It is proposed to form the constitutional and civil law foundations of the general legal theory of organizational and property relations. OE Kutafin is a harbinger of the formation of such foundations. Organizational and property relations are linked into one binary paradigm. Immanent (inalienable) rights by their nature are only certain subjective organizational rights (the right to judicial protection, etc., etc.). The presence in a number of organizational relations of subjective inalienable rights once again emphasizes that within the framework of the universal binary paradigm "organizational - property" property relations are a kind of special ontological continuation of organizational relations. Organizationality and property should be taken as two opposite functional manifestations of organization as an essential characteristic of social relations. These two hypostases do not violate the integral unity, since their difference does not translate into a denial of the essence of any of the social relations. Property , as a phenomenon of a special order, overcomes the manifestation of organization as a phenomenon of a general nature. In this case, property acts as a legal characteristic of certain subjective rights, obligations, relations, as well as organizational character , publicity, etc. etc. The definition of a property relationship as a relationship regarding a material, physical object has not a root, essential meaning, but only an introductory and preliminary meaning. The alienability of subjective rights is of two types: 1) the alienability (the ability to be alienated to someone else forcibly, without the discretion, consent of the rightholder himself); 2) turnover (the ability to be alienated to someone else at the discretion of the copyright holder). The presence of a negotiable subjective right and / or obligation of at least one of the participants in the relationship indicates that this social relationship is property, not organizational. All other signs of property relations (compensatory nature, etc., etc.) are of an auxiliary nature and do not play an attributive role in qualifying the relationship as property.

The article examines a number of problems associated with the transition to a new technological order, which is called the fourth technological revolution in modern literature. The changes that are already taking place in the organization of production and exchange of values are reflected. An attempt is made to forecast the development of modern Russian society in the most important areas: economic, social, spiritual. The role of digital technologies in the modernization of the social regulation system is shown . There is a peculiar tendency of " technologization " of law, its transformation in the context of the development of modern technologies. The need was expressed to revise the recently established approaches to legal education. It is stated that the rapid quantitative and qualitative changes that characterize the modern era require a reorientation of education, which should be aimed at obtaining and assimilating new knowledge, which can be provided on a serious academic basis.

The article is devoted to conceptual shifts in the description and explanation of the phenomenon of law. The subject of the science of law is a category of changing mental, linguistic, and conceptual forms of its existence and expression. The development of the science of law is subordinated to the cultural and historical logic of evolution, both the phenomenon of law and the language of reasoning about law. The evolution of the phenomenon of law and the evolution of the science of law proceed in a complex and dynamic environment of institutional and conceptual changes and mutual influences. Legal reality as a social fact and the concept of a fact exists within the cultural and historical boundaries of the interaction of the language of legal practice and the language of legal theory.

Understanding legal reality as a linguistic reality (phenomenon) requires the development of mental models (epistemes) that allow to highlight the most

significant aspects of the manifestation of legal reality in various socio-cultural contexts of its linguistic - institutional (practical) and conceptual (theoretical) expression. On the topical agenda is the formation of the theory of jurisprudence itself or the jurisprudence of jurisprudence in the general body of legal science . Its analytical basis is the theoretical history of legal science, presented in various cultural and historical forms of existence and expression of legal knowledge.

The authors of the article raise questions about the factors that determine the observance of acts of "soft law" by interested participants in social interactions. At the same time, soft law is defined as a set of formalized general provisions (norms, principles, criteria, standards) that do not have a legally binding nature, are not provided with official sanctions and are respected voluntarily due to the authority of their creators, the interest of the addressees and targeted social "pressure" renders potential (and actual) violators to the relevant community. A key issue that arises in the context of soft law is whether law can exist without state coercion? If “soft law” is not secured by sanctions of a public-power nature, then how is its binding (validity) maintained ? Is state coercion - in the form of direct violence or its threat - an attribute of a legal norm? The inclusion (or non-inclusion) of “soft law” norms in national legal systems, their application by courts and other law enforcement agencies, the authority and attractiveness of soft law as a regulatory system, etc. depends on the solution of these issues . Acts of “soft law” are not formally refer to sources of law, do not contain legally binding provisions, supported by state sanctions, but have some legal significance (sometimes significant) and sometimes legal consequences. Ultimately, the authors concluded that, by its nature, “soft law” per se is not legally binding, but the facts of universal recognition and application in practice (primarily by the courts and other law enforcement agencies) give soft law instruments de facto binding.

The article is devoted to the scientific and practical understanding pozitivatsii new contractual structure, mediating complex undertaking - Contract escrow (escrow), its delimitation from related civil legal structures (such as through escrow , nominal account, storage, letter of credit, the introduction of cash and securities securities in deposit to a notary, etc.). Before the novelization of the escrow agreement (escrow) its existence in property turnover is actually ensured at the expense of rules on bank escrow imposed in civil law in the course of the reform of the law of obligations. There is a close legal relationship between an escrow agreement and an escrow account , due to the “conditionality” of the corresponding obligation, but these are not identical civil law institutions. The undoubted advantage of the construction escrow agreement (escrow), unlike both the bill escrow and security of other financial mechanisms (such as letters of credit, a lease deposit box, etc.), in which the leading role belongs to the banking institutions, which are At the present stage of the existence of the Russian banking system, they are experiencing significant crisis situations; it is considered not connected with the banking sector. The ancestral home of legal obligations, constructed on the model of an escrow agreement, was the United States, which probably explains the foreign language for the Russian legal terminological toolkit " escrow ", which is synonymous with "an escrow agreement". Attention is drawn to the updating of the novelization of this contractual structure for the needs of e-business in the context of large-scale digitalization of the Russian legal and economic systems. The author concludes that the contract escrow (escrow) is able to blend in with a number of new regulatory instruments liability law aimed at creating investment attractive legal and economic climate in the Russian Federation.

The article examines certain issues of the understanding by the Constitutional Court of the Russian Federation of the permissible limits of the autonomy of an individual and the limits of its limitation for the sake of the common good.

Constitutional axiology as a form of direct relationship to the model and practice of real constitutionalism is the basis for the formation of social policy. In Russia, against the background of economic cataclysms, problems appear in the system of pension provision, taxation, employment and education; there is a certain deformation of the legal consciousness of the population. Such turning points inevitably raise questions about the optimal balance of interests of the individual, society and the state.

The threat of an imbalance of public and private interests stimulates the highest judicial authorities to intervene in the formation of the hierarchy of constitutional and legal values. Increasingly, in its Resolutions, the Constitutional Court of the Russian Federation deals with issues of the common good, the need to take public interests into account when resolving tax, labor, civil and other types of disputes.

The article formulates the functions of citizens to defend the Fatherland and ensure the defense and security of the Russian Federation. Based on the analysis of the legal nature of citizens' participation in ensuring defense and security, as well as internal and external military threats and dangers, threats to national security, which showed that the defense of the Fatherland is associated with ensuring the existence, functioning and legitimacy of the state, the functions and administrative-legal forms were established. such participation. The analysis of doctrinal views on the concept of the constitutional system and judicial practice showed that the investigated legal institution is immanent to the constitutional system: by

participating, citizens perform a legitimizing function in relation to the constitutional system, state power, i.e. reproduce the state identity of Russia, which can be expressed in both active and passive forms. If participation involves the inclusion of a state in the military organization, citizens perform a formative function. Since such participation presupposes the existence of rights and obligations, which follows from the constitutional norms on duty and obligations to protect the Fatherland, citizens, entering into legal relations, perform law enforcement, human rights (when protecting their interests) and law enforcement (when protecting public interests) functions. Citizens' participation in ensuring defense and security, being a form of democracy, presupposes not only the fulfillment of duty and obligations to protect the Fatherland, but also the realization of the rights and freedoms of citizens and their associations, other organizations in the interests of protecting the constitutional order, ensuring the defense and security of the state. The revealed functions make it possible to classify the forms of participation depending on the functional nature, the nature of the implementation of subjective rights in the process of managing state affairs, the nature of relations with state bodies, the degree of relevance to the result, the type of administrative and legal status, the basis for participation.

The use of F. Braudel's methodological approaches makes it possible to single out several temporal levels in criminal law: deep and superficial.

With regard to a crime, we can talk about a number of crimes that are extremely slowly changing throughout history. The number of certain prohibited acts varied depending on the priorities of protection, leaving unchanged the protection of human life and health (murder, causing grievous bodily harm), state power (encroachment on the life of the sovereign and the foundations of state administration) and property (theft, robbery, robbery) ... Another temporal level of crime is superficial, which is determined by opportunistic (primarily political)

considerations and is subject to significant changes at certain stages of the development of society and the state. The content of this level can be filled through the criminalization and decriminalization of acts, the counteraction of which matters in a relatively short time period.

Among all the punishments available, history also allows us to determine similar temporal levels. The death penalty, imprisonment and a fine can be classified as deep. All the rest (correctional labor, forced labor, exile, corporal punishment, deprivation of the right to hold certain positions, etc.) are opportunistic in nature or refer to a superficial temporal level.

Methodologically, this division of criminal law and its fundamental categories allows not only to organize comparative legal research, to develop rules of criminal law policy on criminalization and decriminalization, penalization and de-criminalization of acts, as well as to predict the further development of criminal law, criminal law and criminal law doctrine. ...

The article raises the issue of the autonomy of criminal law. Various aspects of the doctrinal understanding of the scope of the criminal law and its scope in relation to the positive branches of legislation are considered. The author, in the context of the existence of the concept of autonomy (independence) of criminal law regulation, asks questions about the limits of judicial interpretation. In this context, antagonistic views on the limits of the mechanism of criminal law regulation are considered. Particular attention is paid to the postulate that the functional autonomy of criminal law generates not only a protective component, but also a regulatory function, and the law enforcement officer has the right to make a decision when deciding a particular case, based on concepts borrowed from other branches of law, but at the same time he can give them a different meaning

and the value that they are endowed with in these positive (regulating specific social relations) sectors. The author comes to the conclusion that an autonomous interpretation of foreign features and concepts of regulatory legislation is unthinkable. If the criminal law is to protect from criminal encroachments economic relations arising from the statics and dynamics of objects of civil rights and their turnover, then its subordination to the provisions of regulatory legislation is inevitable. Determinism here and should be manifested precisely in accordance with the description of the signs of a crime with the provisions of regulatory norms. As a result, the autonomy of criminal law can give rise to uncertainty in the content of the legal norm itself and allow the possibility of unlimited discretion in the process of its enforcement . With this formulation of the question, the autonomy of criminal law regulation is replaced by a completely different approach - the autonomy of the judicial interpretation of criminal law norms. However, in this case, there is a substitution of concepts, and the autonomy of criminal law is associated not so much with the regulatory function as with the enforcement of criminal law norms.

Based on the study of court decisions, the article analyzes the first judicial and investigative practice of applying innovations in the system of measures of procedural coercion - preventive measures in the form of a prohibition of certain actions, as well as bail and house arrest in combination with the prohibitions provided for in Part 6 of Article 105.1 of the Code of Criminal Procedure of the Russian Federation. The subject of the study was 40 court decisions made by district and higher courts of 17 constituent entities of the Russian Federation. The author analyzes these decisions in terms of preventive measures, initiators of their election, corpus delicti, incriminated to the accused, stages of criminal proceedings at which they were adopted. Decisions on the election of a ban on certain actions are analyzed according to the following criteria: the number of simultaneously

established bans; the permitted time for leaving the premises; places that the accused were prohibited from visiting; persons with whom they are prohibited from communicating. An analysis of decisions on the selection of bail and house arrest with the simultaneous establishment of certain prohibitions showed that the courts do not always properly motivate their decisions, subject the accused to bans not provided for in part 6 of Article 105.1 of the Criminal Procedure Code of the Russian Federation, allow the accused to perform actions that do not ensure their isolation from society ... The data presented in the article are accompanied by the author's comments and links to the decisions posted in the State Automated System of the Russian Federation "Justice". At the end of the study, conclusions were formulated and a proposal was made to correct in the near future the judicial practice of applying preventive measures by the appropriate clarifications of the Plenum of the Supreme Court of the Russian Federation, taking into account the changes made to the Code of Criminal Procedure of the Russian Federation by Federal Law No. 72-FZ of 18.04.2018.

The article raises the question of the possibility of applying the territorial principle of sovereignty and jurisdiction of the state in relation to cyberspace, as well as the possible rethinking and expansion of the concept of "state territory" by including virtual spatial units that do not have the properties of geographical extent.

The inclusion of cyberspace in the concept of "state territory" is due to the fact that cyberspace as a sphere of realization of social, economic and political relations cannot be outside the framework of the sovereignty and jurisdiction of the state. If, in relation to a particular spatial unit, the supremacy of the state is established, then this unit should be attributed to the concept of “territory of the state”, the legal meaning of which is to designate the spatial sphere of competence of the state.

The posing of the question of the possible inclusion of cyberspace in the concept of "territory" is additionally substantiated by the lack of static content of this concept, which at certain stages of historical development as a result of political, geographical, technological and other factors began to cover new spatial boundaries (air, outer space, continental shelf space, etc.) etc.). At the same time, with the development of cyberspace, it is not the concept of “territory of the state” itself that evolves, the legal meaning of which lies in the spatial limits of the full jurisdiction of the state, but only the substantive components of the territory due to the inclusion of new spatial units that do not have a tangible, planar aspect.

The author analyzes the regulatory approaches of the Russian Federation and the United States to the issues of delineating the spatial contour of the jurisdiction of states in cyberspace, as a result of which it is revealed that the initiatives of Russian law are largely reduced to the dominance of the technological approach, which consists in establishing territorial boundaries in relation to devices physically located on the territory of the state. and the equipment through which information is accessed.

In contrast to the American approach, within which the establishment of jurisdiction over data located on servers in foreign countries is legislatively enshrined, Russian law does not raise the question of the possibility of including information resources oriented to the territory of the Russian Federation in the spatial limit of jurisdiction, access to which is supported by outsiders. the territory of the Russian Federation with equipment.

This article is the first in Russia comprehensive theoretical and practical study of one of the world's largest international scientific installations of the " megascience " class - the Large Hadron Collider (LHC), from the standpoint of legal science.

The author focuses on the unique legal status and legal nature of international scientific collaborations , with the help of which scientists from dozens of countries around the world, including Russia, carry out scientific research and make scientific discoveries at the LHC. The article sequentially examines and analyzes: the history of creation, general principles of design, operation of the LHC and the European Organization for Nuclear Research (CERN), under the auspices of which its construction was carried out; principles of the structure and functioning of international scientific collaborations around the LHC; the legal nature of their constituent documents as soft law acts; the ratio of soft and hard law mechanisms in the regulation of international scientific collaborations around the LHC.

The final section provides data and proposals on the use of the investigated legal mechanisms in other countries and international organizations, including for the construction of megascience -class scientific facilities under the auspices of national scientific organizations of Russia and the Joint Institute for Nuclear Research in Dubna (Moscow Region) ...

The proposed article analyzes the legislative acts on the collection and storage of biometric data of citizens and the changes occurring in the idea of how a legal state can and should be arranged, what are the security guarantees for providing such data to various structures in Russian and German legislation. The idea of the rule of law was , as you know, developed in Germany by K.T. Welker , R. Von Molem, R.G. Gnaist and I.Kh. Freicher von Artin and borrowed by Russian statesmen - S.S. Alekseev, V.M. Gessen, N.M. Korkunov, A.F. Kistyakovsky , S.A. Kotlyarevsky , P.I. Novgorodtsev , N.I. Palienko. During the existence of our states, the concept both in the Russian version of it and in the German one has undergone many changes, which each time was dictated by a number of objective reasons. At the present stage, both powers are concerned

about the problem of security, the threat of terrorism, and fraudulent activities in the Internet space. Therefore, in the European Union, for example, it is now mandatory for all member states that identity documents contain biometric data. European thought, as revealed during the analysis of existing concepts and the experience of their implementation, turned out to be several steps ahead - while in the Russian Federation, without discussion with citizens, laws are adopted that infringe on their rights guaranteed by the Constitution, Europe is concerned about creating a data storage system representing the cultural heritage of mankind. The rule of law has become to a large extent a metaphor behind which a particular citizen does not feel any content. The use of this term has become a technological tool for the state to achieve political and geopolitical goals, a way to prove that we, too, are among the civilized liberal democracies and market economies. What distorts the essence of the idea of the rule of law - for a specific person. Russians themselves often do not understand the idea of the rule of law and the mechanism for achieving it.

The Russian state has historically used the link not only as the implementation of criminal punishment against convicts, but also for solving colonization, economic, cultural and social problems on the eastern borders of the country. Vast and undeveloped territory in the east of the country; natural minerals, raw material base for the nascent Russian industry; the presence of a land route in the Trans-Siberian direction, all this at first looked very attractive. However, at the end of the second half of the 19th century, the authorities were forced to reform the Siberian exile, and later completely abandon it, recognizing it as extremely ineffective and costly for the state. Modern geopolitical interests of Russia are faced with similar problems that were characteristic of the state in earlier historical periods. As for exile or any other punishment associated with the voluntary or forced displacement of a large number of the population from one region to

another (more often from the central regions to the outlying territories of the country), it will be resolved gradually, depending, first of all, on the social economic opportunities of the state.