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Medvedev Valentin Grigoryevich

Programs of White Governments on Legal Regulation of State Construction, Economy and Social Relations during the Russian Civil War

Abstract

The main components of state-building programs and legal regulation of the socio-economic sphere of white governments at various stages of the Russian civil war are deal. The stages of the white movement, starting from the origin of its political and legal forms, are identified and their main content is presented. It is noted that the prehistory of the civil war was associated with the birth of the white movement, which was expressed in the revolt of General L. Kornilov, directed against bolsheviks extremism and the inaction of the left parties in strengthening the Russian state. How the growing influence of the bolsheviks in society and the inability of the Provisional government in the questions of public administration to meet the challenges of the time caused the movement of "autonomism" and "samostiynost" in Ukraine, Siberia, the cossacks regions and other regions on the outskirts of the former Russian Empire, within which the first state forms of the white movement were formed is analyzes. It is indicated that in the summer and autumn of 1918 under the leadership of left-wing parties in the Volga region, Siberia, the Northern region and the Far East, anti-soviet state entities were created, whose governments tried to continue the policy of the Vremennyy government under the slogan of the Constituent Assembly, which did not meet to the heat of socio-political confrontation and growing legal nihilism in society, which led to their collapse. It is determined that from December 1918 to June 1919 there was the highest rise of anti-soviet state construction, carried out under the leadership of the military leaders of the white movement. In this period government of the so-called "democratic counter-revolution", who tried to create an all-Russian authority of anti-soviet power in the person of the Directory, were forced to give way to the governments of "military dictatorships". It is revealed that the second half of 1919 and the subsequent period is associated with the collapse of anti-bolshevik state formations caused by military failures. It is concluded that these failures were due to the inadequacy of land and labor legislation, which did not meet the urgent interests of the general public, which formed the main contingent of the white armies. The article was carried out under the RFBR grant No. 20-011-00347 for 2020.

Keywords

white movement, state, society, state entities, power, political system, legislation

Sapunkov Andrey Anatolyevich

Formation of the System of General Courts of the Russian Empire: St. Petersburg Judicial District during the Formation and Reorganization of 1865-1878

Abstract

The article considers the history of the formation of the system of General courts of the post-reform St. Petersburg judicial district on the territory of three provinces of the Russian Empire: St. Petersburg, Novgorod and Pskov. The system of formation of General district courts (judicial chamber, 6 district courts) and subsequent reorganization of the district structure was studied. In 1878 was disbanded on 2 County court (Ustyinsky bilozers'kyi) and simultaneously open the Cherepovets district court, were reallocated border jurisdiction within the County and transferred part of the territory in the jurisdiction of the Moscow judicial district. System interaction in the opening of "new ships" with the re-formation of the bodies of the Imperial law to the court (prosecutors and judicial investigators) or the judiciary (bailiffs, lawyers, notaries). Little-studied issues are pointed out: mergers and disbanding of pre-reform courts, unrealized plans to open judicial bodies: 1) selection of buildings for the district courts in St. Petersburg province in the cities Luga, Peterhof, Gdov, Yamburg and New Ladoga; 2) the comments of the Minister of justice against plans by the placing district courts in the province of Novgorod in the cities of Cherepovets and Somyn; 3) unrealized remarks by the interior Minister with a proposal to include the Tikhvin uyezd, Novgorod province to the jurisdiction of the St. Petersburg district court, and Gdov County of St. Petersburg province to the jurisdiction of the Pskov regional court. The legal framework regulating the system of formation of the post-reform St. Petersburg judicial district was studied. We used archival materials that were not introduced into scientific circulation in publications on this topic. The final conclusion is that the collected material makes it possible to develop a systematic understanding of the process of implementing the judicial reform of 1864.

Keywords

judicial reform of 1864, general courts, trial chamber, district courts

Tirskikh Maksim Gennadievich

Protrusion of Law as a Legal Phenomenon: Comparative Legal Aspects

Abstract

Violation of the universal requirement of harmony in law causes negative legal consequences. In the end, this leads to the emergence of obstacles in legal regulation, violations of law and order. Long-term violation of harmony in law, caused by stable factors, leads to the emergence of “protrusion of law.” “Protrusion of law” is a complex phenomenon that exists in the legal system of a particular state, associated with the negative influence of long-standing factors of disharmony, manifested in the existence of a set of legal norms

(established models of law enforcement and positions of interpretation of law), which for one reason or another is not coherent to the general one, established, legal order, which causes a set of negative consequences in the end, leading to a complex violation of legal regulation. Protrusion has three main forms: normative protrusion (based on a violation of the coherence of a rule of law to other legal norms), law enforcement (sacred with the contradiction of the content of a legal norm and a law enforcement position developed in the course of applying such a norm) and hermeneutic protrusion (associated withare typical, as a rule, for special situations and legal regimes. They are manifested to the greatest extent in conditions of special administrative regimes of emergency and martial law, legal regimes of functioning of certain political regimes (in particular, an autocratic regime). Protrusions are manifested in different ways in legal systems belonging to different legal families. So, in the conditions of the Romano-Germanic legal family, the protrusion of law, as a rule, manifests itself in the normative sphere and is associated with the emergence of legal norms that are not coherent with other norms. The main form of overcoming protrusion is rule-making activity aimed at identifying and eliminating norms that lead to protrusion. In an Anglo-Saxon legal family, protrusion is less likely to occur. The presence of normative non-coherence does not lead directly to negative consequences, but is leveled by the action of the court, which, through case-law, can harmonize this norm in the context of the general legal order. At the same time, protrusions can occur in the very law enforcement practice, causing the destruction of the previously achieved harmony. In the context of other legal systems, the emergence of protrusion, as a rule, is caused by the identification of legal regulations that contradict the basic principle of the formation of such legal systems (religious, doctrinal, traditional).
Keywords
legal system, legal family, protrusion of law, authoritarianism, legal regulation

Moshnenko Olesya Valeryevna

Current Issues of Taxation Regulation of State-Funded Institutions of the Penal System

Abstract
The article considers the problems of taxation regulation of federal state-funded institutions belonging to the penal system that make it impossible to implement a number of fiscal advantages by the institutions of the penal system, and in some cases, the failure to fulfill tax obligations. Based on the analysis of tax law and budget legislation as well, litigation practice, expert rating, information letters of the Ministry of Finance of the Russian Federation and the Federal Tax Service, conflicting stances on the implementation of a number of statutory tax provisions regulating the procedure of tax obligation fulfillment by state-funded institutions the Penal Service towards federal taxes and taxation updates caused by a wide range of legal disputes are highlighted. The features of taxation of medical correctional institutions of the penal system are considered. Attention is drawn to the difficulties that arise when federal state-funded institutions of the penal system perform the functions of a tax agent for income tax. It is concluded that the implementation of the taxation regulation of the institutions of the penal system requires taking into account the specific features of their legal nature as the subjects of both tax law and budget legislation that implies the need to ensure consistent legal regulation of the performance of tax obligation by these subjects through the harmonization of tax and budget legislation. It is concluded that it is necessary to improve the legal norms governing the taxation of institutions included in the structure of the penal system in view of the type of correctional institution as the current taxation regulation of these institutions many questions and challenges both in the realization of their rights and in the fulfillment of tax obligations. «Transparency» of the legal status of the institutions of the penal system will increase the effectiveness of the mission implementation of the institutions and bodies of the penal system.
Keywords
state-funded institutions, tax, fiscal advantages, the penal system

Shveyger Aleksandr Olegovich

Failure to Comply with the Legal Requirements of the Bailiff as a Sign of Violation of the Legislation on Enforcement Proceedings

Abstract
The sphere of enforcement proceedings is a part of the system of the mechanism for the implementation of judicial acts and acts of other bodies and officials adopted in order to implement the legislation of the Russian Federation and restore broken relations. Officials of the enforcement agency have the authority to make decisions that are binding on their addressees. In case of failure to comply with such decisions, the current legislation provides for administrative liability. In judicial practice, disagreements often arise about the content of the objective side of Article 17.14 of the Administrative Code of the Russian Federation. The article analyzes the question of the characteristics and scope of the bailiff's requirements, the failure to comply with which entails administrative responsibility. The conclusion about the legality or illegality of bringing to administrative responsibility for this offense is argued.
Keywords
enforcement proceedings, bailiff, failure to comply with the requirements of the bailiff, administrative responsibility, violation of the legislation on enforcement proceedings

Shishkin Sergei Ivanovich, Safin Dmitrij Alekseevich

Public Chambers of the Municipality in Various Models of Local Self-Government

Abstract
The phenomenon of differentiation of the genesis of public chambers of municipalities from the model of organization of local self-government is established The factors that substantiate the reasons for such differentiation are determined. These reasons are associated with the demographic characteristics of municipalities, the specifics of the local community and other factors. The variety of models of organization of local self-government in the legislation of the Russian Federation is considered. It was established that these models determine the organization of local authorities, the procedure for filling positions in the municipality. It is concluded that there is a stable causal relationship between the procedure for organizing local self-government and the formation of public chambers of the municipality. The most substantiated schemes for organizing public chambers of municipalities are proposed. This is carried out on the basis of an analysis of legislation, municipal regulatory legal acts, using the method of legal modeling. These schemes allow taking into account the specifics of such chambers and the polarization of their activities. This polarization depends on the place of the public chamber in the system of local self-government bodies in the implementation of local issues. Within the framework of a comparative analysis, it is concluded that for some models of local self-government, the creation of a public chamber is not advisable. For other models, it is necessary to consider the balance of power between the head of the municipality and the representative body of local government. This is necessary so that the public chamber does not turn into an instrument for settling political scores and promoting the activities of the local administration. In most models of local self-government, it is advisable to exclude the head of the municipality from the procedure for forming the composition of the public chamber.

Keywords
municipality, public chamber, models of public chambers, models of local self-government

Zagainov Vladimir Vladimirovich, Kuznetsov Evgeny Viktorovich

On the Need to Improve the Concept of "Unfair Competition"

Abstract
The main legally significant features of the legal concept of “unfair competition”are considered. It is one of the forms of abuse of law, which is expressed in the illegal behavior of the subject of market relations, which by means of forms of implementation of its subjective right that are not permitted by law or contraryto business customs, creates obstacles in the exercise of its competitors ‘ business rights and (or) harms consumers. There is no consumer figure in the definition of unfair competition. If the damage is caused to them, their rights are protected by consumer legislation. Currently, there is no unified concept of “unfair competition”. In legal science and legislation, there are definitions of unfair competition, but having a common meaning, their interpretations differ significantly, generating, in turn, not only disputes in the ranks of the scientific community, but also having a significant impact on law enforcement practice. The integrity of an economic entity is manifested primarily in its lawful behavior, but when implementing civil rights in the field of competition, law enforcement officers must understand the essence and take into account each feature contained in the above concept, since, otherwise, mistakes may be made in the implementation of rights, obligations and prohibitions in the field of competitive relations in the market of goods and services. At the same time, attention is drawn to the imperfection of the legal concept, which leads to a narrowing of the scope of relations arising in the course of violation of competition rules. The latter is a circumstance that reduces the effectiveness of competition protection in the Russian Federation. In order to eliminate the identified gaps, it is proposed to make a number of changes to the competition protection legislation.

Keywords
competition, unfair competition, abuse of civil law, civil legal relations, business activity, economic entities, subjects of competitive relations, losses to competitors, damage to business reputation

Sinkevich Zhanna Viktorovna

System and Types of Social Services

Abstract
It has been established that, for many years, special legal entities of state and municipal forms of ownership were created as characteristic of the social protection of citizens. In the modern period of development of organizations, the designated relations are associated with the transfer of state functions to legal entities, regardless of their form of ownership and to individuals. This tendency manifests itself in the creation of a system within which small and medium-sized businesses are also involved in the provision of social services. The article presents an analysis of social services from the standpoint of the systemic construction of relations. It is proposed to understand the social service system as the elements resulting in the provision of social services, these relations are regulated by public and private norms. It is concluded that such services are provided by a special subject composition of organizations and individual entrepreneurs, as well as by state-authorized bodies that coordinate these relations, decide to classify citizens as needy. A comparative analysis of the legislative concept “social service system” and its differences from the “system of social services” is offered. Through the analysis of the convergence of private and public principles, the tendency of convergence of the norms of social security and civil law is revealed. It is proposed to consider the types of

social services through the features of social services as a special type of service. A comparison of social service legislation and provisions on social entrepreneurship is given. Identifying trends in the development of law, the author concluded that the legislator, by transferring part of the authority to provide social services to subjects of social entrepreneurship, determines the area of responsibility of each subject of relations, develops a mechanism for providing services through a competitive basis of providers of social services. Social services can be provided by any entity, including non-profit organizations. Social services can be provided by any entity, including non-profit organizations.
Keywords
social entrepreneurship, service contract, social services

Filatova Uliana Borisovna, Ganeva Ekaterina Olegovna

Organizational Foundations of Social Entrepreneurship: Features of Contractual Structures

Abstract
The article is devoted to the research of the Institute of social entrepreneurship. The authors identify the features of the organization of contractual relations in relations mediating the provision of social services. Attention is drawn to the fact that the legislation does not have a unified approach to understanding social services, as well as an exhaustive list of services related to social services. Based on the analysis of current legislation on social entrepreneurship, the article identifies problems related to determining the legal nature of the state (municipal) social order. The authors consider various theoretical approaches to defining the concept of state order. In the doctrine, the state order is considered as a managerial administrative act, as a set of administrative and legal acts, as a task or assignment of the state, and even as a public law institution for implementing the Constitution, laws, and functions of the Russian state in the form of an administrative regime of relations between the state and private law subjects. As a key category that links together all other components of the procurement process, the state order has not found conceptual certainty either in legislation or in legal science. It is proved that a social order by its nature is a private legal act, and the placement of such an order should be considered as a unilateral transaction to provide the authorized body with the right to meet the needs of citizens in social services. At the same time, such a transaction is aimed at organizing relations between state authorities, local self-government bodies and service providers. It is concluded that actions for placing a state (municipal) social order aimed at creating preliminary relations for the provision of social services are a one-sided organizing transaction.
Keywords
social service, social entrepreneurship, social enterprises, non-profit organizations, organizational contract, state order

Georgievskiy Eduard Viktorovich, Kravtsov Roman Vladimirovich

Features of Fixing of Joint Commission of Crime in Legislation of Some the States of the Ancient East and the Epoch of Antiquity

Abstract
A study of the joint commission of a crime as a legal phenomenon, which is enshrined in the written legislative acts of the first state formations of the Ancient East and some states of the era of antiquity, is carried out. The article considers the norms of a criminal-legal nature, which include certain provisions concerning the joint commission of a crime. Analyzed the basic laws of Ancient Egypt, Sumer, Babylon, Assyria, India, China and Japan, Greece and Rome. The analysis was made of the norms of a criminal-legal nature, in which provisions on joint infliction of harm are mentioned in one way or another. Possible types of joint commission of a crime and persons jointly participating in the commission of unlawful acts, the grounds and limits of criminal responsibility, types of group entities within which crimes are jointly committed have been established. A number of theoretical provisions have been identified and systematized, reflecting the criminal law views of the legislators of the Ancient East and Antiquity on the socially dangerous nature and harmfulness of the joint crime. It is determined that the ancient oriental and ancient legislators consolidate the first provisions concerning the joint commission of a crime casuistically, that is, fixing specific cases in the “body” of the norms; in the legislation such structures of crime are fixed, the commission of which alone seems either unlikely or impossible; Among the possible types of joint commission of a crime, the legislator pays more attention to the implication, expressed in concealment, non-reporting or connivance. It is argued that this is due to the excellent degree of public danger of such cases, since it is they that create the determination in others to commit a crime.
Keywords
joint commission of crime, complicity, organizer, accomplice, helpers, harboring, incitement, riot, insurrection, Ancient East, Laws Of Bilalama, Gortinsky Laws, Laws Of Manu

Zakomoldin Ruslan Valerievich

Special Military Criminal Penalties: Status and Prospects

Abstract
Presents an analysis of the problems of legislative regulation and practice of applying special military types of criminal punishment under the current military criminal legislation of the Russian Federation. Close

attention is paid to such types of military criminal penalties as deprivation of military ranks, restriction on military service, detention in a disciplinary military unit and arrest with detention in the guardhouse. The definition of “special military criminal penalties”is formulated. The classification of these punishments into types on various grounds is given. The author analyzes the shortcomings of the provisions of the criminal law regarding military criminal penalties, as well as the judicial practice of assigning these types of criminal punishment to convicted military personnel. In addition, proposals for amendments and additions to the existing military criminal legislation and in court practice to preserve data types of criminal punishment, an increase in the practice of their application and increasing their effectiveness. It is pointed out that it is necessary to identify the reasons for the non-use of certain types of military criminal penalties and eliminate them. Proposals aimed at excluding special military types of criminal punishment from the Criminal code of the Russian Federation have been criticized, since this trend excludes the declared variety of types of criminal punishment, does not allow taking into account the special status of subjects of criminal responsibility, which excludes the individualization and differentiation of criminal responsibility and criminal punishment of military personnel. The author’s position is supported by an analysis of the opinions of scientists, practical material, and legislative activities.
Keywords
military criminal legislation, criminal liability of military personnel, special types of criminal punishment, military criminal penalties, deprivation of military rank, restriction on military service, arrest with detention in the guardhouse, detention in a disciplinary military unit

Parkhomenko Dmitry Alexandrovich

About Reflection in the Criminal Law of the Fact of Commission of the Crime for the First Time in Legal Meaning Concerning Certain Categories of Crimes

Abstract
According to the results of a comprehensive study of the problem, it was found that domestic criminal legislation reflects the fact of committing a crime for the first time, traditionally in a legal, and not factual (committing a crime for the first time in life) understanding: such legislative practice always has a preferential criminal law value and is carried out in various ways: in relation to specific crimes or their separate elements, in relation to certain categories of crimes. When assessing the legislative practice of using the concept of a person who first committed a crime in the legal (criminal-legal) sense for the prospect of its improvement and further development, it is noted that the “cross-cutting” meaning of this concept for the entire Criminal Code of the Russian Federation in 1996 was not defined in any norm of this Criminal Code. It has been suggested that for this reason the Plenum of the Supreme Court of the Russian Federation did not give an interpretation of this concept “for all occasions”: to date, no explanation has been given of the criminal-legal meaning of the concept of a person who first committed a crime in the cases provided for in Part 1 Article 531, part 1 of Article 56, paragraph “a”, Part 1 of Article 61 of the Criminal Code of the Russian Federation. It was revealed that such clarifications are expected by the law enforcement officer because the existing interpretations in relation to other norms are of a “thematic” nature and differ in their content. The advantages and disadvantages of the last form of reflecting this circumstance in the Criminal Code of the Russian Federation of 1996 are named. Based on the analysis of the practice of applying criminal legislation, attention is drawn to the need for its improvement in this direction with specific proposals.
Keywords
the person has committed a crime, categories of crimes, criminal law, crimes of medium gravity, legislative practice, general and special parts of the criminal code

Rogova Evgeniya Viktorovna, Gajdaj Mariya Konstantinovna

Prevention of Criminal Behavior of Minors Who are Sentenced to Punishment without Isolation from Society

Abstract
The author analyzes the preventive measures that are applied to minors sentenced to punishments without isolation from society, shows their importance in achieving the goals of correcting convicted persons and preventing the commission of new crimes. The preventive part of the activity of specialized courts for minors is considered. The forms and methods of preventive work carried out by criminal executive inspectorates with minors sentenced to punishments not related to imprisonment are investigated, each of the measures is checked for compliance with international standards for the prevention of general crime and the prevention of juvenile delinquency. Conclusions are drawn about the effectiveness of each of the measures, the feasibility of their application in practice on the basis of a comprehensive analysis of these measures. It is argued that the effectiveness of these measures is determined through the inclusion of preventive measures in the system, because all these measures should always be applied in an integrated manner. Special attention is paid to the practice of juvenile courts in the Russian Federation. In these courts, judges are specially trained to work with minors and are well aware of the peculiarities of their behavior, including unlawful behavior, and administer justice. It is noted that the activities of juvenile courts have a positive effect on the organization of preventive work in this area. It is argued that the system of measures of criminal law and penal enforcement should not be perceived as the main one, because preventive work should be carried out with such minors

who have not committed a crime, as well as with those adolescents who have already served their sentences. Keywords: prevention, juvenile convicts, punishment without isolation from society, juvenile justice.

Keywords
prevention, juvenile convicts, punishment without isolation from society, juvenile justice

Vigulyar Aleksandra Sergeevna, Kolominov Vyacheslav Valentinovich, Kopylov Ivan Alekseevich

Application of Video Recording of the Interrogation of Minors Suspected (Defended)

Abstract
The peculiarities of the organization of the use of video shooting during the interrogation of underage suspects (accused) are considered. Problems that arise in practice when using technical means when conducting investigative actions with the participation of minors are highlighted: lack of skills in handling technical means, insufficient number of technical means themselves, emotional stress when conducting video shooting, fear of making technical errors. The text of the Code of Criminal Procedure of the Russian Federation is subject to special analysis in relation to the use of technical means in conducting investigative actions. The feasibility of introducing the mandatory use of video footage during the interrogation of underage suspects (accused) is justified, as well as the addition of Art. 425 of the Code of Criminal Procedure of the Russian Federation part 7 with the mandatory requirement to use video recording during the interrogation with the participation of a minor suspect (accused). Practical recommendations are made on the preparation for the interrogation of juvenile suspects (accused), the tactics of using technical means of video recording, as well as the recording and storage of evidence in the criminal case file.

Keywords
minor, interrogation, fixation, video recording, technical equipment, suspect, accused, video

Kuras Tatyana Leonidovna, Shishkin Sergei Ivanovich

Questions of Estate Representatives Participation in Trial by Judicial Chambers of Russian Empire (in the Second Half of 19th - early 20th Centuries)

Abstract
The article gives an analysis of the advantages and disadvantages of collegiate court, the involvement of society elements during criminal trials. The author examines the Institute of public participation in legal proceedings in the Russian Empire in the second half of XIX-early XX centuries. Distinctive characteristics and functional problems of estate representatives participation have been under examination. Moreover, much attention is given to the legal framework for conditions and legal proceedings in case of the special presence in the Judicial Chambers. Effectiveness of functioning and comparatively low level of the repressiveness of estate representatives participation in trial by Judicial Chambers has justifiable grounds. It is especially noted that there had been a great amount of institutional and substantive issues in their activity. Well-established positions are encouraged to support the usage of similar institutions in modern criminal procedure after their adaptation to the current level of legal proceedings. The author’s conclusions are confirmed by archive material from the State Archive of Irkutsk Region and the Moscow Central Historical Archive.

Keywords
criminal procedure, judicial chambers, estate representatives, collegiate court, the judicial reform

Muravyev Kirill Vladimirovich, Sokolov Andrey Borisovich, Merlakov Danil Sergeyevich

Problems of Legal Regulation and Organization Mortgages of Loaded or Handed in Storage in Things Pawn Shop

Abstract
The issues of legal regulation of the seizure of pledged or deposited in a pawnshop things, as well as related activities aimed at preventing the commission of new crimes are considered. Conditions are established under which objects located in a specialized commercial organization are not pledged or deposited. The conclusion is made about the legal regime for the protection of information contained in the loan agreement. The procedure for withdrawing a pledge ticket at a pawnshop is defined. The analysis of the criminal procedure law, the positions of scholars and judicial practice regarding the possibility of seizing a pawnshop before initiating a criminal case, as well as the need for a court decision to conduct a search in the specified organization is given. It is concluded that the production of a seizure in a pawnshop before a criminal case is unacceptable; regardless of the type of investigative action involving the seizure of a thing pledged or deposited in a pawnshop, a court order is required. Cases are indicated when an alternative to a seizure can be a search at a pawnshop. Recommendations are offered on improving the procedure for seizing pledged or deposited items in a pawnshop. Recommendations have been prepared aimed at minimizing the possibility of making mistakes regarding each of the identified typical organizational problems of the production of a seizure (search) in a pawnshop. The optimal content of information in the petition of the investigator before the court on the seizure of the pledged or deposited in the pawnshop thing is determined. Recommendations on the adoption of effective measures aimed at eliminating the causes and conditions conducive to the commission of crimes in the implementation of activities by a pawnshop.

Keywords
legal regulation, investigator, interrogator, seizure, pawnshop, security ticket, court decision, professional secret, warning

Rossinsky Sergey Borisovich

Forensic Expertise as a Special Method of Proving in Predictional Proceedings in Criminal Case

Abstract
With this article, the author continues the cycle of his publications devoted to the problems of proof in pre-trial proceedings in a criminal case. The article considers one of the most controversial procedural methods of establishing the circumstances that are important for a criminal case - forensic examination. The most common methods of collecting evidence in pre-trial proceedings are compared: forensic examination and investigative actions. Its essential features are consistently identified and analyzed, which predetermine its special character and special place in the general system of cognitive techniques that are in the arsenal of the preliminary investigation bodies. As such signs stand out: a) the need to use special knowledge; b) mandatory involvement of an expert as a special participant in criminal procedural relations; c) the need for research and the formulation of expert conclusions; d) complicated criminal procedure form; e) formation of a special means of criminal procedural proof - an expert opinion. Separately, attention is drawn to the rather serious procedural capabilities of an expert, which resemble not so much the rights of participants in criminal proceedings provided for in Ch. 8 of the Criminal Procedure Code of the Russian Federation, how many jurisdictional powers of the preliminary investigation bodies and the court It has been suggested that the opportunity given to the expert to assess the actual soundness of the objects of research and their aggregate sufficiency for formulating certain conclusions, likens him to a kind of scientific judge, that is, the role that the famous German scientist K. Mittermeier predicted more than 150 years ago ... The forensic examination is defined as a very original, to a certain extent even a unique procedural technology aimed at establishing (proving) the circumstances that are important for a criminal case.
Keywords
expert opinion, collecting evidence, special knowledge, forensic examination, criminal procedural proof, expert

Kolobov Roman Yurievich, Ditsevich Yaroslava Borisovna

Main Directions of Development of Russian-Mongolian Cooperation in the Field of Protection of Transboundary Ecosystems

Abstract
The main aspects of the organization and development of cooperation between Russia and Mongolia in the field of conservation of transboundary ecological systems are considered, using the example of the lake Baikal ecosystem. Given the particular importance of efforts to ensure protection of waters of the Selenga river, the main tributary of lake Baikal and has a significant impact on the state, the largest freshwater lake on the planet, it analyses the state and highlighted some issues of legal regulation of issues of Russian-Mongolian cooperation in environmental protection. Through the analysis of the potential of the norms of international legal documents (both ratified by Russia and Mongolia, and not yet included in the list of recognized by these States as mandatory), proposals are formulated on priority measures to improve legal regulation in the field of organizing interaction between Russia and Mongolia on environmental issues. Attention is drawn to the currently unused in the protection of the lake. Baikal or the potential Of conventions on the protection of transboundary watercourses and international lakes that is not fully used; on the protection of the world cultural and natural heritage; on environmental impact assessment in a cross-border context and certain other international regulatory documents.
Keywords
international legal protection of the environment, lake Baikal, russian-mongolian cooperation, Selenga river, environmental policy of Russia and Mongolia

Makritskaia Elena Dmitrievna

The Right of Access to Environmental Information in the Aarhus Convention Paradigm: Implementation Experience in Some States

Abstract
The study analyzed some provisions of the Convention on access to information, public participation in decision-making, and access to justice in environmental matters directly related to the right to access to environmental information (in particular, articles 4 and 5 of the Convention, which regulate directly access to environmental information and the collection and dissemination of environmental information, respectively). The components of this right have been studied and described, as well as the main legal terms relating to the law in the text of the Aarhus Convention, such as “environmental information”, “as short as possible”. The work also analyzed and identified those types of information that, based on the provisions of the Convention, relating to environmental information. The paper provides examples of the impact of the Aarhus Convention on the national legislation of some States, as well as a mechanism for implementing the right of access to

environmental information in the Republic of Belarus. Based on the study, general provisions on the right of access to environmental information are described, as well as the fact that the language of the Aarhus Convention is widely used in the legislation of States parties to the convention, and the right of access to environmental information itself is integral and multidimensional.
Keywords
Aarhus convention, environmental information, the right of access to environmental information, protection of environment