Lipen Sergey Vasilievich, No. 8 2019

Laws on regulatory legal acts of the CIS countries - indicators of the processes of informatization and digitalization of the legislative system (article two: regulatory legal act as an electronic document)

Annotation . The Russian Federation has not adopted a law on normative legal acts, in a number of CIS countries similar laws have been in force for almost two decades, and the legal regulation of these relations is constantly being improved. This experience may well be taken into account in domestic studies, including those aimed at scientific support of lawmaking activities. The last quarter of a century has been characterized by digitalization and informatization of the legal system, without great exaggeration, the laws on regulatory legal acts of the CIS countries can serve as fairly good indicators of these processes. They clearly demonstrate modern trends in the development of legislation, taking into account the information capabilities of the Internet, information and reference systems for legislation. Computer technologies are actively used in the submission of legislation in electronic form (register, databank, including an Internet resource), in the publication and entry into legal force of regulatory legal acts, in providing access to current legislation (including the publication of adopted regulatory legal acts in unofficial information and reference systems, on the websites of state bodies, non-state organizations), in the activity of systematizing legislation. Comparative legal characteristics of the legislation of the CIS countries may well be in demand in the development and discussion of the draft Russian law on regulatory legal acts.

Kurkin Pavel Dmitrievich, №8 2019

Liability for insolvency (bankruptcy) of a debtor in Russia from the 18th to the 21st centuries.

Annotation. The article is devoted to the study of issues of legal responsibility in the field of insolvency (bankruptcy) in Russia for the period from the XVIII century. to the XIX century. As part of the study, the features of the design

of the legal norms of tsarist Russia, regulating the issues of liability in the field of bankruptcy, were analyzed, the categories of debtors were considered. The author studied the current legislation, which differentiates the liability for insolvency (bankruptcy) of the debtor into criminal, administrative and civil law, sanctified the issues of correlation of these types of liability. In addition, a comparative study of legal liability in the field of bankruptcy was carried out using the historical method, the reasons and gaps in the legal regulation of issues of liability for insolvency (bankruptcy) of the debtor were identified.

Cherekhovich Maxim Mikhailovich , No. 8 2019

Development of a system of punishments without isolation from society in Russian criminal law until 1917

Annotation. The article examines the development of the system of punishments without isolation from society in Russian criminal law since the 9th century. until 1917 Based on an analysis of the largest written sources of law, the author concludes that there was no prior to the 16th century. imprisonment as a form of criminal punishment, the presence of the features of church-penitential punishment, the leading role in the system of punishment for various types of fines, monetary and property penalties, self-harm punishment and the death penalty. Punishments alternative to imprisonment began to be actively used under Peter I in order to use convicts at state-building objects. Since the era of Catherine II, there has been a strengthening in the middle of the 19th century. the tendency of the appointment for minor crimes of monetary penalties or community service instead of imprisonment. Until 1917, punishment without isolation from society prevailed in the Russian system of criminal punishment.

Aminov Ilya Isakovich , No. 8 2019

Ethics of the Russian parliamentarian as a subject of legal regulation

Annotation. Professionalization of ethics in the first quarter of the XXI century. leads to the fact that it increasingly acts as a regulator of the

behavior of representatives of all branches of government: legislative, executive, judicial. Because of this, scientists - the authors of modern concepts of political ethics are increasingly correlating fundamental ethical values with the peculiarities of modern politics, law, the democratic structure of society, and put forward such fundamental ethical qualities in the activities of members of the Federation Council and deputies of the State Duma as professionalism, discipline, financial "Cleanliness", political correctness in interpersonal and intergroup relations, avoidance of the use of official position for personal gain.

Since the authority of the parliament, as the highest legislative (representative) body, largely depends on personal, including moral qualities, ethical standards of conduct of state power holders should be consolidated not only in the Regulations of the Chambers of the Federal Assembly of the Russian Federation, but also in an independent regulatory legal act - a code of ethics regulating the moral behavior of the creators of laws and responsibility for its violation. The adoption of such an important codified act will make it possible to more effectively control the individual, personal and behavioral characteristics of parliamentary leaders, their interaction with the public, the media, and determine the moral guidelines and directions of lawmaking that are common for both parliamentarians and voters.

Pestrikova Anastasia Alexandrovna , No. 8 2019

Risks of genomic research

Resume : The article examines the main achievements in the field of genetic engineering and biomedicine, from the standpoint of the formation of the concept of legal regulation of relations. Highlights aspects of the use of DNA technology edit person expressed British m council th Ethics in July 2018 . The necessity of determining the legal status of an embryo for its use in clinical trials of genetic modifications is substantiated. Some risks of using genetic engineering in relation to humans are considered, associated with the possibility of social inequality in society, the use of eugenistic approaches, as well as the likelihood of selection of qualitative characteristics of embryos by parents when using in vitro fertilization . The conclusion is made about the importance of the formation of national and

international legislation, which will ensure the protection of the rights and legitimate interests of all participating subjects, exclude circumvention of the law and abuse of law. In addition, it is important to ensure international and public control over the use of the latest advances in genetic engineering and biomedicine, before conducting clinical trials in humans.

Zaikov Denis Evgenievich, №8 2019

Inadmissible appeals of citizens: problems of qualifications and law enforcement practice

Annotation. The right of citizens to appeal to state bodies (local government bodies) and freedom of speech are important constitutional institutions. At the same time, their unfair implementation may violate other constitutional values, in particular, the dignity of the individual, honor and good name of a person.

This conflict is clearly manifested when sending unacceptable appeals from citizens - appeals containing impermissible expressions or threats. At the same time, the current legal regulation of such situations is fragmentary, containing at its core evaluative criteria, which leads to an ambiguous practice of its application based on a discretionary approach.

The article identifies the problems of legal regulation of the qualification of unacceptable appeals of citizens and suggests ways to solve them.

Burtsev Alexander Konstantinovich

Vasiliev Stanislav Alexandrovich , No. 8 2019

Issues of establishing legal responsibility for offenses related to the diagnosis and editing of the human genome

The global experience of treatment using technologies for diagnostics and editing of the human genome in different countries shows different results. This area of public relations raises many disputes on a number of issues, including from the point of view of the dishonesty of those doctors who are involved in carrying out the relevant procedures. By Unfortunately, attackers also manifest themselves in this area, using modern technology for their own selfish and vile purposes. For the Russian Federation, the problem under consideration is not yet as urgent as for many

countries that are more developed in medical terms. However, if such precedents arise abroad, they are most likely to be expected in Russia as well. On this basis, it is necessary to revise the normative legal regulation from the point of view of establishing measures of responsibility for offenses in this area. This article contains an analysis of the current state of the normative legal regulation of domestic genetic engineering and some proposals for its reform.

Bekmuradov Kemal Annamukhamedovich , No. 8 2019

Lobbying as the main factor influencing the development of parliamentary conciliation procedures

Annotation. The article analyzes lobbying activities , as well as lobbying as a factor influencing the development of parliamentary conciliation procedures. The article examines various legal and non-legal factors affecting the institutions of constitutional law, including parliamentary conciliation procedures. The provisions of the regulatory legal acts of the Russian Federation are given, which are the basic and fundamental basis for the institutionalization of lobbying activities in Russia. Various instruments of institutionalization of lobbying in Russia are considered. The practice of lobbying is examined. Specific institutions of influence of lobbyists, used by them in their activities, are given. The opinions of scientists and practitioners are given, whose gaze is directed both to parliamentarism in general and to lobbyism in particular. The article contains definitions and definitions of lobbying and lobbying activities. Based on the results of the analysis, the author identified the main problems of the influence of lobbying activities on parliamentary conciliation procedures, formulated proposals for improving legal regulation, and the primary elimination of the negative influence of lobbying on parliamentary conciliation procedures.

Egorova Maria Alexandrovna , №8 2019

Application of monetary compensation in excess of compensation for losses as a penalty measure for violations of antimonopoly legislation

Resume : The article analyzes the features of the application of monetary compensation in excess of damages as a penalty measure for violations of antimonopoly legislation. It has been substantiated that in the event of violations of the antimonopoly legislation, it is necessary to differentiate the establishment of compensation for property losses of the injured persons, depending on the nature of the grounds for the resulting losses. The application of certain types of penalties is limited by law in cases where competition arises in the application of measures of civil and administrative responsibility, and the norm of paragraph 1 of Art. 1064 of the Civil Code of the Russian Federation .

Poduzova Ekaterina Borisovna , No. 9 2019

New types of partnership agreement in the context of the collective of use I of goods and services (sharing economy)

Annotation. The modern socio-economic context of sharing economy sets new goals and objectives for using structures for organizing joint activities.

The article presents the main theoretical and practical problems of the types of a simple partnership agreement as an organizational agreement, a form of organization and conduct of joint activities.

The material of the article was prepared taking into account the reform of the contractual law of the Russian Federation, new trends in the science of civil law and in law enforcement practice. The current judicial practice was also taken into account, which contains new approaches to the interpretation of an obligation and a contract. In this regard, the Resolutions of the Plenum of the Supreme Court of the Russian Federation are of particular importance (for example, Resolution of the Plenum of the Supreme Court of the Russian Federation dated March 24, 2016 No. 7 "On the application by courts of certain provisions of the Civil Code of the Russian Federation on liability for violation of obligations", Resolution of the Plenum of the Supreme Court of the Russian Federation Courts of the Russian Federation dated November 22, 2016 No. 54 "On some issues of the application of general provisions of the Civil Code of the Russian Federation on obligations and their performance").

Particular attention was paid to the legal nature, constitutive features of certain types of a simple partnership agreement, their manifestation in modern civil legislation and the practice of its application.

Eremin Victor Valerievich , №9 2019

Approaches to Determining Arbitrability: Relationship between Arbitrability, Subordination and Competence

This article examines the issues of such a phenomenon as "arbitrability", as well as its relationship with such categories as jurisdiction and competence. The study of arbitrability is relevant in the light of the resonant practice of the Supreme Court of the Russian Federation on the arbitrability of certain categories of disputes, which has been taking place in recent years. Arbitrability is a relatively new term in domestic science and practice, which has received a fairly wide response, but has not yet been implemented in domestic regulations. The author makes an attempt to determine arbitrability, as well as to consider existing approaches and views on arbitrability. Foreign and domestic doctrinal views on arbitrability are divided, as well as different understandings of this phenomenon. An important aspect is the delineation of competence, jurisdiction and arbitrability, since in view of the 11 Civil Code of the Russian Federation, jurisdiction is used in relation to arbitration courts. The need for painstaking work on the creation and development of "rules of arbitrability" and "elements of arbitrability" at the legislative level is noted. The author notes that arbitrability is, among other things, a process of research by arbitration or a court of the elements that make it up.

Blagov Evgeny Vladimirovich, No. 8 2019

Exemption from criminal liability in connection with compensation for damage

Resume *: The article highlights and examines the problems arising in connection with the exemption from criminal liability under Art. 76[l] of the Criminal Code of the Russian Federation (taking into account its latest changes). The first of these refers to the title of the named article. The second problem concerns acts that*

can lead to liberation. The third problem is the claim for damages as a condition of release. The fourth problem has to do with the nature of liberation. The fifth problem is reflected in the procedural form of exemption. In each case, solutions are proposed for the identified problems.

Barkhatova Ekaterina Nikolaevna , No. 8 2019

D oktrinalnye issues of criminal responsibility in the Russian criminal law

Annotation. The article is devoted to the definition of the moment when criminal liability arises and its content. The positions existing in science and practice are analyzed. The point of view on the emergence of criminal liability at the time of bringing a person as an accused has been substantiated. This opinion is supported by an analysis of Articles 299 and 305 of the Criminal Code of the Russian Federation. Demonstrated the relationship between the features of the subjective side of the crime and the emergence of criminal liability. The content of criminal liability is considered both in the criminal law and in the criminal procedural aspect. The emergence and termination of criminal liability, as well as its content, are considered, inter alia, through the prism of the grounds for exemption from it, provided for in Chapter 11 of the Criminal Code of the Russian Federation. Studied other measures of a criminal-legal nature as components of criminal liability. The issue of the possibility or impossibility of including them in the content of criminal responsibility has been resolved. A classification of the components that form the content of criminal liability is proposed . A definition of criminal liability has been formulated, which, according to the author, should be enshrined in the Criminal Code of the Russian Federation.

Barinov Sergey Vladimirovich , №8 2019

Features of the production of investigative actions at the initial stage of the investigation of criminal violations of the inviolability of private life

Annotation. *The features of the investigative actions carried out at the initial stage of the investigation of criminal violations of privacy are considered. It is noted that in the process of choosing investigative actions and determining their sequence,*

the investigator builds an investigation algorithm that takes into account the features of the crime and the investigative situation that has developed at a certain moment. When choosing investigation of the initial stage of the investigation it is necessary to take account of what s something that they should have the orientation and exploratory in nature.

The features of the production of interrogations of the victim and witnesses, search, seizure and investigative examination of objects and documents are considered. An important source of orienting information is the receipt of information that is important for establishing the circumstances of the crime under investigation from organizations that provide communication services.

It is concluded that the high-quality production of investigative actions at the initial stage of the investigation, taking into account the specifics of criminal violations of privacy and the correct assessment of their results, should contribute to the advancement of versions about the involvement of specific persons in the commission of a crime.

Bochkareva Elena Vadimovna , №8 2019

The spread of criminal anti-culture among the youth

Annotation.

Purpose. Consider the phenomenon of criminal anticulture, its features, types and ways of prevention. **Conclusions.** The author has proved the expediency of using the term "anticulture", not "subculture", and for the first time the author proposes the introduction of the term "outculturation", denoting the process of accepting values that are opposite to those generally accepted. Based on the analysis of criminal anticulture, the author proposes to apply an integrated approach aimed at developing a number of personal resources in minors that create a psychological basis for resisting the imposition and acceptance of criminal ideology; toughening of responsibility for involving minors in the commission of antisocial acts; amendment of clause 5 of Art. 29 of the Constitution of the Russian Federation with the aim of the possibility of using censorship in relation to the propaganda and romanticization of the attributes of the criminal world; propaganda of family values

and patriotism; effective implementation of the Concept of State Family Policy in the Russian Federation; raising the educational level of law enforcement officers in the field of developmental psychology, as well as youth formations; ensuring the availability of leisure for minors (the introduction of free circles and sections, the involvement of minors in public life); state support for social projects that contribute to the formation of an active civic position and law-abiding behavior among young people, ensuring the targeted approach of these projects. **Scientific and practical significance.** The conducted scientific research allows to study in more detail the phenomenon of criminal anticulture, as well as to draw conclusions about the possibility of introducing a number of preventive measures, which will reduce the level of deviant behavior in the youth environment.

Chub Dmitry Valerievich , No. 8 2019

Legal regulation of smart contracts in France

Annotation. This article is devoted to the issues of legal regulation of smart contracts under French law. The question of the admissibility of the use of smart contracts in economic relations is considered. Particular attention is paid to the French legal doctrine in the issue of formulating the definition of "smart contract" and identifying its characteristic features, the different points of view of French legal scholars are compared. Examples of the most effective use of a smart contract in economic relations are given. The article deals with the problems of applying the existing legal institutions to smart contracts of the contractual and obligations of the law of France. The meaning of the oracle for the implementation of a smart contract and the features of its legal position under French law are revealed.

Khomenko Elena Georgievna , №8 2019

Electronic payment systems in P RUSSIA and in foreign countries

Annotation. This article is devoted to a comparative analysis of payment systems using electronic technologies in the implementation of money transfer services in Russia and abroad. A comparative analysis of payment systems in the

UK, USA, France, Switzerland with Russian payment systems is carried out, electronic information exchange systems used in national payment systems of states are considered. The importance of the mentioned system for wholesale payment systems in any country of the world is noted. The conclusion is made about the progressive electronic systems for organizing payments in the Russian Federation.

Krasnova Irina Olegovna , №8 2019

The right to a healthy environment as a constitutional and environmental law

Resume *: The article notes the legal uncertainty of the right to a favorable environment revealed by science, which complicates its implementation and needs to be eliminated. Analyzed are the existing two positions of scientists - recognizing the right to a favorable environment as a subjective right and as a legitimate interest. Proceeding from the fact that the right to a favorable environment is proclaimed in the Constitution of the Russian Federation and enshrined in environmental legislation, the author comes to the conclusion about the dual legal nature of law. As a subjective right, it is directly enshrined in the law "On Environmental Protection" and applies to a narrow range of environmental relations to ensure the quality of the environment, and as a constitutional right, it expresses public, public interests enshrined in the preambles and principles of laws, political and legal acts.*

Kurnitskaya Anna Vladimirovna , No. 8 2019

Experience of judicial practice in cases of termination and the right to use subsoil in conjunction with the rights to land, forest plots, water bodies (integrated approach)

Annotation . The article discusses the mechanisms of termination of the right to use subsoil in order to protect the environment.

The connection of the geological study of the subsoil to natural objects geographically located with the subsoil is outlined. Also, from the point of view of environmental protection, the problem of the subsoil user leaving unclaimed and (or) non-liquidated wells unclaimed and unsuitable for development is considered.

Cases of suspension, termination of subsoil use rights are investigated, including in the absence of formalized rights to land, forest plots, and water bodies. Taking into account the experience of judicial practice, the means of protecting public interest aimed at preserving the components of the environment are assessed, conclusions are drawn about the establishment, among the essential conditions of the license for the use of subsoil, the conclusion of a lease agreement for land, forest plots, obtaining a decision on the provision of a water body before starting work on the termination of the title right to use the corresponding land, forest plot, water body upon termination of the right to use subsoil .

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Zhigadlo Konstantin Viktorovich , No. 8 2019

Ecological zoning of the territory: problems of definition and legal regulation

Resume: This article examines the approaches to ecological zoning of territories presented in legal acts and legal doctrine, the correlation with zones with special conditions for the use of territories used in urban planning legislation. General approaches to defining the types of territories and zones for which a special regime of nature management and protection is established are analyzed .

The following main ecological zones with a special regime of protection and use of natural resources have been identified: specially protected natural areas,

medical and recreational areas and resorts, nature protection zones around water bodies, sanitary protection and security zones, zones around the source of ionizing radiation, zones of ecological disasters, emergency situations, flooding, flooding and others. In addition, the categories of land and the established type of permitted use also affect the nature management regime.

A brief summary of the requirements for ensuring the openness and accessibility of information about each of the indicated territories and their legal regulation is given.

The authors conclude about the fragmentation of legal acts regulating this area and the absence of an integrated approach to their establishment. General recommendations are given for optimizing legal regulation in this area.

Batiev Levon Vladimirovich , №8 2019

P Imskoye law and the development of legal science in the concept C. A. Muromtseva

Annotation . SA Muromtsev's primary interest in Roman law and jurisprudence (legal thinking) in the 1870s-1880s. due to their special role in the history of law and in the legal system of modern Europe, as well as the science of civil law. His research in this area was not so much historical as theoretical. It was on the basis of works on Roman law that the scientific concept of S.A. Muromtsev was formed, it is no coincidence that theoretical works included whole chapters from works on the history of law. Based on the analysis of the problem of the conservatism of Roman jurisprudence, S.A. Muromtsev, following R. Iering and contrary to the historical school, comes to the conclusion that the content of law is causally dependent on the needs of civil life and the activity of legal thinking (jurisprudence in the broad sense) formulating in the struggle of ideas and goals new norms. With this approach, along with economic and other factors of the development of society and its needs for understanding the development of law, it is important to study the properties of legal thinking in its historical development. The

combination of historical and theoretical approaches to the study of law and legal thinking seems to be fruitful, but little implemented in scientific practice.

Artemov Vyacheslav Mikhailovich , No. 8 2019

Dialogue-interview with Professor A.A. Huseynov

Annotation. This article is a dialogue interview with the scientific director of the Institute of Philosophy of the Russian Academy of Sciences, Academician of the Russian Academy of Sciences, Doctor of Philosophy, Professor Abdusalam Abdulkerimovich Huseynov and an asset of the Philosophical and Legal Club "Moral Dimension of Law" headed by its scientific advisor, Doctor of Philosophy, Professor Vyacheslav Mikhailovich Artemov (Department of Philosophy and Sociology, Moscow State Law University named after O.E. Kutafin (MSLA)).