Nevin c cue Valery Valentinovich , No. 11 2019

Providing a supportive environment as constitutional imperative for a person and a citizen in Russia

Annotation. Technological modernization in the modern world raises the question of additional understanding of the relationship between man and the environment. A favorable environment and its individual components (land, subsoil, soil, water, etc.) are the objects of the rights and obligations of man and citizen, which lie at the center of the formation of a new quality of relationship between man and the environment. For the formation of a new quality of the relationship between man and the environment, it is of particular importance to identify and constitutional legal regulation of various aspects of the essence of the rights and obligations of man and citizen in the field of ensuring a favorable environment. Of particular importance today is the disclosure of the multidimensional nature of the essence of the unity of the rights and duties of a person and a citizen, which increases the level of a rational and responsible attitude to the environment.

Spiridonov Pavel Evgenievich , №11 2019

Theoretical aspects of proof in administrative proceedings

Annotation. *The article deals with the theoretical aspects of proof in the administrative process. Attention is drawn to the importance of proof for administrative procedural practice. It is concluded that the administrative process is aimed at comprehending the truth in the framework of the considered administrative cases. At the same time, proving in an administrative process has its own characteristics that distinguish it from proving in other types of legal process. One of the significant shortcomings is the lack of systematization of administrative procedural norms. It is noted that the measures of administrative and procedural support are of a dual nature. On the one hand, they can be aimed at collecting evidence, on the other, at administrative procedural suppression of*

offenses and drawing up administrative procedural documents. An attempt is made to substantiate that the process of proof is present not only in such traditional administrative proceedings as proceedings on cases of administrative offenses or administrative-disciplinary proceedings, but also in administrative-procedural proceedings. Attention is focused on the types of administrative procedural actions performed in the process of proving in administrative procedural proceedings.

Belozerova Kristina Sergeevna , №11 2019

M Methods for ensuring balanced budgets of the Russian Federation, their legal consolidation

annotation

The publication substantiates the relevance of the principle of budget balance to ensure the sustainability of the functioning of the entire financial system of the country. The methods and tools for overcoming the negative impact of the budget deficit and surplus on the state of its balance are revealed. The classification of the main methods of ensuring the balance of the regional budget is considered. The author reveals the features of a particular method of achieving the required level of budget balance. Based on the research performed, the author concludes that the authorized government bodies have a wide range of tools and sources to ensure the necessary level of balance in the budget of a constituent entity of the Russian Federation in the event of a deficit. For practical adaptation of the theoretical provisions put forward in the work , the author evaluates the level of balance of the regional budget using the example of the budget of the Kursk region. On the basis of analytical procedures, the prerequisites for increasing the level of balance of the budget of the Kursk region are substantiated.

Lekanova Ekaterina Evgenievna, No. 11 2019

Legitimate Interest of Minor Parents

in raising a child

Annotation. The article is devoted to the study of the legal possibility of raising their own child with minor parents, whose child has been assigned a guardian. Three main approaches are considered regarding its legal nature. A distinction is made between the categories “subjective right to upbringing” and “legitimate interest (interest protected by law) in upbringing”, and their distinctive features are formulated. The author of the article concludes that a minor parent, whose child has been assigned a guardian, has only a legally protected interest in raising his child. The following features are characteristic of the legitimate interest of minor parents in upbringing: the implementation of the upbringing of a child at someone else's discretion; correspondence of the obligation of other persons not to interfere in the process of raising a child by the owner of a legitimate interest in education, with the exception of the legal representatives of the child; whether the main subject of upbringing has the opportunity to personally remove the holder of a legitimate interest in upbringing from upbringing, which can be appealed in administrative and (or) judicial procedure; the owner's lack of a legitimate interest in education of the opportunity to deprive the legal representatives of the child of the right to his education.

Popova Olga Vladimirovna , No. 11 2019

Competitive barriers for agricultural producers in the regional retail market

Annotation . The article examines some of the problems associated with the organization and functioning of the regional market for agricultural products on the example of the Kaliningrad region. The agricultural market consists of a number of structural elements (wholesale agricultural market, grain market, seed market, etc.). Relations in the agricultural market are mediated by various contractual relationships (contracting, supply, trade and procurement interventions, and others); these relations are subject to several unrelated regulatory legal acts. The market of agricultural products in general, federal law does not refer to the socially significant markets, and only the market of retail oh trade and, in his part of agricultural

products retail market is a socially significant. In addition, regions can equate any market with socially significant markets. In the Kaliningrad region, the agricultural market was classified not only as a socially significant market, but also as a priority market. This decision can be assessed as correct. This position is important from the point of view of ensuring food security of a special exclave region of Russia, but, in general, it can be justified for other constituent entities of the Russian Federation. The article identifies competitive barriers for agricultural producers and suggests legal ways to overcome them.

Abramov Sergey Igorevich , №11 2019

P ol s legal presumptions in the context of the institution reform of property liability in case of bankruptcy

Resume: The increasing role of legal presumptions in the context of reforming the institution of subsidiary liability of persons controlling a debtor in bankruptcy has become a subject of discussion in the professional community. The author carried out a comprehensive analysis of the specified legal means, taking into account its specificity as an element in the system of regulation of insolvency relations. The article reveals the features of various presumptive compositions, their disadvantages and advantages, procedural effects and the nature of their influence on the balance of interests of interested parties. The conclusion is made about the demand for presumptive tools as a prerequisite for increasing the efficiency of the institution of subsidiary responsibility in general.

Belkova Elena Gennadevna

Batrameeva Nadezhda Vladislavovna , No. 11 2019

General characteristics of the related rights of a publisher in Russian civil law

Annotation. The article analyzes the grounds for the emergence and termination, as well as the duration and features of the content of the intellectual rights of the publisher in accordance with the current civil legislation.

The possibility of its early termination in court is considered as one of the features of the exclusive right of the publisher. The circle of subjects entitled to submit a demand for early termination of the exclusive right of the publisher has been determined. The author reveals the influence of the author's will on the composition of persons entitled to present such a requirement. The position of researchers admitting the application of the rules on the mark of legal protection of related rights to the exclusive right of the publisher by analogy is supported.

The publisher's personal non-property right to indicate his name is characterized as indefinite. The independence of the emergence of this right from the acquisition of the exclusive right of the publisher has been established. The opinion is supported that the publisher can use a pseudonym on the basis of the application of the rules on the author's right to a name to the publisher's right to indicate his name by analogy.

The powers of the publisher to authorize changes, abbreviations or additions to the published work are considered as constituting a non-person-related urgent moral right of the publisher to the inviolability of another's work. The author notes the dependence of the origin and content of this right on the will of the author of the work, expressed in writing, and also justifies its termination in the event of the transfer of the exclusive right of the publisher to another person.

The inconsistency of the existing legislative regulation is revealed, in which the publisher is not empowered to authorize the supply of the work with illustrations and explanations. An opinion was expressed about the inexpediency of the interpretation of civil legislation as excluding the possibility of the publisher independently making changes, abbreviations or additions to the work when using it.

Diveeva Nelly Ivanovna

Lavrikova Marina Yurievna , No. 11 2019

Indexation of wages: some legal problems in the implementation of Art. 134 of the Labor Code of the Russian Federation

Resume: The article analyzes the legal problems of the implementation of Art. 134 of the Labor Code of the Russian Federation regarding the presence / absence of an imperative obligation of employers to index wages. Based on the interpretation of the provisions of the Labor Code, analysis of the legal positions of the Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation, and other court decisions, the search for legal mechanisms is carried out that ensure, on the one hand, the implementation of the socially necessary result for employees, on the other hand, do not violate the balance of rights and legitimate interests employees and employers as a condition for the harmonization of labor relations. The article emphasizes that the employer must have legal mechanisms to protect their economic interests. However, taking into account such interests should not negate the statutory obligations of the employer, which today include the obligation to increase the level of the real content of wages. The authors of the article focuses on the n ROBLEM indexation of wages of employees of state bodies, local governments, state and municipal institutions. A general conclusion is made about the declarative nature of Art. 134 of the Labor Code of the Russian Federation, which does not allow effectively building working mechanisms for increasing the level of the real content of wages for employees.

Khatuev Vakha Buhadyvovich , No. 11 2019

Criminal Law Regulation of Liability for Suicide in Russian Criminal Law: Past and Present

Resume: Suicide is a deliberate cessation of a person's life.

At the end of XX - beginning of XXI centuries. The Russian Federation has faced an extraordinary rise in the number of suicides.

Human life is the most important, priceless blessing, enduring universal human value, the loss of which is irreversible and irreplaceable. This is the highest social value protected by law. The Constitution of Russia in Art. 20 proclaims:

"Everyone has the right to life." This right is natural and inalienable, it retains its significance until the death of a person.

However, from the fact that a person has a constitutional right to life, it does not at all follow that he has such a right to death. The Russian Constitution does not recognize this right.

Suicide is condemned by society, religion and the state. In the aspect of this, the problem of its punishment, especially the criminal one, is relevant, the attitude to which in Russia has historically been changeable.

This article examines the development of Russian criminal law governing suicide liability. Subjected to a detailed analysis of the norms that established responsibility for this act in different historical periods.

It is determined that in Russia there is a century-old tradition not to criminalize suicide, and it is concluded that it is advisable to follow it in the future.

Ustinova Tamara Dmitrievna , No. 11 2019

Problems of qualification of illegal organization and conduct of gambling

Annotation. The article, taking into account the latest changes in the criminal legislation, analyzes the signs of illegal organization and conduct of gambling, provided for in Art. 171 [2 of the] Criminal Code of the Russian Federation. The author defines the main characteristics of alternative acts, the peculiarities of their qualification, taking into account the direction of the guilty's intent not only in relation to the main composition, but also its qualified types. Particular attention is paid to the qualification of crimes committed with the use of various forms of complicity. Judicial practice, the provisions of the criminal law are examined from a critical point of view, proposals are made for its improvement, including taking into account other acts in the commission of which their organizers make bets with citizens.

Ivanova Evgeniya Vladimirovna , No. 11 2019

Prospects for bringing parents and other close relatives to criminal liability for the abduction of their own children

Resume: The article notes that currently in the scientific literature not enough attention is paid to the issue of the possibility of bringing parents and other close relatives to criminal responsibility for the unlawful removal of their own children. Meanwhile, the issue of resolving conflicts arising regarding the removal of children from persons with whom their residence is determined is relevant. The research carried out in the article shows that, in relation to the legislation of different countries, several models of legal regulation of this problematic situation can be distinguished. It is noted that the prevailing model does not differentiate criminal liability depending on the relationship between the subject of criminal liability and the victim. To establish the object of criminal law protection, suffering from the illegal removal of children, the concept of physical freedom in relation to minors is analyzed. An analysis of judicial practice is given, showing that parents who have committed the unlawful removal of a child are brought to administrative responsibility. A theoretical model of a possible norm on responsibility for the abduction of a child committed by his relative is proposed.

Nobel Artem Robertovich , №11 2019

The legal nature of explanations in criminal proceedings

The article provides a definition of criminal procedural evidence, highlights the elements of their internal structure. A comparative analysis of the rights, duties and responsibilities of persons interrogated in criminal cases and persons from whom explanations are obtained during the verification of a crime report has been carried out. The ratio of explanations of persons participating in the production of procedural actions and testimonies of participants in criminal proceedings has been made. Using materials from judicial practice, an assessment was made of the possibility of using explanations in proving in criminal cases as material evidence or other documents. The author substantiates the conclusion about the inconsistency

of the explanations with the requirements for criminal procedural evidence and the impossibility of their use as a means of proof in criminal cases.

Makarov Sergey Yurievich , No. 11 2019

Prospects for the modernization of a lawyer's status right to obtain information through lawyer inquiries in the context of digitalization processes

Resume: This article is devoted to the study of the current state of the process of digitalization of the legal profession in Russia in relation to such an institution as a lawyer's request. The electronicization of the lawyer's request, provided for by the current legislation of the Russian Federation on the Bar, is considered as part of the process of digitalization of the Bar as a whole within the framework of the Program "Digital Economy of the Russian Federation" approved by the Government of the Russian Federation . In light of this, the author points out the current problems that impede the effective implementation of the process of electronization of a lawyer's request, which would contribute to an increase in the efficiency of the provision of qualified legal assistance by lawyers to all interested persons who apply to them for such assistance. At the same time, both the problems associated with the lawyers themselves and the problems associated with the bodies and organizations that are the addressees of lawyers' requests are identified, and ways to overcome these problems are suggested - in pursuance of the constitutional provision on the provision of qualified legal assistance.

Tozik Irina Vitalievna

Structures and interrogation of juvenile victims of violent sexual crimes

Annotation. The development of a unified certified approach to the process of obtaining testimony from juvenile victims, the presence of prepared, pre-formulated questions in a format understandable to the child is one of the ways to increase the effectiveness of interrogation. Domestic forensics does not single out a specialized interrogation structure for juvenile victims of sexual violence. International practice has various protocols, among which NICHD and

RATAC should be highlighted, some of which can be effectively used in domestic tactics. The working stage of the interrogation should go through the stages of establishing psychological contact, getting to know each other, explaining the purpose and procedure for conducting the investigative action, talking on a free topic, telling the minor about sexual violence freely, asking questions and using auxiliary elements. Particular attention should be paid to the instructions of the minor regarding the “I don’t know, I don’t remember, I don’t understand” answer rule, since they may not be clear to him due to his age. The stage of free storytelling among minors is not very informative, therefore , the stage of asking questions is of particular importance. We propose to pay special attention to the form of the questions, since the child, based on it, concludes whether the interrogator presupposes the “correct” answer. Having considered closed, open, direct, non-structural and abstract questions, we conclude that it is advisable to use open questions, direct questions as clarifying ones, and the posing of other types of questions should be minimized. Non-structural questions can be asked only to minors of senior school age, if the level of their development allows. Despite the criticism of anatomical dolls and diagrams, their use is possible in some strictly fixed cases, if other means were not effective.

Gorban Dmitry Vladimirovich , No. 11 2019

The concept and legal nature of the institution of changing the type of correctional institution in the mechanism for implementing punishment in the form of imprisonment

Annotation. The subject of scientific research in this article is the legal institution of changing the type of correctional institution. The article provides a comprehensive analysis of modern approaches of penitentiary scientists to the problem under study. In the opinion of most of them, the institution of changing the type of correctional institution constitutes the core of the progressive system of serving sentences, being one of its elements. Nevertheless, today there are a number of problematic issues in the legal regulation of the institution of changing the type

of correctional institution. Among them: the absence of a legally enshrined concept; imperfection of procedural issues of changing the type of correctional institution; the establishment of criteria for transferring from one type of correctional institution to another, which do not allow adequately assessing the degree of positive behavior of convicts, etc. In the preparation and writing of a scientific article, the following methods were used: synthesis; analysis; dialectical; comparative legal; formal legal, etc. On the basis of the research carried out in the article, the author's concept of the institution of changing the type of correctional institution is given. Also proposed are changes in the penal legislation aimed at improving the institution of changing the type of correctional institution. A criterion is proposed for the transfer of positively characterized convicts from one type of correctional institution to another.

Medvedev Mikhail Vasilievich,

Suvorov Georgy Nikolaevich, No. 11 2019

International rules for prenatal diagnostics: analysis of common approaches

Resume: The authors investigate the specificity of the international legal regulation of the genetic aspect in the field of prenatal diagnostics, analyze the discussions on the reasons for this procedure. The key ideas of genetic scientists on the issues of genetic screening were taken as a basis, as a result of which the presence and functioning of negative aspects was revealed and proposals were developed to level the latter. Based on the results of the study, it seems productive to develop and regulate at the convention level in one of the international acts regulating relations in the field of prenatal diagnostics, with subsequent implementation into the relevant national legislation, the following position, which is imperatively visualized at the onset of childbearing age, adapted to a specific legal order : all subjects are required to undergo a comprehensive examination to identify hereditary genetic diseases. With regard to this course of development, one sees the active

implementation of prenatal diagnostics and the state's concern for the health of the future generation.

Lifshits Ilya Mikhailovich, No. 11 2019

The problem of qualifying the law of the European Union as a legal system

Annotation . The European Union has formed its own legal system, which differs both from the international legal system and from the legal systems of the member states. The totality of the legal characteristics of this association of states does not allow to fit the legal essence of the EU into the framework of an international intergovernmental organization, even with the addition of the words “integration type”. The author argues that for legal systems (other than international law), the criterion for isolation is the presence of a source of public power that can extend such power to individuals. One of the backbone factors of the EU legal system are the values and principles enshrined in the EU Constituent Treaties. The Court of the EU declares these Treaties a constitutional charter and in some cases puts them higher than the obligations under international law. The specificity of the EU is manifested in the peculiarities of the interaction of EU law and international law, in particular, in the peculiarities of the implementation of international law in the EU legal order.

Kashanina Tatyana Vasilievna, No. 11 2019

Forever or yet of course g States countries as a social phenomenon?

annotation

The article provides a detailed analysis of the book "Evolution of the State". The emphasis is on such issues touched upon in the book as the interpretation of the very term "state", the age of the state, the concept and features of the state, proto-state, the typology of the state and its future. P odverga are criticized some of the ideas of the authors of the book . In particular, the concept of the state today can not be reduces s to four of its classic attributes: territory, population, sovereignty and

power, because our vision of this social phenomenon has become more profound and multidimensional. The state also has many additional features. The idea of classifying states as not based on a single criterion and flawed from the point of view of logic is also criticized. The authors of the book are also reproached for their unwillingness to raise the issue of the future of the state, which today does not seem so cloudless.

Sadovnikova Galina Dmitrievna, No. 11 2019
Scientific and educational concepts of modern constitutional law

Resume: The article is an overview of the scientific positions of well-known modern scholars - legal theorists and constitutionalists on modern approaches to the subject of constitutional law, the content of the industry and educational literature, teaching the relevant discipline in higher educational institutions. The discussion took place through the prism of opinions about the new author's textbook by Professor B.S. Ebzeeva "Constitutional Law of Russia" (Moscow: Prospect, 2019. - 768 p.), Which became an event in science and gave rise to discussions about the subject of constitutional law, forms of presentation of material in educational literature, the essence and content of the discipline "Constitutional Law", new approaches to the basic institutions of constitutional law, their theoretical and historical origins. The presentation of this essay took place on May 27, 2019 within the framework of a scientific event of the O.E. Kutafina (Moscow State Law Academy) - Round table "Constitutional law of Russia: scientific and educational concepts." According to the author, such events, combining the discussion of topical scientific problems and the presentation of new significant scientific works, contribute to the generation of new ideas in science, practice and teaching, the development of optimal ways for the development of Russian science and education.