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Consolidation of the Right to Work in the Normative Legal Acts of East Germany in 1945–1990

Begunovich Roman Vladimirovich

Abstract

The Constitutions of the states and provinces that were part of the Soviet occupation zone of Germany can be divided into two groups. The Constitutions of Saxony-Anhalt, Mecklenburg and Saxony included a section on basic rights, and also enshrined the right to work. In contrast, the Constitutions of Thuringia and Brandenburg contained neither a section on basic rights nor the right to work. While considering the period 1945-1949 attention should also be paid to the acts of both the Soviet Military Administration in Germany and the German authorities, which, among other things, were aimed at overcoming unemployment, secured the right to form trade unions, regulated the content of the collective agreement, and established measures to improve occupational safety. In the Constitution of the German Democratic Republic of 1949 the right to work was enshrined in Article 15. At the same time, the text of this article shows clear similarities with the norms of the Weimar Constitution, as well as the Constitutions of Saxony-Anhalt, Mecklenburg and Saxony. In the GDR Constitution of 1968, the right to work is enshrined in Article 24. The basic right to work was developed by the provisions of such acts as the Labor Law of 1950, the Labor Code of 1961 and the Labor Code of the GDR of 1977. The GDR Constitution of 1968 and the GDR Labor Code of 1977 establish a legal duty to work. At the same time, in earlier normative legal acts, in particular in the Labor Code of 1961, this duty was characterized by the legislator as moral.

Keywords

the right to work, East Germany, German Democratic Republic, socialism, basic rights, basic duties.

Social Networking as a Legal Phenomenon

Malysheva Inna Viktorovna

Abstract

The emerging institution of legal regulation of social networking in different states appears in different ways. The comparative legal method of the studying made it possible to select two models: western (USA, Germany, France) and eastern (China). The Western model of legal regulation comes from “freedom of networked battlefield” and “freedom of speech”, the eastern one comes - from the “information security priority” and “deanonymiration of social networking”. Relations in the social networking have acquired independent features: big freedom of expression, a culture of clip thinking, “rudeness” in the relationships as the norm, as an impossible to nobility to identify the subject and the lack of responsibility. Under the studying of social networking, researchers form the conceptual provisions of “digital life” and “digital death” of personality. In Russia, the main problems of regulation social networking are the lack of legal definitions of the concepts “social networking”, “account”; industry uncertainty of public relations, which from in the social networking; a low level of safety for minors and the elderly people. It is proposed to consider social networking as public relations as an intersectoral legal institution of civil, labor, administrative and criminal law, also as procedural industries; legalize concept “social networking” and “account”; establish information security filters for minors and elderly people.

Keywords

social networking, “digital life”, “digital death”, principles of power in the digital space, system of law, information security, models of legal regulation.

The Right to Protection from Negative Information Influence on the Internet: Theoretical and Legal Aspect

Chagin Ivan Borisovich, Shabaeva Olga Alexandrovna

Abstract

The article substantiates the need to recognize the right to protection against negative information impact as a fundamental right, or its separation from the right to privacy. The state of the current legal regulation of legal relations on the Internet related to the dissemination of information is investigated. Attention is paid to the problem of striking a balance between human and civil rights and freedoms, on the one hand, and public safety, on the other. The existing legal norms establishing mechanisms to combat harmful information on the Internet are analyzed. It is recommended to consolidate the concept of negative information impact. It is proposed to divide the negative information impact on the Internet into two groups. The first group would include information that has a deleterious effect both on relations within society in general (extremist materials, information aimed at inciting hatred, inciting violence, etc.) and on citizens' health and development (information aimed at driving a citizen to suicide, etc.). The second group is proposed to include undesirable information that attracts the attention of a person against his or her will. The positive and negative features of the experience of the European Union countries in the regulation of legal relations in the Internet are noted. The importance of enshrining in the legislation of the Russian Federation the concept of the right to protection from negative information impact is substantiated. The mechanism of realization of the right to protection from negative information impact through the assessment by law enforcement bodies of the legislation for the presence of potential disproportionate interference of information in the life of individuals and society is proposed. The provisions of the current domestic legislation as well as the doctrinal works on the subject were used as the sources for the study.

Keywords

human and citizen's rights and freedoms, right to protection, social relations in information space, negative information impact, information security.

Territorial and Specialized Prosecutor's Offices of Russia and China: Similarities and Differences

Gavrilenko Artem Alexandrovich

Abstract

The comparative analysis of the current state of the system of territorial and specialized prosecutor's offices in the Russian Federation and the People's Republic of China is carried out. It is noted that the model of the USSR Prosecutor's Office is the starting point for the prosecutor's offices of the Russian Federation and the People's Republic of China. In this regard, attention is drawn to the presence of both significant similarities and significant differences due to the development of territorial and specialized prosecutor's offices in the studied states, taking into account national characteristics. The comparative analysis of territorial and military, transport and other specialized prosecutor's offices is carried out. Trends in the development of specialized prosecutor's offices in the People's Republic of China are noted.

Keywords

prosecutor's office of the Russian Federation, people's prosecutor's office of the people's Republic of China, territorial prosecutor's offices, specialized prosecutor's offices, military prosecutor's offices, transport prosecutor's offices.

Peculiarities of Administrative Legal Regulation of Entrepreneurial Activity in Modern Russian Realities

Yakimova Ekaterina Mihailovna

Abstract

It is determined that the process of implementing public management activities is aimed at streamlining public relations. The basis of this process is the achievement of a certain state of the public system. Therefore, the use of a particular instrument of legal regulation in the process of regulating any sphere of social relations depends on many economic, political, social factors. It has been established that a change in public life causes a transformation of legislation. It is determined that in recent years, the economic system has changed significantly, which could not but lead to the transformation of the legal regulation of entrepreneurial activity as one of the most important types of economic activity. It was concluded that an important task of public management activities in the field of entrepreneurship is the balanced application of coercive and persuasive measures that allow maintaining the balance of the business-society-state system.

Keywords

administrative responsibility, administrative coercion, public administration, incentive measures, entrepreneurial activity.

Some Aspects of the Legal Status of Small and Medium-sized Businesses in Russia

Gorbach Olga Vladimirovna

Abstract

Some aspects of the legal status of small and medium-sized businesses in the context of their entrepreneurial activity are presented. The questions of subjects with a similar legal status - persons - payers of professional income tax are investigated. The criteria for classifying subjects as micro-enterprises, small enterprises and medium-sized enterprises are analyzed. The peculiarities of certain categories of small and medium enterprises - peasant (private) farms and individual entrepreneurs are clarified. Analyzes the indicators and directions of the Strategy for the Development of Small and Medium Entrepreneurship for the period up to 2030. It is concluded that there are controversial issues when classifying economic entities as a category under consideration, and legal issues related to inclusion in the Unified State Register of Small and Medium-Sized Businesses are also considered. It is concluded that it is necessary to further improve legislation in this area.

Keywords

small and medium-sized businesses, micro-enterprises, peasant (private) farms, individual entrepreneurs, criteria for classifying subjects, support measures, subsidies.

Legal Development of Aliment Relations in Russia

Markovsky Alexander Viktorovich

Abstract

This article is devoted to a historical step-by-step analysis of the development of alimony relations in the Russian Federation. The main features and stages of development of maintenance legislation are considered, as well as a brief overview of the main legal acts, including codified ones, regulating maintenance relations in Russia. The author comes to the conclusion that in matters of alimony, the legislation and law enforcement practice in our country are still imperfect and are at the level of the post-Soviet stage of development of the alimony institution, and there is also no clear understanding of the current problems of this institution.

Keywords

maintenance obligations, history of maintenance, legal regulation of maintenance relations.

The Parcel of Land as an Object of Ownership

Pyatkov Dmitry Valerievich, Valkova Ekaterina Maksimovna

Abstract

The parcel of land notion is examined in the context of modern Russian economic and legal policy. The amendments made to the civil legislation during the reform process of law of things, which took place in 2021, are analyzed. In particular, the definition of a parcel of land included in the Civil Code is evaluated. The research contains a comparative analysis of “parcel of land” definitions existing in Russian land legislation, European legislation and doctrine at different periods of time. It was found that the term “ground surface” used to define a parcel of land should be considered in mathematical signification. This means that the parcel of land is a 2D object (land boundary, two-dimensional topological manifold). For this reason, the widespread point of view on the parcel of land as a 3D object is seemed to be erroneous because of its logical and legal aberration. It is argued that the ground surface, being the boundary separating land and midair, cannot include 3D objects located on it. Accordingly, soil layer, all kind of structures, bodies of water, perennial plantations cannot be part of a plane parcel of land because they are 3D objects. It is proposed to consider a parcel of land, buildings located thereon and other material objects as components of another complex (composite) object. Such object could be named as real estate – an integral immovable complex of objects which contains the parcel of land, corresponding to it buildings, underground structures and other firmly connected to the land material objects.

Keywords

object of civil rights, real estate, parcel of land, subsoil, buildings, ownership.

Alternative Ways of Resolution of Individual Labor Disputes: Experience and Development Prospects

Tishkovich Kseniya Sergeevna

Abstract

The article considers the experience of the formation of conciliation institutions in the field of labor relations based on the analysis of Soviet labor legislation. It is concluded that the effectiveness of alternative methods of dispute settlement in a particular State depends on political, economic, legal conditions, as well as on historical prerequisites. The article considers individual problems that hinder the effective use of mediation for the settlement of individual labor disputes, as well as the conditions under which mediation is the most preferred method to resolve labor conflict. It justifies the necessity of revising the current concept of resolving individual labor disputes through the consistent expansion of alternative ways of resolving labor-law conflicts, including by improving negotiation procedures in labor law relations, the inclusion of sectoral expertise among the methods of dispute resolution. The experience of foreign States in establishing labor mediation services to resolve individual labor disputes is positively assessed. It is recommended to strengthen the role of social partnership in the development and improvement of alternative ways of resolving labor disputes. The conclusion proposes the conditions under which the most effective use of alternative procedures in labor relations is possible, including adaptation of methods of conflict resolution to the specifics of labor relations, providing them with effective legal mechanisms, variability of the forms used, as well as the formation of a culture of peaceful dispute settlement and negotiation.

Keywords

alternative ways of resolving individual labor disputes, mediation, facilitation, negotiations.

Joint Commitment of a Crime in the Doctrine of Russian Criminal Law (Middle XIX Century – 1917). Part 1

Georgievskiy Eduard Viktorovich, Kravtsov Roman Vladimirovich

Abstract

This paper examines the views of Russian scientists who had a significant impact on the formation of the institution of joint commission of a crime in Russian pre-revolutionary criminal law. At the same time, specific historical and comparative (comparative legal) methods are used to study the legal nature of the institution of joint commission of a crime. The authors come to the conclusion that this institution from the middle of the XIX century. develops much more intensively than before. Theoretical provisions on the joint commission of a crime, which mainly include complicity and implication, are published not only in textbooks and author's lecture courses, but also in rather detailed monographic studies. The general approach to determining the types of accomplices, forms and types of complicity is beginning to be unified. The first attempts are being made to define the concepts of complicity and implication. In practice, a single terminological apparatus is being formed. At the same time, the difference in approaches to the total volume of the institution of joint commission of a crime is also obvious. Some researchers are trying to expand the concept of joint commission of a crime by including not only complicity, but also other forms, others are trying to cover the maximum possible number of cases of joint commission of a crime with the concept of complicity.

Keywords

complicity, involvement, confluence of several criminals, osprey, conspiracy, gang, main intellectual culprits, accomplices, co-criminality.

Some Issues of Defining the Size of Illegal Logging of Forest Plantations

Zabavko Roman Alekseevich

Abstract

The issues of determining the size of illegal logging of forest plantations related to the use of methods, taxes and rates for calculating the cost of illegally harvested wood are considered. It is established that the legislator shows some inconsistency in adopting regulatory legal acts regulating these procedures. It was revealed that from 2014 to the present, there were three documents that established independent grounds for making the

corresponding calculations. It is determined that, taking into account the rules of retroactive effect of the criminal law, all the specified normative legal acts should be taken into account in relation to acts committed before 31.12.2020, Government Decree No. 1730 of 29.12.2018 in its original version should be applied as providing the most favorable grounds for criminal prosecution.

Keywords

illegal logging of forest stands, calculation of damage, size of illegal logging, environmental crimes, differentiation of responsibility.

Directions of Criminal Policy in the Field of Counteraction to Illegal Drug Traffic

Ivushkina Olga Viktorovna

Abstract

Criminal policy at the present stage in the field of combating drug trafficking shows some success. The presented scientific article examines the dynamics of crimes related to the illegal circulation of narcotic drugs and psychotropic substances for the period from 2017 to 2021. In the course of the study, it was revealed that there is a certain downward trend in this type of crime, and there is also a downward trend in the overall incidence of drug addiction. However, the proportion of crimes in the field of drug trafficking in the Russian Federation is very high, and averages 9.0%, that is, every year law enforcement agencies detect about 200 thousand illegal acts related to drug trafficking, which is a direct threat to the national security. Information is presented on the subjects of the Russian Federation with the highest degree of criminogenic involvement from crimes in the field of drug trafficking. An analysis of the structure of crimes made it possible to determine the main types of drug crimes, as well as the main methods of their commission, taking into account modern realities, which will make it possible to determine the main directions of anti-drug policy. It is concluded that crimes related to drug trafficking are one of the mass and organized types of crimes, due to the fact that many criminal elements are involved in their sale and illegal production. In conclusion, some measures are proposed to counter this type of crime, taking into account the emergence of new forms of illegal activity (including the use of innovative communication technologies).

Keywords

criminal policy, drug trafficking, psychotropic substances, structure, dynamics, counteraction, prevention.

Criminological Aspects of the Study of Violent Penitentiary Crimes of Women

Kachurova Elizaveta Sergeevna, Rogova Evgeniya Viktorovna

Abstract

The article analyzes the criminological features of violent female penitentiary crime in Russia. Some criminological issues of studying the penitentiary crime of women sentenced to deprivation of liberty are considered. The problem of preventing violence in women's colonies is the deterioration of the special contingent, the increased number of female convicts prone to aggression, as well as the features of the system of correctional institutions, with their inherent negative criminogenic factors. When studying women's violent crimes in places of deprivation of liberty, it is necessary to take into account the high level of their latency, the personality traits of convicted women, and the negative conditions of the penitentiary environment. Violence and increased aggression in the territories of women's colonies is still widespread and well hidden from official registration, a phenomenon that indicates the insufficiency of the securitative system, as well as non-compliance with the law in the conditions of serving a sentence of imprisonment, were, due to objective factors, constant interpersonal conflicts among convicted women. In modern realities, the search for new measures to effectively counter the penitentiary crime of women sentenced to deprivation of liberty is a necessary condition for complying with the main tasks of the penitentiary policy of the Russian Federation - combating violations of the regime and achieving the correction of those sentenced to deprivation of liberty in the process of serving their sentences.

Keywords

penitentiary violent crime, crime prevention, women's crime, women sentenced to imprisonment, correctional institutions, women's colonies, latency.

The Concept, Content and Criminal Law Significance of the Corruption Crimes Index

Nikonov Pavel Vladimirovich

Abstract

The definition of crimes related to giving and receiving illegal remuneration is given, their signs are indicated, their systematization is carried out. It is noted that the receiving and giving of bribes act as an index of these crimes. It is indicated that the main characteristics of these crimes are general for the entire group of crimes under consideration, therefore their study is important for determining the main characteristics of the entire group. It is indicated that the main sign of corruption crimes related to giving and receiving illegal remuneration is bribery, which can be expressed both in monetary and other equivalent. It is determined that the second component of these crimes is a corrupt service provided for a fee, consisting in the commission of actions by the payee in the interests of the payer or the persons indicated by him within the resource of managing social processes with which he is endowed.

Keywords

corruption, corruption crimes index, bribery, bribe, illegal remuneration.

Criminalistic Prevention of Extremist Crimes Committed with the Help of Modern Technologies

Kolominov Vyacheslav Valentinovich

Abstract

This publication defines the range of extremist acts, including after changes in domestic criminal law in connection with the conduct by the Russian Federation of a special military operation to protect the territories of the South-East of Ukraine from the aggression of the Kiev regime, establishes the content of the category "crime prevention", defines the network environment as a kind of alternative media through which can be broadcast extremist sentiments, actual criminalistic methods of prevention of extremist crimes committed with the use of modern information technologies have been identified. Extremism, depending on static/dynamism, is divided into extremist ideology and extremist practice, the content of extremist activity is analyzed on the basis of legislation on combating extremism and the current version of the National Security Strategy of the Russian Federation. The novella of the legislator is comprehended and analyzed.

Keywords

criminalistics, crime prevention, extremism, modern technologies, alternative media.

On Some Approaches to Understanding the Essence of the Constitutional Right to Judicial Protection

Malykhina Tatiana Anatolievna

Abstract

The article highlights issues related to the theoretical and legal understanding of the nature of the right to judicial protection guaranteed by the Constitution of the Russian Federation. The analysis of this legal category is given through the prism of material-legal theory using the method of historicism. The problematic issues concerning the understanding of the essence of the institution of the right to judicial protection of its origins are considered. A parallel is drawn between the right to judicial protection, as well as the concept of a claim and the right to a claim. Special attention is paid to the consideration of the right to judicial protection from the point of view of constitutional law. This constitutional right is considered as one of the types of state protection of human and civil rights and freedoms, ensuring the guarantee of rights and freedoms through the activities of the system of courts as specialized state bodies. In addition, the circle of subjects entitled to judicial protection, as well as the rights and freedoms themselves subject to it, is analyzed. The methodological basis of the research was the modern general scientific and private scientific methods of scientific cognition of social

phenomena and processes (dialectical, inductive, deductive, analysis, synthesis, formal legal), as well as the comparative historical method.

Keywords

the Constitution of the Russian Federation, constitutional law, constitutional guarantees, court, judicial protection, right to judicial protection, claim, right to claim, right-claim.

On the Issue of Determining the Age when Developing a Methodology for Investigating Crimes Involving Minors

Fomina Inna Anatolievna

Abstract

The aspects relevant to criminalistic theory related to the definition of the concept of “age”, laid down in legislation and theory, and which can have a significant impact on the development of methods for investigating crimes involving minors as a basic one on the basis of the commonality of the subject of research, are considered. It is established that the existing approaches to the definition of such a category as age, both in science and from the position of the legislator, are not ideal, and do not meet all the goals of ongoing research where age is the main object of research, since they use only part of the existing characteristics to determine age. The analysis of the current legislation made it possible to demonstrate the lack of unity in determining age and the presence of attempts to take into account the nature of regulated legal relations as the basis for determining age. It is revealed that in view of the fact that it is age as a characterizing category that affects many aspects in the study of the personality of a minor within the framework of the investigation of crimes with their participation methodology, it should form the basis of the behavioral mechanisms of the subject of the considered methodology as the most influential element. The conclusion is made about the relevance of using a conditional approach when characterizing such a criterion as the age of a minor, due to the insufficiency and impossibility of meeting all the needs facing the forensic methodology, using only a chronological concretized (absolutely formal) approach. Determining the meaning of age and a clear understanding of the patterns of psychological development dependent on it, affecting the possibility of involving a minor in criminal activity, allowed us to reflect the complexity of the study of this category. This is especially true within the framework of the rule of law, when the basis of its development, strengthening and prosperity determines the ability of the younger generation to follow the legal rules and boundaries existing in society. Various issues of the influence of age on the possibility of using this category in order to identify, disclose and investigate crimes involving minors have been studied. Multitasking is justified in the study of the age of a minor involved directly or indirectly in criminal activity, as the main element in personality characteristics. The emphasis is placed on the need for an integrated approach to the study of age, as the only true and satisfying the needs of both the forensic theory and the practice of investigating cases underlying the development of the investigation methodology under study.

Keywords

investigation methodology, theory of forensic techniques, age of a minor, identity of a criminal, identity of a minor, age.

On Understanding the Phenomenon of Interrogation in a Conflict-free Situation

Shaevich Anton Alexandrovich

Abstract

The article is devoted to one of the aspects of the formation of domestic approaches to the development of tactical-forensic or tactical-psychological recommendations for interrogation in general, as well as recommendations in the structure of forensic methods for investigating certain types of crimes, based on the division of interrogation into two groups on the basis of the so-called , conflict/conflict-free interrogation situation. The article reveals different levels of understanding the conflict, and, consequently, understanding the conflict or conflict-free situation in which the investigative action takes place and the possible negative consequences of mixing these concepts, an erroneous idea of the current situation. In this regard, the main attention is paid to the ideas about the situation of conflict-free interrogation, as well as the signs on which the interrogation is supposed to be attributed to this group.

Keywords

interrogation tactics, psychology of interrogation, interrogation in a conflict situation, interrogation in a non-conflict situation, forensic terminology.

Research of Foreign Experience of World Heritage Protection (Using the Example of the Everglades National Park)

Ditsevich Yaroslava Borisovna

Abstract

The article makes up for the lack of scientific attention to the practice of fulfilling international obligations for the protection of World Heritage sites abroad, an in–depth analysis of which is carried out, first of all, in the framework of considering ways to overcome the threatening state of the Baikal ecosystem, the implementation of the plans of the Mongolian government to erect a cascade of hydraulic structures on the main tributary of Lake Baikal – the transboundary Selenga River within the territory of Mongolia. Everglades National Park was chosen as the object of research. The choice of this specially protected natural area is due, among other things, to the fact that this object has twice been included in the List of World Heritage in Danger, and is in it at the time of the creation of this article, while being included in the Montreux Record. The subject of the study is the practice of legal protection of the specified world Heritage site by the mechanisms of the Convention on the Protection of the World Cultural and Natural Heritage. Based on the study of foreign scientific literature, as well as the original texts of legal documents, the main problems threatening the ecosystem of the Everglades National Park, as well as the importance of the activities of the World Heritage Committee in its preservation, are considered. Separately, the influence of internal political processes in the United States on the exclusion and re-inclusion of an object located on the territory of the state in the List of World Heritage under Threat is noted. According to the results of the study, effective economic and legal mechanisms for the protection of unique natural objects are identified, which can potentially be used in the Russian Federation to solve the problems of protecting the ecosystem of Lake Baikal (purchase of land plots by the state; inclusion of objects in the List of World Heritage under threat, etc.).

Keywords

world heritage site, Everglades National Park, international law, economic and legal mechanisms, cultural heritage, natural heritage.

Legal Policy and Organized Interaction of Society and Nature: Theoretical and Legal Aspect

Zakharkina Anna Vladimirovna

Abstract

It has become an axiom that man is an integral part of nature, which determines the search for optimal tools for organized interaction between society and nature. The article draws attention to the special functional intermediary value of legal policy in the field of ecology, which ensures goal-setting in the organized interaction of society and nature. The interrelationship, but not the identity, of the legal policy in the field of ecology and the ecological function of the state is demonstrated. The article pays attention to the basic scientific concepts that have developed around the concept of “legal policy”: axiological, instrumental and subject-functional. The importance of legal policy in the field of ecology, its existential content is demonstrated. Adaptive variability and at the same time stabilizing nature of legal policy is noted. The political and legal essence of the Constitution of the Russian Federation as a basic political and legal act in the field of regulation of environmental relations is proved. Attention is drawn to the main documents of strategic planning in the field of ecology, as well as their fundamental shortcomings. The study focuses on such controversial issues as the form of law of strategic planning documents; the right of the President of the Russian Federation to advance legal regulation; the permissibility of the introduction of new legal phenomena by strategic planning documents that do not have an appropriate corpus of norms at the level of federal legislation. It is concluded that it is necessary to search for axiological, instrumental and subject-functional features of legal policy in the field of ecology.

Keywords

legal policy, state policy, environmental policy, strategic planning, environmental legislation, environmental function of the state.