Belyaev Valery Petrovich

Bidova Bela Bertovna,No. 7 2020

The essence of national interests: general theoretical aspect

Annotation. The article attempts to analyze the approaches to understanding the essence of the national interests of the modern Russian state from a general theoretical standpoint. Attention is drawn to the fact that in legal science, for the most part, attention is paid only to the political or economic aspects of national interests. However, consideration in a general theoretical perspective of the essence and content of national interests remains in the shadows. For this purpose, some scientific approaches to understanding national interests are considered, certain essential characteristics are presented, and the signs of such are identified. According to the authors of the article, the essence of national interests is manifested through the prism of studying their characteristics, allowing also to present the author's version of defining national interests as a substantive part (along with threats) to the national security of the country. The signs of national interests include such as: connection with the interests of the state, social justice, conditionality by the interests of the state and society, democratic character, consistency and complexity, awareness and integration, as well as the determination of the country's economic situation, its spiritual and cultural sphere. As a result, the author's definition of national interests is presented. awareness and integration, as well as the determination of the country's economic situation, its spiritual and cultural sphere. As a result, the author's definition of national interests is presented. awareness and integration, as well as the determination of the country's economic situation, its spiritual and cultural sphere. As a result, the author's definition of national interests is presented.

Kim Vissarion Vladimirovich, No. 7 2020

The concept of subsidiary bodies of state power: the institution of plenipotentiaries of the President of Russia in federal districts

Annotation. The author in the article compares the concept of subsidiary bodies of state power with the institution of plenipotentiaries of the President of Russia in federal districts, having previously revealed the features inherent in subsidiary bodies. The author has formed an independent definition of the concept of “subsidiary bodies of state power”. It is shown that the concept of subsidiary bodies in the Russian school of law originated more than a hundred years ago, and is continued in the works of prominent scientists of our time. Based on the regulatory framework, the article makes an assumption about the primacy of the Administration of the President of Russia over the institution of plenipotentiaries in the federal districts. It is concluded that the institution of plenipotentiary representatives in federal districts, or rather,

Shilyuk Tatiana Olegovna, No. 7 2020

Principles of state regulation in the field of genetic engineering

Annotation. Currently, there is an objective need to reform the system of regulatory legal regulation of genetic engineering. It is fundamentally important to develop a federal law that will promote the development, implementation and use of genetically modified products, and not create obstacles for them, including for the development of the economy in the Russian Federation. One of the directions for improving legislation in the field of genetic engineering and further effective regulation is the consolidation of its basic principles, as guiding ideas in the implementation of their powers by the authorities in the area under consideration. The paper highlights the basic principles of regulation in the field of genetic engineering, discloses their content and provides examples of implementation in this area. the principles of separation of powers, federalism, legality, observance of human and civil rights, transparency, responsibility are highlighted as the main principles of state regulation. However, these principles were not reflected in the Federal Law of July 5, 1996, No. 86-FZ "On State Regulation in the Field of Genetic Engineering Activities. In this connection, it is proposed to improve the normative legal regulation and the inclusion of a number of principles as guiding ideas of the specified federal law.

Mikheeva Irina Evgenievna, No. 7 2020

Blockchain as a tool to protect against fraudulent actions when issuing digital bank guarantees

Annotation. The article analyzes the legal regulation and practice of issuing digital bank guarantees using blockchain technology in Russia and the Republic of Belarus. The author concluded that the use of blockchain technology makes it possible to reduce the time for issuing digital bank guarantees compared to issuing guarantees in other forms, as well as to ensure security due to the special properties of the information transfer technology itself, its accounting and storage. The paper also examines the characteristics of blockchain technology that help protect participants when issuing a guarantee against fraudulent actions, such as encrypting

information, using keys and accounting in the blockchain. The article examines the experience of the National Bank of the Republic of Belarus in terms of regulating the use of blockchain technology when issuing and accounting for bank guarantees. The author considers the cases of issuing bank guarantees by Russian banks using the masterchain technology and the prospects for the development of the use of a digital form for guarantees. In addition, the article concludes that maintaining a register based on blockchain technology for accounting for digital bank guarantees will minimize unfair counterfeiting behavior.

Lorenz Dmitry Vladimirovich,No. 7 2020

Compensation to a bona fide purchaser for the loss of his living quarters

Annotation. From January 1, 2020, new rules are in effect for compensation to a bona fide purchaser (individual) for the loss of living space. Such compensation is not of a tort nature, but is comparable to the actual damage or the cadastral value of the vindicated apartment. The amount of compensation is now not limited to the amount of 1 million rubles, and the period of impossibility of enforcement proceedings against the perpetrators has been reduced to 6 months. At the same time, the date of entry into force of the court decision on the reclamation of residential premises and the date of the application of a bona fide citizen with a claim for compensation as applied to 01/01/2020 affect the conditions of compensation, the amount of payment, the status of the defendant and the level of budgetary funds. Taking into account the position of the Constitutional Court of the Russian Federation in the case of A.N. Dubovets, it would be fair to assign the risks of imperfection of the USRN to public law education and provide citizens with absolute protection from public vindication, or at least determine the possibility of compensation immediately after vindication without additional litigation. However, from the point of view of the economic efficiency of the law, the legislator expressed a preference in favor of the legal model for the protection of the original owner in order to stimulate a decrease in the level of offenses in the field of civil turnover of real estate. The development of a fair system of compensatory measures when

claiming property is becoming a general trend in the legal mechanism for protecting civil rights in Russia.

Shmeleva Marina Vladimirovna,No. 7 2020

The role of theory in the study of the sphere of legal regulation of public procurement

Annotation. Public procurement is the mainstream of the present time. We can observe how the scientific field of public procurement continues to expand as scholars in the fields of law, government, finance, management and information technology begin to apply their knowledge to study public procurement. Progress in public procurement is equally evident in the political and economic areas, where public procurement is closely linked to issues of social inclusion, economic growth, and environmental sustainability. In this regard, important questions arise regarding how and using what methods we should conduct research in this area. Based on the results of the study, we came to the conclusion that

Kolotov Vadim Anatolievich, No. 7 2020

Reforming the Institute of Class Action in Russian Law: Selected Issues

Annotation. The article discusses some of the problematic issues of the institution of class action. The topic is relevant in light of the large-scale reform of the institution in the arbitration process and the emergence of class actions in the civil process. The author notes that group proceedings cannot be considered as an equal alternative to procedural complicity, therefore, according to the author, in order to distinguish between group proceedings and procedural complicity, along with the quantitative criterion, some others should be used. The issue of competition of group and individual claims, which turned out to be differently resolved in the procedural codes, is considered. Some problems are noted related to the grounds and procedure for replacing the plaintiff-representative. Whereas the law permits homogeneous claims to be considered in group proceedings,

Shakhnazarov Beniamin Alexandrovich, No. 7 2020

The use of artificial intelligence technologies in the creation of vaccines and other objects of intellectual property (legal aspects)

Annotation. The article examines the problems of using artificial intelligence technologies in the creation of intellectual property objects, in particular, vaccines in the fight against a pandemic. It is emphasized that artificial intelligence technologies make it possible to quickly overcome such challenges both at the national and international levels and prevent their recurrence in the future. The author notes that the most important requirements for the observance of constitutional rights and freedoms of citizens and the impossibility of limiting them when using artificial intelligence technologies, which are established in regulatory legal acts, should be supplemented by clear rules on the legal regime of the results of artificial intelligence, including intellectual activity, and See also the developer liability clauses, artificial intelligence users. At the same time, the issues of the legal personality of artificial intelligence also need to be worked out in detail with a focus on maintaining a reasonable balance of rights, obligations and responsibilities

between developers, users of artificial intelligence, as well as recipient entities entering into legal relations with the participation of artificial intelligence. The key aspect in the context of issues of legal regulation of the results of intellectual activity, wholly or partially created by artificial intelligence, is to maintain a balance between the interests of copyright holders and the public interest. Possible restrictions on the rights of copyright holders established at the international legal level in clause 31 of the Agreement on Trade-Related Aspects of Intellectual Property Rights of 1994,

Voitkovskaya Ilona Vladimirovna,No. 7 2020

Severance pay upon dismissal by agreement of the parties: epistola non erubesci

Annotation. The article analyzes the well-established practice of courts of general jurisdiction in labor disputes on the recovery of severance pay provided for by the agreement of the parties to terminate labor relations. Errors in the enforcement of labor legislation on guarantees made by the courts as a result of a misunderstanding of the legal nature of severance pay are identified, argumentation and criteria are proposed for determining the size of severance pay as adequate and proportionate, problems of the courts' application of the principle of protection against discrimination in the labor sphere and the general legal principle of inadmissibility are considered. abuse of the right in labor relations. According to the author, the practice of erroneous interpretation by the courts of the norms of the Labor Code of the Russian Federation governing the payment of severance pay stipulated by the employment contract pushes the need to develop clear and detailed criteria, which courts and parties to a labor dispute will be able to navigate when considering cases on claims for the recovery of severance pay. Such criteria can be developed in the form of a system of control questions, by answering which the court and the parties to the trial could come to a balanced and reasoned decision.

Mokhov Alexander Anatolievich, No. 7 2020

Genomic registration in Russia: problems and development prospects

Annotation. Developing genetic technologies have an impact on various social relations: medical care, biological safety, crime control, etc. Genomic registration, which originated as a part of forensic identification of a person, is actively developing, in connection with which a complex of organizational, financial and legal problems appears. needing permission. The current legislation in terms of genomic registration is mainly focused on solving the problems of preventing and combating crime, and therefore its potential has been practically exhausted. The authors propose to develop voluntary genomic registration, which allows solving not only the problems of forensic science, but biomedicine and other spheres of life. In this regard, it is proposed to create a universal state database of genomic information, and also a number of questions are raised in connection with genetic certification: ensuring the rights of citizens, biological and information security. According to the author, expanding the range of tasks that genomic registration can solve can give impetus to the development of this area of activity. However, for this it is necessary to timely solve a complex of interrelated legal, organizational, financial problems, to ensure a balance of private and public interests, biological and information security.

Kolesnikova Elena Nikolaevna, No. 7 2020

Specifics of determining the amount of damage caused by economic crimes in the agricultural sector

Annotation. The issues of determining the amount of damage caused by criminal acts of an economic nature are traditionally debatable in Russian law. This problem becomes especially acute in industries with specific conditions of financial and economic activity, for example, in the agro-industrial complex. The article contains the author's interpretation of the understanding of the term "damage" and offers its understanding in accordance with the specifics of agricultural production. The proposed methodology for calculating damage is differentiated according to the objects of criminal encroachment and is based on the use of primary accounting documents, accounting registers and specialized reporting forms, which have not

been previously studied and described in the scientific literature. The article proposes ways of assessing damage, caused by economic crimes in the agro-industrial complex in conditions of neglect or lack of accounting. The author's position regarding the inclusion of the amounts of lost profits in the assessment of damage is presented and the possible conditions for its recognition are described.

Fatherly Tatiana Ivanovna,
Mishakova Nadezhda Valerievna,No. 7 2020

The role of the judicial reform in Russia in improving the judicial and pre-trial proceedings in the criminal process at the present stage

Annotation. The judicial reform being implemented in the Russian Federation and the ongoing judicial construction remain the most important directions of state policy. The article offered to the reader contains a comprehensive analysis of the organizational foundations of the judiciary, an understanding of the constitutional principles of the judicial system and its features, and also includes a study of criminal procedure legislation at various stages of the formation of the Russian state. The methodological basis of the research was formed by a set of theoretical and empirical research methods. The combination of analytical and comparative legal methods made it possible to form an idea of the evolution of the judicial system and criminal procedure legislation; compare legal acts regulating the judicial system and legal proceedings, which made it possible to draw conclusions about the achievements and shortcomings of the legal regulation of the area under consideration. In general, the authors come to the conclusion that the ongoing reform of the judicial system is positive, since it will increase the accessibility, efficiency and transparency of justice - the triumph of justice based on the rule of law.

Popova Olesya Andreevna, No. 7 2020

International legal regulation of the peaceful uses of outer space: basic concepts

Annotation. The article examines the problem of the militarization of outer space, the relevance of which has significantly increased in recent years in

connection with the termination of a number of important international treaties in the field of arms reduction. The problem is aggravated by the absence of a complete ban on the placement of weapons in outer space in international treaties. The article analyzes the norms of international space law, the norms of the Antarctic Treaty of 1959, doctrinal approaches to the definition of the use of outer space for peaceful purposes. The author concludes that the terms “use for peaceful purposes” and “use exclusively (only) for peaceful purposes” in relation to outer space have different meaningful boundaries: the first reflects an interest in using for peaceful (non-military) purposes, without establishing a complete ban on the use of outer space for military purposes, the latter excludes any purpose other than peaceful. In relation to outer space, it is proposed to use the second term to exclude the use of outer space for military purposes. The use of military means for peaceful purposes is permitted under international law, therefore it is proposed to establish legal limits for such use in outer space, clearly defining the prohibited activities. The author notes that at present the principle of the use of outer space for peaceful purposes is a benchmark, which reflects the desire of the international community to prevent the use of outer space for military purposes. the second excludes any purpose other than peaceful ones. In relation to outer space, it is proposed to use the second term to exclude the use of outer space for military purposes. The use of military means for peaceful purposes is permitted under international law, therefore it is proposed to establish legal limits for such use in outer space, clearly defining the prohibited activities. The author notes that at present the principle of the use of outer space for peaceful purposes is a benchmark, which reflects the desire of the international community to prevent the use of outer space for military purposes. the second excludes any purpose other than peaceful ones. In relation to outer space, it is proposed to use the second term to exclude the use of outer space for military purposes. The use of military means for peaceful purposes is permitted under international law, therefore it is proposed to establish legal limits for such use in outer space, clearly defining the prohibited activities. The author notes that at present the principle of the use of outer space for peaceful purposes is a benchmark, which reflects the desire of the

international community to prevent the use of outer space for military purposes. The use of military means for peaceful purposes is permitted under international law, therefore it is proposed to establish legal limits for such use in outer space, clearly defining the prohibited activities. The author notes that at present the principle of the use of outer space for peaceful purposes is a benchmark, which reflects the desire of the international community to prevent the use of outer space for military purposes. The use of military means for peaceful purposes is permitted under international law, therefore it is proposed to establish legal limits for such use in outer space, clearly defining the prohibited activities. The author notes that at present the principle of the use of outer space for peaceful purposes is a benchmark, which reflects the desire of the international community to prevent the use of outer space for military purposes.

Kamalyan Artur Mikhailovich,No. 7 2020

Formation of an open science space in the European Union and Africa: a comparative legal aspect

Annotation. This article examines the emergence of open science as one of the clearest trends in scientific research in the modern world. It is noted that freedom of science has not yet received a direct confirmation in international legal sources in the field of human rights protection, but it is mentioned in the Constitutions of a number of states. A comparative analysis of the state of affairs on the European and African continents shows a significant gap. In the European Union, attempts are being made to transfer regulation to a supranational level (for example, the post of the European Union Special Envoy for Open Science was established), while free access to research results in Africa is ensured largely by the forces of non-governmental organizations and private projects (such as like SOHA, LIRAGE, SIRAM).

Slepak Vitaly Yurievich,

Pozhilova Natalya Andreevna,No. 7 2020

Financing Innovation in Europe and Russia: Best Practices Analysis

Annotation. The European Commission states: "More responsive science education can foster greater participation in knowledge-based innovation that meets the highest ethical standards and helps ensure a sustainable society for the future." Funding for innovation in Europe is associated with the need, due to the specifics of the procurement area, to provide the creation of various incentives to attract potential customers and suppliers, due to certain risks for both parties. So, as a rule, the implementation of purchases in this area is associated with a possible risk of obtaining the final result due to objective reasons that, at the stage of drawing up the documentation, could not be identified by the parties. In order to avoid negative consequences, European legislation provides for a number of measures, both administrative and technical, and of a legal nature, aimed at eliminating bureaucratic barriers, creating optimal conditions for the functioning of a competitive environment and the further development of innovative products and technologies. This legislative and law enforcement experience of the EU and its member states can be used to improve the Russian legal framework.

Sadomovskaya Maria Evgenievna, No. 7 2020

Legal aspects of combating the financing of terrorism and money laundering using informal money transfer systems in the European Union

Annotation. Currently, in the European Union, in addition to traditional money transfer systems (bank transfers, WesternUnion, etc.), informal (alternative) money transfer systems have become widespread. The most famous and widespread system is hawala, which originated many centuries ago in South Asia long before the emergence of the banking system and is still the most familiar and convenient mechanism for transferring funds in a number of regions of North Africa and the Middle East. Hawala operates outside the regulated banking and financial sector primarily through a complex settlement system: there is no actual transfer of funds within this system. In most countries, hawala is not regulated by law and is not subject to government oversight. All these factors lead to an inherent increased risk of money laundering and terrorist financing (ML / TF risk) inherent in the hawala

system. This article will consider the key characteristics of hawala, its types, circumstances that caused its spread, the peculiarities of the functioning of the system, and will also provide an overview of the main measures of the European Union aimed at reducing the ML / TF risk characteristic of hawala.

Alekseenko Alexander Petrovich,
Belykh Vladimir Sergeevich, No. 7 2020

Cryptocurrency as a Digital Representation of Value: The Singapore Experience

Annotation. In 2019, in order to create attractive conditions for the development of the Fintech sector in Singapore, the Payment Services Law was adopted, which consolidated the definition of cryptocurrency (digital payment tokens) and the procedure for its turnover. In addition, this law established criteria to distinguish payment tokens from other virtual objects - security tokens, utility tokens, game currencies. In this article, the authors analyze the concept of digital payment tokens as a digital representation of value, and also consider the rules for making transactions with it. It is concluded that the use of such an approach minimizes difficulties in regulating the turnover of, for example, bitcoins. Based on the experience of Singapore, recommendations for the modernization of domestic legislation are proposed. The main difficulty seems to be

Standzon Ludmila Vladimirovna,No. 7 2020

Administrative responsibility in the field of genetic engineering in Germany

Annotation. The current stage in the development of genetic engineering presupposes the ambiguity of its achievements. In this regard, the further vector of development predetermined the need to analyze the legislation establishing administrative responsibility in this area of public relations. The analysis of the legislation in the field of genetic engineering made it possible to identify the features of administrative responsibility for committing administrative offenses in Germany. The features of the institution of administrative responsibility in the field of genetic engineering in Germany are outlined in terms of their development and consolidation in the legislation on administrative offenses. The main types of

administrative offenses in the field of genetic engineering in Germany are considered. Particular attention is paid to administrative penalties, applied for violation of the legislation on genetic engineering in Germany. As a result of the analysis of the normative regulation of administrative responsibility in the field of genetic engineering, possible directions for further improvement of administrative responsibility in Germany have been identified. The variety of violations in the field of genetic engineering allows us to conclude that it is necessary to expand and consolidate new types of administrative offenses in the legislation on administrative responsibility.

Kamalyan Vladislav Mikhailovich, No. 7 2020

Legal regulation of cryptocurrencies and blockchain technologies in Germany and Italy

Annotation. In this article, the author analyzes the existing legislation of Germany and Italy, regulating financial technologies, and also highlights the official positions of the state bodies of these countries regarding digitalization and its elements. The trends in the development of legislation in the digital sphere and its prospects are highlighted. In addition, the German and Italian scientific doctrine is being investigated, which, as noted, does not offer a unified approach to financial technologies, in particular, to a smart contract, but contains conflicting positions and points of view. Based on the study, it is concluded that there is a need for legislative regulation of financial technologies not only at the national level, but also at the international level. It is emphasized that legislation must find a compromise between public interests,

Isakova Anna Viktorovna, No. 7 2020

Legal support of industrial environmental control from investment project to operation

Annotation. In recent years, the anthropogenic load on the environment has increased significantly, and anomalies in the near-surface temperatures of the Earth have been noted. One of the reasons for this phenomenon is the incoming pollutants

into the environment from production facilities. One of the functions of state management in the field of environmental protection is to empower economic entities to carry out industrial environmental control over their activities, or in other words, to exercise self-control. Industrial environmental control is mainly regulated by environmental and sanitary-epidemiological legislation. Considering that in recent years there has been an active implementation of large investment projects,