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State Support for Families with Children as the Core of the Social Function of the State

Abstract

The article highlights a set of measures for state support of families with children as a tool for implementing the social function of the modern Russian state. An overview of specific areas of social activity of the state is given. Special attention is paid to the constitutional duty of the State to protect motherhood, fatherhood and childhood. The article analyzes social payments and other measures to provide material assistance to large families, low-income families, single parents with children, and young families, including regular and one-time benefits and compensation payments, as well as the provision of in-kind benefits. The experience of supporting families with children during the COVID-19 pandemic is considered. The introduction of maternity capital is recognized as the most effective and significant measure in terms of strengthening the property status of families with children. The legislation of the subjects of the Russian Federation in the field of social security of families with children is subjected to a special analysis. It is established that the degree of material security of recipients depends on the socio-economic situation of a particular subject of the Russian Federation. The article substantiates the need to create effective guarantees of the rights of families with children at the federal level on the basis of the highest amount of social benefits provided for by regional legislation. It is concluded that measures for state support of families with children, aimed at stabilizing the demographic situation and overcoming social inequality throughout the country, can be considered as the most important fundamental element of the social function of the state.

Keywords

social state, social function of the state, social protection, social payments, support for families with children

Shaveko Nikolai Aleksandrovich

Civil Disobedience: The Concept and the Criteria for Admissibility

Abstract

The article examines the phenomenon of civil disobedience from the standpoint of justice. The views of foreign political theorists on civil disobedience are analyzed. It is concluded that foreign authors usually identify such criteria for the admissibility of civil disobedience as extreme necessity, probability of success, proportionality, correct motive, semi-communicative nature, publicity and non-violence of civil disobedience, and the readiness to be punished for it. Further, these views are criticized. The point of view is expressed that only extreme necessity and proportionality are convincing criteria for the moral justification of civil disobedience. In turn, the correct motive and semi-communicative character are justified as signs of civil disobedience, not as criteria for its admissibility. At the same time, non-violence, publicity and readiness to accept punishment are considered only as manifestations of the semi-communicative nature of civil disobedience. Further, the views of domestic jurists are analyzed. It is shown, in particular, that the widespread opinion among them, according to which violation of the law is permissible only in cases of obvious and extreme injustice of this law, is superficial, and does not take into account, for example, the case when a minor violation of the law is the only mean contributing to the correction of minor injustices, but does not undermine the rule of law as such. In addition, it refutes the positivist thesis that violation of the law cannot be admissible. Civil disobedience is justified by the understanding of the social system as “striving for justice”. It is argued that for a social system to promote justice, it must be both firm and flexible. It is concluded that the social norm is always a compromise between abstractness and concreteness: the relative abstractness of the law is an effective way to sacrifice concreteness as such (fair or unfair) in order to ensure at least partial justice. It is indicated that it is necessary to find the optimal balance of abstractness and concreteness, on the other hand, it is also necessary to determine the consequences of non-compliance with the law that does not correspond to the optimum.

Keywords

civil disobedience, justice, stability, offense

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About the Requirements for Candidates to the Bodies of Regional Constitutional Justice

Abstract

The abolition of charter courts is planned until January 1, 2023. The regional legislator will have to choose other bodies of constitutional control and it must choose the order in which the organs will be formed and requirements to candidates. The article discusses requirements for candidates for the position of judge are components of his status. These requirements will be components of the status of members of the regional constitutional justice. The regional legislator should take into account the experience of the requirements for candidates of charter courts. The results show that it is necessary to establish increased requirements for candidates to the bodies of constitutional justice; these are the requirements of qualifications, age, but not republican citizenship.

Keywords

the legal status of a judge, requirements for candidates for the position of judge, regional bodies of constitutional justice

Praskova Svetlana Vasil'evna

The powers of the public prosecutor to make persons holding elective posts in the municipal authorities responsible for corruption delicts. Part 1

Abstract

This article begins the research dedicated to the powers of the public prosecutor's office in the Russian Federation implemented within the legal mechanism of early termination of the powers of persons holding elective posts in the municipal authorities due to their corruption delicts. It is noted that a new anti-corruption legislation is forming in Russia. It regulates delicts which include those not considered as crimes or administrative offences. These delicts comprise violations of the restrictions or prohibitions, non-fulfulment of the obligations inherent to the status of the public persons and set to counteract the corruption. The author underlines the novelty of this kind of delict and its unsatisfactory regulation, and proposes to use a term "corruption status offence" to denote it. To ground the problem to determine the powers of the public prosecutor in the field, the properties of the corruption status offences are shown. For the persons holding elective posts in the municipal authorities the above delicts may not be considered as a traditional kind of offences, including disciplinary offences. The delict does not often manifest any committed corruption actions. Nevertheless the legislation provides only a single penalty - the early termination of the powers. The disparity of the offence gravity and the penalty reduces the effectiveness of the legal institution to prevent corruption. The absence of the procedure to make answer for a corruption status offence, fragmented and separate regulation of the procedure, and an aggregative nature of the term "persons holding elective post in the municipal authorities" which entails additional difficulties are noted. Proceeding to the results of the research, the author states that although the very procedure of the early termination of the powers of a person holding an elective post in a municipal authority is regulated by the local rules, the powers of the public prosecutor in the field are determined by federal laws and ordinances of the Prosecutor General of the Russian Federation.

Keywords

elective posts in municipal authorities, early termination of powers, loss of confidence, corruption delict, powers of public prosecu-tor

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Challenges to the Realization of the Right of Orphans, Orphans and Children Left Without

Abstract

The realization of the constitutional right to housing has various aspects, including through the establishment of additional guarantees for obtaining housing for certain categories of citizens. Orphans and children left without parental care clearly need the immediate realization of this right at the age of 18, because otherwise they will not be able to adapt adequately to life outside the orphanages. Despite the fact that providing housing for orphans is not only the fulfillment of the constitutional right of such persons, but also the solution of the most important social task, in Russia orphans can expect housing for more than 5 years, which questions the effectiveness of programs to provide them with housing. Using the method of circular conditionality of social phenomena, it can be concluded that the unresolved problem of housing for orphans becomes a factor of social tension and high crime rates. It was concluded that attention should be paid to improving federal and regional legislation in the area under consideration, as well as to adjusting law enforcement practice. The implementation of these measures will make it possible to meet in a timely manner not only the housing needs of the orphans themselves, but also to solve the socially significant needs of society for harmonious development.

Keywords

orphans, housing, constitutional right to housing, public authorities, legislation, law enforcement

Bobrov Dmitry Vyacheslavovich

Definitions and Problems of Classification of Animals as Objects of Property Rights

Abstract

Animals are considered as objects of property rights in civil law. The necessity of legal differentiation of all animals into two categories is justified: the animal world and animals in captivity. The legislative definition of "animal world" is investigated, its unique essential features are highlighted. A study of the category "other animals" is being conducted. Starting from the analysis of doctrinal positions on this issue, the author comes to the conclusion that it is necessary to legislate the category of«animals in captivity», by which it is proposed to understand individually defined animals that are under human control and satisfy his psychoemotional, property, protective, entertainment or other needs. The introduction of this term into the legal field of Russia will allow us to distinguish a category of animals that have their own specific legal regime, different from the animal world, where the latter can be exclusively owned by the state. The essential signs of animals in captivity are revealed. The author proposes to classify all types of animals in captivity on a functional basis into the following groups: domestic; agricultural; service; intended for cultural and

entertainment purposes; laboratory. The legal regime of these natural objects as objects of property rights has its own peculiarities associated with additional requirements for the maintenance and proper treatment of these animals, indicating their practical significance for civil legislation.
Keywords
objects of property rights, animals, wildlife, animals in captivity

Zagainov Vladimir Vladimirovich, Kuznetsov Evgeny Viktorovich

The Term “Unfair competition” from the Position of Private and Public Legal Relations

Abstract
The existing regulatory definition of unfair competition in Russian legislation, enshrined in the Law on Protection of Competition, in practical implementation should be interpreted taking into account the current norms of national antimonopoly legislation. The analyzed scope of competence of the Russian antimonopoly authority, represented by the current antimonopoly service, indicates that this subject of law reacts to the identified cases of unfair competition, only in the form of the implementation of state authority. The Antimonopoly Service, wedging itself into the sphere of often-legal relations, simply does not take into account the will of an economic entity that has been or may be harmed and (or) harm its business reputation. In addition, the study found that the legal theory does not fully regulate the legal significance, role and economically justified aisles of state intervention in the regulation of relations arising from the manifestation of facts of unfair competition. The conclusion is given about the prevailing public relations actually existing in the sphere under study, in the implementation of which, private law forms of dispute resolution are often the result of the emergence of public legal relations, the mandatory party of which is the antimonopoly authority representing the interests of the state. The results of the study make a conclusion that allows us to make a proposal to the current antimonopoly legislation and eliminate the existing contradiction of the concept of “unfair competition” with the actual legal relations arising, according to the facts, between business entities and state bodies, thereby leveling to identify a legal conflict between civil law relations and the implemented administrative and criminal liability provided for by Russian legislation in the area in question.
Keywords
unfair competition, private legal relations, public legal relations, antimonopoly legislation, Federal Antimonopoly Service, civil law, violation of antimonopoly legislation

Komkov Sergey Aleksandrovich

The Role of the Prosecutor's Office in Protecting the Labor Rights of Employees

Abstract
Protecting the labor rights and interests of citizens is one of the important tasks of the Russian prosecutor’s office. The subject of prosecutorial supervision over compliance with labor legislation and labor protection is implemented in three main areas, in particular, compliance with and implementation of the Constitution of the Russian Federation, federal laws and laws of the constituent entities of the Russian Federation in the field of labor, by-laws adopted by federal executive authorities and executive authorities subjects of the Russian Federation, acts of local self-government bodies, acts of regulatory bodies and their officials, as well as local regulatory legal acts adopted in commercial and non-commercial organizations, from employers - individuals who are individual entrepreneurs. Wherein the prosecutor is obliged to monitor the observance of labor rights and interests of employees by employers, established not only by regulatory legal acts adopted by state and municipal bodies, but also by acts of social partnership. The main areas of interaction between the federal labor inspectorate and the prosecutor’s office of the Russian Federation are, in particular, the fact that employees of the prosecutor’s office and state labor inspectors regularly share important information about the established violations of labor legislation, including about representatives of the employer brought to legal responsibility under Art. ... Art. 5.27 and 5.27.1 of the Code of Administrative Offenses of the Russian Federation and the fact that prosecutors are usually employed as specialists of state labor inspectors in order to closely monitor compliance with labor legislation. Prosecutors must protect not only the right of workers to timely and full payment of wages, but also other labor rights and interests of citizens.
Keywords
state supervision and control, prosecutor’s office, acts of social partnership, payment of wages, labor inspection, going to court for resolving an individual labor dispute, actual admission of individuals, labor protection

Sinkevich Zhanna Viktorovna

Legal Principles of Social Entrepreneurship. Part 2

Abstract
This article is a continuation of the research presented in the previous issue of the journal. In the first part of the work, the basic principles of regulation of social and legal relations in the provision of social services are considered, the combination of private and public principles is analyzed, the principle of the balance of private and public interests in the system of provision of social services, general principles of constitutional and civil law, and social security law are analyzed. Possible variants of combination of principles based in public and private sectors in relations for the provision of social services are considered. This paper analyzes the legal principles of social entrepreneurship. Particular attention is paid to the principle of freedom of

contract, which is presented through the prism of freedom to provide social services. The features of the manifestation of freedom in contracts of a public nature have been determined. Taking into account the involvement of both state institutions and entities belonging to all forms of ownership in the provision of services, an analysis of the application of the principles of competition, the professionalism of providers of social services is presented. Problems are identified and conclusions are drawn regarding the consideration of social services as a type of social entrepreneurship and the possibility of applying norms on entrepreneurial activity to these relations. The article presents a comparative characteristic of the fundamental provisions of constitutional, civil and social security norms. Taking into account the public nature of relations of social security law, it was concluded that the civil legal essence of social services is influenced by public norms in the process of recognizing the right to receive social services, the establishment of criteria or the absence of criteria for the gratuitous nature of the service received or for partial payment, the choice of a provider of social services among those who have the right to provide them.
Keywords
entrepreneurship, principles of social entrepreneurship, service agreement, socially useful services, non-profit organizations, social services

Antonova Elena Yurievna, Klimenko Anastasia Konstantinovna

Criminal Liability for Theft of Non-Cash and Electronic Funds Under the Criminal Legislation of the Republic of Kazakhstan and the Russian Federation: a Comparative Legal Analysis

Abstract
The issues of constructing norms on liability for theft of non-cash and electronic money are considered on the example of the legislation of the Republic of Kazakhstan and Russia. The article analyzes the criminal legislation of the Republic of Kazakhstan and Russia, the normative resolution of the Supreme Court of the Republic of Kazakhstan dated December 11, 2020 No. 6 “On amendments and additions to some normative decisions of the Supreme Court of the Republic of Kazakhstan”, which regulates the provision on liability for the theft of non-cash and electronic funds in a new way, committed by a special entity – by embezzlement and embezzlement with the use of the guilty official position. It is concluded that it is possible and expedient to borrow the experience of the Republic of Kazakhstan, namely, the need to present “electronic fraud” in the form of qualified fraud, thereby leading to uniformity with the composition of “electronic theft”, given their equal degree of increased public danger, and the exclusion of Art. 1593 from the Criminal Code of the Russian Federation.
Keywords
digital economy, non-cash funds, electronic money, information theft, information fraud, electronic theft, electronic fraud

Barkhatova Ekaterina Nikolaevna

Criminal Executive Law System: Problems, Contradictions, Solutions

Abstract
It is argued that the modern penitentiary system has a number of shortcomings related to the problems of legal regulation, the interaction of structural elements, as well as the bodies of the Federal Penitentiary Service with other bodies, the contradictions between the norms of the penitentiary and other branches of law. It is noted that the branch of penitentiary law has turned into an unbalanced system of norms, many of which do not correspond to the tasks and goals of the execution of punishment due to the fact that they are adopted to solve particular problems. The imperfections in the construction of the modern system of criminal and executive law, their impact on the existing law enforcement practice. As a result of a systematic analysis of legal norms, proposals were formulated to eliminate the indicated imperfections. The conclusion is made about the need for further codification of the penal legislation.
Keywords
penal law, system of norms, criminal law impact, penal system, punishment

Zabavko Roman Alekseevich, Kukovyakin Alexander Evgenievich

Complex Questions of Qualification of Environmental Crimes Committed by Several Persons

Abstract
The complex issues of qualification of environmental crimes related to the legal assessment of persons who jointly commit environmental crimes are considered. It has been established that the issues of legal assessment of accomplices in practice cause difficulties in connection with the assessment of the special wrongfulness of the perpetrators, who, as a rule, seek to hide the presence of guilt by indicating ignorance of the illegality of the actions of their accomplices. Recommendations are given for introducing amendments and additions to the guiding resolutions of the Plenum of the Supreme Court of the Russian Federation, which can qualitatively improve the protection of public relations that ensure the safety of the environment and natural resources. It is noted that significant difficulties are associated with the legal assessment of accomplices of illegal hunting, the co-executors of which, by distributing responsibilities for the search, tracking, pursuit, extraction, primary processing and transportation of hunting resources, often hide their true

intentions and evade responsibility. At the same time, excessive repressiveness is also noted, suggesting objective imputation in case of illegal hunting, which is unacceptable. Separately, the issues of joint co-infliction in the commission of careless environmental crimes are considered.
Keywords
environmental crimes, illegal hunting, complicity, careless co-infliction, co-performing, due knowledge

Nikonov Pavel Vladimirovich

Use of Mathematical Modeling Methods for Prediction of Crimes of Corruption and Bribery

Abstract
Predicting changes in corruption-related crime is important for quality work to counter it. Identifying the main trends, establishing the probabilistic state of the development of these crimes makes it possible to create a real model to counter it, effectively use forces and means, plan organizational, technical and other measures, take into account the real risks for the economy and society. One of the best ways to predict corruption crimes and bribery is the use of mathematical modeling, in the implementation of which it is possible to reveal the hidden patterns of the dynamics of these types of crimes and use them to create reliable forecasts. In the arti-cle, on the basis of mathematical modeling methods, a forecast of the development of indicators of corruption-related crimes, as well as bribery, is carried out. The purpose of this article is to build a mathematically sound model for predicting changes in corrup-tion crime, which could make reliable short-term and medium-term forecasts. Therefore, the research tasks are as follows: the need to establish the factors that influence the development of corruption crimes, the characteristic of the approximation of trend models for statistical data on bribery, the preparation and verification of forecasts. As an instrumental conclusion, it was found that to pre-dict the indicators of giving, receiving bribery, a fifth-degree polynomial function is needed, but a second-degree polynomial is enough to describe the dynamics of crimes associated with mediation in their commission. As a result, a general conclusion was drawn that in the medium term there will be a slight decrease in the indicators of corruption crimes and a simultaneous increase in the number of mediation of their commission.
Keywords
crime forecasting, mathematical modeling, corruption-related crimes, bribery, receiving, giving a bribe, mediation in bribery

Sidorova Ekaterina Zakarievna

About Some Ways of Solving Problems in the Field of Ensuring Criminological Security of the Educational Environment

Abstract
The article highlights a number of mechanisms used to reduce the potential of those negative factors (problems) that affect the criminological security of the education sector. These mechanisms, or methods, are classified depending on the cause of the problem. We are talking about overcoming the problems associated with the imperfection of the work of state and municipal authorities (for example, the imperfection of the state mechanism for ensuring the safety of the educational process); problems related to the imperfection of the work of educational organizations (for example, multi-shift work in educational organizations); problems related to the imperfection of public relations themselves in the educational environment (for example, the existence of a large number of negative social phenomena in the education system, i.e. threats or risks to the security of the educational environment, which are divided into 10 types by the author). In conclusion, it is concluded that it is more expedient to conduct such studies based on the regional aspects of the education system, in connection with which the article reveals ways to solve certain problems on the example of the Irkutsk region. This work has a scientific potential that can be used by the relevant subjects involved in the development of state programs to ensure the safety of the educational environment. This article is a continuation of the previous scientific research conducted by the author on the stated problems.
Keywords
criminological security, education, protection of the education system, educational environment, prevention of violations, theory of criminological security of education

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Assistance of a Specialist in the Formation of an Expert Opinion

Abstract
The opinions of lawyers on the possibility of involving a specialist in the production of forensic examination, as well as the latest editions of the arbitration procedural, civil procedural, criminal procedural legislation of the Russian Federation and other regulations governing forensic activity and the procedural status of persons applying special knowledge in Russian legal proceedings, have been analyzed. The essence of the term "assistance" has been determined. A distinction is made between the assistance of a specialist in the formation of an expert opinion and his participation in the production of a forensic examination. Based on the study of scientific publications on the procedural status of persons applying special knowledge in legal proceedings and an analysis of the current regulatory legal acts governing the production of forensic

examination, the differentiation of the specialist's assistance in the formation of an expert opinion into basic and optional forms was carried out. The main form is divided into the following types: direct and indirect. The optional form, from the point of view of the possible interaction of persons applying special knowledge in legal proceedings, includes probabilistic (stochastic) types. The indicated forms (types) of assistance of a specialist in the formation of an expert opinion are considered on examples. The regulation in the current legislation of the assistance of a specialist in the formation of an expert opinion and the possibility of his involvement in the production of a forensic examination could help to improve the interaction of persons applying special knowledge in Russian legal proceedings. The article does not propose algorithms or ready-made formulations of legal norms for the assistance of a specialist in the formation of an expert opinion and his involvement in the production of a forensic examination, since this should be preceded by a discussion in the legal community about the advisability of such innovations.
Keywords
legal proceedings, court, competent (procedural) person, specialist, expert witness, forensic examination

Staritsyn Alexey Yuryevich

The Grounds for Consideration of Cases in the Simplified Procedure

Abstract
The article highlights the new russian model of legal regulation of simplified proceedings in the civil process, also notes the incompleteness the reform of the civil procedure legislation (begun in 2016), which having negatively affects. In this research, the author focuses on the controversial aspects of the simplified procedure for considering individual civil cases, which based on the provisions of the legislation, on the established principles of judicial practice and the conclusions of doctrinal research. Also the author research of these materials, using by general scientific and special legal methods, including systemic, materialistic, formal legal methods and etc. A brief description of the grounds for considering civil cases in a simplified manner is given, the acceptability of currently allocated in Art. 232.2 Chapter 21.1 of the Code of Civil Procedure of the Russian Federation of categories of cases, as well as gaps in legal regulation that should be eliminated. The corresponding judicial practice is presented, the analysis of which leads to disappointing conclusions. It is noted that the study of this issue is due, among other things, to the lack of clarity in the relationship between the order, simplified and claim proceedings. In parallel, the relationship between the grounds for considering cases in a simplified procedure and legal norms regulating other aspects of the simplified procedure (making a court decision, accepting a statement of claim for consideration according to the rules of simplified proceedings) is substantiated, the integral legal regulation must comply with the essence of the requirements considered in the civil process. A legal assessment is made of the legislative identification of mandatory and dispositive grounds for considering a case in a simplified manner for compliance with the fundamental principles of civil procedure. The admissibility of limiting the principle of dispositiveness in the simplified production of the civil procedure is substantiated, which is a consequence of the desire to achieve a balance between public and private interests. Recommendations have been developed for the further improvement of civil procedural norms on simplified proceedings in terms of the list of categories of cases to be considered in accordance with the rules of Chapter 21.1 of the Code of Civil Procedure of the Russian Federation.
Keywords
civil procedure, simplified proceedings, grounds for consideration, improvement of legislation

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The Significance of the 1979 Bern Convention in the Legal Regulation of Biodiversity Conservation in the Baikal Natural Territory

Abstract
The main provisions of the Convention on the Protection of Wild Fauna and Flora and Natural Habitats in Europe of 1979 are analyzed as having the potential to strengthen the legal protection regimes of the Baikal ecosystem and its individual components (Berne Convention) in the context of hunting regulation. The article provides information about the history of the development, participants, bodies of the Convention and the procedure for their activities, as well as a brief description of the European Charter of Hunting and Biodiversity adopted under the auspices of the Berne Convention. As part of the coverage of the content of the Berne Convention, attention is paid to the conservation of habitats of wildlife, the protection of endangered and vulnerable species. A brief description of the content of the annexes of the Convention containing lists of strictly protected species of flora and fauna, as well as prohibited methods of slaughter, trapping and other forms of extraction and exploitation of animals and plants is given. A critical look is given at the formal approach taking place in the modern period when issuing a state-issued hunting ticket and an opinion is expressed on the desirability of legally consolidating mechanisms for verifying knowledge from the field of the hunting community of applicants for its receipt. As an example of the issues considered at the meeting of the Standing Committee of the Convention, the recommendations adopted at the meeting of the Committee in 2018 on the use of top dressing as a tool for managing the number of populations of large predators and their prey are given. The expediency of implementing the provisions of the above-mentioned documents into national legislation is emphasized, while attention is focused on the possibility of

consolidating the analyzed international legal norms in the Russian legal system even before their ratification by Russia.

Keywords
conservation of biodiversity, Berne Convention, legal regulation of hunting, fauna, international legal protection of nature

Shornikov Dmitry Vladimirovich

Potential of the Aarhus Convention for the Establishment of an International Legal Mechanosm for the Protection of Lake Baikal

Abstract
As part of the project to build the concept of international legal protection, Lake Baikal, supported by the Russian Foundation for Basic Research, considered the key provisions of the 1998 United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, the so-called Aarhus Convention, and the Protocol on Pollutant Release and Transfer Registers (PRTRs) 2003, bearing in mind, above all, their potential for developing the mechanism of international legal protection of Lake Baikal. It was analyzed the experience of the Republic of Kazakhstan and the Republic of Belarus in implementing the provisions of these international instruments into national legislation, as well as the creation and development of the Aarhus Centers in these countries of the post-Soviet space. The experience and current position of the Russian Federation on the perception of the provisions and mechanisms of the Aarhus Convention in the national legal system and law enforcement practices are highlighted. The conclusion that the use of conventional mechanisms for access to information, public participation in decision-making and access to justice in environmental matters enshrined in these international instruments to preserve the unique ecosystem of the Lake Baikal World Heritage Site is justified.

Keywords
Aarhus Convention, right to information, public, justice, international legal protection, Lake Baikal, Russian Federation