Bogolyubov Sergey Alexandrovich

RUSSIA'S SOVEREIGNTY FOR ITS NATURAL RESOURCES

No. 6, 2016

The article examines the legal problems of ensuring the property rights and sovereignty of the Russian Federation to its mineral and other natural resources in the interests of realizing the legitimate interests of the population, current and future generations for their well-being, prosperity, and ensuring a decent life, proclaimed in the Constitution of the Russian Federation, constitutions and legislation of the majority. countries.

According to the author, the aggravation of the energy situation on the Earth conditions the discussion of legal problems of ensuring property rights and the sovereignty of the Russian Federation to its mineral and other natural resources, the legitimate interests of the population, current and future generations for their well-being, prosperity, ensuring a decent life, the formation of social, legal states proclaimed in the Constitution of the Russian Federation, constitutions and legislation of most countries.

The formation of state sovereignty over natural resources begins with the proclamation, formulation and consolidation in national law of the basic principles of environmental protection, reflecting sustainable development (balance of the economy and improving the state of the environment), a combination of rational use and protection of natural resources and its part within the boundaries of territories (for example, a combination of basin and administrative-territorial principles) and the entire country as a whole, delineation of management functions in the use and protection of natural resources and the functions of their economic use, which can help prevent environmental degradation in general.

The author believes that greening , during which economic and environmental relations are determined and regulated , does not occur without conflicts, since economic interest and the exploitation of natural resources often prevail in the minds of many citizens; relations between society and nature determine the perception of the economy not as a goal of development, but as a

means of supporting the life of the present and future generations. Green legislation is designed to balance current economic and environmental priorities.

Shown. That the prospects for further strengthening the sovereignty and development of Russia cannot but imply further improvement of legislation on forecasting, strategic planning, and an increase in the scale of the preliminary assessment of the most important projects - key, “reference” and starting points for modernizing the economy and all social life.

Brinchuk Mikhail Mikhailovich

ENVIRONMENTAL LEGAL RESPONSIBILITY IS AN INDEPENDENT KIND OF LIABILITY

No. 6, 2016

Based on the provisions of the theory of public law, taking into account the specifics of nature as a public good, the article theoretically substantiates the allocation of environmental legal responsibility as an independent type of legal responsibility.

The article shows that at the present stage of development of legislation, the institution of legal responsibility, including in relation to the sphere of interaction and nature, has received intensive and largely progressive development. The author believes that even highlighting the environmental and legal (environmental) responsibility, for violation of environmental requirements in accordance with the doctrine, the sanctions provided by the laws related to traditional industries are applied - administrative, civil, criminal, disciplinary. The legal content of environmental and legal (nature conservation) responsibility is not determined by them. In particular, compensation for harm to nature is regulated by civil law and, accordingly, is carried out within the framework of civil liability.

It is shown that the essential characteristics, signs, features of civil liability are that it is applied on the basis of the norms of civil law, occurs for a participant

in a civil law relationship in connection with a violation of the rights and legally protected interests of another person, failure to fulfill or improper performance of duties provided for civil law or contract.

Environmental interests, the interests of maintaining a favorable state of the environment, ecological well-being are predominantly public law, not private law, and, accordingly, are protected by non-civil legislation.

Recognition of environmental and legal responsibility, aimed primarily at reimbursing environmental harm, as a type of legal liability, will serve as a strong impetus both to ensure compensation for such harm and to achieve a more promising goal - creating conditions for favorable socio-economic development. Economists argue that if you do not increase investment in solving environmental problems now, in the future, the loss from them will cost much more.

Olga Dubovik

LEGAL REGULATION OF ENVIRONMENTAL CONFLICTS: SOME BEGINNING PROVISIONS

No. 6, 2016

Based on the provisions of the theory of public law, taking into account the specifics of nature as a public good, the article theoretically substantiates the allocation of environmental legal responsibility as an independent type of legal responsibility. It is shown that the features of an individual ecological conflict and their totality (ecological conflict) are the grounds and criteria for the onset of various legal consequences. The author believes that the criterion for recognizing conflicts as legal and, accordingly, environmental- legal is , which is essential, the possibility of applying environmental legislation to influence the course of the conflict.

The necessity of legal regulation of environmental and legal conflicts is shown. It is determined by the given characteristics of environmental conflicts and

environmental conflicts, both developed in the environmental-legal literature earlier, and formulated as a result of this study. According to the author, social practice and the nature of law convincingly prove the need to use legal means (in the broadest sense of the word) to resolve environmental conflicts in the interests of society. It is well known that in the structure of any legal system, the goal of streamlining relations, and therefore preventing potential and resolving conflicts that have arisen, is the most important.

The article highlights the elements of the environmental conflict management system. They form the General and Special parts and their list is as follows. The general part could include a number of independent institutions or groups of legal prescriptions related to all types of environmental conflicts. A special part includes the rules governing the procedures, i.e. procedures for resolving individual environmental conflicts identified for one reason or another.

The author believes that now it is inappropriate to make proposals for improving the current legislation, since in relation to the regulation of environmental conflicts, these issues have not yet been properly discussed in the literature. At the same time, the need has already ripened, first on the basis of a certain discussion, to identify the need for the adoption of legal regulations related to the legal regulation of conflicts, then to implement a certain sequence of their development, starting naturally with theoretical analysis and continuing with the design of legislative novels.

Agafonov Vyacheslav Borisovich

LEGAL SUPPORT OF ENVIRONMENTAL PROTECTION AND ECOLOGICAL SAFETY DURING THE USE OF THE SUBSTRATE

No. 6, 2016

The article is devoted to the theoretical aspects of legal support for environmental protection and environmental safety in the use of subsoil. The scientific novelty of the article lies in the fact that, based on the results of the analysis of the current legislation, the theoretical features of environmental

protection when using subsoil as a special type of environmental activity are highlighted. The peculiarities of this activity are determined by the complex nature of the corresponding legal relations, manifested in: 1) the peculiarities of the natural object subject to protection; 2) special legal requirements for the content of project documentation for the use of subsoil, as well as for the subjects of the right to use subsoil; 3) a special procedure for the provision of subsoil plots for use; 4) the specifics of environmental protection measures established by the current legislation.

Also, based on the study of the most problematic theoretical aspects of the interpretation of the concept of "safety", as well as analysis of the relationship between environmental safety and other types of safety, the specificity of ensuring environmental safety in the use of subsoil is revealed, caused by the potential environmental hazardous activities of production facilities related to the use of subsoil for the environment and human health.

The concept of environmentally hazardous activity in the field of subsoil use is formulated, a classification of this activity is given according to the criterion of possible negative consequences for the environment and human health, the necessity of introducing additional coefficients that should influence the procedure for classifying production facilities related to the use of subsoil to a particular class is proved. danger, and also substantiates the proposal on the need to take into account the requirements in the field of ensuring environmental safety when using subsoil in the documents of state strategic planning.

Rusin Sergei Nikolaevich

DEVELOPMENT OF PUBLIC ADMINISTRATION IN THE FIELD OF ENVIRONMENTAL PROTECTION

No. 6, 2016

The article deals with a wide range of problems that exist in the field of public administration of environmental protection, which are of a systemic

nature. For those of the author are: the inconsistency of public authorities in the implementation of state policy governance means changing goals gosu - darstvennoy policy and management in the field of environmental protection, what more is to ensure the economic efficiency of activity of the state, ignoring changes in the content of ecological function, which develops along with the development of society. Approaches aimed at rethinking these problems and adjusting the content of the state's activities are outlined. It is shown that the systemic problem of improving public administration in the field of environmental protection is the problem of determining its goals. It is closely related to the ongoing administrative reform in the state. The latter, its task is to increase the efficiency of the state. Moreover, following not the best examples of administrative reforms carried out in foreign countries, and implementing the so-called concept of new public management, the effectiveness of the state is measured by economic methods, namely, by the economic efficiency of the activities of the state and state bodies. Hence - public services, the list, quantity and quality of which can be measured in monetary terms.

The author highlights a systemic problem, which consists in the unresolved issue of the content of the ecological function of the state. Since public administration in the field of environmental protection is a way of implementing the state's ecological function, the content of the latter predetermines the limits of state impact on environmental relations (ecological sphere). The author considers the question of whether the ecological function of the state covers the entire sphere of public ecological relations to be important.

Dmitry Sivakov

WATER BODY AND WATER FUND AS LEGAL CONCEPTS

No. 6, 2016

The article deals with a wide range of problems that exist in the field of public administration of environmental protection, which are of a systemic

nature. These include: inconsistency in the activities of public authorities in the implementation of public policy by means of public administration, changes in the objectives of public policy and management in the field of environmental protection, which are increasingly becoming the provision of economic efficiency of the state, ignoring changes in the content of the ecological function, which development of society. Approaches aimed at rethinking these problems and adjusting the content of the state's activities are outlined. It is shown that the systemic problem of improving public administration in the field of environmental protection is the problem of determining its goals. It is closely related to the ongoing administrative reform in the state. The latter, its task is to increase the efficiency of the state. Moreover, following not the best examples of administrative reforms carried out in foreign countries and implementing the so-called concept of new public management, the effectiveness of the state is measured by economic methods, namely, by the economic efficiency of the activities of the state and state bodies. Hence - public services, the list, quantity and quality of which can be measured in monetary terms.

The author singles out a systemic problem consisting in the unresolved issue of the content of the state's ecological function. Since public administration in the field of environmental protection is a way of implementing the state's ecological function, the content of the latter predetermines the limits of state impact on environmental relations (ecological sphere). The author considers the question of whether the ecological function of the state covers the entire sphere of public ecological relations to be important.

The author reveals the key terms of water law - water bodies and water resources - in the context of various legal relations. The author reveals the relationship of these terms with the concept of real estate, water management complex, looks at these concepts through the prism of state observation, accounting and zoning of the water fund. Public water bodies also did not escape the attention of the author. The following methods of scientific research are used:

historical, comparative analysis and extrapolation. The experience of the EU countries (the Netherlands) and Japan is presented.

The water fund of Russia is not just the basis of water management, but also the invariable basis of the entire economy. A decline in the quality and quantity of water resources will inevitably have a detrimental effect on the life of Russian society.

The article has a branched internal structure, expressed in subheadings. The author has given the formulation of the problem. The provisions of the Soviet and then Russian legislation are given in a critical way. The emphasis is on the VK RF 1995 and 2006.

The classification of water bodies, which is important for legal science, is of great importance for the author. As stated in Art. 5 VK RF, depending on the features of the regime, physico-geographical, morphometric and other features, water bodies have a complex gradation. For the purposes of this article, first of all, it is important to divide into surface and ground water bodies. Based on Art. 5 of the RF VC, the concept of "surface water body" includes not only water masses, but also the lands covered by them within the coastline. Here there are obligatory signs of surface water bodies - the connection of land and water.

In this regard, the complex question of whether surface water bodies have real estate in their composition is comprehended .

The importance of monitoring and accounting for water bodies in a special register for the water management complex is revealed, issues of hydrographic zoning and water management documentation are considered.

The reader's attention is drawn to an important feature of Russia: many water bodies are not involved at all or are extremely weakly involved in the water management complex. For example, many Siberian rivers have not yet been drawn into the orbit of the Russian water sector and form a reserve for the development of the water sector. Meanwhile, without official users (indicated in the water register), these water bodies often experience negative impact from occasional users.

Eliseev Vyacheslav Sergeevich

STATE REGULATION OF AGRICULTURE IN RUSSIA AS AN ECONOMIC AND LEGAL CATEGORY

No. 6. 2016 Nov.

The article analyzes the views of economists and lawyers on the need for state regulation of agriculture, analyzes various definitions, offers its own refined definition of this category, which is understood as a set of organizational, economic and other effects of the state on agricultural relations through methods of state regulation in order to implement state agro-economic politics, thus considering this category as economic. At the same time, the author understands the method of state regulation of agrarian relations as a set of economic methods through which the state influences the subjects of agriculture. The author proposes to clarify the classification of methods of state regulation of agriculture, highlighting, first, the static methods of state regulation of agriculture, affecting the conditions for the functioning of agricultural entities, which are "administrative" and "economic barriers" that an agricultural entity must overcome; secondly, dynamic methods affecting the property interest of the subjects of agrarian relations through the models of economic relations proposed by the state. The author proposes to consider the "method of state regulation of agrarian relations" as an economic institution, the legal support of which forms an economic and legal institution, such, in particular, is the institution of obligations. This will make it possible to distinguish these categories from the term “legal institution” that has developed in legal sciences as a link in the classification (industry, sub- industry , institute, sub-institute , rule of law). It is substantiated that the "legal support" of the property interest of agricultural entities used in the process of state regulation of agricultural entities: firstly, it consolidates the property interest of the subjects of agricultural relations through the definition of an obligation, and secondly, it regulates it, supplementing it with elements of legal regulation. Legal support is an

expression of the regulatory function of law in relation to the property interests of agricultural entities.

Vypkhanova Galina Viktorovna

CONCEPTUAL FRAMEWORK FOR IMPROVING THE LEGISLATION ON HEALTH LOCATIONS AND RESORTS

No. 6, 2016

Recent changes in land and environmental legislation associated with the exclusion from specially protected natural areas of such a type as medical and recreational areas and resorts, significantly worsen their legal regime. The latest legislative initiatives, developed in the absence of an official concept (strategy) of the state policy for the development of the resort business and without taking into account the special importance of these territories, will lead to a significant decrease in the level of their protection and protection. Refusal from the current classification of resorts will entail the abolition of the existing legislative and regulatory framework in this area at the regional and municipal levels. To increase the efficiency of the use of resort territories in Russia, to ensure their protection, it is necessary to improve the legal regulation of the entire complex of public relations in the resort sphere on a scientifically grounded conceptual basis and, first of all, on the provisions of the concept of sustainable development. It is of fundamental importance for ensuring the sustainable development of medical and recreational areas and resorts, aimed at achieving a balance and coordination of economic, social and environmental interests and needs that are often opposite in direction, as well as taking into account the natural, climatic and other features of these territories. The landscape approach is promising for medical and recreational areas and resorts, since, as a rule, they are unique landscapes with healing natural resources. Despite the absence of landscape legislation in Russia, the use of the landscape approach as a tool for territorial planning for the development of these territories is of particular importance, since it allows you to first assess the territory depending on the properties and state of the landscape, and then make urban

planning and other decisions. The ecosystem approach developed in the doctrine of environmental law is no less significant for improving legislation in the field of the use and protection of natural medicinal resources, health-improving areas and resorts . Improvement of the legal regulation of relations in this area on the basis of these conceptual approaches should be implemented through the package principle of the development of special legislation on medical and recreational areas and resorts, consistent with the norms of related legislation - natural resources, sanitary and epidemiological, urban planning and other branches of legislation.

Romanova Olga Alexandrovna

Development of land legislation: issues of theory and practice

No. 6, 2016

The article is devoted to the consideration of theoretical and practical issues of the development of Russian land legislation in the modern period, the identification and analysis of the main modern trends in its further development. The relevance of the research topic is due to the ongoing reform of the legal regulation of land relations in the Russian Federation, as evidenced by the adoption of a number of federal laws that have made significant changes to the Land Code of the Russian Federation and related legislation, among which Federal Law No. 171-FZ "On Amendments to the Land Code of the Russian Federation and Certain Legislative Acts of the Russian Federation". The article analyzes the main novelties of this Law from the point of view of identifying and assessing the emerging trends in the further development of land legislation. The author refers to the discussion on the relationship between land and civil legislation in the regulation of land and property relations, joining the criticism of the Concept for the development of civil legislation in this part and giving a negative assessment of the changes that have occurred in the legal regulation of limited property rights to land plots (permanent (unlimited) use rights and rights of inherited life possession) in the Land and Civil Codes of the Russian Federation. The author shows that the modern reform of land legislation takes place in the absence of a scientific concept

of its development, which essentially leads to the serving role of land legislation in relation to related, first of all, civil and urban planning industries. The relationship of the ongoing reform of land and related legislation with the directions of the state policy of using the land fund in the Russian Federation is considered, attention is focused on the upcoming transition from the division of land into categories to territorial zoning, the most controversial issues of this approach are noted. The main innovations in the procedure for granting land plots to citizens and legal entities from state and municipal property are analyzed, the positive and negative aspects of the changes that have occurred are noted.

Krasnova Irina Olegovna

CONCRETE AS A WAY TO IMPROVE THE LEGISLATION

No. 6, 2016

In the article, the author refers to the discussion of the possibilities of using such a technique in improving environmental legislation as the specification of legal norms. Attention is drawn to the features of the legal regulation of environmental relations, which require taking into account natural-scientific, technical and socio-economic knowledge. Objectively existing in some cases, the uncertainty and inaccuracy of this knowledge can lead to such a negative phenomenon as the uncertainty of legal norms and can reduce the overall efficiency of legal regulation. Legal uncertainty exists today in relation to the problems of climate change, biodiversity conservation, and sustainable development. The conclusions are confirmed by examples of legislative regulation in these areas, as well as statements by authoritative environmental lawyers. The solution to this problem does not have one solution. Based on the achievements of the science of the general theory of law, the author proposes the possibility of eliminating the legal uncertainty of environmental law, using the method of concretization. However, the use of this method requires flexible application. In some cases, the uncertainty of the norms is a defect and needs to be eliminated. In

others, given the scientific, political and economic ambiguity regarding the solution of some ethological problems, the so-called positive uncertainty should be maintained, concretizing abstract legal norms gradually.

Evtushenko Vladimir Ivanovich

Environmental migration as an integral part of the system of human protection and ensuring environmental safety

No. 6, 2016

The article provides a detailed analysis of international and domestic regulation of actions in emergency situations of a natural and man-made nature and elimination of their consequences, the creation of a legal mechanism for the protection of persons affected and forced to leave areas with a dangerous state of the environment for human life and health, attempts to introduce legal regulation of environmental migration as an element of ensuring the environmental safety of the population. First of all, the analysis carried out concerns such major environmental disasters as the accident at the Chernobyl nuclear power plant and the Japanese nuclear power plant " Fukushima - 1", the largest environmental disaster that befell the areas adjacent to the Aral Sea. In this regard, in cases of long-term stabilization of the environmental situation on the ground, the issue of human security, his vital interests, the right to a favorable environment, the issue of ensuring environmental safety can only be resolved by moving him - forced or voluntary - to an area with more favorable conditions. habitat. Accordingly, the need to create a legal mechanism for regulating environmental migration is considered as an integral part of the human protection system in the event of a sharp deterioration in the environmental situation due to natural disasters and major man-made accidents or as a result of unreasonable natural economic activities of a person, the inalienable right of man and citizen to a favorable environment, as an element of ensuring ecological safety of a certain area. It is concluded that it is necessary and timely to consolidate human and civil rights in the legislation of the Russian Federation,

arising from the need to ensure environmental safety and being an integral part of the right to a healthy environment - human and civil rights to the human and citizen's right to protection from the dangerous impact of environmental disasters and their consequences and, accordingly, the following from it the right of a person and a citizen to migrate from areas with an unfavorable environmental situation - environmental migration.

Zhavoronkova Natalia Grigorievna

Shpakovsky Yuri Grigorievich

ENVIRONMENTAL SECURITY IN THE SYSTEM OF STRATEGIC PLANNING OF THE RUSSIAN FEDERATION

No. 6, 2016

The article is devoted to modern problems of legal regulation of ensuring environmental safety. The problems of the formation of state policy, the implementation of state and federal target programs that regulate the issues of ensuring environmental safety are considered. The system of state strategic planning and forecasting is revealed as a tool for forming long-term priorities of the state's activities, implementing global and large-scale tasks, ensuring the consistency of plans of governing bodies, linking decisions made in the process of state strategic management with budget constraints for the medium and long term.

The authors argue that environmental, natural and man-made emergencies are an impetus for revising the principles and mechanisms of state anti-crisis management. It is shown that it is necessary to distinguish between environmental safety, environmental policy, environmental protection and rational nature management. In strategic forecast documents, these concepts also differ, although there is much in common between them. Environmental protection and ecological safety have their own subject of regulation, but are very closely related.

Until recently , it was obvious that all subjects of state administration, without exception, at all levels of government were striving to develop and adopt

their "Concepts", "Strategies", "Forecasts", "General plans" and numerous other documents of a "strategic" nature. Apparently, the need for them was a manifestation of the urgent need to comprehend and define the essence of modern management. The market element , market mechanisms as management tools are not perceived by the subjects of government as the most effective and adequate.

The analysis carried out in the article showed that at present the country is forming a legal basis for the development, construction and operation of an integrated system of state strategic planning in the field of socio-economic development and ensuring the national security of the Russian Federation, which allows solving the problems of improving the quality of life of the population, the growth of Russian economy and security of the country. The use of the strategic planning mechanism in the interests of ensuring environmental safety will create conditions for achieving the goals of socio-economic development and ensuring the national security of the Russian Federation in accordance with the long-term and medium-term priorities of state policy.

Oleg Krassov

LAND TENSE SYSTEMS IN THE COUNTRIES OF MAGRIB

No. 6, 2016

The article is devoted to the analysis of the historical features of the formation of the land tenure system in the Maghreb countries. It is shown that in the historical aspect, land tenure systems in the Maghreb have undergone changes. They depended on what kind of civilizations existed in these countries, they were influenced by religious factors, colonial rule.

The author examines the legal aspects of the problem of land tenure in the Democratic Republic of Algeria, Libya, the Kingdom of Morocco, the Tunisian Republic , the Islamic Republic of Mauritania.

The article shows that pre-colonial Algeria was mainly a peasant society, the land formed the basis of property relations. Landholdings were legally and customarily divided into six different categories: mulk , arsh or sabega , habus , beylik or azel , mokhzen and muwat .

The legal system of Libya was formed under the influence of Ottoman law, French, Italian civil law, the Egyptian civil code, and, in addition, the country has Islamic and customary law. During the Ottoman period, various types of land tenure existed in Tripolitania, Cyrenaica and Fezzan , the historical regions of Libya.

There were five main types of land tenure in Morocco. The distribution of land in Morocco after independence depended mainly on political developments in the country.

Tunisia was the first country in the Maghreb to implement Western-style reforms as it was subject to foreign influence.

Volkov Gennady Alexandrovich

Guarantees of land rights in the provision or use of land plots for carrying out work related to the use of subsoil

No. 6, 2016

The article discusses the problems of implementing the principles of land law, which ensure guarantees of land rights in the provision or use of land plots for work related to the use of subsoil, substantiates the relationship of legal institutions for the provision of land plots with the seizure of land plots for state or municipal needs.

The relevance of ensuring the guarantee of land rights is associated with the existence of a huge number of land plots that have not passed the state cadastral registration, or by virtue of the law are considered previously accounted for, but whose boundaries have not been established in accordance with current legislation, including if information about the coordinates of the characteristic points of their

boundaries not included in the state cadastre of real estate, as well as land plots, data on which in terms of attribution to land of this or that category of land are absent.

Attention is focused on identifying the right holders of land plots and real estate objects located on them, whose rights may be affected, when issuing a permit to use a land plot without granting it and establishing an easement for carrying out work related to the use of subsoil in connection with the inclusion in the Land Code RF new chapters V.1-V.6 and VII.1.

The new norms of the Land Code of the Russian Federation in relation to the protection of rights to land plots in private ownership, allow us to again turn to the meaning of the norms of paragraph 2 of Art. 214 of the Civil Code of the Russian Federation and clause 1 of Art. 16 of the Land Code of the Russian Federation on state ownership of land in the formation and disposal of land plots, state ownership of which is not delimited, as well as in the event of disputes about the boundaries of land plots owned by the Russian Federation, constituent entities of the Russian Federation or municipal property.

The imbalance of public and private interests in the new norms of land legislation, providing for the establishment of easements for the conduct of work related to the use of subsoil, or the use of land plots in state or municipal ownership, without the provision of land plots and the establishment of easements is shown.

Belkharoev Khadzhimurad Umatgireevich

STATE LEGAL POLICY OF RUSSIA IN PROVIDING FOOD SECURITY

No. 6, 2016

The article examines domestic and international legal acts, reveals the problems of forming an effective mechanism of legal regulation to ensure food security of the Russian Federation. It has been established that the problems of the

agro-industrial complex should be identified in a comprehensive manner and considered during the development and implementation of state programs for the development of agriculture, with the elimination of all obstacles that interfere with the production, processing and distribution of food products.

The gaps in the legislation on neutralization of internal and external real threats to the food security of Russia are revealed, such as: a sharp rise in food prices; filling the market with imported products; the rush demand of the population; reduction in the volume of per capita consumption; violation of quality and safety standards for food products; the growth of food autarky in the regions. It has been determined that when determining measures of legal regulation of problems in the field of food security, legal means of neutralizing threats to food security, it should be considered as a factor of normative legal support of national security in its internal and external state.

The vital interests of the personality of society and the state are revealed: the presence of a sufficient volume of food resources; economic and physical availability of food; quality and safety of food supplied to the market.

The main reasons for the relatively slow development of the agricultural sector are investigated: low rates of structural and technological modernization of the sector; renovation of fixed assets; shortage of qualified personnel caused by the low level and quality of life in rural areas; insufficient legal certainty in the issue of agricultural land turnover; reduction of the most valuable arable land; withdrawal of land from agricultural use; growth of debt obligations of agricultural producers; lack of funds for technical and technological re-equipment of agricultural production.

It was recommended, taking into account the requirements of the WTO, the EAEU Customs Union to adjust the internal and foreign economic policy of the state in the field of the agro-industrial complex, in order to ensure uninterrupted provision of the population with food. Introduce amendments and additions to the federal laws "On the development of agriculture", "On the quality and safety of food products", develop and adopt the federal law "On the food safety of the

Russian Federation". Consider the possibility of making additions and changes to the Customs and Tax Codes of the Russian Federation in order to apply the tariff quota for goods coming from other countries.

Chestnov Ilya Lvovich

PROSPECTS AND PROBLEMS OF SOCIOCULTURAL ANTHROPOLOGY OF LAW: ANSWER TO CRITICAL NOTES

No. 6, 2016

A review of the monograph “Sociocultural Anthropology of Law: A Collective Monograph” appeared on the pages of the magazine “ Lex Russica ” (2015, No. 6), of which I had the honor to speak as a co-editor and co-author. In connection with the critical remarks made, it seems important to formulate the prospects and not fully resolved problems of the socio-cultural anthropology of law as a research program. The reviewers note that the work does not sufficiently highlight the important issue of the role of the objective interests of individuals and social groups, as well as the majority of the population; that the authors of the book actually ignore the objective (independent of the will of people and their mentality) factors of influence involved in the formation of the rule of law. However, objectivity in the social sciences from the standpoint of post-classical (post-non-classical) epistemology differs from the classical model of scientific objectivity formed by natural science in that it is immanently intersubjective . This does not deny, but makes us rethink objectivity: it is constructed by people, their social ideas, mediated by the historical and sociocultural context. Intersubjectivity indicates that law is a social phenomenon that mediates and at the same time includes interpersonal interactions. The objectivity of a legal institution is a social representation, internalized in the legal consciousness of individual individuals, reproduced by their practices. Legal culture as a symbolic mediation of law, performing one of its most important functions - a

source of legal education , giving legal significance to social events and processes. Interests are included in legal typifications of legal everyday life and are included in the motivation of the practices of people - carriers of the status of a subject of law. People are guided by individual motives of behavior, satisfy the corresponding needs, correlating them with legal expectations - expectations of adequate behavior on the part of the counterparty for interaction and the requirements of the rule of law. At the same time, in legal everyday life, a person is guided mainly by three main motives, which are in a complex intersection and often complement each other: strengthening personal social significance (for example, career growth); increasing utility maximization (personal benefit); ensuring the stability of existence (reducing the load, increasing predictability, conformity), taking into account the correlation with possible, proper or prohibited behavior, formulated in the rule of law and a specific life situation.

Belikov Evgeny Gennadievich

SOCIAL DIRECTION OF BUDGETARY LAW: PROBLEMS AND VECTORS OF DEVELOPMENT

No. 6, 2016

The article analyzes the modern development of budget law as a sub- branch of financial law, based on the principle of social orientation of financial and legal regulation. The factors contributing to the achievement of the social orientation of the budget law are singled out and considered. The starting point is the implementation of a socially oriented budgetary and legal policy; a study of its main directions in modern realities is being carried out. The socially oriented development of budget law is also facilitated by the implementation of the principles of law and the principles of the social state. In particular, in this context, the principles of justice and equality are examined. The above factors include ensuring a balance of private and public interests in the implementation of

budgetary and legal regulation. The last factor is considered taking into account the application of the anthropo - socio - cultural approach in financial law.

An analysis of the Russian budgetary and legal policy in modern conditions allows us to conclude that its individual aspects correspond to some of the principles of the welfare state and the principles operating in budgetary law. At the same time, the issues of the formation and implementation of a socially oriented budgetary and legal policy require further scientific research and implementation in practice. Directions for achieving the above policy are proposed. First, the fair distribution of funds from state and local budgets, including between various sectors of the national economy, spheres of public administration, public law entities. Secondly, stimulating the subjects of budgetary and other legal relations to responsible, and therefore socially significant, behavior. Third, the widespread use of budgetary and legal incentives of a social orientation, requiring consistent legislative improvement. These incentives include, for example, inter-budgetary subsidies, subsidies to individuals and legal entities, budget loans, maternity (family) capital. Fourth, further consideration of social factors by budgetary legislation.

It is proposed to consolidate in the Budget Code of the Russian Federation the requirement for compulsory financing of expenditure obligations in the social sphere (social obligations) in full. In addition, it is advisable to reconstruct in the budgetary legislation in the structure of budget expenditures the concept of protected items, which should include expenditures in the social sphere.

Chuchaev Alexander Ivanovich

STATE ANTI-DRUG POLICY STRATEGY: CURRENT IMPLEMENTATION ISSUES

No. 6, 2016

In the review dedicated to the scientific and practical conference "Topical issues of the implementation of the Strategy of the State Anti-Drug Policy", held

on March 3, 2016 at the Moscow State Law University named after O.E. Kutafin (Moscow State Law Academy), it is said about the main problems that were discussed by its participants: new drug threats ; international cooperation in countering illicit drug trafficking; improving the so-called anti-drug legislation; increasing the effectiveness of the National Comprehensive System for Rehabilitation and Resocialization of Drug Users; organization of drug treatment; public-state partnership as the basis for creating a system of comprehensive rehabilitation and resocialization of drug addicts, etc.