

**Panfilova Vasilisa Igorevna,
Turkutyukov Vyacheslav Borisovich,
Strelnikova Natalia Viktorovna, No. 12 2018**

Formation of the legal framework for regulating the circulation of vaccines and other medical immunobiological preparations in Soviet Russia

Annotation:the article is devoted to the formation of legal regulation of the sphere of circulation of medical immunobiological preparations. On the examples of specific normative legal acts of Soviet Russia, the formation of the state system of immunization of infectious diseases is shown. In order to provide timely medical care and prevent the emergence of epidemics, created on the system of circulation of biological medicinal products, including the production, storage, distribution, educational and research activities, control and import of serums and vaccines into the RSFSR. Control over the quality of drugs was established during their production and dispensing. The parties had the right to control imported sera, check compliance with the established rules, if some samples did not meet the standards, the use of the entire batch they were included in was prohibited. Vaccination was carried out both for a fee and free of charge. The class nature meant the primary provision of the necessary drugs to certain groups of citizens. The prerequisites for compulsory vaccination were created.

Rubashkin Vladimir Vladimirovich, No. 12 2018

Features of the interaction of party and Soviet bodies in the Kaliningrad region in the post-war period

The article examines the interaction of party and Soviet bodies on the territory of the Kaliningrad region in the post-war period. The author points out that even before the formation of constitutional bodies of state power on the territory of the Kaliningrad region, the party bodies supervised the activities of the temporary government bodies, gave them direct instructions. The issues of influence of the bodies of the All-Union Communist Party of Bolsheviks on the elections of deputies

to local Soviets are considered. The features of the party leadership of the region are highlighted. So, in the Kaliningrad region, the party bodies solved primarily the tasks of restoring the local economy, much attention was paid to propaganda work, the party work was not organized equally at all levels. Attention is drawn to the control powers of the party bodies. The conclusion is made,

Doroshenko Egor Nikolaevich, No. 12 2018

**Constitutional standards for a decent life and free human development
in the implementation of pension reform**

Annotation:The article examines the content and significance of the constitutional regulation of state pension provision in the context of changing the retirement age. The author summarizes the legal positions of the Constitutional Court of the Russian Federation, the European Court of Human Rights and proposes a system of constitutional standards for pension reform based on the principle of the social state. The issues of gender differentiation of the retirement age, economic rationale for the appointment of a pension are considered; the importance of the principles of legal certainty of legislative policy and stability of the legal status of a citizen for the pension reform is analyzed. The characteristics of the public discussion about the possibility of raising the retirement age are given, the main socio-economic conditions affecting the pension system are outlined. The author concludes:

Ivanov Ivan Vasilievich, No. 12 2018

**Democracy as a subject of constitutional law:
history and modernity**

annotation: the article examines the place and significance of democracy in the system of elements of the subject of constitutional law. The relationship between democracy and personal rights and freedoms of man and citizen is determined. The author notes the history of the formation of democracy, which directly influenced the change in the subject of constitutional law in Russia. Particular attention is paid to direct democracy as a guarantee of ensuring social harmony and harmonization of social relations. On the basis of the conducted research, the peculiarity of

democracy as the basis of constitutional law was determined. Democracy, according to the author, has a dialectical connection with the subject of constitutional law, being, on the one hand, its integral part, on the other hand, giving rise to constitutional law itself, determining the possibility of its existence as a whole. Solving the problems of democracy,

Ershova Yulia Nikolaevna, No. 12 2018

Constitutional framework for regulating the right to peace

Annotation. The article carried out a comparative study of the constitutional foundations of the regulation of the right to peace, which made it possible to identify the general and specific in the constitutional regulation of the right to peace in the Russian Federation and foreign countries. It is shown that in the period of increasing globalization of modern society, conflicts both within countries and between states based on territorial, religious, interethnic, socio-economic contradictions. The position is substantiated that the right to peace is the right of subjects, participants in legal relations to peace as the highest good. It points to the provision of a globally coordinated response to threats to human rights, which can only be resolved by joint action at the national and international levels. On the basis of a comparative legal analysis of national constitutions, the position is substantiated on the need to constitutionally secure in the Russian Federation the right to peace in the system of subjective human rights of the third generation, which guarantees a state of protection from threats and challenges to life and health of every person.

Standzon Lyudmila Vladimirovna, No. 12 2018

The system of federal legislation on licensing: problems and prospects of legislative regulation

Annotation. The current stage of development of federal licensing legislation allows us to say that its system has been formed. The author examines and characterizes the system of federal licensing legislation on the example of the Constitution of the Russian Federation, federal laws, codes and by-laws. The

imperfection of the legislation on licensing certain types of activities and the presence of a number of problems of legal regulation are noted. This determines the need for its further improvement and reform. The problems of optimization of the number of licensed types of activity by means of their simultaneous decrease and increase are raised. It is proposed to toughen licensing requirements and conditions in some cases. The absence of administrative regulations for the implementation of licensing in some licensing authorities is stated.

In this regard, the article outlines the directions and prospects for the further development of federal legislation on licensing, consisting in the reduction and unification of legislation on licensing, amendments to the current legislation, as well as the development and adoption of new regulatory legal acts.

Goncharova Valeria Andreevna, No. 12 2018

Legal relationship to protect the rights and legally protected interests of participants in an invalid transaction: concept, elements, features

Annotation:the article is devoted to the theoretical understanding of a new model of civil protective legal relationship - legal relationship to protect the rights and legally protected interests of participants in an invalid transaction. The need to formulate a concept, to determine the features of this legal relationship have become relevant in connection with a change in the legislative approach to the interpretation of the conditions for recognizing transactions as invalid. To date, invalidity is not associated solely with a defect in the structure of the transaction: a legal indication of the need to violate someone's rights and legally protected interests by the fact of making and (or) executing a void or contested transaction indicates a new approach to the invalidity of transactions as a harmful legal situation. Legal form of protection of rights and interests protected by law,

The article analyzes the features of the legal relationship to protect the rights and legally protected interests of participants in an invalid transaction in terms of the

reasons for the occurrence, dynamics, taking into account the forms of invalidity reflected in civil legislation, a conclusion is made about the non-identity of such a legal relationship of a restorative legal connection, about the relative independence of the latter. The specifics of the subjects, the object, the content of the legal relationship for the protection of participants in an invalid transaction is grounded, its concept is formulated.

Berdysheva Svetlana Nikolaevna, No. 12 2018

Legal regulation of relations related to the provision of services when using the network form of the implementation of educational programs

Annotation. Currently, educational organizations use a network form of educational programs to improve the quality of education. One of the main documents confirming the implementation of educational programs in an educational organization through the network form is the agreement on the network form. The use of this form by educational organizations has led to the emergence of new problems and issues related not only to the content of the agreement on the network form of the implementation of educational programs, but also to the process of educational activities within the framework of network interaction. The author studied the public relations associated with the provision of educational services that arise using the network form of the implementation of educational programs, in particular, their features from the point of view of civil legislation. The article examines the legal essence of the agreement on the network form of the implementation of educational programs and developed a definition of the concept of this agreement. The author analyzed the subject composition of the agreement on the network form of the implementation of educational programs, an attempt was made to distinguish between the concepts: an educational organization, an organization that provides training, and an organization that carries out educational activities. The article proposes a classification of contracts on the network form. The

author also dwells on the issue of using property in the network form of implementing educational programs. The author also examines the relationship between an agreement on the network form and an agreement on mutually beneficial cooperation. The court practice on disputes arising from the obligatory conditions of agreements on the network form of the implementation of educational programs is presented.

Zykov Sergey Viktorovich, No. 12 2018

Alimony legal relationship: in search of a balance of interests

Annotation. The article deals with the problems associated with the collection of alimony for minor children. It is stated that with all the variety of repressive measures used against the defaulter, the problem of collecting alimony remains relevant. In this regard, the question should be raised of the formation of legal mechanisms that would motivate parents to fulfill their responsibilities for maintaining a child with whom they do not live. Sociological studies show that the doubts of payers that such alimony is being used for its intended purpose are a significant obstacle to the performance of their duties. In this regard, the proposal to establish the obligation to submit a report on the use of alimony by the person who actually receives it and must use it in the interests of the child is substantiated. Alimony for minor children has a purposeful purpose and is used by a person who actually receives them in the interests of another person, in connection with which there is a similarity with civil legal relations, within which the use of other people's funds is carried out, and they provide for the provision of reports. Since a bill containing such a proposal was submitted to the State Duma, the history of its consideration is briefly presented, it is concluded that if it had certain shortcomings, the reasons for rejection were not sufficiently substantiated. Proposing this legal mechanism, the author specifies the cases when its use is unacceptable based on the characteristics of the subject composition. The legal consequences of non-fulfillment (improper fulfillment) of the obligations to provide reports are indicated, both existing and those which could be installed later. The introduction of a reporting

system for spending funds on a minor child will not only enhance the culture of post-divorce relations, but will also ensure the realization of the interests of the child himself.

Guziy Dmitry Alexandrovich, No. 12 2018

Refusal to accept an application and protection of interested persons in civil and administrative proceedings: some problems

Annotation. The article examines some aspects of the unification of the rules of civil and administrative proceedings on the example of the rules on refusal to accept an application. The problem of correlation of these norms with the tasks and basic, initial principles of the civil process is investigated from the doctrinal point of view. The article analyzes the judicial practice on the refusal to accept the application due to the lack of jurisdiction of the case. Within the framework of the research topic, an assessment is given to some provisions of the draft law of the Supreme Court of the Russian Federation on amending the Code of Civil Procedure of the Russian Federation, the Arbitration Procedure Code of the Russian Federation, and the CAS of the Russian Federation. The author has made proposals, the implementation of which will increase the efficiency of judicial protection of interested persons, ensure the availability of justice in civil and administrative cases and will contribute to procedural economy.

Osipov Mikhail Yurievich, No. 12 2018

Copyright protection on the Internet: main features and problems

The problem of improving legislation in the field of copyright protection is one of the pressing problems facing modern Russian legislation. The relevance is due to the fact that at present, due to the rapid development of information and communication technologies, unscrupulous users have the opportunity to post fragments from other people's works on their sites without linking to the author and source of borrowing without disclosing information about the site owners.

In the course of the study of the peculiarities of the legal regulation of copyright protection on the Internet, problems were identified related to copyright protection: the presence of anonymous sites that publish fragments of other people's works without reference to the author and source of borrowing. At the same time, with the current state of affairs, the author is practically deprived of any means of copyright protection, since the anti-plagiarism service shows the presence of borrowings in the author's work, and a potential author cannot protect his rights, since it is not known who to sue. It is proposed to introduce into the Russian legislation the institution of a public law suit. If the claim is satisfied and the court establishes the fact of unlawful borrowing of someone else's text, Roskomnadzor blocks this resource.

Savinykh Vladislav Alekseevich, No. 12 2018

The legal regime of the results of intellectual activity of budgetary institutions in the scientific field and the field of education

Annotation. The article examines the legal regime of the results of intellectual activity of budgetary institutions in the scientific field and education. The status of the institution as a "holder" of the founder's property makes one think about the need to apply, by analogy with the law, the provisions governing the right of operational management to relations regarding the disposal of the institution by its exclusive rights. Moreover, taking into account the fact that the preconditions for the introduction of the consent of the founder, as a necessary condition for the disposal of the valuable property of the institution, are equally applicable both to objects of property rights and to exclusive rights to the results of intellectual activity. However, the author substantiates the inadmissibility of applying, by analogy with the law, the provisions of the Civil Code of the Russian Federation, limiting the powers of a budgetary institution to dispose of property, assigned to him on the right of operational management, indicating the absence of a regulatory gap that would require filling. In this regard, the author comes to the conclusion that a budgetary

institution, as a general rule, has the right to independently dispose of its exclusive rights to the results of intellectual activity without the consent of the founder.

Vinokurov Viktor Nikolaevich, No. 12 2018

**Establishing the interests of the subjects of relations and concretizing
the object of the crime**

Annotation. The article examines the importance of the interests of the subjects of relations for the establishment of the object of the crime. The concept of "object of crime - public relations" is universal, but it has a drawback. As a phenomenon, social relations are intangible, but as a concept they are abstract. This presents difficulties for the law enforcement officer. According to the author, one of the ways to concretize the object of a crime is to consider them through the interests of the subjects, as opportunities to act or be in a certain state. The criminal law, abstracting from specific, special cases, establishes the protection of the potential of citizens, the implementation of which contributes to the development of society. It makes no sense to oppose public relations and interests, since relations arise and develop for the realization of the subjects of their interests.

Of particular importance is the interest in establishing social harm to social relations, which are expressed in the activities of their subjects, for example, relations in the field of economic activity. Negative consequences when influencing these relations do not appear immediately, but after a certain time, which makes it difficult to establish an awareness of social danger. According to the author, in order to concretize the subject of foresight, the law enforcement officer should establish the subject's awareness not of social danger, but of the social significance of his actions and foreseeing the onset not of socially dangerous consequences, but of the possibility of harming the interests of the individual, society and the state.

Marina Aleksandrovna Bezmaternykh,

Kachina Natalia Veniaminovna, No. 12 2018

Joint use of signs of "use of violence" and "use of the helpless state of the victim (victim)" when qualifying the acts provided for in Articles 131 and 132 of the Criminal Code of the Russian Federation

Annotation. The authors consider the peculiarities of the interpretation of the concepts of “use of violence” and “use of the helpless state of the victim” as alternatively envisaged constructive signs of rape and violent acts of a sexual nature. The article examines the possibility of the simultaneous imputation of the named characteristics in the qualification of a single (single) violent sexual assault. For this purpose, the authors analyze the ways of solving this problem proposed by the theory of law, investigate certain provisions of acts of the Supreme and Constitutional Courts of the Russian Federation, sentences and other documents of courts of general jurisdiction.

As a result of the study, the necessity of joint imputation of the signs of “the use of violence” and “the use of the helpless state of the injured person” is substantiated if they are present in the acts of the perpetrator who committed a crime under Articles 131 or 132 of the Criminal Code of the Russian Federation. In addition, it is concluded that the joint use of these features in necessary situations provides a more accurate assessment of the violent sexual offense committed, which, in turn, affects the appointment of a fair punishment.

Rossinsky Sergey Borisovich, No. 12 2018

Protocol is an extra link in the mechanism of detention of a person on suspicion of committing a crime

Annotation. This article is devoted to the consideration of the protocol of detention of a suspect as a criminal procedural act, fixing the decision of the investigator on a short-term restriction of the constitutional human right to liberty and security of person.

Methodologically, starting from the true purpose of the detention of a suspect in the general system of law-limiting mechanisms in the field of detecting, disclosing

and investigating crimes, the author comes to the conclusion that the procedural decision on its implementation (detention protocol) does not contain that “high” legal meaning that is embedded in other resolutions preliminary investigation.

The author believes that, despite the criminal procedural formalization, the detention of a suspect, in fact, remains a preventive “police” measure used for the purpose of “external”, “pre-procedural” provision of a favorable regime of pre-trial proceedings in a criminal case.

In this regard, it is proposed to exclude the detention protocol from the sphere of criminal procedural regulation with the transfer to the administrative jurisdiction of the police and other "power" agencies that carry out the actual arrest and delivery of potential suspects.

Podvolotsky Igor Nikolaevich, No. 12 2018

Prospects for a comprehensive study of portrait video images by forensic experts

Annotation. The study of the practice of producing portrait examinations by expert institutions in Russia shows that the study of video images becomes complex and requires the joint participation of experts of various specialties. The problem of establishing the authenticity of a video document sent for research is becoming urgent, the solution of which is carried out by specialists in the field of photo and video technical expertise. Without establishing the fact of the integrity of the original recording, the conclusion of a specialist in the field of portrait examination will be unreliable. Experts in the field of habitoscopy specialize in solving identification problems based on a person's appearance. The joint participation of the listed specialists contributes to the establishment of the sequence of actions of the participants in the incident, as well as the degree of influence of technical factors on the change in a person's appearance in the process of video recording. The period of accumulation of the empirical base for the production of complex expertise in the future will make it possible to create an algorithm for high-tech research.

Koval Andrey Vladimirovich, No. 12 2018

**"Bribery" and "covetousness" as criteria for differentiating
responsibility for bribery**

Annotation.The article is devoted to the issues of the validity of differentiation of criminal liability for bribery depending on the legality or illegality of behavior in the service for a bribe. Particular attention is paid to the study of the legal nature of covetousness, i.e. bribery for illegal actions (inaction). It is concluded that bribery for illegal actions (inaction) in the service is not an exclusively qualified corpus delicti, but is to a greater extent an independent main corpus delicti, entailing a more severe criminal punishment due to the increased degree of public danger of this form of bribery. On this basis, a recommendation is made that the rules for the legislative formulation of qualified offenses should not apply to such a form of bribery as covetousness.

Anufrieva Lyudmila Petrovna, No. 12 2018

**Principles and legal forms of cooperation in the field of science,
technology and innovation between Russia and the EU countries**

Annotation.The article is devoted to the analysis of mutual ties between Russia and the EU countries in the field of science, technology and innovation from the standpoint of the analysis of the current state of the principles and forms of cooperation, taking into account their evolution, and the assimilation of the previous experience of the Soviet Union in the implementation of international scientific and technical cooperation (STC) with states of unequal level of economic development. When comparing the forms of cooperation inherent in international interaction in the field of science and technology at different historical stages, the presence of analogues or the same forms that were previously known to interstate relations in the affected area is revealed. Thus, the combination of contractual and institutional instruments for the implementation of international relations in scientific and

technical cooperation retains its significance. At the same time, new means are being discovered, generated by the needs of improving the formalization of contractual ties in the field of scientific and technological development and the adaptation of legal regulation in this part to the realities of life. Institutionally, joint research continues to be practiced and for this purpose, on a permanent or temporary basis, international bilateral or multilateral research teams, laboratories, centers, as well as the exchange of patents, technologies, scientists and specialists, in turn based on international treaties, are added. previously unused forms of collaborative research process- such as collaborations.

Chuglina Maria Glebovna, No. 12 2018

Russian legal education in the Eurasian educational space

Annotation.The author of this article presents an analysis of the state and development of Russian legal education in the national and Eurasian space. The article highlights the main and substantiated shortcomings of Russian legal education. The Russian experience in the field of international educational cooperation in the Eurasian space has been studied. On the basis of the study, the author highlights the problem of training legal personnel capable of working in the context of international integration, paying special attention to the implementation of joint projects in relevant areas of cooperation. The article pays special attention to the role of the Association of Law Schools and the Eurasian Association of Universities in the development of Russian higher education. The need to create a legal network university is indicated,

Chekulaev Sergey Sergeevich

Kravchuk Anastasia Olegovna, No. 12 2018

**Comparative legal analysis of the institution of the foster family in
Russia, Western Europe and the USA**

Annotation: The article analyzes the institution of foster care. The author has carried out a comparative legal analysis of the establishment, regulation and functioning of this institution in Russia, the USA, England, France, Germany by comparing their legislation, identifying the legal nature and essence of patronage, the quality of interaction between government bodies and non-profit organizations as a single mechanism for implementing state policy in the field of foster education, bringing the data of official statistics on the rate of growth / decline in the number of foster families in these countries. The result of the comparison is the derivation of elements that affect the effectiveness of fostering: the degree of legal regulation of the issue, the level of organization and accessibility for the population of the mechanism for implementing patronage, citizens' awareness of the legal, social and psychological advantages of foster care in relation to other forms of guardianship and trusteeship (this element reveals the role and influence of non-profit organizations in promoting and providing various types of assistance in the field of foster education). Based on the analysis of the practices of various countries in the above categories, confirmation of the information received by official statistics of the growth rate / reducing the number of foster families, the author concludes that in the Russian Federation foster care is not a popular and widespread form of guardianship and trusteeship.

Volchanskaya Alena Nikolaevna,

Khudyakov Andrey Vyacheslavovich, No. 12 2018

Social security for employees of the Investigative Committee of the Russian Federation as a condition for the effective implementation of the tasks and functions assigned to them (issues of constitutional and legal regulation)

Annotation. The article is devoted to the issue of social security for employees of the Investigative Committee of the Russian Federation. The creation of an effective system of social security and guaranteeing the rights of citizens is

recognized as an urgent problem at the present time and is of great theoretical and practical importance. Due to the fact that the employees of the Investigative Committee of the Russian Federation have a special legal status, and, therefore, are endowed with special duties, expressed in the performance of some significant state functions, as well as their activities are associated with various kinds of restrictions and prohibitions, specific requirements for professional and personal qualities justified by the need to create conditions for effective professional activity, they have the right to adequate social security guaranteed by the state.

Osavelyuk Alexey Mikhailovich

Chikhladze Levan Teimurazovich, No. 12 2018

Problems of teaching constitutional law in a secular state

Annotation. The article examines the problem of the integrity of scientific views on generally recognized constitutional norms in the context of social regulation. Many constitutional scholars study social norms separately from each other, and not in a single whole complex, which is unacceptable. The authors emphasize that morality is of a normative nature and is closely related to such normative social regulators as religion and law. That is why the norms of religion in universities should be studied and subsequently adequately reflected in further rule-making and law enforcement activities. The criteria for distinguishing between law and morality are highlighted. The problem of separation of law from morality in the context of legal regulation is analyzed. The authors also conclude that the principles of international law,

Mierhold Anastasia Alexandrovna, No. 12 2018

Features of teaching the subject of constitutional law within the profile "Lawyer in the field of business law"

Annotation. This article examines the features of teaching the subject of "Constitutional Law" taking into account the profile "Lawyer in the field of business law" for students who will subsequently carry out their professional activities in the field of entrepreneurial activities. At the moment, the practice-oriented orientation of higher education, the need to achieve an applied nature for the results of mastering

the educational program involves the use of an interdisciplinary approach, both in science and in the development of work programs for academic disciplines studied in such a specialty as "Jurisprudence". In addition to the fact that constitutional law is the basic branch of law and creates the foundations of many other branches of law, also modern realities confirm the demand for the development of legal profiles in different directions. All this contributes to some evolution in the approach to teaching subjects of branches of law, in particular, constitutional, based on the specifics of the main profile department, in this case, corporate and business law.

Bulaevsky Boris Alexandrovich,

Eliseeva Anna Aleksandrovna, No. 12 2018

Family law in the system of training lawyers

Annotation: The article substantiates the positive nature of the changes made to federal state educational standard of higher education in the direction of training 40.03.01 Jurisprudence (bachelor's level) in terms of referring the discipline "Family Law" to the basic part.

Based on the analysis of existing approaches to teaching the discipline "Family Law" in the leading educational institutions of the country, separate conclusions are made about its structure, content and implementation features in the system of lawyers' training.

Attention is drawn to the high importance of the general part in the structure of the discipline program. Emphasis is placed on the need to study the issues of the history of family law, the theory of the implementation and protection of family rights, as well as issues of family legal responsibility. In modern conditions, significant importance is also attached to the issues of the transboundary existence of family legal relations.

Concrete recommendations on the organization and content of classroom studies and independent work of students are offered.

The influence of studying family law issues on the formation of knowledge, skills and abilities of a future lawyer is assessed.

