branch that determines the foundations of the status of the state and the framework of its activities for the benefit of the person.

The special role and significant proportion of norms-principles and norms-definitions in the Constitution and constitutional legislation of Russia is also considered, as a factor influencing the leading role of the industry in the legal system. Compared to other industries, in constitutional law, a much larger share in the normative composition is also occupied by norms that have a constituent character of prescriptions. Constitutional law has a particularly close connection with the norms of morality.

Naruto Svetlana Vasilievna, No. 10 2018

**INTreasure of academician O.E. Kutafina in the development of the
doctrine of the subject of constitutional law of Russia**

annotation... The article deals with the problematic issues of determining the subject of constitutional law. Particular attention is paid to the analysis of the views of O.E. Kutafin, who dedicated one of his monographic works to her.

The article defines the features of the subject of constitutional law that distinguish it from other branches of law. The author shares the opinion of O.E.

Kutafin that constitutional law “has as its subject a sort of dual object of regulation”, developing this statement.

Various approaches of scientists to the definition of the subject of constitutional law, its volume, current state, place in the system of branches of Russian law, correlation with them are analyzed.

The author addresses the question of whether the Constitution is the source of only constitutional law or all branches of law, since it affects all spheres of public life, examines the opinion of O.E. Kutafin and other scientists who hold different positions on this issue.

The conclusion is made about the diversity, multilevel, multidimensionality of the subject of constitutional law, dynamically developing, reacting to changes in life, which confirms the conclusions of OE Kutafin.

Komkova Galina Nikolaevna, No. 10 2018

The content of the system of constitutional law in Russia:

modern reading

Annotation: The system of constitutional law needs to be improved based on the changed realities. It is necessary to rethink the concept of the system and structure of constitutional law. It has been proved that the system of constitutional law is the internal structure of this branch of law, conditioned by the current state of social relations, which are governed by the norms of constitutional law. The author presents the system of constitutional law in the form of a pyramid, at the top of which are values, then there are principles, then subsectors, institutions, and finally, at the base of the pyramid are the norms of constitutional law. Own vision of the classification of the norms of constitutional law is proposed. Particular attention is paid to the development of complex institutions of constitutional law, including the norms of other branches of law. The substantiation of the obligatory inclusion of its principles into the system of constitutional law is given. The author's classification

of the principles of constitutional law is proposed: according to the degree of implementation, according to the sources of consolidation, according to the spheres of regulated constitutional and legal relations. The necessity of including in the system of constitutional law values that play an important ideological role, penetrating the public legal consciousness, and their achievement becomes the ultimate goal of the activities of citizens and government authorities has been proved.

Sadovnikova Galina Dmitrievna, No. 10 2018

System-forming institutions of constitutional law

Annotation: the article is devoted to topical theoretical issues related to the systemic and structural structure of the branch of constitutional law. The main approaches to the subject of constitutional law and its constituent system-forming institutions are considered. Particular attention is paid to the characteristics of the main institutions of constitutional law, to which the author refers to the foundations of the constitutional system, the foundations of the legal status of an individual, federal structure, electoral law, the foundations of the formation and functioning of the system of public authorities. An important place in the article is occupied by the identification and analysis of factors influencing the development of system-forming institutions, as well as their inherent tendencies. The main essence of the system-forming institutions of constitutional law, according to the author, is not only legal, but also moral principles.

Dudko Igor Gennadievich, No. 10 2018

**On the subject of constitutional law
(in search of an adequate projection)**

Annotation. The article discusses the problem of defining and expressing the subject of Russian constitutional law. The incompleteness of the discussion, according to the author, is due not only to scientific approaches and conceptual constructions, but also to Russian constitutional practice. The diversity of

approaches in educational literature is stated. There is a tendency to include in the field of constitutional regulation an extremely wide range of social relations manifested in all spheres of social relations (political, economic, social, spiritual). According to the author, despite the estimated difference in approaches to defining the subject of constitutional law, the positivist legal method is exclusively dominant. The author examines the methodological directions that have developed in the national science of constitutional law. The importance of the concept of constitutionalization and its role in the localization of the subject of the industry are noted. The article presents the characteristics of the subject of constitutional law on the basis of the functional purpose of this industry, the spheres of constitutional regulation, taking into account the specifics of industry development.

Komarov Sergey Alexandrovich,

Popova Anna Vladislavovna, No. 10 2018

The subject of constitutional law: the view of theorists

Annotation. The article analyzes the general patterns of evolution of the content of the subject of legal regulation on the example of constitutional law from the standpoint of the general theory of law, emphasizes the fundamental nature of the subject of constitutional law as the leading branch of Russian law. Particular attention is paid to the analysis of various approaches to defining the subject matter of constitutional law. The authors come to a well-grounded conclusion that the subject of constitutional law is characterized by a dynamic nature, differs in the basic nature of the main legal institutions, dynamism, the logic of the transition of content from the general to the particular, then the singular, and ultimately unique. This determines the value of the subject matter of constitutional law in the Russian legal system in general, and in the legal system in particular.

Maly Alexander Fedorovich, No. 10 2018

Subject of the branch of law: the territory of scientific research

Annotation. The content of the subject of the branch of law is not only the basis for a modern theoretical discussion, but also gets consolidated in legal

documents. The passport of a scientific specialty, reflecting the content of relations to be studied and analyzed within the framework of the dissertation work, is the basis for an expert assessment of scientific work. It becomes a document to which the same requirements should be imposed as to any other normative act affecting the rights and obligations of a person. In particular, meet the criteria of legal certainty, consistency, clarity. The existing theoretical approaches to the formation of the limits of the subject of the branch of constitutional law do not make it possible to delimit it from other related branches. There are also no clear criteria for such a distinction. At the same time, such a need exists, since the content of the subject, expressed in the volume of the relevant legal relationship, serves as a criterion for assessing a qualifying scientific work with the ensuing legal consequences for its author. It is hardly possible to develop legal criteria for a clearer definition of the boundaries of the subject of the branch of law (and hence the scientific specialty). Therefore, certainty is needed in doctrinal approaches to assessing relations that make up the subject of the branch of law.

Rybakov Oleg Yurievich, No. 10 2018

Ontological foundations of the subject of constitutional law

Annotation:the purpose of the article is to identify the fundamental essential foundations of the subject of constitutional law. The dialectical method of cognition of the subject area of constitutional law is used, which allows to establish the continuity and variability of the content of the subject of constitutional law, the method of analysis, with the help of which the correlation of the concepts of "form of the state", "content of the state", "signs of the state" and their meaning for determining the subject of constitutional law ... The need to distinguish the state as a form that objectively arises in the course of the evolution of man and society, as well as the state as a directly formed concrete historical content, which is embodied in principles, rules, procedures, is noted. The author's understanding of the ontology of the subject of constitutional law, expressed through the essence, is proposed. main elements: state (signs of the state); the presence of human rights and freedoms; social relations arising from the implementation of the signs of the state. The subject matter

of constitutional law, with all its historical variability, reflects the entire set of relations of a general order associated with the organization and functioning of the state, its interaction with man and citizen. The theoretical significance of the article is to substantiate the need for researchers to take into account the essential foundations of the subject of constitutional law. his interaction with man and citizen. The theoretical significance of the article is to substantiate the need for researchers to take into account the essential foundations of the subject of constitutional law. his interaction with man and citizen. The theoretical significance of the article is to substantiate the need for researchers to take into account the essential foundations of the subject of constitutional law.

Kruss Vladimir Ivanovich, No. 10 2018

Constitutional futurology and the science of law. File "cryptocurrency"

annotation: The mesmerizing acceleration of social dynamics prompts a critical perception of the traditional methodology of law, which goes back mainly to the dogma of legal positivism. The modern science of law is designed to assess the current trends leading to a qualitative transformation of social systems in the near and distant future, and to propose leading models of their normative regulation. The concept of constitutional futurology is associated with the solution of such problems, taking into account the need to maintain adherence to the rule of law even in a situation of growing critical threats and challenges generated by technological and social innovations. Constitutional futurology can be understood as the actual edition of the academic policy of law. Moreover, unlike the latter, she avoids competing dogma and consistently adheres to constitutional legal thinking. On this basis, it becomes possible to consolidate and synchronize sectoral legal studies of the "sleeping factors" of the postmodern era and the digital economy. A separate analysis focuses on the phenomenon of cryptocurrencies and blockchain technology.

Benjaminova Svetlana Alexandrovna, No. 10 2018

The right to constitutional proceedings as an element of the legal status of a citizen

Annotation. Laws are adopted by the state for all members of society, their needs, the application of laws by courts in resolving disputes is carried out in order to protect the rights of citizens. Consequently, citizens are "recipients" of the results of constitutional relations regarding the adoption of laws. In this sense, the right of a citizen to initiate constitutional proceedings is one of the main methods of direct influence on the state, which has adopted a law that has changed the boundaries or content of constitutional rights, freedoms of man and citizen.

Umnova- Konyukhova Irina Anatolyevna, No. 10 2018

Modern understanding of the subject of constitutional law in the context of the binary development of domestic (national) and international law

Annotation. It is substantiated that the dialectic of the binary development of domestic (national) and international law predetermined the convergence of the subject of constitutional law and international public law. An analysis of scientific views is carried out, a comparative assessment of constitutional and international legal regulation, the practice of international courts and national courts, which in the modern era is changing the idea of the subject of constitutional law, is given.

It is noted that the approach to understanding the subject of constitutional law as a two-level system of general and specific social relations has become even more established and developed against the background of two interrelated trends of globalization and diversification of modern law. On the one hand, the influence of general constitutional and legal relations has increased in the context of the expansion of the regulatory role of the principles of law. On the other hand, additional types of specific relations have appeared, conditioned by the constitutionalization of new areas of legal regulation.

A classification of states is given that fixes the place of generally recognized principles and norms in their constitutions. international law in the system of domestic law. One group defines generally accepted principles and norms of

international law as part of the national legal system (for example, Austria, Greece, Portugal). Another group also establishes their ratio in terms of legal force (Belarus, Germany, Georgia, Russia, etc.). The third group determines only the ratio of the norms of an international treaty and law (Armenia, Bulgaria, Poland, Kazakhstan, etc.).

Another dynamically developing trend, according to the author of the article, is the simultaneous involvement of international and national courts in the interpretation of constitutional and legal matter. The binary interaction of constitutional and public international law is manifested both in the practice of mutual consideration by courts of legal positions, and in making the opposite content of decisions. Common approaches and differences are demonstrated, in particular, by comparing the practice of the EU Court and the courts of European states, the ECHR and the courts of the Russian Federation.

It is stated that the emergence of the concept of global constitutionalism determines the internationalization of constitutional law. It is noted that the supporters of global constitutionalism, proposing to recognize the idea of international constitutional law and the international constitution, thereby bring the discussion about the branch of constitutional law and its subject to a new level.

Filippova Natalia Alekseevna, No. 10 2018

The relations of public representation as a subject of constitutional and legal regulation

Annotation. The peculiarity of constitutional law as a branch of law lies in the ongoing transformation of its subject matter. The sphere of relations regulated by constitutional law can expand and contract. In the Russian constitutional doctrine, two main traditions have developed to explain this feature. The classical approach to the definition of the subject of constitutional law presupposes that it is unified and unchanged, while the content of the industry is diverse and dynamic. The postclassical approach proceeds from the multiplicity of relations that make up the subject of the industry, without opposing the subject of the industry to its content.

Common to both traditions is the inclusion in the content of the subject of the branch of public-power relations, and the construction of the legal theory of public power as a subjective law makes it possible to include the relations of public representation in the subject area of constitutional law. Public representation acts as a mandatory legal condition for the publicity of the authorities, the differentiation of public and corporate interests in the process of its implementation. In a modern state, public representation is systematic, covering the types, forms, levels of public representation, which explains the consistency and diversity of the relevant norms of constitutional law.

Chirkin Veniamin Evgenievich, No. 10 2018

**Socio-economic provisions of the constitution: new regulation and study
in the course of constitutional law**

Annotation. The article is devoted to the regulation and research of the socio-economic provisions of the Constitution. The author points out the absence of a chapter on the foundations of the social system in the Russian Constitution. Replacing such a chapter with a more general chapter on the foundations of the entire constitutional system has its pros and cons, gives rise to different methodological and methodological approaches to the study of the constitutional foundations of the social system and, in particular, its socio-economic (socio-economic) principles. The totality of such principles, basic socio-economic provisions, constitutional institutions that regulate the main socio-economic relations, create a certain socio-economic paradigm (model) for a single constitution or a group of similar constitutions. The article proposes a scheme for studying such principles and provisions,

The article analyzes the approaches that exist for the legal definition of the concept of the constitution. The author points to a new vector of constitutional development. Based on this, the structure of constitutional law can be slightly changed. After analyzing the experience of the constitutional development of the countries of the world, the current constitutions, the conclusions and proposals of

scientific constitutionalists, the author determines that the paradigm of the modern constitution includes five components

Mikheeva Tatyana Nikolaevna, No. 10 2018

**Public control from the standpoint of the constitutional right of citizens
to participate in the management of state affairs**

Annotation. Citizens' participation in the management of state affairs, being the most important constitutional right, is carried out through various direct or representative mechanisms. Public control - a modern democratic institution should also be attributed to one of the new tools that allow realizing civic participation in governance processes. It arouses the greatest interest at the municipal level, where the activities of the authorities are as close as possible to the population, and its results directly affect the quality of life of citizens. The subjects of public control, enshrined in the Federal Law "On the Foundations of Public Control in the Russian Federation" in the form of public chambers and public councils of municipalities, are public and state formations. Citizens and their associations are not included in the direct subjects of public control, and their involvement in public control is associated with the will of the organizers of these events. To expand the activity of the population of municipalities in assessing the activities of local authorities, legislative proposals on the inclusion of citizens and public associations in the list of direct subjects of public control have been substantiated. In addition, additional subjects of public control for the municipal level have been proposed, which at the same time is achieved by expanding the constitutional right to citizens' participation in governance through the instruments of public control. To expand the activity of the population of municipalities in assessing the activities of local authorities, legislative proposals on the inclusion of citizens and public associations in the list of direct subjects of public control have been substantiated. In addition, additional subjects of public control for the municipal level have been proposed, which at the same time is achieved by expanding the constitutional right to citizens' participation in governance through the instruments of public control. To expand the activity of

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Kondrashev Andrey Alexandrovich, No. 10 2018

Institute of constitutional and legal responsibility in the subject of constitutional law: the edge of correlation

Annotation. The article is devoted to the study of the subject of constitutional law from the position of including the institution of constitutional and legal responsibility in the structure of relations regulated by constitutional law. The author, analyzing the different approaches to the classification of legal relations covered by constitutional regulation, which have developed in the doctrine of constitutional (state) law, offers two grounds for the classification of this kind of legal relations. From the point of view of the nature of power relations regulated by constitutional law, one can speak of three groups of legal relations - political, economic and spiritual-cultural relations, which constitute the foundation of legal regulation of the industry. And if we take the type of subjects who are subjects of constitutional relations as the basis for the division, then we should talk about relations, connected with the organization of public authority (the status of the head of state, government, parliament, etc.), as well as the relationship between society and the state (the status of political parties, public organizations, principles of economic and social relations, etc.), personality and by the state (general provisions on the legal status of individuals, rights and freedoms, the status of foreigners and stateless persons, etc.). The paper concludes that the norms of the institution of constitutional and legal responsibility permeate several key groups of legal relations regulated by constitutional law at once, and this institution is a complex institution of the branch of constitutional law.

Lavdarenko Lyudmila Ivanovna

Rudykh Svetlana Nikolaevna, No. 10 2018

Principles of law and their system

Annotation. The article is devoted to the problem of defining the concept of the principles of law as one of the fundamental categories. The article provides different points of view on this issue, an attempt is made to define the principles of law in a lexico-semantic manner. The main provisions of the general theory of systems are analyzed and on their basis the concepts of "system of law", "structure of law", "legal environment", "legal system", "metasystem of law" are considered. The conclusion is made about the advantages of a systemic approach in defining law and its principles, since this allows one to determine the most important features of law, to give a qualitative description of its content and properties as a regulator of social relations.

Guznova Elizaveta Alekseevna, No. 10 2018

**Legal basis for determining the tax base of a foreign organization
operating through a permanent establishment**

annotation: The article provides a legal description of the approaches existing in world practice to determining the tax base of a foreign organization operating in any jurisdiction through a permanent establishment located in it. The article analyzes the position of the Organization for Economic Cooperation and Development (OECD) in relation to each of the considered approaches to determining the taxable profit of a permanent establishment, namely, approaches related to the degree of "gravity", fractional and actual approaches to attributing profit to the permanent establishment of a foreign organization. The author discusses in detail the use of the "separate and independent enterprise" approach as "the official approach of the Organization for Economic Cooperation and Development" for determining the profit of the organization, attributed to its permanent establishment. Particular attention in the article is paid to the functional analysis of the activities of a

permanent establishment as one of the main stages in determining the amount of profit of a foreign organization related to a permanent establishment.

Izvekov Stanislav Sergeevich, No. 10 2018

Competition between tax and bankruptcy laws in relation to penalties and "moratorium" interest accrued on the amount of arrears

Annotation: The legal regulation of the bankruptcy of Russian organizations attracts the attention of the authors of numerous publications, while the research is more devoted to theoretical and practical issues arising in the course of applying the procedures provided for by the bankruptcy law, and less often concerns the legal tax regime in bankruptcy. The problems of the correlation of legislation on taxes and fees with competition legislation have not yet become the subject of an independent comprehensive study, individual issues are considered occasionally when analyzing certain problems. In the article under consideration, the author dwells on the problem of correlation between the legislation on taxes and fees and the legislation on bankruptcy in relation to the accrual of penalties and "moratorium" interest charged on the amount of arrears. On the basis of the study, the author proposes, in order to harmonize the existing rules for calculating penalties and comply with the principles of tax law, to directly fix in article 75 of the Tax Code of the Russian Federation the clause "unless otherwise provided by bankruptcy legislation", and in the Bankruptcy Law to additionally name penalties, albeit in a different amount than established by the tax law, as a form of securing claims for compulsory payments. The implementation of this proposal will not lead to a change in the procedure for calculating interest (penalties) and the procedure for settlements with creditors in a bankruptcy case, but will increase the legal technique of legislation and smooth out conflicts of interpretation of the relevant terms. The author proposes that in order to harmonize the current rules for calculating penalties and observance of the principles of tax law, directly fix in article 75 of the Tax Code of the Russian Federation the clause "unless otherwise provided by bankruptcy legislation", and in the Bankruptcy Law additionally name penalties, albeit in a different amount than established by tax law, as a form of securing claims for compulsory payments. The implementation of

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Zaikov Denis Evgenievich, No. 10 2018

Civil procedural capacity: classification and features of legal regulation

Annotation.In the article, from a critical point of view and on the basis of an analysis of the existing practice of courts of general jurisdiction, the institution of civil procedural capacity is considered, which is one of the foundations of civil procedural law, in which the exercise by citizens of the constitutional right to judicial protection of rights, freedoms and legitimate interests is mediated. Civil procedural

capacity, regulated by the norms of the Civil Procedure Code of the Russian Federation, has a significant difference, which consists in separating the right to entrust the conduct of a case in court to a representative from other procedural rights of a person participating in the case. This feature largely determines the specifics of the enforcement of this legal institution.

The author proposes a classification of civil procedural capacity, which is based on the criteria of age, scope of procedural rights and obligations of persons participating in the case, as well as the presence of special conditions.

The study made it possible to identify significant problems of legal regulation of the institution of civil procedural capacity, its ambiguous interpretation, as well as the multidirectional development of the relevant practice of courts of general jurisdiction.

Dolgieva Madina Mussaevna, No. 10 2018

Social conditioning of the emergence of criminal-legal prohibitions of violations committed in the field of cryptocurrency turnover

Annotation: The article is devoted to the theoretical substantiation of the need to introduce criminal-legal prohibitions on criminal encroachments in the field of cryptocurrency circulation in Russia, the principles and grounds for the criminalization of such acts in connection with their increased social danger are analyzed. The article examines the prerequisites, grounds and validity of the criminalization of criminal encroachments in the field of cryptocurrency circulation, the problems of applying the current provisions of the criminal law to acts committed with the use of cryptocurrency, the opinions of law enforcement officials, prosecutors and the court concerning the category of cases under consideration are examined, the author's position on problematic questions.

Shenshin Viktor Mikhailovich, No. 10 2018

Social request of society as a neologism of criminal environmental policy

Annotation:In the presented work, for the first time, an attempt is made to scientifically comprehend the previously unexplored problem of the formation of the social demand of society in the field of criminal and environmental policy, it is concluded that from the point of view of the criminal and environmental component, social demand should consist in the need to achieve the most acceptable level of environmental protection, ensuring environmental safety and rational use of natural resources, as well as preventing environmental crimes by the state and its competent authorities. The author's attention is focused on the use by citizens of this method, as one of the types of control over the activities of public authorities in the criminal environment. The researcher makes arguments,