Krylov Oleg Mikhailovich

IMMEDIATE LAW-MAKING OF THE PEOPLE AS A LEGAL FORM OF THE MONEY CIRCULATION ORGANIZATION OF THE RUSSIAN FEDERATION: ISSUES OF LEGAL REGULATION

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The article examines one of the legal forms of organizing money circulation in the Russian Federation - a referendum. Its implementation in the Russian Federation is subject to legal restrictions. For their analysis, the category "monetary policy" is investigated as an element of the organization of monetary circulation. In this capacity, monetary policy is the activity of authorized state bodies in the field of monetary relations in order to ensure the achievement of established economic results, which has a predominantly law enforcement legal form. For the same purpose, it is established that the protection and stability of the ruble is a function and not the goal of the activities of the Central Bank of the Russian Federation.

During the study, general scientific (dialectical method of cognition of a phenomenon in development, method of analysis and synthesis) and specific scientific (comparative jurisprudence, legal forecasting, formal legal) methods were used.

It is concluded that the existing legislative restrictions exclude the possibility of submitting certain issues of monetary circulation to a referendum: on the emission of funds, on the conduct of monetary policy, on the protection and stability of the ruble through monetary policy instruments. Also, the issues of money circulation in the field of public finance, which cannot be submitted to a referendum, have been determined.

In order to comply with the constitutional principle of democracy by the people, it is proposed to carry out a legal specification of the established

legislative restrictions by eliminating legal ambiguities and inaccuracies in the competence of public authorities.

Natalia Korotkikh

TYPE OF CORRECTIVE INSTITUTION AND CONDITIONS OF SERVING PUNISHMENT IN THE FORM OF DEPRIVAL OF FREEDOM FOR MULTIPLE CRIMES

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Liberalization of criminal legislation contributes to the fact that a significant part of criminals are sentenced to punishments that are not related to isolation from society. At the same time, a significant number of persons who have committed grave and especially grave crimes are concentrated in places of deprivation of liberty, serving imprisonment for a combination of crimes, for the second or more times, with a dangerous and especially dangerous recidivism. Such convicts need a more careful classification when distributing them according to the types of correctional institutions and choosing the conditions for serving their sentences. The article analyzes the provisions of criminal and penal legislation on the classification of convicts by types of correctional institutions in various forms of multiple crimes, reveals gaps and inconsistencies in the regulation of these relations. The imperfection of the legal definition of the types of recidivism, enshrined in Art. 18 of the Criminal Code of the Russian Federation, gives rise to problems when applying Art. 58 of the Criminal Code of the Russian Federation, regulating the choice of the type of correctional institution. The criteria for choosing the type of correctional institution for those sentenced to imprisonment, based only on external signs (gender, age, category of crimes, recidivism) are, in the author's opinion, insufficient to achieve the result of penitentiary influence - correction of convicts and prevention of new crimes. The author draws attention to the fact that the categorization of convicts during the period of serving their

sentences is also associated with problems of legislative regulation and measures that stimulate positive behavior of convicts are not fully implemented. This circumstance is due to the lack of legal specific criteria for assessing the personality of convicts during their stay in the institution. Having analyzed various points of view, the author proposes such a typology of convicts, which, in his opinion, will be guiding, first of all, for employees of correctional institutions, on the choice of means and methods of corrective influence on convicts when they are serving a sentence of imprisonment.

Antonyan Yuri Miranovich

TOTAL CRIME AND THE COLLECTIVE UNCONSCIOUS

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For the first time in criminology, totalitarian crime is presented as an independent type of crime. Its features, distinctive features are shown, the inextricable connection with Bolshevism, fascism and Nazism, in general with totalitarian political regimes, is emphasized. Totalitarian crime is the crimes of a totalitarian state against its opponents, real or imaginary, everyone it considers dangerous and simply unnecessary: genocide, terrorism, aggressive wars, seizure of foreign territories, extrajudicial executions, including murders and pogroms and any other crimes committed state, for them such a state does not establish any responsibility.

It is impossible to understand totalitarian crime outside the named connection, especially since the totalitarian state system is criminal in itself. Therefore, the main characteristics of the totalitarian state are given. His crimes are presented on the example of the archetypes "Great Mother", "Alien" and "Enemy". The very emergence of such a state is explained by the fact that in the collective unconscious of society , a centuries-old and most ancient, including negative, experience is preserved, which unexpectedly arises from the depths of

history, when people, masses, society cannot endure (for various reasons) new living conditions and rebel against him. For them, this new contains in itself an unknown, some kind of danger, something unknown before. For this reason, the mass (crowd) becomes one of the main characters in a totalitarian society, which we clearly saw, for example, in Germany, the USSR, Italy.

Volkonskaya Ekaterina Konstantinovna

Juvenile CRIME TRENDS (2004-2013)

No. 9, 2015

The quantitative and qualitative indicators of juvenile delinquency have been studied in dynamics in order to identify trends in the changes taking place, explain their relationships with social processes in the country and predict the criminal situation. For this, the analysis and comparison of statistical data of the GIAC of the Ministry of Internal Affairs of the Russian Federation and the Judicial Department at the Supreme Court of the Russian Federation on criminal phenomena with data from the State Statistics Service and our own observations on other phenomena of social reality, criminological forecasting.

For the first time since the early 2000s. investigated the dynamics of juvenile delinquency, which covered the beginning and end of a stable trend in its modern development. During 2004-2013. the following favorable trends of a quantitative and qualitative nature were revealed: a) decrease since 2006 in absolute and since 2008 in relative indicators of the volume of crimes committed by minors (to 2012); b) halving since 2005 the proportion of crimes committed by minors and with their participation in the structure of all crime and the proportion of juvenile criminals among all criminals (to 2012); c) decrease since 2004 in the share of grave and especially grave crimes in the structure of juvenile delinquency (to 2012). Moreover, during 2008-2012. all trends recorded are favorable.

Negative changes in the dynamics of juvenile delinquency in recent years have also been identified, which, despite the continued existence in the future of favorable conditions for state policy and family relations for the socially positive development of the younger generation, can negatively affect the dynamics of juvenile delinquency. These include: intensive inclusion during 2004-2013. minors in the drug business and a high degree of concentration during 2011-2013. in educational colonies of persons who previously served their sentences in educational colonies (the article discloses the criminogenic phenomena generated by these changes). Statistical data for 2013 signal the beginning of negative changes in juvenile delinquency: an increase in the number of crimes committed by minors and with their participation (+ 4.6% in the APPG), an increase in the share of this group of crimes in the structure of crime (+ 5.9% to APPG), an increase in the coefficient of criminal activity of minors (+ 6.9% to the APPG).

Aguzarov Tamerlan Kimovich

Gracheva Yulia Viktorovna

Chuchaev Alexander Ivanovich

CRIMINAL PROTECTION OF THE PRESIDENT OF THE RUSSIAN FEDERATION

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The article substantiates the need for independent criminal law protection of the head of state. Taken by itself, as such, it has a social value that was put under protection in pre-revolutionary Russia, and as it is now done in the vast majority of countries in the world. The authors proceed from the fact that social relations that characterize the head of state as the embodiment of the country inside and abroad, and undoubtedly more valuable than the relations that characterize, say, public order management placed under the protection of the existing ugoliz ovnym legislation. In this regard, the issues of the social and legal

conditionality of the criminal law protection of the President of the Russian Federation are considered based on the presence in the Constitution of the Russian Federation of a special rule on the immunity of the head of state (Article 91), which has two aspects, firstly, as a guarantee of his activities; secondly, as a prohibition of physical or mental influence on the head of state.

In connection with the development of a model of criminal law norms with the special purpose of protecting the President of the country, the authors solve at least three more problems: 1) about the place of these norms in the system of the Special Part of the Criminal Code of the Russian Federation; 2) on the range of social values subject to independent criminal law protection; 3) on a set of criminogenic features in specific elements of crimes.

The article presents a theoretical model of the chapter "Crimes against the head of state - the President of the Russian Federation"

In conclusion, the authors conclude that criminal law enforcement of the inviolability of the head of state is an objective necessity. The adoption of special criminal law norms on responsibility for encroachments on it will strengthen the protection of the constitutional foundations of state power, and therefore of Russian statehood.

Knyazkina Anastasia Konstantinovna

INTERNATIONAL TREATY AS A BASIS FOR THE CRIMINALIZATION OF ACTS

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The subject of the research is the international treaties that served as the basis for the criminalization of conventional offenses, i.e. such treaties in the field of criminal law, the acceptance of obligations under which led to the need to implement their norms into the text of the criminal law of Russia. The article gives

the concept of conventional crimes, and then analyzes the international treaties (in general terms) that served as their sources. In addition, the concept of an international treaty based on Russian legislation and international norms is analyzed , their types, the procedure for their ratification are considered, and some issues of implementation are touched upon. The methodological basis of the research is the dialectical method of cognition of the phenomena and processes of objective reality. Advanced scientific functions, have also been used chastnonauchnogo and special techniques.: Comparative, systematic and structural, regulatory, logic, history, etc. The scientific novelty is characterized by a wide range of issues analyzed in view of the modern approach to the content and nature of conventional crime. The paper formulates the concept of conventional crimes, analyzes the concept of an international treaty on the basis of Russian legislation and international norms, examines their types, the procedure for their ratification, and touches on some issues of implementation. The paper formulates a number of conclusions and proposals for improving the current Russian legislation.

Timonin Anatoly Nikolaevich

THE ANGLOSAXON MODEL OF THE STATE: TO DISCUSSION ABOUT THE THEORETICAL FOUNDATIONS

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The purpose of the study is to challenge the idea of the need for a large-scale implementation of the Anglo-Saxon model of the state in the state and legal life of modern Russia. The subject area of the discussion is: the historical paths traversed by England, America and Russia, their civilizational and geopolitical dissimilarity, differences in the ideological and theoretical foundations. All this required a thorough study of the main parameters of the Anglo-Saxon model of the state, starting from its origins. Particular attention was paid to the version of the origin of the state, which is presented in the writings of John Locke.

Research methodology: civilizational and formational approaches, dialectical approach to the analysis of the general , particular and particular, historical, logical, problem-theoretical, comparative, comparative legal, textological methods.

Scientific novelty and conclusions. The Anglo-Saxon model of the state expresses the regional specifics of the Anglo-American world. Under a different approach, it is elevated to the rank of "general regularity", which is arbitrarily given a planetary character. Complete oblivion of the category of "special", of the historical character of the Russian state model will lead to eternal throwing between left and right Westernism.

Ustyuzhaninova Ekaterina Alexandrovna

DELEGATION MODELS : THE UK EXPERIENCE

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One of the areas of constitutional reform in the UK in respect of provision of real separation of powers has become a process of devolution (of devolution), which means decentralization of power, ie, transfer (delegation) of powers from the center to the localities. Decentralization of political power in Great Britain has increased significantly not only due to the United Kingdom's membership in the European Union, but also due to the delegation of power to Scotland, Wales and Northern Ireland at the domestic level since 1998. In a unitary state such as Great Britain, delegation of powers from the central government to the governments of these regions ensures that the interests of individual subjects are taken into account and limits the intervention of central authorities in the affairs of their administrations. Delegated Management was recommended by the Royal Commission on Constitutional Affairs in 1973. Legislation has now been passed to transfer delegated authority to the Scottish Parliament, the Northern Ireland Assembly and, to a lesser extent, the Wales Assembly. The legal provisions

for the delegation of powers to the three territories have many common features, but also important differences in relation to each region. Devolution models in the UK differ from one another. Scotland has the greatest powers , only administrative powers are delegated to Wales , and devolution in Northern Ireland is significantly complicated by the political struggle between nationalists and unionists. Nevertheless, the legislation concerning the delegation of powers from the central government to the legislative and executive bodies of the regions is constantly being improved, and the process of devolution does not stop. The peculiarities of this process in relation to each of the regions of Great Britain, as well as the main provisions of the legislation on devolution, are analyzed in this article.

Starostin Sergey Alekseevich

DO I NEED ADDITIONAL POLICE POWERS?

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The article provides a legal assessment of the draft Federal Law "On Amendments to the Federal Law" On the Police "and Certain Legislative Acts of the Russian Federation", submitted to the State Duma of the Federal Assembly of the Russian Federation on July 1, 2015. expand the powers of police officers. The article notes that the bill is important for ensuring the safety of citizens of the Russian Federation and society as a whole. It is aimed at improving the practicalˇ activities of employees of internal affairs bodies for the prevention, suppression and disclosure of crimes and other offenses, clarification and detailing of their duties and rights, exclusion of norms that are uncertainˇ from sectoral legislation . At the same time, many of the provisions of the draft law contradict both the Constitution of the Russian Federation and current international legal acts. The author analyzes these norms in particular in detail. In conclusion, it is concluded that the proposed bill cannot be supported.

Morozov Pavel Evgenievich

IMPROVEMENT OF LABOR LAW TEACHING IN EDUCATIONAL ORGANIZATIONS OF HIGHER EDUCATION

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The article is devoted to the analysis of the problems associated with the teaching of labor law in educational institutions of higher education that carry out educational activities in educational programs of higher legal education.

It is noted that these educational institutions traditionally focus on purely legal issues (for example, in the field of labor law). At the same time, it is necessary to take into account the fact that teaching presupposes possession of certain pedagogical techniques that are developed by pedagogy. Ignoring them inevitably leads to a lower level of assimilation of knowledge by students. It is required to ensure an optimal balance between legal knowledge and the way of its presentation in the form of practical classes, proceeding from the fact that neither the quality of the knowledge received by the student, nor the mechanism of their assimilation is affected. The criteria for assessing the quality of a practical lesson in labor law should be based on the specific characteristics of a particular legal specialty, preparation for which is carried out within the framework of the structural unit. As the argumentation of this thesis, the target orientation of the practical lesson on labor law in various structural divisions of legal higher educational institutions that train legal advisers, judges (within the faculties of jurisprudence, law, jurisprudence of higher legal schools), international lawyers, lawyers, prosecutors is considered. All criteria for the quality of conducting a seminar on labor law can be divided into several groups related to: 1) the structure; 2) to the content; 3) to the method of conducting; 4) to the organization of the seminar; 5) to guide the work of students at the seminar; 6) to the pedagogical data of the teacher; 7) to assess the effectiveness of the seminar.

Prikhodko Mikhail Anatolievich

HISTORICAL AND LEGAL FEATURES OF THE STRUCTURE OF THE MINISTRY OF FINANCE OF THE RUSSIAN EMPIRE IN THE 1st HALF OF THE XIX CENTURY

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Having emerged in 1802, the Ministry of Finance became the most important in functional terms and one of the largest in organizational and structural terms, the central state institution in the state system of the Russian Empire in the first half of the 19th century, which united a significant number of institutions of the collegiate management system under the authority of the Minister of Finance. Many of these institutions occupied by 1802 an intermediate position in the system of public administration. The formation of the structure of the Ministry of Finance and its legal registration had its own very original specifics. The study of archival documents and legal acts allows us to trace in detail the order of development of the structure of the Ministry of Finance, relying on historical and comparative legal methods of scientific research. Unlike most previous studies of the structural organization of the Ministry of Finance of the Russian Empire in the 1st half of the 19th century, this article examines the changes in the structure of the Ministry of Finance in the most detail and in detail, in relation to the legal registration of these changes. In addition, the use of archival documents makes it possible to fill the gaps in this design, thereby making the most complete picture of the structural organization of the Ministry of Finance in a given time period.