Vedeneev Yuri Alekseevich

LEGAL SCIENCE IN THE SYSTEM OF INTERDISCIPLINARY RELATIONS

№6, 201 7 g

The title of the article and the choice of the topic are inspired by the reading of the work of the Italian historian, culturologist and semiotics Umberto Eco "Absent structure" (M., 2004). The author of many texts on a wide variety of subjects from cooking to describing the daily life of individual communities of different historical eras is quite difficult to identify from the point of view of his scientific specialization. At the same time, texts are recognizable by some elusive properties determined by the presence of a certain common but invisible structure of understanding and perceiving reality - its internal concept or attitude. Around this phenomenon, the logic and content of the objects under study are built.

What does this have to do with understanding the logic of constructing systems of traditional and modern knowledge, including legal? In my opinion, the most direct. Legal knowledge is an organic part of legal reality. Its movement is determined by its own self-organization processes, which are very far from those divisions into disciplines and professions in which it was invested by the scientific and educational communities of specific eras and cultures that ensure the production and dissemination of knowledge based on the interests of its historical consumers.

Jurisprudence as a system of knowledge and a system of qualifications for scientific degrees is subject to different principles. Manifestations of this difference reveal themselves in the internal ability of legal knowledge to build various combinations of concepts and definitions at the intersection or outside the framework of formal disciplinary systems. The formation of interdisciplinary complexes of legal knowledge, such as sociology and anthropology of law, legal psychology, cultural-historical jurisprudence and other possible and conceivable combinations of objects, methods and languages for describing and explaining the phenomena of law and state, reflects and fixes this process. It is in them, in

contrast to the sanctioned differentiation of knowledge systems and professions, that a real picture of the formation, functioning and transition of social and legal institutions from one historical state to another is given, corresponding to the cultural meanings and needs of a particular society and time.

The presented material is an immodest attempt to answer the critical remarks about theoretical jurisprudence, which were expressed by Professor V.V. Lazarev in a number of articles for 2013–2015 .

Morozova Ludmila Alexandrovna

PROBLEMS OF TYPOLOGY OF LEGAL COLLISIONS (MODERN INTERPRETATION)

No. 5, 2017

The author substantiates the need to expand and supplement the classification of legal collisions generally accepted in the theory of state and law. This is due to the complication of social relations, which are the subject of legal regulation, as well as the processes of differentiation and integration in law. The article supports the consideration of collisions at two basic levels: 1) substantive and substantive and 2) legal form (internal and external). Arguments are given in favor of the distribution of collisions according to these criteria. Specific examples from the current legislation confirm the indicated gradation. Meanwhile, certain types of legal collisions of a sectoral nature are not covered by the existing classification. It is noted that domestic jurisprudence most often draws attention to the difference in the content of legal regulation of objects, forms, etc. However, contradictions are ignored for the purposes of legal regulation, in values, principles, i.e. conflicts of legal ideology embedded in individual legal provisions. Special attention is paid to the resolution of conflicts in the field of criminal legislation, which is very specific. One of the difficult problems in the field of resolving legal conflicts is overcoming the contradictions between national and international law. Such collisions have not so much legal as

political content. Hence the difficulty of choosing priorities when resolving these collisions. Revision of the typology of legal conflicts will entail a change in the methods of their resolution, in particular, it will make it possible to distinguish between conflicts of law and their competition

Kuzmin Igor Alexandrovich

SPECIFICITY OF PUBLIC LEGAL RESPONSIBILITY

No. 6, 2017

In modern conditions of the development of legal reality, the international legal and national legal systems need proper protection by the law enforcement system, the main instrument of which is legal responsibility. The protection of the interests of society and the state is ensured by a whole range of measures of legal responsibility, united by a common type - public legal responsibility. The ambiguity in understanding the category of "public liability" causes uncertainty in understanding its legal nature and content, both in theory and in practice. The article substantiates the need to separate public legal responsibility, based on the needs of deepening knowledge about public law, ensuring full protection of the interests of the state and society, systematizing and increasing the effectiveness of this legal category in all its manifestations, as well as taking into account the importance of improving the legal quality and practical orientation acts of official interpretation of the relevant norms. Based on the study of the complex of domestic doctrinal and law enforcement (judicial) positions, the basic features of public legal responsibility were identified. The purpose of establishing and applying public law responsibility is to protect the legitimate interests of the state and society by ensuring the operation of the norms of public law. The scope of public law liability is limited to social relations in which the public interest is affected, and which may be associated with the exercise of both public and private rights. The main forms of manifestation of public legal responsibility are constitutional legal, criminal and administrative legal responsibility, and

discussions arise about other forms of responsibility. The official consolidation of public law responsibility finds itself in the norms of public law and depends on the belonging of responsibility to certain branches of national law or to the international legal system. The factual basis for public liability is a public offense, which must be based on the fault of the violator of the law and have a full composition. Potential subjects of public legal responsibility are collective and individual subjects of law. The implementation of public legal responsibility is possible in a compulsory and voluntary form, and the features of the mechanism (procedure) for its imposition depend on the type of responsibility and on the body applying the appropriate sanctions. The highest courts of Russia in various (unrelated) acts set out general rules for imposing public liability. Based on the results of the study, the author formulated the final conclusions.

Shefel Sergey Viktorovich

ECOSOPHICAL CONCEPTUALIZATION OF THE PROCESS OF FORMATION OF PERSONALITY AS A SUBJECT OF HARMONIZING LEGAL RELATIONS IN THE ECOSPHERE

No. 6, 2017

In the context of the deployment of the process of establishing legal Russian statehood in the face of global environmental challenges of our time, the problem of the formation of the personality as a subject of harmonization of legal relations in the ecosphere is objectively actualized . Along with the developments available on this issue, it is proposed to consider it from an ecosophical point of view. In this regard, the author comes to the following conclusions.

The necessity of greening the legal consciousness of the citizens of the Russian Federation is substantiated . This presupposes the creation of a system of their eco-legal education, which will make it possible to form in our country a generation of creators of not only legal but also environmental statehood. It will become the basis of domestic "social capital" as a resource for a new post-

industrial quality of life for Russians. In this regard, in the context of the implementation of the strategy of socio-economic and environmental development of the Russian Federation in order to ensure its sustainable development, one cannot do without taking into account the following factors: when forming plans for the socio-economic development of the country, it is necessary to consistently observe the principle of greening the activities of economic entities, which, in turn, which involves the introduction of innovative "green" technologies in the economy at the level of its management and the practical implementation of energy-saving technologies and the transition to the priority use of renewable sources of natural resources along with a decrease in the share of non- renewable natural resources; adherence in lawmaking and law enforcement to the principle of supremacy, priority of environmental legislation over natural resource legislation and the norms of other sectoral normative legal acts regulating subject-object legal relations in the ecosphere ; competent authorities coordinated by the Russian Ministry of Justice to organize legal literacy accentuated attention to be paid to ensuring a qualified explanation pravovospitatelnym personnel asset standards of environmental and natural resource rights in their relationship a priority; for the qualified implementation of such pravovospitatelnoy work should be reviewed in line with these priorities, the content of training programs of legal education, especially at the level of the senior classes of secondary schools and secondary vocational education, on a large scale covering educational influence youth contingent and accordingly adjust the legal training of future and acting pedagogical staff, professionally providing the teaching of courses "Fundamentals of Legal Knowledge" and other educational legal and environmental courses of disciplines.

Khromov Evgeny Vladilenovich

INVOLVEMENT IN ADMINISTRATIVE LIABILITY OF PERSONS WITH SPECIAL LEGAL STATUS

No. 6, 2017

The paper examines the legal acts regulating the procedure for bringing persons with a special legal status to administrative responsibility. A system of classification of persons performing certain state functions, based on the procedure for bringing to administrative responsibility, has been proposed. The disadvantages of legal regulation of the institution of bringing to administrative responsibility persons with a special legal status are shown. The procedure for assigning administrative punishment to the Commissioner for Human Rights of the Russian Federation, to persons registered as candidates for deputies of the State Duma of the Russian Federation, legislative (representative) authorities of the constituent entity of the Russian Federation and local self-government; candidates for the office of President of the Russian Federation, top official of a constituent entity of the Russian Federation, elective office of a local government body; voting members of the Central Election Commission, election commissions and referendum commissions, judges, prosecutors and other persons.

It is recommended to systematize the relevant norms governing the institution of bringing persons with a special legal status to administrative responsibility in order to eliminate contradictions and fill existing gaps.

Kireev Valery Vitalievich

Mayorov Vladimir Ivanovich

STRATEGY OF CONSTITUTIONAL DEVELOPMENT OF MODERN RUSSIA (VALUES, GOALS, RISKS)

No. 6, 2017

The dynamics and content of processes related to global issues of the world order make us think about the strategy of Russia's development in the conditions of the formation of a multipolar world and the policy of “containment” applied to it by the United States and its allies. It is known that the Constitution of the Russian Federation is the main strategic document performing various functions , the

political and other significance of which can hardly be overestimated. Determining the vector of Russia's constitutional development involves discussing and assessing the compliance of the content of the Constitution of the Russian Federation with modern challenges. Moreover, in the context of the crisis of international law, the development of the constitutional principles of foreign policy is of no small importance, which makes it possible to concretize information about the foundations of Russia's international activity for other states - participants in global processes, to play a unifying role on the basis of common interstate foreign policy values. The existing situation is aggravated by the fact that during the development and adoption of the current Constitution, Russia acted as a recipient of those values of the Western countries, which the United States and its allies have repeatedly neglected in relation to other states. At the same time, the necessity and possibility of reforming the Constitution of the Russian Federation cannot be assessed in a simplistic way. For this reason, there is a need for analysis and those risks of destabilization that may arise when attempts are made to change the Basic Law on a large scale; it is necessary to evaluate it as a document expressing strategic goals and priorities, a correlation with other documents establishing approaches to organizing strategic planning, a national security strategy in force. In Russian federation. Based on this position, the article examines the issues of the constitutional development of modern Russia from the standpoint of strategic planning, characterizes the problems of reforming the Constitution of the Russian Federation during the reformatting of international relations, defines the constitutional value approach to the formation of a multipolar world, and the role of domestic constitutionalism in the development of a democratic multipolar system, studies the possibilities of strategic planning in the field of constitutional development, taking into account the goals associated with national interests, analyzes the risks associated with the development and implementation of the strategy of constitutional development.

Krylov Konstantin Davydovich

FEDERAL LEGISLATIVE REGULATION OF THE SPHERE OF LABOR

No. 6, 2017

The article highlights the innovations of the Russian labor legislation and other acts regulating the sphere of labor . Changes in legislation and the practice of its application in 2016 are shown as a result of a reasonable and coordinated provision of the interests of the parties to labor relations and the state. Legislative innovations are reflected regarding the expansion of legal regulation of employment promotion, new chapters of the Labor Code of the Russian Federation, changes in the concepts of labor relations and an employment contract, the introduction of professional standards and independent assessment of qualifications, the introduction of international norms on part-time work, an increase in guarantees of fair wages and increased responsibility for its delay, additions to the procedure for investigating accidents, improving social partnership. Particular attention is paid to the expanding direction of the state policy in the field of promoting employment of the population, carried out by creating conditions for the development of non-governmental organizations carrying out activities to promote the employment of citizens and (or) the selection of workers, including private employment agencies, as well as for interaction and cooperation of such organizations with the bodies of the employment service. New areas of legislative regulation were relations on the provision of labor of employees (personnel) to third parties, labor relations in micro-enterprises , relations regarding the implementation of professional standards and the introduction of an independent assessment of qualifications. The priorities of cooperation between the Russian Federation and the International Labor Organization for improving the legal regulation of social and labor relations are indicated. The importance for the further improvement of labor legislation planned for the development and adoption of a new General Agreement between all-Russian associations of trade unions, all-Russian associations of employers and the

Government of the Russian Federation for 2017-2019 and the new Program of Cooperation between the Russian Federation and the International Labor Organization for 2017-2020 was noted.

Mikhailov Valentin Ivanovich

COMMERCIAL Bribery: DIRECTIONS OF LEGISLATION DEVELOPMENT

No. 6, 2017

The article deals with the main stages of the Criminal Code amendments in part, Ka sayuscheysya responsibility for commercial bribery and bribery, in 2011, 2014 and 2016 The analysis of these adjustments with reference to the Su- Debney Statistics provided data on their performance.

It is shown that the changes that were made to the Criminal Code, based on the results of the study practice, relevant sociological dan- GOVERNMENTAL , "were linked" with the provisions of other federal laws. So, under Art. 9 of the Federal Law of December 25, 2008 No. 273-FZ "On Combating Corruption" the obligation of state and municipal employees to notify about appeals in order to induce the commission of corruption offenses, reinforced by the notes to Art. 291 and 2911 of the Criminal Code for exemption from criminal responsibility STI only with the active cooperation with the investigation sformi- ment framework cooperation motivation of perpetrators transgress-tion , with law enforcement agencies in conducting operational Me-events gathered and investigation in order to identify the bribe-giver, taker and other persons involved in the crime.

In 2015, 7453 employees were notified of an offer to give a bribe (an increase of 14% compared to 2014). As a result of these notifications, 3,660 catch cases were initiated (compared to 2014, an increase of 27%), 2489 people were prosecuted (an increase of 22% compared to 2014).

Inclusion in the Criminal Code of the Russian Federation by the Federal Law of July 3, 2016 No. 324-FZ "On Amendments to the Criminal Code of the Russian Federation and the Criminal Procedure Code of the Russian Federation" of two new compositions providing for liability for "petty commercial bribery" and “Small bribes” (Articles 2042 and 2912 of the Criminal Code), and referring the investigation of these crimes to the powers of interrogators, should orient the operational divisions and investigative bodies to fight against high-risk cases of giving bribes on a large, especially large scale, by organized groups.

It is suggested that, taking into account the provisions of the anti-corruption conventions of the UN, OECD and GRECO, the Criminal Code of Russia can be supplemented with provisions on criminal liability for the promise and offer of commercial bribery and bribery. Based on the analysis of the provisions of international anti-corruption conventions and the legislation of some countries, it was proposed under the promise of commercial bribery or bribery to mean reaching an agreement between the briber and the bribe taker on the transfer (giving) and, accordingly, receiving a commercial bribery or bribe, and under the offer bribes - deliberate actions (inaction) of a person directly aimed at realizing the intention to transfer the subject of commercial bribery or bribery, if the transfer was not actually carried out due to circumstances beyond the control of this person.

Oreshkina Tatiana Yurievna

CHAPTER OF THE CRIMINAL CODE OF THE RUSSIAN FEDERATION ON CIRCUMSTANCES EXCLUDING THE CRIMINAL ACTIVITY: PROBLEMS OF FORMATION

No. 6, 2017

The decision to turn to this topic came to the author after reading the article by A.I. Sitnikova, dedicated to the model of the chapter on these circumstances, since a number of the provisions formulated in it are debatable. This article analyzes the approaches to the concept of the model chapter of the Criminal Code

of the Russian Federation on the circumstances precluding the criminality of the act, which were expressed in the special literature by various authors who presented a wide range of opinions on several important aspects, among them: the title of the chapter, the need to include new norms in it, improvement editions of currently existing articles included in Chapter 8 of the Criminal Code of the Russian Federation. The author's assessment of the considered positions is given. It is noted that the doctrine rarely touched upon the issue of the need to exclude certain regulations from the chapter of the criminal law under consideration.

The article presents the author's concept of the chapter under consideration, touching upon the following range of issues: clarifying the title of the chapter by shifting the emphasis from the circumstances to the lawful act and permitted harm; general signs of acts causing harm permitted by the criminal law; lack of consistency in building the institution of permitted harm; the need for exclusion from Ch. 8 of the Criminal Code of the Russian Federation of irresistible physical coercion and execution of orders that do not correspond to general signs of socially useful or socially acceptable behavior; the desirability of supplementing the chapter with new circumstances (the execution of the law, the consent of the person, coercion to act, being among the accomplices of the crime on a special assignment); characteristics of the proposed types of permitted harm; shortcomings of the current edition of Art. 38, 39, 41 of the Criminal Code of the Russian Federation and ways to overcome them.

Poduzova Ekaterina Borisovna

FRAMEWORK CONTRACT (OPEN CONTRACT): THE FIRST OUTCOMES OF THE CIVIL LAW REFORM

No. 6, 2017

In the article, on the basis of modern civil legislation, civil law doctrine and law enforcement practice, a study of the structure of a framework contract (a contract with open terms) is carried out in the light of the reform of civil law and

legislation. The legal nature of the framework agreement (agreement with open terms) is analyzed, the dual legal nature of this construction is revealed, it is proposed to amend the current civil legislation. The article deals with the current law enforcement practice regarding the problems of qualifying an agreement as a framework (agreement with open terms), determining its content. The author concludes in relation to a number of cases of incorrect interpretation of the legal nature and determination of the content of this agreement.

In a comparative aspect, the constitutive features of the constructions of a contract with open terms and a framework contract, used in the Anglo-Saxon system of law, are revealed. The application of the concept of counter-granting to the specified Russian and Anglo-Saxon structures is considered. The consequences of qualifying such agreements as agreements without counter submission have been determined. The article examines certain types of a framework agreement in various fields of activity, in particular, an agreement on the organization of cargo transportation, a special (general) framework agreement on the opening of a credit line, an agreement on the opening of an irrevocable credit line. Their legal nature and content are considered. Various doctrinal approaches to these debatable issues are investigated, regulations and law enforcement practice are analyzed.

A comparison of two constructions is carried out - a special (general) framework agreement on the opening of a credit line and an agreement on the opening of an irrevocable credit line. As comparative criteria, in particular, the criteria of the subject composition, content, application of methods of ensuring the fulfillment of obligations were used.

The legal nature of the agreement on the opening of an irrevocable credit line is considered. The author draws a conclusion about the mixed legal nature of the agreement on the opening of an irrevocable credit line.

The relationship between an agreement on the opening of an irrevocable credit line and an option agreement was investigated, their constitutive features, similarities and differences were revealed.

Ivakin Valery Nikolaevich

REPRESENTATION IN ADMINISTRATIVE COURT PROCEEDINGS

No. 6, 2017

Legal representation is a traditional institution of procedural law. The question of its legal nature is debatable. In the science of civil and arbitration procedural law, two main areas have been identified - the “concept of legal relationship” and “the concept of action”. At the same time, the author, as a result of the analysis, gives preference to the definition of judicial representation, including in administrative cases, as a procedural activity. As the novelties of the CAS RF, which are of a positive nature, an expansion is noted in comparison with the earlier version of the Code of Civil Procedure of the Russian Federation of the range of cases when the court may recognize as mandatory the participation in the court session of representatives of a body, organization, person endowed with state or other public powers, as well as the presence in the CAS RF of a norm according to which persons assisting in the administration of justice in an administrative case cannot be representatives of the persons participating in this case. At the same time, the norm of Part 1 of Art. 55 of the CAS RF, according to which only persons with a higher legal education can be representatives in an administrative court, which significantly limits the possibilities of protecting the rights of citizens and organizations in this category of cases. At the same time, in the absence of any clause in part 1 of article 55 of the CAS RF, the said Code contains a number of norms that still allow to conduct administrative cases for persons who do not have a higher legal education listed in this article, as a result of which is the occurrence of numerous collisions. Not taken into account, moreover, that in accordance with the current legislation on advocacy and the legal profession, advocates can also be persons who do not have a higher legal education, but who have an academic degree in a legal specialty. The remark is contained in part 1 of Art. 54 of the CAS RF, the wording "Personal participation in an administrative case of a citizen does

not deprive him of the right to have a representative in this case," since there can be no citizen who is not personally involved in the case. There are many such shortcomings in the chapter on the representation of the new Code , and they require their elimination in the future .

Karagodin Valery Nikolaevich

Kazakov Alexander Alekseevich

TACTICAL, ORGANIZATIONAL AND PROCEDURAL PROBLEMS OF PRE - TRIAL PROCEEDINGS ON THE FACTS OF CRIMES COMMITTED AGAINST MINORS

No. 6, 2017

The article examines the difficulties that arise during the verification of reports of criminal acts infringing on the interests of minors, as well as their investigation. Such difficulties are due to the personality traits of the victims, primarily the level of psychophysiological and social development. The specificity of behavior and living conditions of persons under the age of 18, inextricably linked with them, predetermine the objective signs of the crime being committed , including its method.

These circumstances must be taken into account when developing recommendations for the disclosure and investigation of this group of acts. It is necessary to draw the attention of practitioners to the need to search, seize and study material traces that are formed not only at the time of the crime, but also before and after the subject has performed actions directly aimed at causing harm to the victim.

With regard to the proceedings under consideration, a special role is played by obtaining explanations from a minor victim and his interrogation, which are important means of collecting evidentiary information. However, when preparing and carrying out these procedural actions, it is necessary to take into account the

fact that such a person is likely to be in a traumatic situation. Therefore, preliminary diagnostics of the minor's condition is important.

As part of the pre-investigation check to determine the victim's ability to correctly perceive the circumstances of the incident, as well as to testify about them, it is advisable to involve a specialist-psychologist who will prepare the material necessary in the future for the appointment of a forensic psychological or psychological-psychiatric examination. Its production, depending on the situation, may be relevant both before the initiation of a criminal case, and after the issuance of a decision on this.

Experts should answer the question about the possibility of the victim of a criminal act participating in the conduct of procedural actions, including the admissibility of repeated interrogation. If the answer is negative, such interrogation should be excluded, despite the “conventional” right of the suspect (accused) to challenge the evidence against him. Priority should be given to the public interest in the mental health of a minor. In turn, the guilt of the alleged subject of the crime must be substantiated by the totality of evidence.

In connection with the exercise of the right of the suspect (accused) to defense, it is reasonable to provide for the introduction of compulsory audio and video recording of the interrogation of a minor victim and witness.

In general, it seems necessary to include a separate chapter in the Code of Criminal Procedure of the Russian Federation devoted to criminal proceedings concerning crimes committed against minors.

Blagov Evgeny Vladimirovich

SYMPTOMS OF A CRIME: TRADITION AND REALITY

No. 6, 2017

Despite the importance of corpus delicti for criminal law, some aspects of its understanding remain in an embryonic state. Today, signs of corpus delicti are traditionally those that were identified at the dawn of the formation of the doctrine

of corpus delicti. However, the Special Part of the current criminal legislation reflects such features that do not fit into the traditional scheme. The article defines their nature. Some of them are not recognized as signs of corpus delicti. At the same time, it is concluded that indications of the possibility (threat) of causing harm (the onset of consequences), as well as challenging the relevant actions, must be excluded from the Criminal Code; interest and motives must be replaced by the motive of the crime, and reliable publicity must be replaced by knowingness . Other signs contained in the Special Part of the Criminal Legislation are recognized as belonging to the corpus delicti. These include signs such as knowingness , awareness and premeditation. The work reveals their content. At the same time, it is indicated that awareness is present in the Special part of the criminal legislation due to the lack of reflection of mental activity in relation to the corresponding features that are not related to the subjective side of the crime in the General part.

Lipkina Nadezhda Nikolaevna

Responsibility to prevent violations of human rights: on the emergence of a new intersectoral principle of modern international law

No. 6, 2017

Recently, the issues of preventing human rights violations have attracted close attention of the world community. A detailed study in the practice of international human rights bodies of the main parameters of the general international obligation of the state to prevent violations of human rights, as well as interstate discussions on the development of a concept of responsibility to prevent violations of human rights indicate the formation in modern international law of a new principle of the same name - the principle of responsibility to prevent violations of rights person. The purpose of this article is to study the legal consolidation, content and legal nature of this principle. To achieve this goal, Article 1) identifies and analyzes the main parameters of the international

obligation of the state to prevent violations of human rights and freedoms in such branches of international law as international human rights law, international criminal law and international law of armed conflicts; 2) through a comparative legal analysis of international treaties and the practice of international bodies, the intersectoral and generally recognized nature of the considered emerging principle of international law is substantiated; and 3) an analysis of the main controversial points of the discussions held within the framework of international bodies on the development of the content of the concept of responsibility to prevent violations of human rights and freedoms is carried out. The result of this study is the conclusion that it is necessary to codify norms on the prevention of human rights violations in modern international law, based, in particular, on the generalization of the relevant international practice, which has sufficient uniformity to recognize the fact of the emergence of a new intersectoral principle of modern international law - the principle of responsibility to prevent violations of rights person.

Irkhin Igor Valerievich

CONSTITUTIONAL STATUS OF THE OVERCOME TERRITORIES OF GREAT BRITAIN AND NORTHERN IRELAND (ON THE EXAMPLE OF THE SOVEREIGN ZONES OF AKROTIRI AND DECKELIA)

No. 6, 2017

The article provides a general constitutional description of the status of the British overseas territories. The directions of interaction between Great Britain and overseas territories are outlined. The author argues for the position on the variability and nominal value of the partnership between Great Britain and the Overseas Territories, postulated in the White Paper. The example of the overseas territories of Great Britain illustrates that partnership has a pronounced asymmetric diversified nature, manifested in the aspect of fundamentally different approaches to organizing and implementing interaction between the UK and the overseas territories. In addition, within the framework of the partnership, interaction

(cooperation) is not expected on the basis of the presumed independence of the status of the parties involved in it in order to achieve mutually beneficial goals.

In developing the thesis on the nominal nature of the partnership, it is emphasized that the category of sovereignty of the Kingdom, which in the White Book of the Overseas Territories qualifies as a basis for partnership, excludes the independence of the overseas territories, since sovereignty absorbs partnership relations, leveling its qualitative characteristics.

Based on the analysis of the 1960 Founding Agreement of Cyprus and the Order in the Council of the Kingdom of 1960, the constitutional status of the sovereign zones of Akrotiri and Dhekelia as an overseas territory of Great Britain was considered.

It is noted that the existence and recognition of the British enclave is reflected at the constitutional level of the Republic of Cyprus. In the context of the normatively conditioned indisputability of the actions of the sovereign regime of the Kingdom and the actual futility of raising questions about the liberation of the territory, the provisions of the White Book of the Overseas Territories of Great Britain 2012 are analyzed.

Based on a comparative legal analysis of the constitutional status of other British military bases in terms of their administration by the British authorities, it is emphasized that the decision of the issue of the supervising agency (the Ministry of Defense or the Ministry of Foreign Affairs) depends on geopolitical interests, the organization of effective management of territories, and not only on their military orientation. It is indicated that the Order in the Council on the sovereign zones of Akrotiri and Dhekelia is conditioned by the specifics of the conditions and procedure for the targeted use of the territory. The parameters of the constitutional status of the administrator of the overseas territory are considered. The article analyzes the constitutional plots that regulate the "guidelines" for the implementation of his legislative functions.

In conclusion, it is concluded that the Akrotiri and Dhekelia districts are an administrative-territorial unit within the United Kingdom, which is subject to a centralized government regime.

Loginov Alexander Vladimirovich

THE SYSTEM OF RETURN IN THE GOMERIAN SOCIETY AS A SOCIAL INSTITUTE IN THE EPOCH BEFORE THE FORMATION OF ANCIENT GREEK POLIS

No. 6, 2017

The article discusses the meaning of Homeric terms associated with retaliation. The process of retribution is denoted by the verbs τίνω / τίνομ αι, ἀπ οτίνω / ἀπ οτίνομ αι, τίνυμ αι, ἐξ απ οτίνω , ἀπ οτίνυμ αι and the noun τίσις . Unlike τίσις π οινή in the Homeric epic, it does not denote a process, but the result of retribution. Ποινή can represent the murder of the abuser or the payment of a ransom. The concept of τιμή is associated with retribution in the Homeric epic . It is the concern for τιμή that makes the hero take revenge. Ἄπ οιν α, although derived from π οινή , is not associated with revenge in the Homeric epic. As ὕβ ρις , that is, a crime against the gods, the reason for revenge is indicated. The reason for revenge associated with the hero's honor is λώ βη - resentment. The goal of revenge in the Homeric epic is declared to be the restoration of " good law " - εὐνομίη . Vengeance is not assessed negatively in the epic.

The paper also presents the results of a study of methods of retribution in the world of Homeric poems. There are seven ways of retribution to the offender: 1) compositions, 2) exile, 3) imprisonment, 4) blood feud, 5) divine retribution, 6) revenge on the battlefield for a comrade or relative who was killed in battle, 7) reprisal against a person more low social status. Compositions, exile, imprisonment, as forms of blood vengeance, in the epic oppose blood feud, which ends with the murder of the offender. The revenge of the gods in Homer's poems is

actually a projection of human practice into the world of the gods. Revenge on the battlefield differs from blood feud both in the status of actors (they can take revenge for comrades who are not relatives) and in the conditions in which it is carried out. If compositions, exile, imprisonment, blood feud, divine retribution, revenge on the battlefield can be considered as types of revenge, i.e. retaliation, in which both the actor and the subject have approximately equal social status, then reprisal against a person of lower social status (most often, a slave) cannot be regarded as revenge.

The author also studied the relationship between courts and private retribution in Homeric society. Legal proceedings and private retaliation are described using different terms. In Homeric society, the courts do not interfere with the realm of retaliation.