The article analyzes the issues of interpretation and application of the presumption of consent of the spouse in transactions with the common property of the spouses. The presumption of the spouse's consent to transactions with common property is considered in the context of its relationship with the principle of equality of spouses, including in property legal relations. The article examines the existing judicial practice on this issue, including the decisions of the Supreme Court of the Russian Federation. Practical problems in the sphere of application of the specified rule of law are noted. The author comes to the conclusion that the current legal regulation of the legal regime of the spouses' property has a number of shortcomings that not only violate the rights of the co-owners of the said property, but also, from our point of view, often contradict the norms of the current legislation. In particular, the current jurisprudence of the application of the norm established by the first paragraph of clause 2 of Art. 35 of the RF IC, contradicts both the constitutional norm established by Art. 35 of the Constitution of the Russian Federation, in terms of protecting the interests of the owner, and the norms of the Family Law of the Russian Federation itself, establishing the principle of equality of spouses, including in property legal relations (Articles 21, 31, 35 of the IC RF). The article provides substantiated proposals for improving the legislation, namely, paragraph 1 of clause 2 of Article 35 of the Family Code of the Russian Federation is proposed to be stated as follows: “When one of the spouses makes a deal to dispose of the spouses' common property, it is assumed that he acts with the consent of the other spouse. This assumption applies exclusively to the legal relationship of spouses with third parties. "

The article analyzes federal legislation, as well as the practice of law enforcement associated with such a measure of constitutional and legal responsibility of the head of a constituent entity of the Russian Federation as dismissal from office by the President of the Russian Federation due to loss of

confidence. The paper examines the evolution of the legal consolidation and application of this constitutional and legal sanction for the period since 2005, the grounds and mechanism for its implementation, as well as a number of problems associated with the practice of its use in Russia. The author highlighted gaps and collisions of legislation (the contradiction of the grounds of this constitutional sanction with the main and basic legal principles of direct democracy and the presumption of innocence), analyzed the "uncertainty" (revealed the legal fictitiousness of the grounds for the loss of trust) and the "amorphousness" of its application (inconsistency of the procedure of bringing to responsibility with the principles of federalism , norms of criminal procedure legislation and internal conflict of norms of the law - the so-called “corruption” grounds for loss of trust). The author proposed another model for the application of such a sanction as the removal from office of the head of the subject, namely: depriving the president of the right to dismiss the governor of the subject due to the loss of confidence for corruption offenses, as contrary to the foundations of the federal structure and the legal nature of the institution of the highest official of the subject. It is proposed to entrust the right to apply this sanction to the supreme representative (legislative) body of a constituent entity of the federation, leaving the President of Russia the right to dismiss the governor from office for issuing legal acts that do not comply with the Constitution and federal laws (confirmed by a court decision), and failure to comply with decisions of the Constitutional Court of the Russian Federation.

The adoption of environmentally unjustified urban planning decisions leads to significant environmental problems in the respective territories, causing massive violations of the right of citizens to a favorable environment due to the deterioration of its condition or individual natural objects. The article analyzes the existing legal mechanisms for ensuring environmental human rights in the implementation of urban planning activities from the point of view of their assessment of their

effectiveness. The connection between urban planning and environmental legal relations is shown, objective and subjective environmental factors of the implementation of urban planning activities are considered, the need to take into account environmental factors at the stage of territorial planning is substantiated, the place and importance of urban planning activities in the mechanism of ensuring the environmental rights of a person and a citizen is shown.

The article considers the constitutional foundations of ensuring the environmental rights of man and citizen in the implementation of urban planning activities, shows their implementation in the principles of urban planning legislation. The ecological component of the legal regulation of urban planning activity is revealed, the correlation of basic concepts of urban planning and environmental legislation is considered, such as “the right of citizens to a favorable environment”, “favorable living conditions”, “sustainable development of territories”; the analysis of the legal mechanisms established by the Urban Planning Code of the Russian Federation for taking into account environmental factors and requirements in the process of implementing territorial planning as a fundamental type of urban planning activity, including at the stage of substantiating and preparing draft documents for territorial planning of public formations of the Russian Federation and at the stage of coordinating prepared projects between state bodies authorities and local government. The declarative and formal nature of the relevant procedures is shown, the conclusion is substantiated that there are no real legal mechanisms for taking into account environmental factors and requirements in the implementation of territorial planning in the current urban planning legislation, and possible ways to improve the legal regulation of ensuring environmental rights in the implementation of urban planning activities are proposed.

In June 2019, on the official website of the Government of the Russian Federation, the Concept of the new Code of the Russian Federation on

Administrative Offenses was published, which is planned to come into force on January 1, 2021. This Concept indicates that significant factors that reduce the effectiveness of the current Code of Administrative Offenses of the Russian Federation are, among other things , the problems accumulated over the past years in law enforcement practice at the stages of initiation and consideration of cases of administrative offenses and contains general guidelines for reforming the Code of Administrative Offenses of the Russian Federation and emphasis on certain problematic issues. requiring permission for its upcoming modernization. At the same time, it does not seem to touch on all the problematic issues that need to be addressed. So, in particular, an analysis of the administrative- jurisdictional practice of the first instance shows that a protocol on an administrative offense is considered by subjects of administrative jurisdiction (both extrajudicial, quasi-judicial , and judicial) as one of the types of evidence in a case of an administrative offense. Moreover, it is not uncommon for such a protocol to be the only evidence on the basis of which a decision is made to impose an administrative penalty. And the analysis of the corresponding administrative and jurisdictional practice of the second and subsequent instances (up to the Supreme Court of the Russian Federation) allows us to conclude that such an approach is justified and completely legal. But is it really so? And to what extent is it generally legitimate and lawful to consider a protocol on an administrative offense as a jurisdictional act as evidence in a case of an administrative offense? This article is devoted to the search for answers to these questions through the prism of understanding the functional purpose and legal (legal) nature of this type of administrative and jurisdictional acts.

The article discusses the essence of the criminalistic characteristics of a crime, its necessity and place in the forensic methodology. The attitude of the scientific community to this scientific category for half a century of its existence has gone through radical changes from enthusiastic exaltation as a universal means for solving

crimes, to the useless "phantom" of forensic science. However, contrary to criticism from a number of very eminent scientists, the forensic characterization of the crime has not disappeared from the scientific circulation, having firmly established itself in the forensic methodology. The resulting paradox is explained by its systemic necessity in the arsenal of this section of forensic science. Being the only acceptable designation of empirical knowledge about a crime and the methods of its disclosure, developed by forensic science, the forensic characteristic of a crime not only forms the core of private forensic techniques, but also determines the structure of the entire forensic methodology as a branch of science. An attempt to abandon it leads to the emergence of various substitutes, similar in content, but less successful terminologically. For these reasons, the forensic characterization of a crime cannot be rejected by forensic science, despite any criticism. It seems that the "phantom" is not the very idea of a forensic characterization of a crime, but the method with which they tried to "fill" it. The systemically necessary and aptly named construct was unsuccessfully methodologically linked by its creators with statistical measurements of correlation dependences between the main forensically significant signs of crimes. However, such measurements are of little use for constructing a private investigation technique. "Filling" the criminalistic characteristics of a crime with relevant information about criminal activity should be provided by the entire set of methods available for empirical sciences, not being limited only to statistical measurements of connections between its elements.

Despite the long-term use at the initial stage of pre-trial proceedings of certain forms of interaction between the investigator and the bodies of inquiry, in the criminal procedural legislation, some aspects of their implementation have not yet been consolidated. This makes it necessary to study the current situation and substantiate the theoretical and practical provisions concerning the interaction of the investigator with the inquiry authorities in the framework of checking the crime

report, including in the light of the planned digitalization of the domestic criminal process. The forms of interaction, the use of which is advisable at the initial stage of pre-trial proceedings, are proposed to include two procedural forms (giving written instructions to the body of inquiry on conducting operational-search measures, obtaining explanations, obtaining assistance in carrying out investigative and other procedural actions) and two forms of organizational nature ( joint planning and formation of an investigative-operational group). In order to increase the efficiency of criminal procedural activity at the initial stage of pre-trial proceedings, to ensure the clarity of the language of the criminal procedural law, and its compliance with law enforcement practice, it is proposed to amend Part 1 of Art. 144 of the Code of Criminal Procedure of the Russian Federation, supplementing it with the right of authorized officials and bodies to give the body of inquiry binding written instructions to receive explanations, to receive the assistance of the body of inquiry in carrying out verification actions. At the same time, the author's position is formulated on the exclusion from the general list of procedural actions specified in Part 1 of Art. 144 of the Code of Criminal Procedure of the Russian Federation and checks carried out by authorized subjects of the crime report, receiving explanations. The article shows the importance of introducing electronic document management into criminal proceedings from the point of view of the effectiveness of the interaction between the investigator and the bodies of inquiry at the initial stage of pre-trial proceedings.

The article analyzes the philosophical and philosophical-legal approaches to the definition of the concepts of "ontology of law", "existence of law" in the history of world legal thought. The author analyzes the views on the ontology of law in the history of the Ancient World, the Middle Ages, New and Modern times. So, the doctrine of being was central to the philosophical and legal constructions of Antiquity, in the Middle Ages, under ontology, it was identified only with God, in

the era of Modernism, the existence of law, depending on the philosophical and legal doctrine, was defined either as an absolute idea, or a manifestation of state will, or subjective individual rights, or God's providence. Particular attention is paid to the analysis of various approaches to defining the content of the ontology (being) of law in economic law, as a new innovative component of the Russian legal system in the era of the information society. Special attention is paid to the interpretation of the ontology of law in natural law and positivist doctrines of legal thinking , general and special features of the content of the ontology of law in the philosophical and legal doctrines of the past are highlighted. In the XIX - XX centuries. a “new philosophy” appears, focused on the development of scientific and technological progress, creating a new economic reality, when the existence of law is represented as an object of ontology in the unity of interpretations of the objective and subjective, which makes it possible to cognize reality in its various hypostases. Legal space as a subject of philosophy of law at the present stage of development of the digital economy focuses primarily on propaedeutics and characteristics of property rights as a necessary condition for the development of modern society. The author comes to a reasonable conclusion that within the framework of the Russian ontology of law it is necessary to apply a convergent approach in order to strengthen the social orientation of the Russian economy, based on integrative legal thinking .

The article is devoted to the moral aspect of the criminal law doctrine of the outstanding Italian thinker, publicist, lawyer and public figure Cesare Beccaria . Exploring the prehistory of the question of the origin of the moral foundations of law, the author turns to the very sources, the so-called. mono-norms , which were syncretic in nature and combined moral, religious, legal and other protective and regulatory principles. The processes of the division of labor and the increasing complexity of the forms of social life have led to the separation of moral regulation based on tradition from the legal instruments proper. In the context

of the views of Western and Russian thinkers, a number of doctrinal approaches to determining the relationship between morality and law are being investigated, as a result of which it is concluded that these social regulators should be considered in close interconnection, since they have common roots, perform one-order functions and in each specific case regulate the behavior of a particular individual. Within the framework of the political and legal views of Cesare Beccaria , general questions of the origin of punishments, their proportionality with illegal acts, the immediacy of the application of punishment, the purpose of punishments, as well as the grounds for their appointment are investigated. The moral aspect of such types of punishments as a fine, dishonor, expulsion and confiscation, the death penalty is considered separately, as well as the humanistic principles of such measures of restraint as torture and taking into custody are revealed. In the context of Cesare Beccaria 's teaching on crimes, the author examines the attribute of harm that a criminal inflicts on the nation as the basis for qualifying an act as a crime. An important place is given to the gradation of crimes into encroachments against public interest and encroachments against personal and property benefits of individuals. Crimes against public peace and smuggling are investigated in the context of encroachments against public interests. Within the framework of crimes against the interests of individuals, fights are analyzed, as well as the moral aspect of establishing legal responsibility for suicide. In conclusion, the attitude of Cesare Beccaria to the issue of crime prevention is examined .

The article discusses the strategic directions of legal support for the spatial development of the Arctic ecological zone of the Russian Federation. The conclusion is proved, according to which the key principle of the development of the Arctic is the principle of nature conservation and ensuring a balance between economic activities, human presence and preservation of the environment, in connection with which the current strategic planning documents defining strategic

guidelines for the spatial development of the Arctic zone of the Russian Federation should be brought into line with the basic documents of state strategic planning in the field of environmental protection and environmental safety, as well as in the field of national, economic and other types of security. It also substantiates the conclusion that it is necessary to develop and adopt a separate Strategy of Maritime ( Aquatorial ) Spatial Development, containing key types of economic specialization in relation to certain water areas, promising maritime support zones of economic growth, as well as the main directions for environmental protection and ensuring environmental safety.

According to the authors, in order to implement the tasks specified in the Development Strategy of the Arctic Zone of the Russian Federation, it is necessary, first of all, to determine the status of the entire Arctic zone of the Russian Federation (strategic, environmental, economic, social, etc.), as well as, taking into account the special international and the national status of the Arctic, its special position as a testing ground for new ideas and environmental and economic investments, develop and adopt a basic law "On the Arctic ecological zone of the Russian Federation", or integrate environmental requirements into the draft Federal Law "On the development of the Arctic zone of the Russian Federation".

The article contains criticism of a relatively recent point of view that traditional norms of law cannot be applied to regulate social relations in cyberspace. Researchers argue whether it is permissible to regulate relations arising in connection with the use of computer technologies, such as cryptocurrency circulation and other relations on the blockchain platform , by means of law. Opponents of legal regulation of the turnover of cryptocurrencies refer to the impossibility of regulating computer technology by legal means. It is known that the lack of legal regulation of public relations is no less harmful than their regulation . The author analyzes the classic, "modernist", eclectic

approaches to the legal regulation of public relations in cyberspace. According to the author, public relations in the WEB space, including those that arise on the blockchain platform , can be regulated not only by national laws, but also by two special new sources of law - computer code ( lex informatica ) and special customs of cyberspace ( lex electronica ). Code regulation and special practices that are concentrated on the Internet are gradually forming the supranational law of cyberspace. Since law, algorithmic code and special customs of cyberspace are different sources of law, the point of view of those researchers who write about the decline of legal regulation and its replacement by regulation by codes is unfounded. The conclusion about the withering away of law during the transition of contractual relations to cyberspace is premature. Lawrence Lessig 's expression " Code is law " is true in the sense that code is only one possible source of law.

The work is devoted to the study of the past, present and future of specialized courts of the Republic of Kazakhstan, namely economic, financial and administrative courts. The relevance of the research topic is caused by the judicial and legal reforms continuing to this day in the Republic of Kazakhstan, one vector of development of which is the specialization of courts. The selected topic is being actualized in the context of globalization and the intensification of measures to increase the competitiveness of the Republic of Kazakhstan.

The theoretical and practical significance of the research topic lies in the fact that on the basis of revealing the reasons that led to the need for the formation of specialized courts, the current state of the judicial system of the Republic of Kazakhstan is assessed and trends of its further development are predicted. Based on this study, taking into account the achievements and failures, ease and complexity, traditional continuity and international implementation in judicial construction, effective measures can be taken to develop the judicial system. The

author describes his own path of development of Kazakhstan's statehood, stretching for three decades, along which the Father of the People, the Leader of the Nation, the first President of the Republic of Kazakhstan, N.A. Nazarbayev. It is very difficult to rethink the merit or overestimate the contribution of the first President of the Republic of Kazakhstan to the formation of Kazakhstani statehood and the development of its national law, as well as to the unification of Kazakhs. Meanwhile, the socially significant role of the judicial branch of government is shown, which is manifested not only in the protection of human and civil rights and freedoms, as well as the legitimate interests of legal entities, but also in the socio-economic modernization of Kazakhstan. Based on the analysis of the history of the emergence, current state and development prospects of specialized courts of the Republic of Kazakhstan, conclusions are drawn that confirm their relevance, demand and justification.

The methodological basis of the research is the historical and legal method of cognizing objective reality. The theoretical basis of the study was the works of famous Kazakhstani scientists. The normative basis of the study was the Decrees of the first President of the Republic of Kazakhstan, constitutional, codified and legislative acts of the Republic of Kazakhstan, as well as strategic, conceptual and program documents on the development of the Republic of Kazakhstan. The empirical basis of the study is regional statistical data on the work of specialized economic courts in the context of the cities of Nur- Sultan and Almaty for 6 months of 2016-2018. The data of a sociological survey in the republic among persons who participated in the trials of specialized economic courts have been studied. Analytical reports and informational reviews on the activities of courts, including on the state of administration of justice by specialized courts of the Republic of Kazakhstan for 2011-2018, were considered. For an objective assessment of the current state of the current regulatory legal framework of the Republic of Kazakhstan, data from world statistics were taken.

The article analyzes the process of modern codification of civil law in China, provides a historical overview of the codification of civil law in China, raises the problems of private law codification and analyzes the political, economic and other origins of these problems. It is noted that in traditional China there was only criminal (public) law. Legal traditions, not based on the rule of criminal law, continued for more than two thousand years, until, in the early years of the twentieth century, China embarked on the path of modernizing the legal system and codifying civil law. In 1929 - 1930 yy . the first in the history of China was adopted by the Civil Code, modeled on the Swiss and German tsivilisticheskoy codifications, while reflecting the experience of the Japanese, the French and Soviet codification of civil law. After the founding of the PRC, the stage of extensive borrowing of Soviet socialist law, including civil law, began. However, attempts to codify were unsuccessful, the reasons for which were legal nihilism and the lack of the necessary attention from the authorities. The transition from an administratively planned to a free market economy prompted the legislator to temporarily abandon the idea of codifying civil legislation: instead of one codified law, there was a decision to adopt several special laws. In the XXI century. began a new stage in the codification of civil law in China. In 2002, the fourth draft of the civil code of the PRC was published, which for no apparent reason has sunk into oblivion. In 2014, the process of codification of civil legislation became active: in 2017, part one of the future Civil Code of the PRC was adopted. In accordance with the plan for the codification of civil law in March 2020, the Civil Code of the PRC should be adopted as a whole.

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The article examines the experience of the United States of America in the registration and classification of convicted persons for sexual crimes. The federal register implemented in the state is a comprehensive criminal and administrative tool for crime prevention, has its origins in similar state registers. The author examines the principles of maintaining the register, the grounds for inclusion in the register and exclusion from it, the volume of data to be published, the frequency of updating the data, conducts a criminological characterization of the institute. The paper analyzes the case law of the highest courts of the United States regarding the constitutionality of the norms and principles that form the institution of the register,

their retroactive application, compliance with procedural and material guarantees of a fair trial. The author made a conclusion about the possibility of introducing a similar federal register in Russia, but taking into account the shortcomings identified in the framework of this study. At present, the efforts of the legislator in this part are obvious (increased criminal liability for violent sexual crimes with the establishment of restrictions on freedom, the emergence of new instruments of "restraint" in the hands of law enforcement agencies, for example, administrative supervision). At the same time, the measures are not of a comprehensive nature, they often overlap, do not achieve the stated goal (execution of restrictions during administrative supervision after serving the restriction of freedom). The author believes that it can be an independent institution, implemented from the stage of execution of the sentence, accessible to law enforcement agencies and victims, and in cases stipulated by law - for social and educational institutions, guardianship authorities, family and childhood protection.

In the article, taking into account the latest changes in the criminal legislation, from a critical point of view, the signs of such a crime as inducement to suicide or assisting suicide (Article 1101 of the Criminal Code), newly introduced into the Criminal Code, are analyzed. Particular attention is paid to methods of inducing suicide and assisting suicide in terms of their validity, accuracy, meaningfulness and the need to be listed in the criminal law. Examples of excessive detailing in the formulation of certain criminogenic signs are given, which contradicts the principles of legal technology. These include signs such as persuasion, suggestions, advice, directions, information, a promise to hide the tools or means of committing suicide. The qualified elements of these crimes are considered in detail from the point of view of their relevance and reflection of the degree of public danger of the acts being committed. This statement refers to such characteristics of victims that aggravate criminal liability, such as minor age, pregnancy, material or other

dependence on the perpetrator. Decisions are proposed on the qualification of controversial situations when the crimes in question are committed against minors, insane, persons suffering from mental disorders. Cases in which the studied crimes can be committed by a criminal community are considered, options for qualifying the offense are proposed. Particular attention is paid to the qualification of inducement to commit a terrorist act by self-detonation . As a controversial issue, the question of the responsibility of a minor who inclines to suicide or promotes suicide is also raised to a minor. Proposals are made to improve the disposition of the criminal law norm. Reproaches are made against the notes to Art. 1102 of the Criminal Code, which provides for the grounds for exemption from criminal liability in the commission of the crime under investigation, and proposes a new edition of the note, which should be located after the text of Art. 1101 of the Criminal Code, taking into account the characteristics of not only the main, but also the qualified corpus delicti.