**Syrykh Vladimir Mikhailovich**

**PROBLEMS OF HARMONIZING POSITIVE ISOCIAL (PREPOSITIVE) PRIVATE LAW**

**No. 7, 2017**

Positive law, according to the materialistic theory of law, is capable of acting as a valid law not in any act of manifestation of law-making will, but only where and insofar as it corresponds to the universal principles of objective law: interconnection, equality, equivalence, free will. These principles in their totality form the essence of the legal form of the historically first economic relationship of exchange and all modern production, distribution and consumer economic relations.

Modern law, like law at all stages of historical development preceding it, is valid, provided that it has all the essential features of the legal form of economic relations. Otherwise , positive private law is a transformed form of law. Society, its members refuse to comply with any law, which is a transformed form of law that prevents them from satisfying their interests and create new legal norms.

The norms of law created by society form a pre-positive law - a set of norms of valid private law, formed in order to fill the gaps in the current legislation and implemented in specific legal relations until the moment these norms are consolidated with positive law. In order to democratize the legislative process in every possible way and accelerate the transfer of the norms of prepositive law into positive, in our opinion, it is necessary to significantly expand the institutions of direct democracy, to create appropriate conditions for the people themselves to determine their own system, law and order and ways of further development of civil society and building a rule of law.

**Kuzmin Igor Alexandrovich**

**PUBLIC LEGAL RESPONSIBILITY (DOCTRINAL AND LEGAL POSITIONS)**

**No. 7, 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 responsibility 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; 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 legal responsibility. Based on the results of the study, the author formulated the final conclusions.

**Isaev Igor Andreevich**

**"STATE IN STATE": GENESIS AND STRUCTURE OF AN IMAGINED POLITICAL SPACE**

**No. 7, 2017**

The article examines an important aspect of political and legal theory - the genesis and structural features of hypothetical or imaginary forms of state and law. On the basis of historical material, generalizations are made concerning the issues of both evolutionary and mutational development of political and legal forms. The Aristotelian retrospective of state and legal transformations was replaced by the theory of the "two cities" of Augustine, which played an important role in the political doctrines of the Middle Ages.

Mixing political forms seemed to be the most optimal method for forming an ideal model of statehood. In the XVIII –XIX centuries. a stable idea of an "absolute" political space was formed, within which a special form was ripening - national statehood.

A long historical path that the political (state) form has traveled in its development, laying the foundations for many varieties and aspects, both political and legal, and for the formation of modern state formations.

Much attention is paid to the analysis of two important principles of state organization: the principle of identity and the principle of representation.

Legal ideas and institutions, which filled these largely imaginary spaces, gave them an essential element of reality. Even in the conditions of revolutionary changes, when the old state form was withering away, the law remained a formative element. Ideal models of state forms, which often turned into political

and ideological utopias, required for their implementation the rule of law and normalization , which continued to exist after the disappearance of the political environment that gave rise to them.

**Sokolskaya Lyudmila Viktorovna**

**GENETIC CODE OF LEGAL CULTURE OF SOCIETY**

**No. 7, 2017**

In the article, a special theoretical construct is introduced into scientific circulation - the genetic code of legal culture. Based on the work of scientists, philosophers, sociologists, anthropologists, the author reveals the legal culture of society as a multi-level integral developing system that has a unique genetic code. The genetic code of legal culture is presented in the form of a DNA molecule, in which natural (biological) and cultural (worldview) universals are intertwined, linked together by various ways of thinking. The first component enshrines universal principles and ideals that ensure the survival and improvement of mankind. No matter how different the legal cultures of different societies, however, the preservation and transmission from generation to generation of these universal principles and ideals (mutual assistance, self-preservation, the communal nature of life, caring for offspring, the need for communication, self-regulation , etc.) predetermines the commonality of the cultures of different societies and their development in the general stream of human history. Cultural (worldview) universals are determined by the social nature of a person. They include not only socially conscious phenomena (legal traditions, values, rituals, ceremonies, ceremonies, methods of education, legal relations, patterns of behavior, etc.), but also socially unconscious (behavioral reactions: gestures, manner of communication, etc. .). The biological and social nature of the human community is linked in a harmonious unity by various types of thinking and activity. Legal thinking is a way of cognition, expression (articulation) and understanding (attitude) of legal reality. This process of meaning formation or understanding of

law takes place in the unity of various types (methods) of mastering social reality - sensory, intuitive and rational. With the help of awareness and acquisition of meanings, biological universals are "transformed" into cultural universals, which is reflected in the language and mentality of the people. The presence of the gene code in the right culture of society explains their discreteness and structural and functional unity, reveals the unity (natural universals) and uniqueness (worldview universals). As a result of the analysis, the author of the article comes to the conclusion that with the help of the genetic code it is possible to substantiate the typological uniqueness of the legal culture of society in the global cultural space.

**Fedotova Yulia Grigorievna**

**PARTICIPATION OF CITIZENS IN PROVIDING COUNTRY DEFENSE AND STATE SECURITY**

**No. 7, 2017**

The article formulates the concept of citizens' participation in ensuring the country's defense and state security in the Russian Federation. The content of modern military threats to the security of the state is analyzed, the patterns of the legal institution under consideration are revealed, on the basis of which the directions of the development of the powers of state bodies in the field of attracting citizens to participate in ensuring the country's defense and state security are determined and the legal status of the individual as the subject of these legal relations is characterized. According to the author, the participation of citizens in ensuring the defense of the country and the security of the state is the highest form of democracy, which determines the existence of the state and state power, regardless of the form of government and political regime. The concept of citizens' participation in ensuring the country's defense and state security must comply with the requirements of a democratic, legal and social state, as well as the protection of democratic institutions, such as elections, public initiative, from destructive influence. The participation of citizens in ensuring the defense of the country and

the security of the state is based, firstly, on the implementation of the duty and obligation to protect the Fatherland based on patriotic convictions and, secondly, the need to protect against massive and gross violations of human and civil rights and freedoms, protection from aggression adversary, which determines the use of new forms and types of citizen participation in ensuring the country's defense and state security in accordance with the dynamics of public relations and military threats, and a change in the nature of military conflicts. Involving citizens to participate in ensuring the country's defense and state security involves the use of legal means of restricting human and civil rights and freedoms and strengthening the control function of authorized bodies. A citizen, as a participant in legal relations to ensure the defense of the country and the security of the state, is endowed with appropriate rights and obligations, which gives rise to the application of a set of legal means of restrictions, the highest in the hierarchy of which is the empowerment, which involves the introduction of duties, restrictions on the limits of the exercise of rights, the establishment of control, measures of responsibility and ways to protect rights and freedoms.

**Tsypkina Irina Sergeevna**

**RULES OF THE PLENUM OF THE SUPREME COURT OF THE RUSSIAN FEDERATION: OUTSTANDING ISSUES OF LABOR LEGISLATION**

**No. 7, 2017**

The article provides a comparative analysis of some of the invalid and currently valid decisions of the Plenum of the Supreme Court of the Russian Federation on the application of labor legislation, in particular, it examines controversial issues arising in law enforcement practice in connection with the termination of an employment contract at the initiative of the employee and the employer. The current resolutions of the Plenum of the Supreme Court of the Russian Federation express two virtually different approaches to the issue of the

date of dismissal of an employee in the event of an organization's liquidation. It seems that the date of dismissal of employees should coincide with the date of approval of the interim balance sheet. Certain difficulties are raised by questions related to the failure of the employer to comply with the deadlines provided for in the Labor Code of the Russian Federation in relation to warning the employee about the upcoming termination of the employment contract (two months for dismissal to reduce the number or staff and three days in case of expiration of the employment contract).

The article examines the controversial judicial practice on the recognition of absenteeism of the absence of an employee at work for more than four hours in a row, analyzes the advantages and disadvantages of clauses 20 (concerning the termination of an employment contract on the initiative of an employee), 35 and 39 (clarifying the procedure for terminating an employment contract for wrongdoing by an employee labor duties) of the Resolution of the Plenum of the Supreme Court of the Russian Federation of March 17, 2004 No. 2, as well as issues related to the material responsibility of the employee for damage caused to the employer not in the performance of labor duties. The problem is whether it is legitimate to recover damages from the employee in this case according to the norms of civil law. Earlier this issue was resolved in the resolution of the Plenum of the Supreme Court of the USSR dated September 23, 1987 No. 8.

The publication indicates that a new chapter of the Labor Code of the Russian Federation requires immediate clarification, concerning the features of the regulation of the labor of workers sent temporarily by the employer to other individuals or legal entities under an agreement on the provision of labor (personnel).

**Dudikov Mikhail Vladimirovich**

**CONTENT OF PUBLIC INTERESTS IN MINING LAW**

**No. 7, 2017**

In Art. 15 of the Law of the Russian Federation "On Subsoil" indicates social, economic and environmental interests, but the legislation does not define their content. The paper offers definitions of their content, taking into account the specifics of subsoil use.

The construction of public interests as economic, social and environmental categories contains internal contradictions. The priority of the revealed contradiction is proposed to resolve the benefit of the state's benefits, which can compensate for the unfavorable environmental and social consequences as a result of the provision of subsoil for use. This priority should be enshrined in the legislation of the Russian Federation on mineral resources.

**Alexey Staritsyn**

**Denis Eremeev**

**PROSPECTS FOR IMPROVING ADMINISTRATIVE LEGAL PROCEEDINGS IN RUSSIA**

**No. 7, 2017**

The article analyzes the main scientific approaches to the problem of a wasp - schestvleniya Administrative Justice (Administrative sudoproizvod-tion ) in the Russian Federation. With the entry into force of the Code of Administrative Proceedings of the Russian Federation, a new branch of law was actually formed with an inherent special subject and method of legal regulation. At the same time, the analysis of a number of scientific works made it possible to conclude that the current administrative procedural legislation mainly consists of procedural norms borrowed from civil court proceedings . In addition, based on a study of the experience of becoming and carried schestvleniya administrative justice in the Republic of Crimea in the period of its entry into the Ukraine, as well as the study of scientific papers containing statistics on the number under consideration by courts of general juris -diktsii cases covered currently by the rules the Code of administrative Proceedings of the Russian Federation conclude

netselesoobrazno- STI is currently creating in Russia a separate specialized Cu Stem administrative courts, while not excluding the possibility in the future present in the event of a change of social relations, the development of administrative -but procedural science, change of jurisdiction certain categories of cases, as well as courts of law enforcement results Following the example of Menen CAS RF return to the discussion of this issue. Noting the establishment by Russia in the administrative proceedings, it is believed that the formation of an independent science of the administrative process still require further research of theoretical problems in this area, an analysis of the practice of application of the existing administra - tive -protsessualnyh norms and subsequent amendments, and perfected-tweaked CAS Code.

**Paliy Victoria Vladimirovna**

**CRIME AND Misconduct: RELATIONSHIP PROBLEMS**

**No. 7, 2017**

The article examines the relationship between the concepts of "crime" and "misconduct", the properties of social danger of these phenomena. The conclusion is formulated that the difference between a misdemeanor and a crime lies, first of all, in the degree of their danger to society. The concept of misconduct is given, its types and characteristics are determined. Particular attention is paid to the study of the signs of a legal offense, since other offenses do not pose a social danger. An assessment of the opinions of scientists about the possibility of returning the category of criminal offenses to the domestic criminal legislation is given. The authors' point of view is criticized, according to which a misconduct occupies an "intermediate" position between a crime and an administrative offense. The result of the analysis of the norms of the criminal law, providing for crimes with administrative prejudice , also showed the inadmissibility of classifying such acts as criminal offenses. The article examines various positions of domestic lawyers on the possibility of expanding the scope of criminal law. The author supports the

opinion that it is necessary to consider criminal law in a “broad sense”, since the existence of administrative responsibility leads to the blurring of the boundaries of criminal repression and contradicts the practice of the European Court of Human Rights. In connection with the addition of the Criminal Code of the Russian Federation, Art. 2042 “petty commercial bribery” and Art. 2912 "petty bribery" substantiates the point of view of the inadmissibility of including crimes in the criminal law, in the name of which the legislator indicates the term "petty". Various options for dividing crimes into classes (categories) proposed in the legal literature are considered. Analysis of Art. 15 of the Criminal Code of the Russian Federation showed that the legislator does not classify acts for which the Criminal Code provides for a less severe punishment than imprisonment. It is concluded that it is necessary to distinguish in the Criminal Code of the Russian Federation the category of "crimes of the least gravity", which should be used to designate acts that are less harmful in nature and degree of public danger than crimes of minor gravity. The article shows the criminal-legal significance of a more detailed categorization of criminal acts depending on their severity.

**Marina Borisovna Kostrova**

**PARADOXES OF THE RUSSIAN CRIMINAL POLICY OF STRENGTHENING THE LIABILITY OF PERSONS WHO COMMIT A CRIME IN A STATE OF DRINKING**

**No. 7, 2017**

The subject of this study is the relationship between the declared goal-setting and the real results of the Russian criminal policy in 2009–2017. in terms of strengthening criminal responsibility and punishment of persons who have committed crimes in a state of intoxication. The legislative innovations in this direction and the practice of their implementation are analyzed and critically evaluated.

The general conclusion that the author comes to is disappointing: the criminal-political course announced by our state to strengthen criminal responsibility and punishment of persons who have committed crimes in a state of intoxication is characterized by a number of systemic shortcomings, which, taking into account the "contribution" of all forms of implementation of criminal policy - lawmaking, law enforcement and legal explanatory practice of the Constitutional and Supreme Courts of the Russian Federation - leads to paradoxical results, the main of which are the following.

1. The criminalization in 2014 of such an act as driving a power-driven vehicle by a person in a state of intoxication, which is, in fact, a tort of danger (Article 2641 of the Criminal Code), was carried out against the background of the decriminalization of more socially dangerous acts carried out since 2003 with from the point of view of the value of objects of criminal law protection, moreover, it gives a significant increase in the number of persons with a criminal record for minor crimes, which is not consistent with the trend of criminal policy in terms of its focus on reducing the number of persons with a criminal record for minor crimes, and also more socially dangerous.

2. The policy of “strengthening” is of a fragmentary nature, which is manifested in the establishment of the qualifying feature “committing a crime while intoxicated” (Article 264 of the Criminal Code) in only one corpus delicti, as a result equal and even more dangerous acts remain outside it.

3. Permitted by the criminal law and implemented in practice, the possibility of exemption from criminal liability on the grounds established by Art. 75 and 76 of the Criminal Code, persons who have committed crimes under Art. 264 and 2641 of the Criminal Code, negates the goal of increasing the criminal responsibility of persons who have committed crimes in a state of intoxication.

4. Introduction to Art. 63 of the Criminal Code of such an aggravating circumstance as “committing a crime while intoxicated” does not provide a large-scale real increase in punishment for persons who have committed crimes while intoxicated.

**Gyulumyan Vladimir Grigorievich**

**ADMINISTRATIVE RESPONSIBILITY IN RETROSPECTIVE AND PERSPECTIVE**

**No. 7, 2017**

The article examines the relationship between the concepts of "crime" and "misconduct", the properties of social danger of these phenomena. The conclusion is formulated that the difference between a misdemeanor and a crime lies, first of all, in the degree of their danger to society. The concept of misconduct is given, its types and characteristics are determined. Particular attention is paid to the study of the signs of a legal offense, since other offenses do not pose a social danger. An assessment of the opinions of scientists about the possibility of returning the category of criminal offenses to the domestic criminal legislation is given. The authors' point of view is criticized, according to which a misconduct occupies an "intermediate" position between a crime and an administrative offense. The result of the analysis of the norms of the criminal law, providing for crimes with administrative prejudice , also showed the inadmissibility of classifying such acts as criminal offenses. The article examines various positions of domestic lawyers on the possibility of expanding the scope of criminal law. The author supports the opinion that it is necessary to consider criminal law in a “broad sense”, since the existence of administrative responsibility leads to the blurring of the boundaries of criminal repression and contradicts the practice of the European Court of Human Rights. In connection with the addition of the Criminal Code of the Russian Federation, Art. 2042 “petty commercial bribery” and Art. 2912 "petty bribery" substantiates the point of view of the inadmissibility of including crimes in the criminal law, in the name of which the legislator indicates the term "petty". Various options for dividing crimes into classes (categories) proposed in the legal literature are considered. Analysis of Art. 15 of the Criminal Code of the Russian Federation showed that the legislator does not classify acts for which the

Criminal Code provides for a less severe punishment than imprisonment. It is concluded that it is necessary to distinguish in the Criminal Code of the Russian Federation the category of "crimes of the least gravity", which should be used to designate acts that are less harmful in nature and degree of public danger than crimes of minor gravity. The article shows the criminal-legal significance of a more detailed categorization of criminal acts depending on their severity.

**Danilenkov Alexey Vladimirovich**

## STATE SOVEREIGNTY OF THE RUSSIAN FEDERATION IN THE INFORMATION AND TELECOMMUNICATION NETWORK INTERNET

**No. 7, 2017**

The problem of state sovereignty in the information and telecommunications sphere is due to both the objective properties of the Network (the transboundary nature of legal relations, etc.) and the subjective factors of the evolutionary development of the management of the domain name system and its technical infrastructure (concentration of the corresponding powers in the Internet corporation for the assignment of names and numbers). It is significant to identify signs of conflict between the principles of stability, fault tolerance and freedom of dissemination of information on the Internet, as well as state sovereignty, etc., the preservation of a unipolar quasi-monopoly on the means and mechanisms of Internet governance, which create preconditions for the development of new organizational forms of governance based on international law. them.

The article, firstly, provides an analysis of the main problems and trends in the development of doctrinal ideas about the nature, means of ensuring the cyberspace sovereignty of states and their legal responsibility for the activities of Internet users within both traditional spheres of territorial jurisdiction and in the "fifth domain" of sovereign domination. Secondly, it shows the problem of state

sovereignty in cyberspace, which should be considered comprehensively and systematically, first of all, taking into account the interests of protecting the rights and legitimate interests of a person and citizen (individual sovereignty), the interests of the development of civil society and ensuring the defense and security of the state. The research carried out expands the scientific understanding of the nature and purpose of state sovereignty on the Internet; Based on the analysis of a large array of legal information, the main reference points have been identified that will make it possible to fix the boundaries of state sovereignty in cyberspace in the Constitution of the Russian Federation, in international legal documents and in the Doctrine of information security of the Russian Federation.

**Ershova Inna Vladimirovna**

**Olga Tarasenko**

**TRAINING OF HIGHER QUALIFICATIONS IN THE SYSTEM OF LEGAL EDUCATION: EXPERIENCE IN SOCIOLOGICAL RESEARCH**

**No. 7, 2017**

The article assesses the experience of universities in accordance with the requirements of the new Federal State Educational Standard of Higher Education in the field of training 40.06.01 Jurisprudence (the level of training of highly qualified personnel). The empirical basis was the sociological research conducted by the authors, the representativeness of the results of which is due to the involvement of graduate students of various scientific specialties, courses, forms of education at the University named after O.E. Kutafina (Moscow State Law Academy). Analysis of the results of the survey, the experience of conducting classes with graduate students, work in scientific journals, membership in dissertation councils, their own long-term research activities allowed the authors to formulate a number of conclusions and proposals.

On the whole, the conceptual “turn” of the postgraduate study model towards the educational component was recognized as justified. However, the

desire of graduate students to reduce the classroom load revealed during the survey, including due to its partial duplication with master's ( specialty ) programs , sets the task of modernizing the educational process. The provisions outlined in the article are aimed at changing the methodology for conducting lectures and practical classes, increasing attention to independent work of students and its forms. It is proposed to neutralize the repetition of programs at different levels due to the formation of additional professional competencies of graduate students, the ways of mastering which are defined in the article.

Overcoming problems in research activities is seen through giving the research of graduate students themselves and approbation of their results of a key nature. Among the main tasks: the constant search for relevant forms of cooperation, the involvement of graduate students in the scientific activities of the department and the university as a whole. Forms of enhancing the scientific activity of graduate students can be the consolidation of the obligation of their participation in the organization of department scientific events with the subsequent preparation of reviews, annual presentations with reports at conferences (round tables, symposia), assistance to the teacher in the work of the scientific circle, involvement in the implementation of research projects of the department, activities in research and educational centers and other "framework" structures of universities.

Positively assessing the removal of the stage of thesis defense outside the educational program, the authors express the opinion that such a model will contribute to the appearance of the necessary time gap and will allow students to devote the last year of their postgraduate studies to work on the content of the thesis, and not to the procedure for its defense. At the same time, it is shown that the main work on the preparation of the thesis and its approbation remains within the postgraduate program.

Through the prism of the quality of the examination of the results of scientific research, attention is focused on the role of the "VAK List", in the journals of which the main scientific results of the dissertation are to be

published. Having highlighted the main directions of reforming this List, the authors came to the conclusion that its effective model has not yet been found.

**Shkarlat Lidia Petrovna**

**PROBLEMS OF LEARNING TO READ AND TRANSLATE LEGAL TEXTS**

**No. 7, 2017**

The development of legal linguistics, the interaction of language and law necessitates an increase in the level of professional training of future lawyers. In this regard, the work with legal texts is of particular importance. Searching for information in a huge stream of foreign language literature requires a specialist to have reading skills.

The article substantiates the need for knowledge of phonetic transcription, reading rules, the ability to work with a dictionary, pronounce words correctly, since they are the basis for working with text. The ways of achieving understanding of the content of a foreign text are considered. For a successful translation of a legal text, it is not enough to know perfectly the terminology of a particular legal subject. It is necessary to apply knowledge in special and general legal subjects as the basis for semantic and linguistic guesswork. Special attention is paid to the impossibility of performing an adequate translation without knowledge of the lexical and grammatical features of the translation, since when translating from one language into another, the sentence is often rearranged, that is, the word order is changed, which is caused by a number of lexico-grammatical reasons, for example, the center of the statement in the sentence ... The difficulties of translating attributive combinations are considered, which are a serious problem, since most of them also require changing the order of words. Attention is paid to teaching the translation into Russian of organizations or institutions whose names are not in reference books and the methods of their translation. In this regard, it is necessary to study lexical correspondences, terminological phrases denoting

realities "unusual for Russian-speaking legal practice", the vocabulary of non-equivalent legal terms, idioms that enrich the legal text and create imagery and general stylistic coloring when translating the source text.

It is shown that teaching law students to work with text requires the teacher to have special knowledge in the relevant field of law, mastery of special vocabulary and knowledge of the peculiarities of using foreign legal terminology in a specific context.

**Trifonov Sergey Gennadievich**

**TREATIES OF RUSSIA AND BYZANTIA IN THE SYSTEM OF SOURCES OF HERITAGE LAW OF KIEV RUSSIA**

**No. 7, 2017**

In modern conditions, the search for new conceptual approaches to the problem of settling hereditary relations is becoming crucial, which entails the need to revise the basic legal concepts and theories, the choice of new, for modern Russia, foundations of legal regulation of hereditary relations, this, in turn, entails a revision of the strategy and determination of the essential features of the process of origin and development of these relations.

The institution of inheritance has received wide coverage in Russian civil law, however, historical studies of the processes of the origin and development of hereditary relations are quite rare. And one of the debatable issues in the history of inheritance law is the determination of the place of the treaties of Russia and Byzantium in the system of sources of inheritance law. This article is devoted to this problem.

**Zaitseva Lyudmila Anatolyevna**

**The General Charter of the Imperial Russian Universities of 1884 as a Comprehensive Act on the Management of Higher Education**

**No. 7, 2017**

The article discusses the issues of reforming the higher education system in the second half of the 19th century. The author analyzes the General Charter of the Imperial Russian Universities, adopted during the reign of Emperor Alexander III. This Charter replaced the General Charter of the Imperial Russian Universities of 1863. The article examines the university management system, its internal and external components. The charter proclaimed that "Universities are under the special patronage of His Imperial Majesty and are called Imperial". The general provisions of the Charter consolidated the principles of hierarchy in the university management system. The top officials were the minister and the trustee, representing the external administration. Internal management, direct and permanent, was to be carried out by the rector. The general provisions consolidated the principles of one-man management and collegiality, naming the bodies on which the rector should rely in the exercise of his powers. The charter determined that "the direct management of the University belongs to the rector, with participation in the appropriate cases: a) the Council, b) the Board, c) meetings and deans of faculties and d) the inspector of students with his assistants." The article analyzes the subject composition of the educational and scientific activities of the university, the legal status of teachers and students, including their certification. The Charter of 1884 establishes the classical structure of Russian universities and states that "each university consists of faculties, which are constituent parts of one whole." All sciences taught at the university were divided into faculties: history and philology, physics and mathematics, law, medicine and the faculty of oriental languages of St. Petersburg University. The faculties included the departments as the main scientific and educational-methodical divisions. The conceptual foundations of the General Charter of the Imperial Russian Universities of 1884 contained a number of innovations that met the requirements of their time. The genesis of state educational policy and university legislation is of great scientific interest and requires further historical and legal research, the main source of which is undoubtedly the General Charter of the Imperial Russian Universities of 1884.