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# The Teaching about Defects in the Field of Law and its Relationship to the Legal Category of “Defense”

**Galiev Mikhail Sergeevich**

**Abstract**

It has been revealed that a legal defect acts as an anti-value or destruction of legal reality. Some theoretical and legal aspects of the study of defects in the field of law via the prism of industry affiliation are presented, including the defects of various industry-specific legal institutions, legal implementation and enforcement. The work focuses on the theoretical and methodological study of the problems of legal defects in the legal and technical sphere in the field of the theory of state and law. Attention is paid to the relationship between the theoretical-legal and sectoral nature of the concept of “defect of law” and the legal category of “defense”. The theoretical and legal significance of doctrines in the field of defects of law is revealed, which is expressed in the methodological depth of knowledge of the social and legal nature of the concept of “defects in law”. It is concluded that defects in the law are negative phenomena of legal and state reality, but despite the nature and affiliation of the defect of law, it violates and sometimes complicates the normal, stable process of legal regulation of legal relations. It has been established that the unstable process of legal regulation gives rise to negative and impossible processes for the protection of human and civil rights and freedoms or the need for excessive legal actions aimed at restoring violated rights and freedoms, which in turn allows us to draw a conclusion about the relationship of legal defects to the legal category of “defense”. It is concluded that the legal category of “defense” is the highest legal value in the “person-society-state” legal model. The quintessential significance of the legal category of “defense” is predetermined by the threats and challenges of global change. Therefore, it is recommended to rethink the legal category “defense” in the categorical apparatus of jurisprudence.

**Keywords**

defense, legal category, legal construction, state, law, person, society, legal defect

# The Principle of Humanism and the Principle of Security in the Theory of Law: Aspects of Relationship

**Iroshnikov Denis Vladimirovich**

**Abstract**

The article examines the principle of humanism and the principle of security in the theory of law in their relationship. Special attention is paid to the criminal law refraction of the general legal principle of humanism. Two approaches to understanding the essence of the principle of humanism are revealed – broad and narrow. A broad understanding of the principle of humanism implies the inclusion in its content of two aspects – ensuring human security and respect for human dignity (including the inadmissibility of causing physical or mental suffering). A narrow interpretation of the principle of humanism excludes the aspect of security and reduces its implementation only to respect for human dignity. It is proposed to consider the principle of security as a general legal principle, the meaning of which is seen in the fact that positive law in the process of regulating public relations, based on its goals, should ensure the safety of all subjects of law. It is concluded that it is necessary to distinguish between the principle of humanism and the principle of security and consider them as two independent principles of law. In this case, the principle of humanism is proposed to be understood in a narrow sense, excluding the security aspect from it.

**Keywords**

the principle of law; humanism; the principle of humanism; criminal law; security; the principle of security

# Estological Study of the State Symbols of Mongolia

**Yurkovskiy Alexey Vladimirovich**

**Abstract**

The genesis of the formation and the current constitutional and legal status of the state symbols of Mongolia is considered. The material is built on the basis of the use of the latest author's methodology and scientific research technology (esthological research of the constitutional law of Mongolia). Empirical materials and authentic documents (sources of law, acts of interpretation of law, acts of implementation and application of law) of Mongolia are introduced into scientific circulation. Conclusive constitutional and legal norms are subject to esthological research, which, according to the author, have significant signs of legal and linguistic uncertainty. Based on the study of the patterns of existence of interests in constitutional law and the interests of constitutional and legal regulation in Mongolia, conclusions are synthesized about the meaning and content of state symbols, its legal and technical features. As a result of the study, the presence of a phenomenology of interests of constitutional and legal regulation is revealed. The hypothesis is confirmed that the interests of legal regulation differ from the political interests of subjects of constitutional law.

**Keywords**

Estology, estological research, research methodology, mechanism of state power, mechanism of legal regulation, political system, value, interest, subject of constitutional and legal relations, objects of interest of constitutional and legal regulation, state symbols, flag, coat of arms, anthem, Mongolia

# Insurance Premiums and Artificial Intelligence: Ongoing Changes and Contours of the Future

**Lyutova Olga Igorevna**

**Abstract**

The digital transformation of the obligation to pay insurance premiums is traced, which occurs as a result of the intensification of the use of artificial intelligence technology and the promising possibility of replacing certain professions and/or categories of employees with robotic systems (robots) operating using such technology. The main problems of ensuring the implementation of the modern model of insurance premiums taxation caused by the development of artificial intelligence are determined. The conclusion is made about the stages of evolution of the tax legislation of the Russian Federation, which implies the gradual adaptation of artificial intelligence technology to the system of compulsory social insurance. A promising model of tax and legal regulation of the obligation to pay insurance premiums in the conditions of further development of artificial intelligence technology has been developed.

**Keywords**

insurance premiums, tax obligations, compulsory insurance system, artificial intelligence, robotic system (robot)

# Axiological Aspects of the Normative Control of the Russian Federation Constituent Entities Legislation

**Siliveev Ilya Mikhailovich**

**Abstract**

The significance of normative control of the of the constituent entities of the Russian Federation legislation is analyzed. The content of normative control is determined. The special attention is paid to the question about the perception of normative control in the narrow and broad sense, as the activity of the judiciary, or as the activity of not only the courts, but also other entities involved in the process of identifying and eliminating legal defects in the framework of normative activities. Six aspects of the value of the Russian

Federation constituent entities legislation have been identified. The value of normative control is manifested in the normative control of the Russian Federation constituent entities legislation being one of the tools for ensuring legal and constitutional-legal unity of the Russian Federation, as well as legitimacy. Normative control is considered as the element of law-making activity, without which law-making fails to have a complete, integral state. Normative control is the institution for ensuring the protection of individual and collective rights and freedoms of a person and a citizen, becoming in this case one of the key tools for establishing a democracy regime for which ensuring the rights and freedoms of a person and a citizen is the highest value. Normative control is considered as the element of the separation of powers system without instruments, without which state authorities (both legislative and representative) will not have all the necessary arsenal to perform their activities and ensure the balance of rights of the individual branches of government. Normative control is presented as the mechanism for improving the quality of legislation, both by eliminating defects at the stage of law-making, and in the context of the acceptable improvement in the course of normative control of normative material. Finally, normative control is the institution that ensures the prevention and resolution of a legal conflict in the system of state power. The conclusion is made about the multidimensionality of the value of regional normative control and its importance for the regional legislation development.

**Keywords**

legislation, normative legal act, normative control, court, constitutional normative control, legislation of the subject of the Russian Federation, regional normative control

# On the Question of the Place of the Prosecutor's Office in the System of Public Authorities of the Russian Federation

**Shishkin Sergey Ivanovich, Ogorodov Anton Nikolaevich**

**Abstract**

The authors analyze the controversial issues of the constitutional and legal status of the Prosecutor’s Office of the Russian Federation, concerning its place in the system of public authorities. The provisions on the special status of the Prosecutor’s office, as well as on the allocation of the prosecutorial branch (subsystem) of State power are critically evaluated. The authors come to the conclusion that in modern and retrospective realities, the prosecutor’s office is a state body that is part of the legal mechanism for exercising the powers of the head of state. Suggestions are made about the content of the constitutional and legal doctrine on the status of the prosecutor’s office.

**Keywords**

state power, constitutional status, President of the Russian Federation, prosecutor’s office, judicial power, executive power, law

# Some Issues of Participation of the Prosecutor in Consideration by the Courts of Disputes on the Depriation of Parental Rights

**Kravtsov Alexey Yurievich, Senotrusova Evgenia Mikhailovna**

**Abstract**

The problematic issues of the prosecutor’s participation in the consideration by the courts of disputes on the deprivation of parental rights are considered. Special attention is paid to the analysis of the powers of the prosecutor on the application of a petition for the introduction of a private definition to eliminate violations identified in the actions (inaction) of guardianship and guardianship bodies or other bodies, organizations and officials. The most common violations in this area are listed. In order to increase the effectiveness of the institute of private definitions, it is proposed to ensure information interaction between courts,

prosecutor’s offices and the Federal Migration Service of Russia, as well as to create a unified interdepartmental register of private definitions. The issue of hearing a minor in a court session is considered, the position on the inadmissibility of the appointment of pedagogical or psychological-pedagogical expertise in the categories of cases under consideration is argued. The circumstances that should be paid special attention to when deciding on the expediency of deprivation of parental rights are outlined, such as the presence or absence of preventive work with the family, its duration and specific content, the behavior of the second parent, including initiating the issue of deprivation of parental rights. The analysis of the practice of applying such grounds of deprivation of parental rights as a disease of chronic alcoholism or drug addiction is presented. The existing positions on the sufficiency of the fact of alcoholism or drug addiction in itself for the deprivation of parental rights are given, the position on the need to establish a causal relationship between the parent’s illness and the negative consequences for the child, the study of additional information about the features of the course of the specified disease of the person is argued. Proposals have been developed to improve family legislation in terms of adjusting paragraph 6 of art. 69 of the Family Code of the Russian Federation by expanding the list of categories of crimes, the commission of which may be the basis for the deprivation of parental rights, by including in this list crimes against sexual integrity and sexual freedom of a family member.

**Keywords**

prosecutor, deprivation of parental rights, child-parent relations, child protection, civil procedure, parenting

# Legal Issues of Employment and Conclusion of an Employment Contract

**Paryagina Olga Aleksandrovna**

**Abstract**

The problems of legal regulation in Russia of prohibitions and restrictions on the conclusion of an employment contract, as well as the provision of additional guarantees or preferential rights to applicants in employment, are highlighted. The author argues that it is expedient to enshrine in article 64 of the Labor Code of the Russian Federation a ban on refusing to conclude an employment contract for disabled persons sent to work within the established quota. It is argued that, as a rule, legal ties in employment relations with the employer are implemented in the “right-right” type, which does not contain guarantees of concluding an employment contract with the applicant. The author substantiates the conclusions about the expediency of systematized placement of norms on prohibitions and restrictions on the conclusion of an employment contract, additional guarantees and preferential rights provided to applicants in employment in separate articles of the Labor Code of the Russian Federation, and in the future – in its separate chapter on the employment of citizens with employers.

**Keywords**

employment, prohibitions, restrictions, guarantees at the conclusion of an employment contract, professional qualities of an employee, employee’s health status

# Bankruptcy of a Developer as a Socio-Economic Factor in the Implementation of the Mechanism of Legal Regulation of the Rights of Participants in Shared-Equity Construction

**Tolstikova Olga Mikhailovna, Kostyunina Olga Vladislavovna**

**Abstract**

The problems of protecting the rights and legitimate interests of participants in shared-equity construction, construction participants and investors arising as part of the of the bankruptcy procedure of the developer are considered. It is noted that there is no concept of a single legal equality of the rights of subject

participating in the bankruptcy procedure. It is stated that there are no uniform terminological constructions that allow unambiguously and definitively interpreting the concepts of “participants in shared-equity construction” and “developer of shared construction”, “construction participants”, “developer as a subject of bankrupt legal relations”, taking into account the transformation of a participant in shared-equity construction into a construction participant in the bankruptcy procedure of the developer. The relevance of the research is to assess the changes made in 2018 to the Federal Law of 26.10.2002 No. 127-FZ “On Insolvency (Bankruptcy)” and not received a comprehensive analysis in the doctrine. The practical significance of the study is determined by the analysis of the problems that have arisen in connection with these changes in law enforcement practice in the implementation of legal regulation of the exercise of creditors’ rights arising from the agreement of participation in shared-equity construction, as well as the rights of creditors recognized by the Federal Law “On Insolvency (Bankruptcy)” as construction participants. Other, no less significant issues of the transfer of the rights and obligations of the developer to the acquirer – the public law company “Territorial Development Fund” are also being considered. The purpose of the fund’s activities is to promote the implementation of the state housing policy aimed at increasing guarantees for the protection of the rights and legitimate interests of citizens participating in construction (including participants in shared-equity construction, members of housing cooperatives that have claims for the transfer of residential premises, parking spaces, non–residential premises).

**Keywords**

bankruptcy of the developer, participant in shared construction, participant in construction, rights of the shareholder, non-residential premises, unfinished construction, registry requirements

# Joint Commitment of a Crime in the Doctrine of Russian criminal law (middle XIX century – 1917). Part 2

**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**

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

# “PMC "Redan"”: the Phenomenon of the Popularity of a Destructive Subculture

**Zhilkin Maksim Gennad’evich, Shemchuk Sofia Yuryevna**

**Abstract**

Within the framework of this study, the essence of the phenomenon of “PMC "Redan"” is determined, and the influence of mass media on the spread of destructive subcultures among minors is theoretically substantiated. Of particular interest are the results of monitoring social networks on the topic under consideration. It is concluded that “PMC "Redan"” is a youth subculture of criminal orientation, gaining popularity among young people, which is largely explained by their age characteristics. Concerns are not caused by the “PMC "Redan"” movement itself, not by the subculture that anime fans adhere to, but by the fact that this large group of teenagers can be used to their advantage by setting them up to commit illegal acts. We believe that the sharp growth and no less rapid decline in the activity of “PMC "Redan"” is a kind of trial action of the people behind this youth movement to identify the level of readiness of the authorities to resolve conflict situations in society.

**Keywords**

involvement of minors, criminal subculture, youth, spider, juvenile delinquency, preventive work, hooliganism, figure 4, “PMC "Redan"”

# Some Problems of Qualifying Crimes Related to Corporate Takeovers (Based on Judicial Practice). Part 2

**Oreshkin Maksim Ivanovich**

**Abstract**

The article examines certain problems of applying criminal law in the field of countering “raider takeovers”. A brief analysis of the dispositions of part one of article 170.1 and part one of article 185.5 of the Criminal Code, as well as parts 4 and 5 of article 14.25 of the Code of Administrative Offenses of Russia is provided. Attention is drawn to certain shortcomings in the design of crimes and contradictions that arise in law enforcement activities. The judicial practice in criminal cases considered under these articles in various regions of Russia is summarized, and excerpts from court verdicts and judicial acts of the appellate and cassation instances are given. The problems of qualification of socially dangerous attacks committed with the aim of seizing control of organizations, and their competition with related crimes and administrative offenses are touched upon. The points of view of some scientific and practical workers on the topic are given and the author’s personal position on solving the problems that have arisen is expressed in order to avoid mistakes in law enforcement practice.

**Keywords**

raider takeover, crimes in the field of economic activity, articles 170.1, 185.5 of the Criminal Code of the Russian Federation and art. 14.25 of the Code of Administrative Offenses of the Russian Federation, falsification of decisions, governing bodies of a legal entity, knowingly false information, unified state register, fraud in the field of corporate governance, the end of the crime

# Legal Nature of the Institution of Statute of Limitations in Criminal Law

**Parkhomenko Svetlana Valerievna, Romanova Ekaterina Ruslanovna**

**Abstract**

The question of the essence of the institution of limitation in criminal law is debatable. The author conducted an independent study, the purpose of which is to determine the goals of introducing the institution of limitation into the criminal law of Russia. The article examines the main approaches to determining the essence of the institution of limitation in criminal law; based on the results of their study, a conclusion was made about the lack of uniformity on the issue of the purposes of introducing the institution in question. As part of the article, a survey was conducted among practitioners: representatives of the prosecutor’s office and the legal profession, the results of which allowed us to come to the conclusion that the institution of expiration of the statute of limitations in criminal law is a procedural necessity, but the expiration of the

statute of limitations does not reduce the degree of public danger of the committed act. The institution of limitation in criminal law does not allow exceeding the permissible time limits for criminal proceedings, motivating law enforcement agencies to carry out all procedural actions in a timely manner. All of the above allows us to come to the conclusion that the absence of the possibility of terminating criminal prosecution due to the expiration of the statute of limitations would indicate the possibility of endless criminal prosecution of persons who committed crimes. In conclusion, it is concluded that the institution of statutes of limitations fulfills the dual function of the institution: incentive, on the one hand, and restrictive, on the other.

**Keywords**

statute of limitations, expiration of the statute of limitations, exemption from criminal liability, non-rehabilitative grounds, termination of criminal prosecution

# Standard Measures to Search for Persons Who have Fled from the Bodies of Inquiry, Investigation and Court

**Kuznetsov Evgeny Viktorovich, Stupnitsky Alexander Evgenievich, Shishkina Natalia Eduardovna**

**Abstract**

The lists of standard investigative actions, operational search measures and other search measures that are recommended to be carried out for the identification and detention of persons who have fled from the bodies of inquiry, investigation and court are disclosed. Examples of individual investigative versions put forward at the planning stage of the search for fugitive “criminals” are given. The attention is focused on the problem related to the formal approach of individual employees conducting the search for suspects and accused to the planning of this activity. It is stated that the effectiveness of the search for fugitive suspects and accused can only be ensured by an integrated approach to the planning of investigative measures. This circumstance indicates the need for close cooperation of the initiators of the search with the bodies carrying out operational investigative activities.

**Keywords**

search, search for criminals, search for persons who have fled from the bodies of inquiry, investigation and court, search measures, operational search activities, statistical indicators in the field of search, investigative versions, operational search activities

# Tactical Features of Interrogation of Certain Categories of Persons

**Taurskaya Elena Anatolievna, Gorbacheva Elena Vasilievna, Shishmareva Ekaterina Vladimirovna**

**Abstract**

The most common investigative action, interrogation, is presented. The necessity of an individual approach to its production has been established, depending on the characteristics of the interrogated persons, for example, such as age, gender, procedural status, the presence of physical or mental illnesses, a special psycho-emotional state, etc. The emphasis is placed on the strict individualization of forensic recommendations depending on the specific characteristics of the interrogated, which should be adhered to at each stage of the investigative action under consideration. Some methods of establishing psychological contact with individual groups of interrogated are analyzed, tactical techniques are determined to increase the effectiveness of interrogation. Special attention is paid to such categories of interrogated persons as minors and the elderly, who have a set of characteristics that directly affect the course of the investigative action under consideration and its results. Conclusions are drawn about the need for further formation of forensic recommendations aimed at interrogating certain categories of persons, taking into account their personal characteristics.

**Keywords**

psychological features, tactical features of the interrogation, minors, elderly people, a special psychoemotional state, interrogation of certain categories of persons

# The Place of the Idea of Procedural Economy in Criminal Proceedings in Russia

**Tsyretorov Aleksey Ivanovich, Karsakov Andrey Viktorovich**

**Abstract**

An overview study of the idea of procedural economy from a legal and axiological point of view, as well as its place in the legal system of the Russian Federation is given. By means of induction and scientific analysis, the points of view of domestic processualists on the idea of process economy have been studied. The result of the study is the conclusion about the need for normative consolidation of the concept of procedural economy as an integral part of the system of principles of criminal justice.

**Keywords**

procedural economy, optimization, efficiency, criminal process, rationality

# Sustainable Development and Principles for the Development of Lake Baikal Legislation

**Shornikov Dmitry Vladimirovich**

**Abstract**

The article considers the genesis of the concept of “sustainable development” from the moment of its emergence in the 70s–80s of the last century to the present, on the example of significant events of an international nature, with commentary on some critical remarks. The place and role of the United Nations in this process are shown, the so-called Millennium Development Goals (MDGs) and Sustainable Development Goals (SDGs), as well as indicators of their achievement, are examined. A brief historical report on the evolution of legislation on environmental protection and the rational use of natural resources of the unique ecological system of Lake Baikal is given. As the main problem of the development of Baikal legislation at the present stage, its “de-greening” is declared, the content of this process is illustrated in pro and contra examples. A number of applied and fundamental principles of rulemaking in the field of protection of Lake Baikal in the context of scientific ideas of the domestic and Western schools are proposed. The following principles are proposed and justified as fundamental: the principle of “provision” of legal norms; the principle of “evolution”; the principle of “sustainability”.

**Keywords**

sustainable development, sustainable development goals, principles of law-making, legal protection of Lake Baikal