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В настоящий сборник вошли статьи, тезисы и анонсы выступлений участников ежегодной межвузовской конференции «We speak legal English, German, French, Spanish, Chinese» которая состоялась 17 ноября 2017.

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AGEEV S.
MGIMO (MOSKAU, RUSSLAND)

STEUERLICHE BEHANDLUNG VON KRYPTOWÄHRUNGEN (VIRTUELLE WÄHRUNGEN) IN ÖSTERREICH

1. EINLEITUNG

Heutzutage ist das Problem der Rechtsregelung von Kryptowährungen sehr wichtig. In meisten Staaten sind die Kryptowährungen nicht als offizielle Währungen oder Finanzinstrumente anerkannt. Sie stellen sonstige Wirtschaftsgüter dar, deren steuerliche Behandlung nicht immer offenbar ist.

2 ZIEL DER FORSCHUNG

In diesem Artikel wird die Besteuerung der Kryptowährungen in Österreich erforscht. Der Autor nutzt das Beispiel der Rechtsregelung in Österreich, denn dieser Staat ist aus dem romanischen und germanischen Rechtskreis. Auf solche Weise kann man in Russland diese Erfahrungen benutzen.

3. LITERATUR - UND DOKUMENTENÜBERSICHT

In Österreich kann man die Aufklärung der steuerlichen Behandlung von Kryptowährungen in zwei Informationsquellen finden: (1) die offizielle Haltung des Ministeriums für Finanzen (über Ertragsteuern) und (2) die Rechtsprechung des Europäischen Gerichtshofs (über Umsatzsteuer).

Laut der offiziellen Webseite des Ministeriums für Finanzen: (a) die Schaffung der Kryptowährung („Mining“) oder die Herstellung sonstiger Wirtschaftsgüter; (b) das Betreiben einer Online-Börse für Kryptowährungen, bei der diese gegen andere Kryptowährungen oder gegen reale Währungen getauscht („an- und verkauft“) werden können; (c) das Betreiben eines Kryptowährung-Geldautomaten, bei dem man mit Bargeld Kryptowährungen beziehen kann, sind eine gewerbliche Tätigkeit mit den entsprechenden steuerlichen Konsequenzen (§ 23 Z 1 EStG) [1].

Auf Basis der Rechtsprechung des EuGH zur Kryptowährung Bitcoin ergeben sich folgende umsatzsteuerliche Aussagen: (a) werden gesetzliche Zahlungsmittel zu Bitcoins umgetauscht und umgekehrt, ist dies eine steuerfreie Tätigkeit; (b) Lieferungen oder sonstige Leistungen, deren Entgelt nicht in gesetzlichen Zahlungsmitteln, sondern in Bitcoins besteht, sind gleich zu behandeln wie andere Lieferungen oder sonstige Leistungen, deren Entgelt in gesetzlichen Zahlungsmitteln besteht; (c) „Mining“ unterliegt mangels identifizierbarer Leistungsempfänger nicht der Umsatzsteuer [2].

4. SCHLUSSFOLGERUNG

Zum Schluss kann man sagen, dass die Kryptowährungen im Rahmen von traditionellen steuerlichen Systemen ganz erfolgreich behandelt werden. Das Beispiel an Österreich zeigt das. Aber auf die Frage, ob die Kryptowährungen überhaupt besteuert werden sollen, gibt es noch keine Antwort. Für einige Staaten, die Kryptowirtschaft entwickeln wollen, gibt es keinen Sinn virtuelle Währungen zu besteuern. In den anderen soll die steuerliche Behandlung ganz streng sein. Wie dem auch sei, es soll in der Zukunft die Bilanz zwischen Kryptowährungen und staatlichen Interessen gefunden werden.

LITERATURVERZEICHNIS

[1] https://www.bmf.gv.at/steuern/kryptowaehrung_Besteuerung.html
[2] http://curia.europa.eu/juris/liste.jsf?num=C-264/14

ALEKHIN A.[1]
BOLOTOVA K.[2]

RUDN (MOSCOU, RUSSIE)

LES PROBLÈMES DES RÉFUGIÉS EN FRANCE

1. INTRODUCTION

En raison des événements récents au Moyen-Orient, qui ont conduit à la migration de masse vers l'Europe, en particulier en France, ont aggravé les problèmes liés à l'intégration des réfugiés.[1] Selon les données officielles sur le territoire de la France il y a environ 20-30 milles réfugiés. Les événements récents dans le Calais sont étroitement liés à cette question.

2. BUT DE LA RECHERCHE

Le but de cet article est l'analyse des problèmes des réfugiés, leur statut juridique, ainsi que la recherche des solutions possibles. Cette étude sera basée sur les données des MÉDIAS français, les opinions des citoyens et des réfugiés.

3. ANALYSE DE LA LITTÉRATURE

Pour commencer, définissons qui nous considérons comme réfugié. Un réfugié c'est une personne, qui a quitté son pays dans lequel il a résidé, en raison de circonstances extraordinaires.Les principaux défis auxquels sont confrontés les migrants en France, c'est la violation de leurs droits, le racisme et la xénophobie,sont associés avec les anciens stéréotypes.[2]

Il y a plusieurs moyens de les décisions. Premièrement, l'une des causes qui affectent le rejet violent des migrants, est le fait que les personnes séjournant en tant que réfugiés sur le territoire d'un état, ne peuvent pas trouver leur place dans la société, souvent, ne parlent pas la langue française, ne sont pas en mesure d'établir des contacts sociaux, ce qui les pousse à commettre un crime et, par conséquent, suscite le mécontentement de rejet d'une part de la population. L'établissement de quotas migratoires ne peut pas résoudre efficacement le problème.

En 2015, en raison d'aggravation d'une crise en Syrie, l'Europe a adopté, selon diverses estimations, environ 3 millions de réfugiés.Encore des événements du 13 novembre 2015 à Paris donnent l'occasion de réfléchir sur le durcissement de la loi sur l'immigration, en particulier, en raison d'activités des organisations terroristes, tout d'abord d'un État Islamique.

Deuxièmement, il est nécessaire porter une plus grande attention au travail avec les migrants en matière de perfectionnement et d'enseignement des cours visant à acquérir des connaissances dans le domaine de la culture et des traditions, ainsi que des principes de la législation de la France.

Un grand problème pour les migrants est l'obtention du statut de "réfugié", car le pourcentage de refus d'asile en France est beaucoup plus élevé que chez les voisins. Par exemple, selon les données "d'Eurostat", en 2014, la Grande-Bretange a accordé le droit d'asile à 39% des requérants, la France — 22%.Le refus d'octroi d'asile est la principale raison de ce que arrivés en Europe les migrants deviennent des clandestins. Certains restent en Europe, après l'échec, les autres signent des pétitions. Les personnes qui

déposent une demande de l'obtention de ce statut , sont confrontées à moins de difficultés considérables. Par exemple, à en juger par les commentaires des migrants eux-mêmes, ainsi que sur les déclarations publiques des travailleurs -immigrats et de nombreuses associations de défense des droits des réfugiés, en France, la procédure d'asile, dure beaucoup plus longtemps que dans les pays voisins. En moyenne, il s'étend à deux ans, pendant lesquels le travailleur migrant n'a pas de permis de travail, et il doit vivre à l'allocation dans un centre spécial de demande d'asile, qu'il ne peut pas quitter. Le dernier l'automne , le premier ministre français Manuel Vals a promis de passer la réforme de l'immigration, permettant d'accélérer la procédure de demande d'asile, qui ne devrait pas durer plus de 9 mois.
Ce problème illustre la situation à Calais en 2016. En ce moment, c'est là que se trouve le plus grand camp de réfugiés en France dans lequel vivent environ 8 000 personnes. Le comportement des migrants provoque des affrontements avec les forces de sécurité de la France, l'insatisfaction de la population locale et etc. Pour cette raison, le 24 octobre a commencé le démantèlement de ce camp par les autorités françaises.[3]

4. CONCLUSION

En conclusion de cet article on peut souligner que ce problème est un impact dans la vie des réfugiés, et de simples citoyens de la France. Cela s'explique par le fait que l'existence de cette question entraîne d'autres difficultés, telles que: la mauvaise sécurité, la réduction de la demande touristique , des manifestations et des rassemblements.

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[1]http://www.marianne.net/agora-crise-migrants-probleme-meconnu-refugies-urbains-100241275.ht ml
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DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW AS REACTION TO CONSEQUENCES OF WORLD WARS

1. INTRODUCTION

At present, the notion of "international humanitarian law" is most often used to denote the totality of international legal principles and norms that determine the laws and customs of warfare and the protection of war victims [1].
The main milestones of such principles and norms codification were the events of the First and Second World Wars, which prompted states to adopt a number of legal measures geared towards humanizing armed conflicts.

2. RESEARCH GOAL

The research goal is to examine the impact of the First and Second World Wars on the development of international humanitarian law; to reveal this branch of international law in terms of its international legal sources.

3. ANALYSIS OF THE IMPACT OF THE FIRST AND SECOND WORLD WARS ON THE DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW

The process of norms codification of the international humanitarian law has evolved quite progressively even before the world wars. It moved in two main directions. One of them was related to the protection of armed conflict victims – the Geneva law, the other – with the restriction on means and methods of warfare – was related to the Hague law.

The birth of the Geneva law and international humanitarian law, in general, is associated with the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, signed in Geneva in 1864 [2]. The birth of the Hague law is associated with the Declaration Renouncing the Use, in Time of War, of Certain Explosive Projectiles, signed in Saint Petersburg in 1868.

The further development of international humanitarian law was associated with a number of conventions that developed the Hague Law. They were adopted at the First and Second World Conferences in The Hague in 1899 and 1907. In addition, the norms of the Geneva law were updated.

The international humanitarian law with such international legal framework approached the world wars, which demonstrated the dignities and, most importantly, the shortcomings of the Hague and Geneva Conventions.

The response to events of this magnitude was the need to bring the international humanitarian law norms in accordance with the new realities. In addition, the creation of increasingly destructive means of warfare and the expansion of the scale of military operations required to further develop norms for the humanization of armed conflicts.

The Geneva law made a breakthrough in its development in 1949. The international community met in Geneva and signed four Geneva conventions directed at protecting the armed conflict victims. Their adoption was a key moment in developing international humanitarian law as an independent branch of international law, and together with the Additional Protocols of 1977, the Geneva Conventions of 1949 laid the foundation of international humanitarian law.

Subsequently, other conventions were adopted. Most of them concerned the use of weapons of certain types in the war.

4. CONCLUSION

Based on the analysis, we can assert that modern international humanitarian law reflects the experience of world wars: it includes a wide range of international legal norms that cover many aspects of warfare, provide protection to a number of categories of persons and restrict certain means and methods of warfare.

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INTERNATION LEGAL BASE OF CHILDREN'S RIGHTS PROTECTION: LEGAL AND REGULATORY SYSTEM

1. INTRODUCTION

Human rights are the rights by which a person is endowed by virtue of belonging to the human race. They are the vital need for self-expression of the individual. Only the possession of rights makes a person a subject of historical creativity, a unique personality. The modern stage of human development is characterized by the recognition of human rights as the highest social value. Enforcement of child rights is applicable to our time global problems, in which the whole world community solution is interested [1].

2. RESEARCH GOAL

The children's rights are an inalienable, composite and indivisible part of universal human rights. The research goal is to analyse the norms of international and national law in the field of protecting the children rights.

3. CONVENTION ON THE RIGHTS OF THE CHILD 1989 AS THE MAIN DOCUMENT IN ENFORCEMENT OF CHILD RIGHTS

As of today 70 million children do not have possibility to get education, 17 million of them are refugee children. Child labour exploitation is carried out to more than 150 million children aged under 14 years. More than 70 million children are victims of armed conflict.

According to UNICEF forecasts with the current tendency, 70 million children may die before they reach the age of 5 years by the year 2030, about 750 million of underage girls may marry before they are 18, more than 60 million children may not be able to attend school. Also by the year 2030, more than 167 million children may live in need.

Agreeably, one of the primary objectives the world community facing today is the appropriate security and protection of children rights from violations.

Convention on the Rights of the Child 1989 is a document of special interest and proclaims the child as meaningful and fully legitimate personality, an independent subject of law, establishing the priority of children interests over the needs of the state, society and family [2].

As United Nations Secretary-General said, “Today, better than ever, we recognize that better tomorrow construction begins with children, with the provision of their health, education, security and the encirclement of their love" [3].

4. LITERATURE AND DOCUMENTS REVIEW

The protection of the children rights is carried out both at the universal and regional levels. International legal acts of the Council of Europe, the United Nations, the International Labour Organization, laws and legal acts of the Russian Federation are widely used as sources of the research. It should be noted that up to date a great number of works have been published on the topic. They deal with the children’s rights and the rules for their protection by national legal and international legal means.

5. CONCLUSION

A precondition for the construction of a democratic constitutional state is the empowerment of citizens with a wide range of rights and freedoms. The observance and effective protection of these rights will contribute to creating the right political, economic and social friendly environment for younger generation. Realization of children's rights and addressing the major problems must be carried out only with an integrated approach.

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POLICE DETECTIVES IN THE UNITED STATES OF AMERICA

1. INTRODUCTION

This publication is devoted to the study of the profession of police detectives and their place in the United States Police system. Police detectives are the rank of officers assigned to police officers in the United States of America. Unlike police officers, who are responsible for patrolling and responding to emergencies, police detectives work as investigators. Detectives can be employed at the local, state, and federal levels, and can specialize in different aspects of crime investigation like cybercrimes or drug enforcement. Since the police detective is a higher rank and higher paid position comparing to the police officers, it requires more experience and knowledge.

2. RESEARCH GOAL

The purpose of this work is to identify the peculiarities of the detective`s profession in the police of the United States of America, the skills and qualities necessary for the police officer to become a detective as well as specialized education and stages of career needed to pass the qualifying exam for the rank of the police detective.

3. LITERARTURE REVIEW

The police detective is a rank that is conferred on officers of the United States in case of special distinction or successful pass of the qualification examination. Generally, the promotion based on individual merit is not applicable, thus most of the police officers become detectives after successful completion of the training course and qualification exam.

Police detectives should be calm, able to handle pressure and high-stress situations. They should be emotionally stable because their duties include examining violent and gruesome crime scenes. They should have sustainable skills for teamwork.

George S. Patton stated (1944): “The duties of an officer are the safety, honor, and welfare of your country first; the honor, welfare, and comfort of the men in your command second; and the officer's own ease, comfort, and safety last”. [1, p. 78]

To work as detectives, candidates must hold a high school diploma, but for successful promotion in career they should also complete, at the very minimum, one Bachelor’s program. The degrees in criminology, criminal justice, psychology or human service are the best for the police detectives.

Typically, candidates for police training should be over the age of 20. They should have a clean criminal record and should be physically fit. If a candidate meets these guidelines, he or she will then participate in interviews, background checks, and drug screenings. As soon as candidates have successfully passed these stages, they can advance to police training. Training for police detectives typically takes place at training academies. These facilities provide programs that teach students all about law, firearms, and first aid. Usually, a police detective will graduate from the academy and start his or her career as an officer, after that he or she will be promoted to police detective. Detectives then have the option of pursuing advanced positions within law enforcement.

Police detectives have a wide range of powers, but all their actions are based on the law. They gather facts and collect evidence for criminal cases and participate in raids and arrests. Detectives work closely with their jurisdiction's Crime Scene Investigation Unit (CSI), which gathers the forensic evidence. More than that, they must be present directly at the crime scene, conduct interviews, examine records, and write reports for the data they accumulate. Detectives work with suspects, witnesses, and victims as they try to piece together the story of how the crime they are investigating has occurred.

Police detectives can expect to have benefits like health insurance, uniform reimbursement, and retirement, however, exact amount of salary and benefit packages will vary depending on experience, location, and education. Detectives wear plain clothes, usually a suit and tie, and drive unmarked cars.

4. CONCLUSION

Police detectives occupy an important place in the police system of the United States. They will continue to work diligently on a case until it is solved or until they can go no

further with the evidence and other information, and do everything they can in order to get justice.

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LA DIFERENCIA ENTRE LOS TERMINOS «DELITO» Y «CRIMEN» EN LA LENGUA ESPAÑOLA

1. INTRODUCCIÓN

El "delito" y "crimen" son dos palabras que la gente a menudo confunde cuando se produce la necesidad de utilizarlos en textos jurídicos o simplemente explicar la diferencia. De hablar de manera estricta, estos términos son intercambiables, pero debido al uso continuo se les atribuyen diferentes significados, que vale la pena conocer.

2. EL OBJETIVO DE LA INVESTIGACIÓN

El objetivo principal del artículo es determinar y analizar la diferencia entre las palabras delito y crimen y entender en qué contextos utilizarlos en textos jurídicos.

3. LITERATURA/REVISIÓN DE FUENTES BIBLIOGRÁFICOS

Entre los trabajos publicados en Rusia en el marco de este tema existe una gran cantidad de artículos [3], [4] y [5], así como entender la distinción entre estos términos es muy importante para un abogado. Para componer este artículo la autora ha recurrido a varios diccionarios [1] y [2].

4. CONCLUSIONES

Se define como un delito cualquier acto intencional o negligente en contra de lo que se establece en la ley. Es un insulto a la voluntaria o involuntaria, en contra de otra persona, que se convierte en "vulnerable", es decir, la víctima. El delito no es sólo moral, sino también se efectua en el ámbito jurídico.

En cuanto al propio acto de la comisión de un delito, dependiendo de la cuantía de los daños y perjuicios causados, se diferencian diferentes tipos de castigo, de conformidad con la ley.

Por otro lado, la palabra crimen, como regla general, se aplica en los casos en que un acto ilegal es más grave, como crímenes contra la humanidad (crimen de lesa humanidad), por ejemplo, el homicidio o el asesinato. Además, mediante el uso de este término se hace hincapié en el aspecto voluntario de la conducta delictiva, es decir, se supone que la persona que ha actuado en contra de la ley, lo ha hecho por propia

voluntad y con la intención de hacer daño, y no simplemente por un descuido o accidente.

Si tomamos en cuenta sólo las consecuencias de estas palabras, resulta que todo crimen es un delito, pero no cada crimen se considera como un delito. Por lo tanto, llegamos a la conclusión de que el término "delito" se utiliza en un sentido más amplio.

También, la diferencia entre el delito y el crimen radica en el hecho de que el crimen se define en función de las leyes de cada Estado, y el concepto del delito lo define la sociedad. Por ejemplo, en la situación del régimen de una dictadura, no se consideran como crímenes las violaciones de los derechos humanos, a pesar de que es un delito.

En cuanto a la lengua rusa, en ella sólo existe una palabra que incluye todos los conceptos de los términos españoles: delito y crimen, y todos los actos se dividen en cuatro grupos en función de la gravedad de esos actos.

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DECRIMINALIZATION OF COMMODITY CONTRABAND IN THE RUSSIAN FEDERATION

1.INTRODUCTION

This article is devoted to the analyse of the decriminalization of smuggling in the russian federation.

2. RESEARCH GOAL

The urgency of this problem is connected with the fact that more and more often there happens smuggling of clothes, foods, medicine and other items.
The purpose of this work is to analyze the changes in the field of criminal law for the smuggling of conventional goods, the effectiveness of changing laws.

3. LITERARTURE REVIEW

Previously, the illegal movement of goods across the customs border of russia was qualified as a criminal offense.

The reason for initiating a criminal case was: violation of the established order of customs enforcement or the amount of goods, illegal movement of drugs or other substances, weapons. Since 2013 by non-declaring or unreliable declaration, not related to non-payment will be classified as administrative offenses.

For the guilt in the illegal movement of goods will be imposed assigned administrative punishment in the form of an administrative fine imposed on citizens, individuals and legal persons, in the amount of from one to three times the value of goods that are

subjects of an administrative offense or confiscation of the items subject to administrative offense.

As a result, the criminal law abolished the punishment for smuggling ordinary goods. Decriminalization of commodity smuggling combined with increased administrative responsibility will be a more effective tool for countering the illegal movement of goods. Innovation will also lead to an economy of money, time and human resources in the course of implementing administrative procedures.

4. CONCLUSION

In conclusion, it can be said that there are undoubtedly advantages of changing the legislation. But the downside is that the limitation period for a heavy crime is difficult to establish under the administrative code.

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CRIMINAL LEGAL PROTECTION OF INFORMATION RIGHTS OF MINORS IN RUSSIA

1. INTRODUCTION

The relevance of this topic is due to a visible rising incidence of suicide among adolescents, communicating in the so-called "death groups". In 2017, this "fever" embraced such countries as Russia, Ukraine, Kazakhstan, and some others. Parents, teachers and law enforcement agencies fear to expect new cases of teenage suicides. According to the head of the Internal Ministry, “since the beginning of 2017, more than 16,000 "death groups" have been blocked. He highlights the necessary to determine the body that will make decisions on the facts of dissemination of information about minors who suffered as a result of illegal actions. [1] The complexity and novelty of the research consists in walking a fine line between the information rights of minors and their protection against information that is detrimental to them.

2. RESEARCH GOAL

The study is intended to conduct a comprehensive analysis concerning regulation of information that is harmful to the moral and spiritual development of minors, draw up recommendations on optimizing the state system of bodies exercising state control over protection of information rights of minors, study the activities of bodies that criminalize the information rights of minors with possible proposals for reorganization of these bodies in order to harmonize their activities, and improve the criminal legal framework in regard to defining liability for violation of information rights of minors.

In the Criminal Code of the Russian Federation of July 18, 2012 there were two articles providing for:

Punishment for inciting suicide (Article 110.1), the qualifying sign of which is facilitating the commission of suicide by advice, directions, information, means or tools for committing suicide, or by removing obstacles to its commission or by promising to conceal funds or tools for committing suicide against a minor or a person, knowingly for the guilty being in a helpless state or in material or other dependence on the

perpetrator or a group of persons by prior conspiracy or by an organized group, in public speaking, publicly demonstrating the work, the media or information and telecommunications networks (including the Internet network) [2];
Punishment for the organization of activities aimed at inducing suicide by disseminating information on the methods of committing suicide or appeals for committing suicide, as well as for an act involving a public appearance, the use of a publicly displayed work, the media or information and telecommunications networks (including Internet) [3].

3. DOCUMENTS REVIEW

The basic documents for the protection of the information rights of the child in Russia are the Concept of Information Security of Children and the Federal Law on Protection of Children against Information Detrimental to Their Health and Development. The purpose of the adoption of these normative documents is to establish legal mechanisms to protect children from information that harms their physical, mental and spiritual development.

4. CONCLUSION

One of the main directions of the regulation of the criminal legislation of Russia in the near future involves toughening the legislation on "suicide". Another important step suggests developing the most effective mechanism for protecting the child from information that adversely affects his/her development, without violating the child's informational rights. It is wrong to say that the influence of "death groups" on the Internet is only 1% of all cases of juvenile suicide, we must emphasize that this 1% does exist and it is necessary to make every effort and use all possible resources, to reduce it to zero.

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El ANALISIS COMPARATIVO DE LA TERMINOLOGÍA ESPAÑOLA Y LATINOAMERICANA EN LA MATERIA DE LAS RELACIONES INTERNACIONALES Y SU RESPECTIVA TRADUCCIÓN AL RUSO

1. INTRODUCCIÓN

Es necesario ser muy atento al traducir textos politicos, especialmente en la esfera de relaciones internacionales. Es muy importante prestar mucha atención a los nombres de organizaciones y puestos oficiales, puesto que estos errores y inexactitudes puedan llevar a las alteraciones del sentido, a vezes bastante graves. Esto, en su lugar, puede causar misenterpretaciones, malentendidos y incomprensiones entre las partes, que

puede resultar en ciertos dificultades en el area de relaciones exteriores, derecho internacional, et.

2. EL OBJETIVO DE LA INVESTIGACIÓN

El propósito del presente trabajo es poner de relieve la diferencia en las denominaciones oficiales del Ministerio de relaciones exteriores en paises del habla hispana y la traducción adecuada de los mismos a la lengua rusa para evitar los posibles errores que puedan llevar a consequencias indeseables.

3. LITERATURA/REVISIÓN DE FUENTES BIBLIOGRÁFICAS

Referiéndose a fuentes oficiales de los Ministerios del Exterior de países del habla hispana [1] se puede destacar que la denominación oficial del dicho ministerio varía dependeiendo del pais:

España – Ministerio de asuntos exteriores y de cooperación
Venezuela – Ministerio del poder popular para relaciones exteriores
Argentina,
Costa Rica – Ministerio de relaciones exteriores y culto
Ecuador – Ministerio de relaciones exteriores y movilidad humana
Colombia – Cancillería
Mexico,
Honduras – Secretaría de relaciones exteriores
Peru, Chile, Panamá, Cuba, Nicaragua, Guatemala, El Salvador, Paraguay, República Dominicana
– Ministerio de relaciones exteriores

Esta lista nos muestra que la mayoría de nombres oficiales contiene las palabras “relaciones exteriores” o “negocios exteriores”, y es imposible malentender el sentido inmediato. Sin embargo, algunas denominaciones contienen tales palabras como “cooperación”, “poder popular”, “mobilidad humana”, “culto”. Y es importante tenerlas en cuenta al traducirlas del ruso al español, prestando especial atención al nombre del dicho ministerio precisamente en el dado país. Por ejemplo “Министерство иностранных дел Эквадора» se traduce como “Ministerio de relaciones exteriores y movilidad humana de Ecuador ”, “Министерство иностранных дел Коста Рики» и “Министерство иностранных дел Аргентины» se traduce como “Ministerio de relaciones exteriores y culto de Costa Rica ”, “Ministerio de relaciones exteriores y culto de Argentina ”. Eso adquiere especial importnacia cuando el nombre oficial es completamente diferente. Un vívido ejemplo es la Cancillería de Colombia. La palabra “cancillería” podrá ser traducida erróneamente como “канцелярия», que en ruso tiene un sentido totalmente diferente.

4. CONCLUSIÓNES

Considerando lo susodicho es necesario prestar gran atención a la traducción adecuada y correcta de los documentos y papeles oficiales, teniendo en cuenta las posibles variaciones de la lengua de cada país, especialmente cuando ésta parece simple y obvia.

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ULTRA VIRES IN ACTS OF INTERNATIONAL ORGANIZATIONS: THE PROBLEM OF QUALIFICATION

1. INTRODUCTION

This article is referred to the problem of ultra vires acts of international organizations. A great attention is paid to this question in the doctrine of international law. The problem is that international intergovernmental organizations or their organs adopt acts or decisions on the situations which are not directly included to their competence or with violation of the procedure. It is rather difficult to qualify an act of international intergovernmental organizations and their organs as ultra vires or intra vires.

2. RESEARCH GOAL

This problem has a significant weight because the tendency of adopting decisions by international organizations which are outside the scope of their competence is increasing in the modern world. These decisions and acts are not included in the charters of international organizations as powers. However, they justify such adoption by the necessity of effective fulfillment of charter's provisions.

3. ANALYSIS OF THE DEFINITION

There is no legal definition of ultra vires in the international law. Literally, these are acts or actions of international organizations, which are out of the scope of their competence.

In the doctrine of international law this concept includes:

1) The behavior of officials or organ of organization which is outside the scope of its competence;
2) The behavior of officials or organ of organization which is in the scope of its competence but exceeds the limits of competence of the organ and officials themselves.

It is possible to find a confirmation of such differentiation in judicial practice. A significant problem was discussed in Advisory opinion of International Court of Justice (ICJ) on Certain Expenses of the United Nations 1962. The question was about possibility to recognize the expenses which have been confirmed by the General Assembly as expenses of an organization itself. The General Assembly does not have a competence to make such confirmation because the power to do it belongs to the Security Council. It was the first time when acts of organs were considered as ultra vires acts of international organization itself. Such problem was discussed in other decisions and Advisory opinions of ICJ as well.

Famous scientist C. Amerasinghe highlights some key elements which explain the definition of ultra vires acts of international organizations:

1) Actions of organs or officials of organization;
2) Competence can appear from the charter of organization or from its secondary law;
3) Competence can be directly reflected in documents or its existing can arise from the text of these documents;
4) The excess of power should affect rights of other subjects but not the organs of organization or organization itself.

International lawyers lay emphasis on legal effect of ultra vires acts. For example, C.Amerasinghe notices that the main question to be solved in discussing the problem of ultra vires acts is whether they have legal effect or not. Lawyers who work with this question incline to the fact that if ultra vires act has legal effect then it is possible to speak about its illegality. In other cases, it seems impossible.

4. CONCLUSION

The question of qualification and legal effect of acts adopted by international organizations with the excess of power always draws attention of lawyers and scientists. The main reason is that in this case there is a doubt about validity of the adopted decisions. However, there is no common approach to the method of solution of such questions. The absence of agreed procedure is giving rise to new disputes and opinions regarding the question of qualification of actions and acts as ultra vires.

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FLÜCHTLINGSOBERGRENZE VOM STANDPUNKT DES EUROPÄISCHEN RECHTES

1. EINLEITUNG

Für die noch nicht völlig bewältigte Flüchtlingskrise ist entschlossenes Handeln gefordert. Die Obergrenze, schon in Österreich beschlossen, steht seit Monaten im Mittelpunkt der politischen Debatte, um die möglichen Maßnahmen, den ungebremsten Zustrom von Flüchtlingen zu stoppen. Die Idee wurde von der CSU besonders unterstützt, im Gegenteil zu der CDU, was zu einer momentanen Spaltung zwischen den Unionsparteien geführt hat, bevor sich die Parteivorsitzenden auf einen Kompromiss geeinigt haben.

2. ZIEL DER FORSCHUNG

Meine Arbeit verfolgt den Zweck, den Leser mit einer rechtlichen Analyse der erwähnten Frage vertraut zu machen. Gemeint wird, inwieweit die Einführung einer Flüchtlingsobergrenze in der Sicht der Rechtsvorschriften der Europäischen Union, deren Mitglied Deutschland heute ist, zulässig ist.

3. LITERATUR- UND DOKUMENTENÜBERSICHT

Experte behaupten, das Vorgeschlagene sei mit dem europäischen Recht nicht vereinbart. Sie stützen sich dabei auf Dublin-III-Verordnung vom Jahre 2013, die sieht vor, dass dasjenige EU-Land, in dem der Flüchtling das EU-Gebiet zum ersten Mal betreten hat, für das weitere Asylverfahren zuständig ist. Daraus folgt, dass kein Asylbewerber an der deutschen Grenze zurückgewiesen werden kann, mit dem Argument, die Obergrenze sei schon erfüllt. Im Artikel 72 des Vertrages über die Arbeitsweise der Europäischen Union wird auf Ausnahmefälle hingewiesen: wenn die innere Sicherheit oder die öffentliche Ordnung gefährdet werden, dann ist ein Alleingang erlaubt. Es sei aber hervorgehoben, die Asylnotverordnung, in der die Obergrenze genannt wird, bleibt zum gegenwärtigen Zeitpunkt immer noch nur ein Entwurf, sie ist in Kraft noch nicht getreten. Überdies müsse die Europäische Union dem Präsidenten von dem Europäischen Gerichtshof Koen Lenaerts zufolge immer strikt gemäß der Genfer Flüchtlingskonvention handeln. Obwohl die Konvention kein Grundrecht auf Asyl enthält, ergibt sich ein solches für alle EU-Mitglieder aus der Europäischen Grundrechtecharta und das im Asylrecht verankerte Prinzip der Prüfplicht, Darunter versteht man, dass jeder nach der Dublin-Verordnung zuständige Staat dazu verpflichtet ist, alle Asylbewerber nach den Kriterien der Genfer Konvention zu prüfen und ihnen gegebenenfalls den Schutzstatus zuzuerkennen. Außerdem müssten alle Mitglieder der Europäischen Union gemeinsame Mindest-Standards bei der Unterbringung von Asylbewerbern einhalten, solange ihre Asylanträge geprüft werden.

4. SCHLUSSFOLGERUNG

Das Fazit wäre, dass obwohl ein Staat die Bearbeitung eines Asylantrags zwar verzögern könnte, wäre ein Verzicht darauf rechtswidrig. Deutschland kann die Möglichkeit der Einführung einer Obergrenze für Flüchtlinge betrachten, ihre Umsetzung wäre aber kaum möglich.

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PROBLEME DER INDIREKTEN STEUERN IN DEUTSCHLAND: UMSATZSTEUER ODER MEHRWERTSTEUER?

1. EINLEITUNG

Wenn es um das Steuersystem Deutschlands geht, stößt man häufig auf solche Begriffe wie „Umsatzsteuer“ und „Mehrwertsteuer“, die entweder für Synonyme, oder für verschiedene Steuerarten gehalten werden. Dazu sieht das Umsatzsteuergesetz „Vorsteuer“ vor, die auch die Umsatzsteuer ist. Solche große Anzahl der ähnlichen und gleichzeitig komplizierten Bezeichnungen verursacht, dass viele Menschen sie immer verwechseln und sogar glauben, es gebe in Deutschland die Doppelbesteuerung.

2. ZIEL DER FORSCHUNG

Die Forschung, die hier präsentiert wird, verfolgt das Ziel, völlig klarzumachen, was alle obengenannten Begriffe bedeuten und wie sie sich mit den verschiedenen Arten der indirekten Steuern korrelieren. Um das besser zu verstehen, werden diese Begriffe mit den russischen und amerikanischen dementsprechenden Steuern verglichen.

3. LITERATUR - UND DOKUMENTENÜBERSICHT

Die Umsatzsteuer in Deutschland ist eine Verkehrssteuer, die auf Transaktionen der Waren und Leistungen im Wirtschaftsverkehr erhoben wird [1]. Zuerst ist es erforderlich, die Unterschiede zwischen der Umsatz- und Mehrwertsteuer zu forschen, die am Beispiel der russischen und amerikanischen Steuersysteme einfach gesehen werden kann. In Russland und in den USA bezeichnen diese zwei Begriffe ganz verschiedene Steuern: die Umsatzsteuer wird als „Sales Tax“ oder „налог с оборота“ [2] bestimmt und die Mehrwertsteuer wird als „VAT“ („value added tax“) oder „НДС“[3] erklärt. In Deutschland aber nutzt man diese zwei Worte, um eine und dieselbe Steuer zu nennen. Doch sagt man gewöhnlich „Mehrwertsteuer“ in der Umgangssprache, wenn die Juristen den Begriff „Umsatzsteuer“ zu nutzen pflegen.

Was die Vorsteuer angeht, umfasst dieser Rechtsausdruck die Umsatzsteuerzahlungen, die ein Unternehmer, der ein Steuerschuldner ist, an seine Lieferanten bezahlen muss, damit sie das Geld dem das Finanzamt überweisen können [4].

Interessant ist es, dass die deutsche Umsatzsteuer der russischen Mehrwertsteuer oder НДС entspricht. Der Beleg dafür besteht darin, dass man einen Vorsteuerabzug bekommen kann, was im Fall des „Sales Tax“ unmöglich ist. Laut § 15 des Umsatzsteuergesetzes schlagen die Betriebe auf den Preis die Steuer auf und wenn diese Erhöhung größer als die schon bezahlte Vorsteuer sei, bekommen sie den Vorsteuerabzug [5]. In der Praxis wird einfach der Saldo zwischen diesen zwei Summen an das Finanzamt übertragen.

4. SCHLUSSFOLGERUNG

Die Konsequenzen sind so, dass in Deutschland nur eine Umsatzsteuer existiert, die auch oft die Mehrwertsteuer genannt wird. Die Vorsteuer ist nur eine Bezeichnung für ein Teil der Umsatzsteuer, das dem Vertragspartner bezahlt wird.

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LAS DIFICULTADES Y LAS CARACTERÍSTICAS ESPECÍFICAS DE LOS TIPOS DE TRADUCCIÓN

1. LA INTRODUCCIÓN

Cada año el interés por el estudio de la lengua de la traducción en áreas específicas, por ejemplo, en la esfera de las relaciones jurídicas entre el estado y la sociedad, en las relaciones en la esfera de los negocios crece constantemente. Esta situación se explica por el desarrollo continuo de las relaciones internacionales, todas las esferas de las cuales se rigen por unas u otras normas jurídicas, lo que lleva a la necesidad del estudio de la especificidad jurídica de un determinado estado.

2. OBJETIVO DE INVESTIGACIÓN

El objetivo principal del artículo es la prevención de los supuestos errores posibles en la traducción jurídica del léxico español al ruso, el análisis comparativo de vocabulario jurídico de Rusia y de España, el estudio de los rasgos del vocabulario español jurídico para la máxima exactitud de la transmisión del significado de las palabras del remitente o al destinatario hispanohablante.

3. REVISIÓN DE FUENTES BIBLIOGRÁFICAS

Para ilustrar la selección de los rasgos del vocabulario español jurídico, realizaremos un breve análisis comparativo de la terminología jurídica de ambos países.

1. La redundancia de la terminología jurídica de España. En español, a diferencia del ruso, se observa una gran cantidad de las palabras, casi iguales en cuanto a sus significados y que tienen solo un equivalente en ruso. Por ejemplo: voz y voto – голос; daños y perjuicios – ущерб; cargas y gravámenes – налоги; armonía y concordia – согласие; negligencia o desidia — халатность; riñas y pendencias – споры.
2. En español, a diferencia del ruso, donde esta ha sido la tendencia, se observa una menor cantidad de los préstamos del inglés, como demuestran los ejemplos: лизинг – arrendamiento con opción a compra; киллер – asesino; офис – despacho; бизнес – negocio; бизнесмен – hombre de negocio; прайс лист – factura. Aunque en el idioma ruso también existen análogos de las palabras citadas, pero la preferencia se da a menudo a las palabras prestadas del inglés .
3. No menos complejidad representan así llamados "Falsos amigos del traductor" – que son diferentes según el significado de la palabra, con la misma pronunciación y la escritura. Compromiso – no significa компромисс, sino обязательство; recurso – no solamente ресурс, sino también жалоба, иск; instancia – no solamente инстанция, sino también ходатайство, заявление; firma – no solamente фирма, sino también подпись; carta no significa карта, pero sino письмо; Sociedad Anónima no significa анонимное общество, sino акционерное общество; procurador en España no significa прокурор, sino es помощник адвоката.

4. CONCLUSIÓNES

En conclusión de lo anterior, debe decirse que cada estado tiene un cierto idioma específico, que sin un estudio adecuado será un obstáculo para el traductor en el camino del logro de la meta –la traducción jurídicamente correcta de las palabras del remitente, lo que se puede comprobar en el ejemplo de los países: Rusia y España.

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BELYAEVA J.
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VOR- UND NACHTEILE PRIVATER SCHIEDSGERICHTSBARKEIT

1. EINLEITUNG

Heutzutage sind private Schiedsgerichte eine gute Alternative zur Suche nach dem Rechtsschutz vor staatlichen Gerichten. Deswegen ist es wirklich wichtig zu verstehen, welche Vor- und Nachteile solche Gerichte im Vergleich zu den staatlichen Gerichten haben.

2. ZIEL DER FORSCHUNG

Ziel meiner Arbeit besteht darin, die Vorteile und Nachteile der privaten Schiedsgerichte zu bezeichnen und die privaten Schiedsgerichte mit den staatlichen Schiedsgerichten zu vergleichen. Eine solche Forschung kann den Unternehmern bei der Wahl des passenden Schiedsgerichtes helfen.

3. LITERATUR

Es gibt eine Reihe der Artikel und verschiedener Forschungen, die für dieses Thema sehr aktuell sind. Unter den bedeutenden solchen Arbeiten sind die folgenden Arbeiten zu nennen: Jens-Peter Lachmann: Handbuch für die Schiedsgerichtspraxis, Peter Schlosser: Das Recht der internationalen privaten Schiedsgerichtsbarkeit und Lena Rudkowski: Einführung in das Schiedsverfahrensrecht.

4. SCHLUSSFOLGERUNG

Es gibt viele Vorteile privater Schiedsgerichtsbarkeit, und zwar, eine gegenüber der staatlichen Gerichtsbarkeit häufig erzielbare erhebliche Verfahrensbeschleunigung und mögliche Kostenvorteile insbesondere bei Verfahren mit großem Streitwert. Außerdem kann das Verfahren flexibler an die Wünsche der Parteien angepasst werden, zum Beispiel6 was den Verhandlungsort und die Verhandlungssprache angeht. Schiedsverfahren sind im Gegensatz zu Gerichtsverhandlungen in der Regel nicht öffentlich, zudem kann die Vertraulichkeit des Verfahrens vereinbart werden. Dass das schiedsgerichtliche Verfahren bereits aus seiner Natur heraus vertraulich zu behandeln ist, wird international jedoch sehr unterschiedlich beurteilt. Die in Deutschland wohl herrschende Meinung spricht dem schiedsgerichtlichen Verfahren auch ohne eine entsprechende Regelung in den Schiedsregeln einen vertraulichen Charakter zu. In den romanischen Rechtsordnungen wird diese Frage jedoch ebenfalls nicht einheitlich

beantwortet. Die Parteien können Schiedsrichter bestimmen, die, zum Beispiel, besondere rechtliche oder technische Sachverständigengutachten einbringen. Das Verfahrensrecht lässt sich an die Eigenheiten des zugrundeliegenden „Hauptvertrags“ anpassen und reagiert nach dem Grundsatz der Parteiautonomie flexibel auf Änderungswünsche der Parteien[1].

Aus der Informalität und dem Ziel schneller Streitentscheidung folgen allerdings auch Nachteile. Der weitgehend fehlende Instanzenweg erhöht die Gefahr von nicht korrigierten Fehlentscheidungen. Je nach Einzelfall können die Kosten des Verfahrens höher ausfallen als vor staatlichen Gerichten. Die Unabhängigkeit der Schiedsrichter, die zum einen häufig auch als Anwälte tätig sind und zum anderen teilweise von den Parteien selbst benannt werden, ist nicht immer gewährleistet. Anders als staatliche Gerichte können Schiedsgerichte keine Zwangsmittel anordnen, sondern sind z. B. für die erzwungene Ladung von Zeugen auf die Unterstützung staatlicher Gerichte angewiesen (§ 1050 ZPO). Die Einbeziehung Dritter in ein Verfahren durch Streitverkündung ist nur mit Zustimmung aller Beteiligten möglich[2].

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BODNAR D.

THE ALL-RUSSIAN STATE UNIVERSITY OF JUSTICE (MOSCOW, RUSSIA)

LAW SYSTEM IN NAZI GERMANY(THE THIRD REICH)(1933- 1945)

1. INTRODUCTION

Nowadays, as a result of the rapidly changing situation in the political, socio-economic, and cultural sphere in Russia as well as in the world, and the emergence of a large number of inter-ethic, inter-confessional and inter-state conflicts we can see the growing threat of right-wing organizations promoting the ideas of Nazism.

2. RESEARCH GOAL

The purpose of this work is to analyse historical facts and law in Third Reich (1933-1945). It is also necessary to analyse the German law system during this period.

3. LITERARTURE REVIEW

In 1934, Adolf Hitler comes to power and becomes the Supreme ruler (führer) of Germany. Due to the fact that the doctrine of the Nazi party, whose leader was Hitler, was extreme racism and militarism, the new government needed to introduce new legislation. First, other political parties such as the Communist party of Germany and social democratic party of Germany were banned. After establishing the one-party system it was necessary to consolidate its power. For these purposes various armed groups were created, e.g. the SS, storm troopers (SA), the Gestapo (secret political police), the security service (SD) of the Main administration of Imperial security (RHSA) and others. The Nazi party used all possible ways of dealing with its political opponents. A further activity was the implementation of a program of racial purification of the German race. For this purpose in 1935 the famous Nuremberg laws which restricted the rights of people belonging to the non-Aryan race were published. According to these laws, Jews could not have a public office, had no political rights.

Besides, marriages between Germans and Jews were banned. Later, to be considered a Jew it was enough for a person to have three Jewish parents or Jewish parents' parents, or to be born from a mixed marriage of two people one of whom was a Jew. The Jews were also deprived of citizenship of the third Reich.

In general, the Nazi law was distinguished by the fact that it was aimed at creating a totalitarian state. One of the main ideologists of nazism Goebbels said: "The aim of the national revolution must be a totalitarian state penetrating into all spheres of public life". Emergency courts that tried cases of political directivity, were created in Germany. All media, except for the editions owned by the Nazi party, was banned.

4. CONCLUSION

The Nazi law is of interest to study as it is an example of a totalitarian state legislation. We must remember the past to avoid mistakes in the future.

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BODNARI V.

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THE THIRD PARTY FUNDING: THE MAIN ASPECTS

1. INTRODUCTION

This article focuses on the third party funding which is used by parties in arbitration and litigation. The funding activity does not constitute a new phenomenon in the sphere of dispute resolution. The last few years have demonstrated a considerable growth of using the third party funding in both arbitration and litigation processes. This tool is widely spread in the UK and Australia. New legal acts concerning third party funding have been passed in Singapore and Hong Kong in the current year.

2. RESEARCH GOAL

The main goal of the article is to analyze the use of the third party funding. In addition to it, we have made an attempt to underline the main ethical and procedural issues of the third party funding.

3. LITERARTURE / DOCUMENTS REVIEW

The Third party funding involves a third party which has no connection to a dispute but putting up funds to hold a dispute in exchange for getting a share in the damages. If a recipient has no success in his claim, the funding company does not receive anything.

Earlier, third party funding was barred according to the UK doctrine of "maintenance" and "champerty". The agreements affected by maintenance and champerty would be struck down as being against public policy. "Maintenance" being the provision is assistance in litigation by a disinterested third party and "champerty" being a particular form of maintenance where a disinterested third party agrees to help another to file a claim on condition that a third party receives a share in what may be recovered in the action.

In the case of Factortame which lasted for about ten years (No.8,) the Court of Appeal explained that only funding agreements that aimed at undermining the ends of justice should be subjected to this doctrine. In Singapore, for example, due to the application of the laws of maintenance and champerty, the third party funding was generally forbidden. The Amendment Act which came into force on 1 March 2017 abolished the tort of maintenance and champerty.

The instrument of the third party funding is a good chance for those who do not have the means to pursue a meritorious claim. Thus, it provides an access to justice. As far as we are aware of it, arbitration is a very expensive service. Moreover, before providing the funding all the funders carry out extensive due diligence and analyze all the potential risks. Such a careful due diligence may assist the claimant to shape his case strategy. Additionally, the funding companies may also provide the parties with their lawyers and experts.

In Singapore, for instance, only the "qualifying" third party funders are entitled to conclude the funding agreements. The word "qualifying" means that a third party funder must carry on the principal business of funding claims, whether in Singapore or elsewhere. At the same time, in Hong Kong it is not obligatory for the funders to be "qualifying".

One of the main problems of the third party funding in arbitration is the possibility of conflicts of interest arising when one of the arbitrators has had links with or had cases funded by the third party funder. To avoid such negative practices, the International Bar Association and the ICC International Court of Arbitration have prepared the relevant guidance. According to the IBA Guidelines on Conflicts of Interest in International Arbitration. a party shall inform an arbitrator, the Arbitral Tribunal, the other parties and the arbitration or other appointing authority of and relationship, direct and indirect, between the arbitrator and the party, or between an arbitrator and any person or entity with a direct economic interest in, or a duty to indemnify a party for, the award to be rendered in the arbitration. At the same time the Legal Profession Rules 2015 of Singapore provide that when conducting any dispute resolution proceedings, the lawyer must disclose to the court or tribunal and to all the other parties the existence of any third party funding arrangement concerning the dispute, and the identity and address of the third party funder. Moreover, the lawyer cannot directly or indirectly hold any share or ownership interest in the third party funder which he refers to the client. In our opinion, such provisions grant guarantees to all the parties involved in the dispute to avoid any confrontation which might occur when it comes to a conflict of interest.

CONCLUSION

In our opinion, third party funding needs more regulation on the part of legislature in many countries. In Russia, the third party funding is only at its beginning point. We suppose that the popularity of this mechanism has its brilliant future.

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THE ADVANTAGES OF ACQUIRING THE CITIZENSHIP OF DOMINICA. TO THE QUESTION OF CHOOSING THE MOST CONVENIENT STATE FOR OBTAINING A SECOND CITIZENSHIP

1. INTRODUCTION

This publication focuses on the benefits of acquiring the citizenship of the island states, namely Dominica. Many people are interested in foreign citizenship, because in many cases the new passport allows a person to work, live and receive social guarantees in the chosen country. However, the procedure of registration and the conditions for obtaining citizenship are often very complex and lengthy. In order to attract labor, minds, and investments, some countries have simplified this process. The State in question is not an exception.

2. RESEARCH GOAL

The aim of this work is to identify the advantages of acquiring the citizenship of Dominica and to analyze the procedure for obtaining it in a given state.

3. LITERATURE REVIEW

The island of Dominica is ranked 172nd in the world in terms of area. The given territory belongs to the archipelago of the Lesser Antilles, which is located in the south-eastern part of the Caribbean Sea. The western coast of Dominica is washed by the Caribbean Sea, and the eastern shores are washed by the Atlantic Ocean.

Dominica is a very comfortable place for Europeans to live. The official language here is English, which is used by most Europeans for international communication. The English-speaking environment among the population of Dominica was formed due to the fact that earlier the island was the part of the colonies of Great Britain. Against the backdrop of this historical reference, Dominica should not be confused with the Dominican Republic, which occupies the eastern part of the island of Haiti and, most of the time, since the opening of Central America, Europeans were under the yoke of the Spaniards. That is the reason why the official language in the Dominican Republic is the Spanish.

Unlike other countries where naturalization requires a certain number of years to live there, the Dominica authorities issue citizenship to foreigners without such requirement. The main advantage of the citizenship of the Commonwealth of Dominica lies in the fact that it does not matter what period a person lives at the island. A citizen can take advantage of the second passport of Dominica anywhere in the world. A person can

continue to reside on the territory of the Russian Federation, Ukraine, Kazakhstan or another country in which he was born and lived his entire life.

The citizenship of Dominica provides tax benefits. Receiving the economic citizenship of Dominica, a person becomes a resident of the jurisdiction of this country. Accordingly, the payment of income taxes occurs only under this jurisdiction. To date, there are many tax benefits for citizens of the Commonwealth of Dominica. According to the tax code of this country, its citizens are exempt from paying taxes for income received in other countries. That is, a person can continue to live in the country where he lives, receive income in its territory and not pay tax because it is a citizen of Dominica. From a legal point of view, of course, all this clauses will be legal, if the country of the first citizenship will have an agreement on avoidance of double taxation with Dominica. Moreover, there is no inheritance taxation. The citizenship of the Commonwealth of Dominica is not temporary for its naturalized recipient. Any foreigner who has received the citizenship of this country can use it during his life.

The process of registering citizenship in the given country begins with a complex examination of the applicant for his financial condition and legal purity. This procedure is called "due diligence" and lasts no more than 8 weeks. Simultaneously, the applicant submits an application for petition and a corresponding package of documents in the beginning of the process of registering the citizenship of Dominica. After the completion of the due diligence procedure the Dominica government reviews the package of documents from the applicant and invites him to an interview on the territory of the country. This part of procedure can also last up to 8 weeks. After the interview and verification of the package of the documents, the government decides whether to provide the applicant with the second citizenship and the second passport of Dominica. This last step in the process also requires about 8 weeks. As a result, the applicant can obtain the citizenship of Dominica for not more than 24 weeks.

The process of obtaining citizenship is confidential, that is, information about citizenship is not disclosed to the third parties.

A very pleasant advantage of acquiring the citizenship of this country is certainly a visa-free regime or visa upon arrival in more than 119 countries and territories around the world, including Great Britain, Hong Kong, Singapore and the Schengen countries. The citizenship of Dominica allows person to obtain a residence permit or permanent residence in a third country on more favorable terms and in a short time. Moreover, being a citizen of Dominica it is possible to receive long-term visas to the USA and Canada.

4. CONCLUSION

In conclusion it is necessary to resume that Dominica, as a country of the second citizenship, is a reasonably convenient option for those individuals who are going to combine tax, business and recreational benefits within a single state.

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LA CIUDADANÍA DE SAN MARINO. A LA CUESTIÓN DE LA COMPLEJIDAD DE SU OBTENCIÓN

1. INTRODUCCIÓN

Esta publicación presenta el problema de la obtención de la ciudadanía en un estado como San Marino. Este tema es relevante tanto para las personas que están interesadas en la cultura y la vida de uno de los estados más pequeños del mundo, en los viajes a diferentes puntos del globo y para los representantes de la profesión legal desde el punto de vista del proceso del obtención de la ciudadanía del Estado en cuestión.

2. OBJETIVO DE LA INVESTIGACIÓN

Los principales objetivos de esta publicación son analizar la legislación de San Marino en el ámbito de la obtención de la ciudadanía y formar una visión holística de este proceso en las condiciones modernas.

3. REVISIÓN DE FUENTES BIBLIOGRÅFICAS

La República de San Marino es uno de los países más pequeños del mundo. El estado está en el sur de Europa y está rodeado por todos lados por el territorio de Italia. Dado que este territorio es un Estado soberano, junto con los otros signos del Estado, se caracteriza por tal rasgo como la existencia de un pueblo o población en él, lo que implica el desarrollo de la institución de la ciudadanía en el Estado. ¿Cómo puede confirmar que una persona es ciudadana de su país? Por supuesto, con la ayuda de un pasaporte.

El pasaporte de San Marino es un documento muy conveniente para viajar, ya que le permite visitar prácticamente todos los países importantes para los turistas rusos: los países de Schengen, Reino Unido, Estados Unidos, Canadá, Nueva Zelanda, Sudáfrica, casi todos los países de la América Latina e incluso China. El permiso del viaje para Australia y la India se puede obtener en línea. Sin embargo, es muy difícil obtener la ciudadanía y el pasaporte de San Marino, de no decir que es imposible para una persona ***común y corriente*** que no tiene lazos de sangre con un ciudadano de esta república.

La ciudadanía en San Marino se puede obtener por nacimiento, si el padre y la madre son ciudadanos de la República. Si sólo un padre es ciudadano de San Marino, entonces dentro de los 12 meses después de que el niño cumpla 18 años, ambos padres deben declarar que quieren que el niño elija la ciudadanía del padre que es ciudadano de San Marino. Los hijos adultos de ciudadanos de San Marino pueden solicitar la ciudadanía si han vivido en la República durante 10 años. La ciudadanía en San Marino también se obtiene por nacimiento en la República en caso de que ambos padres sean desconocidos o sean apátridas.

Para obtener la ciudadanía por naturalización, una persona debe vivir en la República por lo menos 30 años y renunciar a cualquier otra ciudadanía. Los extranjeros que residen en la República desde su nacimiento pueden solicitar la naturalización cuando uno de los padres o parientes hasta el segundo grado mantiene una residencia permanente en la República durante 30 años. La ciudadanía de San Marino, obtenida

por naturalización, puede ser transferida a niños de edad menor. Todos los solicitantes de la ciudadanía de San Marino deben tener un pasado limpio, es decir, no deben tener los antecedentes penales.

4. CONCLUSIONES

Finalmente, puede concluirse que el requisito de 30 años de residencia necesario para solicitar la ciudadanía es sin precedentes. Incluso los países europeos más conservadores que por mucho tiempo o cualquier motivo tienen largos períodos de naturalización (Mónaco - 10 años, Suiza - 12 años, Andorra - 20 años), no pueden ser comparados con los términos de naturalización en San Marino (30 años). Sin embargo, esta es la autenticidad del estado mencionado.

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UNTERSUCHUNG DES ARBEITSMARKT FÜR JURISTEN IN DÄNEMARK, DEUTSCHLAND, ENGLAND UND RUSSLAND

1. EINLEITUNG

Dank der Globalisierung, sind Juristen oft mit der Notwendigkeit konfrontiert, um in ein anderes Land umzuziehen. In der vorliegenden Arbeit geht es um die Anforderungen, die die Arbeitgeber in Dänemark, Deutschland, England und Russland an Juristen stellen. Heutzutage ist dieses Thema sehr aktuell, weil viele Menschen zu einwandern und zu auswandernbereit sibd. Die Arbeitsmigrationsgründe sind gewöhnlichfolgende: einen höheren Lohn, bessere Lebens- und Arbeitsverhältnisse und die Möglichkeit sich zu entwickeln.

Es ist wichtig zu verstehen, dass für den Umzug in ein anderes Land mit dem Ziel, bessere Karriere zu machen, muss man nicht nur das Gesetz und gründliche Regeln des Landes wissen, sondern auch die Anforderungen, an die Juristen gestellt werden und die Trends, die in diesen Ländern heutezu akzeptieren sind. [1,2,3,4]Ich beschloss dieses Thema zu wählen, um die Trends und die Arbeitssituation auf dem Arbeitsmarkt in Dänemark, Deutschland, England und Russland zu vergleichen und zu analysieren.

2. ZIEL DER FORSCHUNG

Ziel meiner Arbeit besteht darin, Besonderheiten des Arbeitmarkts der oben erwähnten Ländern für Juristen zu analysieren und eine Reihe von deutschen, russischen, dänischen und englischen Webseiten zu recherchieren und zu vergleichen.

3. LITERATUR - UND DOKUMENTENÜBERSICHT

Um den Marktzustand von Juristen heute in den oben erwähnten Ländern zu verstehen, benutzte ich die Information auf unterschiedlichen Webseiten, solche wie [hh.ru] in Russland, [de.indeed.com] in Deutschland, [www.jobs.ac.uk] in England und

[www.jobindex.dk] in Dänemark. Der aktuelle Stand des Berufsmarktes kann man genauer verstehen, falls man aktuelle Quellen unter die Lupe nimmt. Die Untersuchung zeigt, dass die Anforderungen ähnlich in den oben erwähnten Ländern ist. An der Spitze steht die einschlägige mehrjährige Berufserfahrung. Eine weitere Anforderung ist erfolgreicher Abschluss eines juristischen Studiums und mit gut bestandenen juristischen Staatsprüfungen. In Deutschland, im Vergleich zu Russland, sind die Erste und Zweite juristische Prüfungen erforderlich. [1,2]

Dann kommen gute Englischkenntnisse in Wort und Schrift. In allen Ländern sind auch mindestens 2 Fremdsprachenkenntnisse auf den Niveaus B2-C1 von Vorteil. Dabei sind auch persönliche Eigenschaften verlangt: Belastbarkeit, Motivation, Selbstständigkeit, Initiative, Planungs- und Organisationsfähigkeit. Schließlich kommen die guten Microsoft Office Kenntnisse und IT-Kompetenzen. [5]

4. SCHLUSSFOLGERUNG

Zusammenfassend lässt sich sagen, dass der Berufsmarkt ähnlich in vielen europäischen Ländern ist. Obwohl die Grundgesetze in Dänemark, Deutschland, England und Russland unterschiedlich sind, sind eine große Reihe von beruflichen Anforderungen an Juristen fast ähnlich.

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PROTECTION OF RIGHTS AND LEGAL INTERESTS OF TAXPAYERS

1. INTRODUCTION

The problem of protecting citizens rights has always attracted attention of scientists and professionals. This is due to the fact that establishment and functioning of the rule of law and the institutions of civil society are impossible without ensuring respect for citizens ' rights. No modern state can do without a proper tax system, otherwise individuals can face financial problems

2. RESEARCH GOAL

In this article I would try to examine the concept and content of protecting taxpayer's rights in various forms of legal order.

3. LITERARTURE REVIEW

Violation of taxpayers' rights are not uncommon, but ,unfortunately, not all taxpayers know how to protect their rights. Meanwhile, the legislation contains a number of legal and institutional means to protect taxpayers rights. Article 137 of the TAX CODE gives each taxpayer or tax agent the right to appeal against tax authorities in case of non-

normative nature of acts or omission of acts if, in their opinion, such acts violate their rights. Individuals currently bear a significant burden of taxation. Therefore, it is necessary to objectively review administrative and legal regulation of the situation and the establishment of legal and institutional arrangements so that taxpayers could realize their tax rights as well as fulfil their statutory obligation to pay taxes. Over the past 18 years Russia has experienced a period of political and economic transformation which has had a strong influence on the development of its tax system. The upward trend in the number of court cases involving tax legislation still exists today. This fact, in my opinion, is due to a large number of gaps in tax legislation and the lack **of** responsibility for making illegal decisions by employees of tax authorities.

In recent years nearly every taxpayer has become involved in systematic tax disputes. Constantly toughening fiscal control of the state and the desire of tax authorities to divulge many violations in order to assess back taxes, penalties and fines against the background of an extremely controversial and ever-changing tax law sometimes takes on an excessive nature. Tax authorities often make blatantly unlawful decisions placing the taxpayer in an inextricable situation. Thus, tax disputes can arise even with the most advanced and prudent taxpayers. Of course, some taxpayers allow for serious and even criminal violations of tax legislation. The tax authorities are well aware of tax evasion schemes. Yet, the tax code promotes the realization of the taxpayer rights to appeal their cases at a higher court on an equal footing with the tax authorities. However, the principles of tax control and tax liability have not been clearly enshrined in the law on taxes and fees. Meanwhile, the process of improving the regulatory framework governing tax control depends on the existence of well-developed systems of these principles which can be used by the legislator to make necessary changes and additions to the normative legal acts .Tax code of the Russian Federation is the main piece of legislation defining features of the procedure of tax control on correctness of calculation and timeliness of tax payments. Control activities of tax authorities must be based on the presumption of innocence of the taxpayer as per provisions of art. 3 of the TAX CODE and allow for protection of taxpayers interests in a judicial procedure in case of the need to resolve legal conflicts or disputes with tax authorities.

CONCLUSION

Summing up, I would like to note that struggle with unscrupulous taxpayers and all questionable tax optimization schemes offered by not very competent tax advisers will continuously go on but honest taxpayers should be protected.

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PRINCIPES DE LA PRÉSERVATION DU PATRIMOINE MONDIAL. ROLE DE L'UNESCO

1. INTRODUCTION

L'UNESCO a été crée le 16 novembre 1945 (4 novembre 1946) à la suite des dégâts et des massacres de la Deuxieme Guerre mondiale pour construire la paix dans l'esprit des hommes et des femmes. Aujourd'hui son importance est accrue dans le monde entiere.

Elle fonctionne dans le but de coopération et coordination internationale en éducation, sciences et culture.

2. ANALYSE DE LA LITTERATURE

Premierement l'idée de fixer la notion de «patrimoine culturel» a été proposée par le célèbre philosophe français Henri Bergson. Il a été membre de la Commission internationale de coopération intellectuelle qui a existé entre 1922 et 1946. Cette organisation a été ancêtre de l'UNESCO et a été chargé des relations scientifiques et de la coordination des travaux. Cette commision se composait des grands savants. Par exemple : Leopoldo Lugones, Marie Curie, Albert Einstein.

Ils ont travaillé ensemble dans le but de la coopération intellectuelle entre les pays, développant la collaboration des nations dans le domaine culturel: artistes, professeurs, scientifiques, universitaires.

Malheuresement, son activité a été stoppée par le début de la Deuxième guerre mondiale. Mais il a servi le base de création de l'UNESCO en 1946 qui a son siège international à Paris. Aujourd'hui c'est un grand organisme international avec ses objectifs comme l'accès à l'éducation, la lutte contre la pauvreté, la lutte contre les changements climatiques, la réduction des inégalités, la croissance économique et autres.

Mais une attention particulière mérite la préservation du patrimoine culturel, les méthodes et les moyens qui protègent les objets culturels. Le patrimoine est défini comme étant les biens ayant une importance globale et historique dans le monde entier. Il existe la division d'objets entre «immatériel» et «matériel». «Immatériel» se compose de danses, jeux, coutumes, traditions, chants, légendes et mythes; tandis que «matériel» se compose d'objets d'art et mobilier, architecture et urbanisme, espace forestier ou agricole, sites géologiques ou archéologiques, etc.

Pour être inscrit sur la liste du patrimoine mondiale il existe certaines critères. Ils doivent avoir : un témoignage exceptionnel sur une tradition culturelle ou une civilisation; des phénomènes naturels ou des aires d'une beauté naturelle et d'une signifiance esthétique unique.

Le rôle important dans ce domaine tient ICOMOS (Le Conseil international des monuments et des sites). Il fonctionne conformément à La Charte internationale sur la conservation et la restauration des monuments et des sites. Pour transmettre intact ou augmenté aux générations futures il faut utiliser certains moyens qui sont énumérés dans la Charte de Venise :

- Conservation (La conservation des monuments et la permanence de leur entretien);
- Restauration (Pour but de garder un caractère exceptionnel, conserver l'unité de style et de révéler les valeurs esthétiques et historiques du monument);
- Fouilles (les travaux de fouilles doivent s'exécuter conformément à des normes scientifiques).

3 CONCLUSION

Avec la création en 1946 d'une organisation spécialisée qui fonctionne dans le but de construire la paix dans l'esprit des hommes et des femmes a commencè une étape qualitativement nouvelle de la coopération internationale et du développement du droit

international dans le domaine de la protection et de l'actualisation du patrimoine culturel a commencé. L'UNESCO sert de centre de conseil axé sur l'élaboration de principes éthiques et juridiques reconnus pour la protection, la mise à jour et l'utilisation du patrimoine culturel dans le monde entier.

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CYBERSUICIDE AND HOW IMPORTANT IT IS TO BAN THIS BY THE NORMS OF INTERNATIONAL CRIMINAL LAW

1. INTRODUCTION

The modern period of the society development is marked by the rapid improvement of information technologies and the formation of a new information space. As a result the Internet increases its influence on social sphere of the state, society and personality. It should be added that modernization of public relations in the information space generates new techniques of evasion of legislative prescriptions.

The problem of increasing numbers of suicide in the Internet is known by scientists: it even has its own term for a designation – cybersuicide. The forms of this negative phenomenon was very well studied abroad. However, legal counteraction to this phenomenon is poorly researched. Cybersuicide or net-suicide means involvement in a computer, the Internet (Greek κŭβερνητική the art of manipulating, Lat. – sui- his, + caedo – murder) - this is variety of group or individual suicide committed as a result of communication with the use of Internet resources.

Sites, containing information of a suicidal orientation, appeared lately. Communication method involves network communication of suicidal individuals, unknown to each other to commit a collective suicide due to the conclusion of a virtual contract between them through the Internet. The practice of support between each other in the “rightness” of suicidal choice and the possibility of collective realization of the suicide plan may lead to suicidal actions of individuals who are afraid of dying alone. Often chatting with suicidal interlocutors becomes a starting point for the decision on suicide [1].

2. RESEARCH GOAL

Suicide is a social problem for all societies and it remains unchanged for quite some time. But bases for suicidal behavior changes with the implementation of information technology. In this work, we consider the possibility of solving the problem of creating new grounds for suicide among the younger generation on the basic of foreign law.

3. LITERATURE REVIEW

The Decree of the President of the Russian Federation of 01.06.2012 “National strategy in actions for the interest of Children for 2012-2017" provides that the development of high technologies, openness of the country to the world community led to insecurity of children from illegal content on the Internet. A significant number of sites devoted to suicides are available to teenagers at any time. Russia occupies one of the leading places in the world in terms of suicide prevalence among adolescents by the number of suicides; the number of child morality is much higher than in other European countries.

The Decree of the President of the Russian Federation of 09.10.2007 N 1351 “Approval of the demographic policy of the Russian Federation for the period up to 2025” says that one of the main principles of this politics should be the reduction in the death rate from suicide due to preventive work.

Rosstat data on the children suicide in 2014 amounted to 100,000 people in 1.3 in the age group from 10 to 14 years and 5,9 in age from 15 to 19 years old [2].

The first legislation to combat cyber-suicide was adopted in Australia in 2006, which banned such sites. This initiative provoked heated debate in the world community because some human rights defenders believe that the right to death is the same human right as the right to life. Many experts believe that all attention should be focused on the development of protective mechanisms in order to restrict the child from cyberbullying (harassment through the Internet and social networks), but this is not within the competence of law, since most often cyberbullies have not always reached the age of responsibility, and solving the problem of Internet bullying of children is given to teachers and psychologists.

At present, this prohibition must be extended globally. In accordance with article 17 of the Convention on the Rights of the Child of 20 November 1989, States Parties recognize the important role of the media and ensure that the child has access to information and materials from various national and international sources, especially to such information and materials that are aimed at promoting social, spiritual and moral well-being, as well as healthy physical and mental development of the child. Article 4 states that States Parties shall take all necessary legislative, administrative and other measures to implement the rights recognized in this Convention in the framework of international cooperation.

In recommendation No. 2013/112 / EC of the Commission of the European Communities "Investing in children: breaking the cycle of disadvantage" (Together with the "Indicator-based Monitoring System"), adopted in Brussels on February 20, 2013, Suicide is one of the indicators of access to quality services as it is the cause of death of young people. It is necessary to monitor the causes of child suicides and develop serious legal and organizational measures to prevent them, since the last State report of the Ministry of Labor of Russia "On the situation of children and families with children in the Russian Federation" was in 2014.

4. CONCLUSION

All legislative, technical, organizational measures that are available to counter child suicide in Russia will be powerless if we do not unite with foreign countries, including the adoption of a special international act.

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LA INFLUENCIA DE LA LENGUA LATINA SOBRE EL ESPANOL JURIDICO

1. INTRODUCCIÓN

Es imposible subestimar el valor del derecho romano y del latín referentes al estado actual de la ciencia jurídica, porque en Antigua Roma el derecho adqurió un notable desarrollo, y, a continuación, se convirtió no sólo en el sistema del derecho del mundo antiguo, sino que esencialmente determinó el vector del desarrollo legal del pensamiento del Occidente. El derecho de Antigua Roma estableció las bases para la formación de la cultura jurídica. Como es sabido, todas las leyes de Antigua Roma se escribíeron en latín. El latín es una de las lenguas más antiguas, pero ahora se considera una lengua muerta. Sin embargo, podemos ver la gran influencia de este idioma sobre otros idiomas. Los abogados estudian latín en la universidad, así como la multitud de términos legales proceden precisamente del latín. Y la lengua española también utiliza muchas palabras latinas en la ciencia jurídica.

2. EL OBJETIVO DE LA INVESTIGACIÓN

El objetivo principal del artículo es analizar y determinar el nivel de la influencia del latín sobre la lengua española jurídica en las condiciones actuales.

3. LITERATURA/REVISIÓN DE FUENTES BIBLIOGRÁFICAS

Para investigar el tema planteado me he basado en este trabajo sobre el artículo «El Lenguaje Jurídico», en artículo «Lengua latina en el español, presencia e influencia» de Enerio Rodríguez Arias y el diccionario del español jurídico.

4. CONCLUSIONES

La mayor parte del vocabulario jurídico proviene del latín, aquí podemos citar tales ejemplos como abogado, civil, delincuente, equidad, legítimo, sanción, usufructo; incluso, debido a la influencia universal del latín, es posible encontrar algunas semejanzas con otras lenguas. Originalmente, el español o castellano es una lengua romana, derivada del latín vulgar, que pertenece a la subfamilia itálica dentro del conjunto indoeuropeo.

Muchas palabras del español proceden del latín vulgar, muchos adjetivos se derivan de la palabra equivalente en el latín literario, por ejemplo «aprender» procede de «apprehéndere» que pertenece al latín vulgar. Por ejemplo, una de las palabras de uso legal de la ciencia «delito» viene de la palabra latina «delìctum». También, la frase «casus belli» - es una expresión latina, traducible al español como «motivo de guerra» [1]. Además, la frase latina «status quo» es el latinismo, que se aplica ampliamente en la jurisprudencia contemporánea de España y se usa para aludir al conjunto de condiciones que prevalecen en un momento histórico determinado y es la reducción de la fórmula diplomática in «statu quo ante».

El Derecho Romano inundó el mundo jurídico con centenares de expresiones latinas que los abogados utilizan como un recurso habitual de su retórica jurídica. [2]
Cuando surgió Antigua Roma el Estado se enfrentó con una necesidad de emplear nuevos términos porque así lo exigió Antigua Roma y el desarrollo de la ciencia jurídica, las lenguas románas acudieron al derecho romano: damnum - daño; delictum - delito; iniuria - injuria; recusare - recusar, etc. [3]
En conclusión, podemos decir que la lengua latína en realidad tuvo una gran influencia sobre la lengua español jurídica, así como sobre otros ámbitos y esferas de la vida pública.

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THE CONSTITUTION OF GREAT BRITAIN

1. INTRODUCTION

Unlike other countries, Great Britain does not have a written constitution. There exists the so-called "unwritten constitution" or "uncodified constitution" there. It is based on laws which are of constitutional nature and are written in Acts of Parliament or law reports of court judgments.

2. RESEARCH GOAL

In this article we'd try to consider the content and features of the UK constitution.

3. LITERARTURE REVIEW

Many countries, such as the U.S. or France, adopted constitutions after revolutions. A constitution is a set of basic laws or principles for a country that describe the rights and duties of citizens and the way in which it is governed. In most countries, the current constitutions define the subject of constitutional law. However, the constitution of the UK differs from the widespread concept.
The most important difference is that there is no single written document that might be called a constitution. But there is a rich heritage of constitutional statutes and documentation which make up the constitution of Great Britain. There are three components of the UK constitution: statute law, common law and constitutional conventions.
Statute law is a system of laws that have been passed by Parliament and signed by the head of the state. These are not only rules of state law but also those of other branches of law such as criminal law, civil law and others. Its main sources are the Magna Carta of 1215, the Bill of Rights 1689, the Acts of Union 1707, the Act of Settlement 1701 as

well as acts of Parliament of the 20th and 21st centuries, laws of peers and acts of delegated legislation. It is hard to enumerate all the laws passed by Parliament, which are the source of the UK Constitution.

Common law is the legal system of England that has evolved on the basis of old customs and court decisions. These are mostly the decisions of the Supreme Court, the Court of Appeals and the House of Lords. A court decision consists of two parts: precedents and the judge's opinion as a result of the court proceedings. Court cases are regulated by the constitutional institution of the rights and freedoms of citizens. Besides, it's appropriate to mention writings of respectful jurists as a source of the UK constitution (e.g., «Hawkin's Pleas of the Crown», «Foster's Crown Cases»).

A constitutional convention is an informal and uncodified procedural agreement that is followed by the state authorities. It is not based on legal customs as it does not contain any rules of law. Constitutional conventions can be found in court decisions. There may be no direct mention of a specific constitutional convention in the text of the court decision, but judges can rely on it or recognize its existence. However, violation of a constitutional convention may have political rather than judicial consequences. In addition, constitutional conventions govern the duties of ministers and the formation of government departments.

The Constitution of the UK is flexible as a result of numerous constitutional reforms, one of which was the introduction of codified rights of individuals in the Human Rights Act 1998. It is easy to amend the Constitution but its uncodified character makes it difficult to understand what the constitution is like.

4. CONCLUSION

Summing up, we would like to note that the UK Constitution provides a solid basis for the state power. Despite the 'unwritten' character, it has been developing for a long time, reflecting the stability of the British state.

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LA IMAGEN DE JUEZ EN EL REFRANERO ESPAÑOL

1. INTRODUCCIÓN

Los refranes se puede encontrarlos en los manuscritos de las civilazaciones más antiguas. Los problemas a que éstos atañen en todas las épocas habían sido los mismos: el bien y el mal, los misterios de la vida y la muerte, lo justo y lo arbitrario. Todos los pueblos disponen de la así llamada 'filosofía popular'. Desde los tiempos antiguos e incluso en nuestros días las leyes se basan en las normas religiosas sacadas de los libros sagrados y sus mandamientos. Por ejemplo, en algunos países islámicos (Pakistán, Emiratos Árabes Unidos, Sudán etc.) el Koran es la fuente legal para normas jurídicas. En España los alcaldes ejercían funciones de árbitros. La imagen de juez es inalienable a la vida social de cualquier país.

2. OBJETIVO DE LA INVESTIGACIÓN

El objetivo de este artículo es determinar através de los refranes la actitud que tiene el pueblo español ante el poder judicial y describir los rasgos principales del concepto *juez* en la mentalidad popular

3. ANÁLISIS DEL PROBLEMA

Los refranes cuentan con enorme sabiduría de muchas generaciones. Son expresiones de saberes colectivos [4]. Su longevidad se expica por su relevancia y trascedencia. Tienen numerosas funciones: aconsejan, corrigen, censuran, reprueban, advierten, azotan vicios y malas costumbres, enjuician, aprecian desde ángulos diferentes la realidad circundante [1,2] Citemos algunos refranes muy recurrentes cuyo componente es la palabra *juez* [3]:

El que es buen juez, por su casa empieza. A juez caduco, fallo garrafal
La conciencia es, a la vez, testigo, fiscal y juez.
El juez perverso, condena a la paloma y libra al cuervo.
Juez que dudando condena, merece pena
Cada uno juzga bien aquello que conoce, y de eso es buen juez.
La absolución del culpable es la condena del juez.

En estos refranes el tema de la justicia y funciones del juez es el central. Para el pueblo es vital que el juez tenga razón y sea justo. Parecen a las normas del cristianismo. El pueblo cree que no puede juzgar a nadie, porque no tiene derecho para esto. Para el juez lo más importante es no cometer ningún fallo, porque puede costar la vida a alguien. Por otra parte, es inadmisisble perdonar a los infractores.

4. CONCLUSIÓNES

Los proverbios conservan su gran infuencia en la lengua y están evolucionando junto con la sociedad, constituyendo apreciaciones, especulaciones e interpretaciones de ciertas realidades y experiencias vitales. La imagen de juez cuenta con decenas de dichos y modismos idiomáticos siendo algunos de ellos bastante críticos segun los ejemplos extraidos del habla coloquial popular tradicional. Los refranes describen al juez como cargo muy responsable, complicado y sumamente importante en la vida de la sociedad.

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BILDUNG UND REGELUNG DER INSOLVENZMASSE AUS AUSLÄNDISCHEN BESITZSTÄNDEN

1. EINLEITUNG

Man kann sich die Entwicklung der modernen Weltwirtschaft ohne vielfältige Betriebe und Unternehmen nicht vorstellen. Während ihrer Tätigkeit profitieren Unternehmen und erleiden manchmal große Verluste. In diesem Fall können einige von ihnen ihre Schulden nicht mehr begleichen und sind in ihrem Fortbestehen existenziell bedroht. Die Interessen der Gläubiger treten in den Vordergrund und in diesem Moment ist es erforderlich, richtig und laut Gesetz die Insolvenzmasse zu bilden.

2. ZIEL DER FORSCHUNG

Das Ziel dieser Arbeit besteht darin, die Bildung der Insolvenzmasse am Beispiel von Insolvenzverfahren von dem Fluggesellschaft Air Berlin zu erörtern und zu verstehen, wie das geregelt wird. Außerdem werden zwei wichtigste Prinzipien des deutschen Insolvenzverfahrens besprochen.

3. LITERATUR - UND DOKUMENTENÜBERSICHT

Das Insolvenzverfahren und die Bildung der Insolvenzmasse werden in Deutschland von zwei Hauptgesetzen geregelt. Die sind die Insolvenzordnung vom 5. Oktober 1994 (BGBl. I S. 2866) und die Verordnung (EU) über Insolvenzverfahren vom 20.05.2015. In der Insolvenzordnung gibt es Begriffe der Insolvenzmasse und des Insolvenzverwalters. Der Begriff der Insolvenzmasse wurde im Artikel 35 der Insolvenzordnung verankert und laut diesem Artikel umfasst die Insolvenzmasse das gesamte Vermögen, das dem Schuldner zur Zeit der Eröffnung des Verfahrens gehört und das er während des Verfahrens erlangt.

Es ist notwendig die Rolle des Insolvenzverwalters und seine Kompetenz in der Bildung der Insolvenzmasse in Betracht zu ziehen, denn er wird nach dem Eröffnungsbeschluss ernennt. Die bestimmten Erfordernisse zum Insolvenzverwalter sind im Absatz 1 § 56 der InsO festgelegt

4. SCHLUSSFOLGERUNG

Der Schuldner verliert mit der Eröffnung des Insolvenzverfahrens die Verfügungsgewalt über das Vermögen, welches zur Insolvenzmasse gehört. Wenn der Schuldner die Besitzstände in vielen Länder hat, ist es ziemlich schwierig, die Insolvenzmasse zu bilden.

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RELATIONSHIP OF CONCEPTS CENTRALIZATION AND DECENTRALIZATION

1. INTRODUCTION

Today, Ukraine is in a difficult economic and political position. One of the reasons for this is the inefficiency of the existing administrative system of state administration, as well as administrative and territorial structure.

Reforming the country requires significant changes aimed at creating an open political system, as well as the development of civil society.

The basis of reform should be decentralization of public administration, redistribution of powers between branches of power, changes in the relations between citizens and power. In recent years the actual crisis of the state of almost all spheres is traced economic life of the state, and this indicates a low efficiency of management country.

2. RESEARCH GOAL

This paper is devoted to the analysis of central problems in the correlation of the concepts of centralization and decentralization.

3. LITERARTURE REVIEW

The crisis of public administration, in particular regional development by many scientists and practitioners are explained by a number of shortcomings in the management process itself.

One of them is connected with intertwining functions of different branches of power at different levels management, and therefore, during the modeling or analysis of the controls of one of the central problems is the relationship of centralization and decentralization of power.

The subject under investigation is widely discussed by scientists, in the works of VB. Averyanova, I.A. Gritsyaka, S.D. Dubenko, L.T. Krivenko, N.M. Mironenko, P.I. Nadolishhnego, N.R. Nizhyka, V.A. Skuratovsky, V.V. Tsvetkova et al.

Considering the issues of the ratio of centralization and decentralization of power, it can be noted that an increase in one element causes a decrease in the other. The dialectical connection between them is complex. A number of researchers pointed to the preponderance and shortcomings of both centralization and decentralization. So, N.R. Nizhik and O. Mashkov consider the preponderance of centralization to be an improvement in control and coordination, harmonization of the interests of groups, and efficiency in using the central apparatus.

For example, according to O.Yu. Obolensky, "centralization - the concentration of management in one place, in the same hands, in one center, the creation of a

hierarchical management structure in which the vertical links are outweighed and the top levels have decision-making powers, and the decisions made by them are mandatory for the levels below."[1]
According to V.Ya. Malinovsky "centralization - a form of organization of public administration, according to which the majority of power is concentrated in a single center, and the management system is a vertical structure built on the principles of subordination." N.S. Mironova believes that "centralization is a continuous, permanent and sufficiently stable subordination to every link of the highest governing bodies" and formulates the law of unification of centralization and decentralization as "an appropriate responsibility for society's needs for functional responsibilities of different levels of government".[2]

Based on the analysis of scientific literature, we can distinguish the concept of "decentralization", its multidimensionality, namely:
– a phenomenon typical for the sphere of public administration, conditioned by objective and subjective factors, a certain opposite side of centralization, a peculiar way of displaying centralization;
– the transfer of a part of the functions of state administration of central executive bodies to local executive authorities and local self-government bodies, the expansion of the powers of the lower bodies at the expense of higher levels;
– the process of transferring some of the functions and authorities to higher levels of lower management (from central executive bodies to local executive bodies and local self-government bodies); in the broad sense - the weakening or abolition of centralization.
An analysis of these interpretations indicates that decentralization is treated as a phenomenon, action (transfer, transfer process), and a characteristic of administrative influence (independence). One can not but agree with the opinion of Nizhyk N.R. that this category is a certain opposite side of centralization, a peculiar way of its
mapping. Proceeding from this, for understanding the essence it is necessary to discern both categories together.

Centralization and decentralization have a significant impact on the socio-political behavior of citizens in the state, thus creating the prerequisites for the emergence and development of civil society. The rational correlation of centralization and decentralization in the civil administration of the state is one of the main factors for achieving consensus in the society, the successful implementation of democratic reforms, the entry of Ukraine as an equal partner in the world community.

4. CONCLUSION

Thus, centralization and decentralization are paired categories, they designate a certain phenomenon, actions, the form of organization or the characterization of the management action. The ratio of centralization and decentralization of power is not simply the sum of two components in which an increase in one element entails a decrease in another.
In these relations, there should be a specific approach (when it should be limited), as well as the restructuring of the state mechanism, including decisions that would not strengthen centralization at the expense of decentralization, and the institutionalization of the process of centralization and decentralization in the state management.

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CRIMINAL RESPONSIBILITY AS THE MAIN FORM OF A RESISTANCE TO ILLEGAL MIGRATION IN RUSSIA

1. INTRODUCTION

One of the main measures of the resistance to illegal migration in Russia and other countries is the criminal responsibility for illegal migration.

2. RESEARCH GOAL

The topicality of the work of the competent authorities for the resistance to illegal migration grew to a significant degree. It was caused by increase of a number of terrorism in the world and the “color revolutions” ordered from the outside, which under the mask of expression of the opinion of people, in reality are a serious threat to homeland security of many states and serve as the method of genocide of many nations of the world and especially the nations of the former USSR for the interest of the certain antinational persons. In the light of the forthcoming elections of the president of the Russian Federation this issue became even more relevant.

3. LITERARTURE REVIEW

Nowadays, there are several articles in the Criminal Code of the Russian Federation which regulate the questions of taking the guilty persons to criminal responsibility for illegal migration.

First, according to Art. 322 of the Criminal Code of the Russian Federation illegal crossing of borders of the Russian Federation without valid documents with the rights of the entry into the Russian Federation or departure from the Russian Federation or without appropriate permission is punished by a penalty at the rate to two hundred thousand roubles or at a rate of the salary or other income of the convict for the period up to eighteen months, or forced labor for a period of up to two years, or imprisonment for the same term. According to p. 2 of the above specified article crossing of borders of the Russian Federation at entry into the Russian Federation by the foreign citizen or stateless person, entrance to whom to the Russian Federation is not allowed, the guilty person is punished by a penalty at the rate to three hundred thousand roubles, or forced labor for a period of up to four years, or imprisonment for the same term. According to p. 3 of this article, provided by part one or two of the above specified article, the crime committed by a group of persons by previous consent or organized group either with use of violence or with threat of its use, are subject to punishment by imprisonment for a period of up to six years.[1]

Second, according to Art. 322.1. the organization of illegal entry into the Russian Federation of foreign citizens or stateless persons, their illegal stay in the Russian

Federation or illegal transit through the territory of the Russian Federation is punished by imprisonment for a period of up to five years with restriction of freedom for a period of up to two years or without that. [2]

Third, according to Art. 322.2. fictitious registration of the citizen of the Russian Federation at the place of stay or at the place of residence in premises in the Russian Federation, and equally fictitious registration of the citizen or stateless person at the place of residence in premises in the Russian Federation is subject to punishment at the rate from on hundred thousand to five hundred thousand roubles or at a rate of the salary or other income of the convict for the period up to three years, or forced labor for the term of up to three years with deprivation of the right to hold certain positions or to be engaged in a certain activity for a period of up to three years or without that, or imprisonment for a period of up to three years with deprivation of the right to hold certain positions or to be engaged in a certain activity for a period of up to three years or without that. [3]

Fourth, according to Art. 322.3 of the Criminal Code of the Russian Federation fictitious registration of a foreign citizen or stateless person at the place of stay in premises in the Russian Federation is subject to punishment at the rate from hundred thousand to five hundred thousand roubles or at a rate of the salary or other income of the convict for the period up to three years, or forced labor for a period of up to three years with deprivation of the right to hold certain positions or to be engaged in a certain activity for a period of up to three years or without that, or imprisonment for a period of up to three years with deprivation of the right to hold certain positions or to be engaged in a certain activity for a period of up to three years or without that. [4]

Under the fictitious registration of foreign citizens or stateless persons at the place of the stay in the premises in the Russian Federation is understood their statement on the account at the place of stay (accommodation) in premises on the basis of submission of obviously false information or documents or their statement on account at the place of stay in the premises without the intention to stay (to live) in these rooms, or without the intention of the host to provide them these rooms for the stay (accommodation).

The person who committed the crime provided by the present article is exempted from a criminal responsibility if it promoted to disclosure this crime and if its actions do not contain other constitution of a crime.

4. CONCLUSION

However, time, national and regional security of people of the Russian Federation and other countries demands toughening measures of a criminal responsibility in this area.

In our opinion, for strengthening of the resistance of illegal migration it would be necessary to increase the term of imprisonment up to 15 years under articles 322 and 322.1 Criminal Code of the Russian Federation.

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GERMAN LEGISLATION ON THE PROTECTION OF ANIMALS

1. INTRODUCTION

The animal world is an integral part of the biosphere and ensures its normal functioning. The well-being of the animal world affects the entire ecosystem, and therefore it is extremely important to take measures to protect it, including legislative measures, which will be discussed in this publication.

2. RESEARCH GOAL

In Russia, the legislation on the protection of animals is in its infancy, and therefore it is very important to study experience of other countries. The legislation of the Federal Republic of Germany in the field of animal protection provides useful example. The purpose of this work is to analyze the German legislation on the protection of animals to consider which practices could be introduced in our country.

3. ANALYSIS OF GERMAN LEGISLATION ON ANIMAL PROTECTION

Germany takes environmental issues very seriously, as can be seen by considering Article 20a of the Basic Law of the Federal Republic of Germany (Grundgesetz für die Bundesrepublik Deutschland) [1]. This article says that the state, conscious of its responsibility to future generations, protects the environment as the basis of life on earth within the framework of the constitutional order and according to the law by the executive power and justice.

The Animal Protection Act (Tierschutzgesetz) develops these provisions of the German Constitution. In § 1 of this law, the most important rule is fixed: no one can cause pain, suffering or damage to the animal [2].

However paradoxical this may sound, but sometimes to fulfill this rule it is necessary to use euthanasia, which is dealt with in item 2 of § 3 of the Animal Protection Act: it is forbidden to sell or buy a weak, sick, premature or old animal in the care of people for whom a further life is associated with unremovable pain or suffering, for any purpose, except for an immediate painless killing.

It is worth mentioning also items 9 and 10 § 3 of the Animal Protection Act, the presence of which in the text of the law led to the emergence of sharp discussions in Germany. These items prohibit the forced feeding of an animal (if it is not necessary to maintain its health) and feeding, which causes the animal considerable pain, suffering or injury. Thus, these provisions of the Animal Protection Act, among other things, also led to the prohibition of the production in Germany of foie gras — dish from goose or

duck liver, increased by 10 times due to forced feeding. The Germans are big fans of foie gras, but even so, in Germany it is now impossible to find a single enterprise that would produce this dish. Based on this example, we can conclude that the Germans have a high level of legal culture, because they are ready to observe even those laws that lead to the deprivation of their benefits.

In Germany there is a separate normative act, which sets forth a number of requirements for dog owners, — the Instruction on Keeping Dogs (Tierschutz-Hundeverordnung) [3]. Special attention in this Instruction is worthy of the fact that the legislator has taken into account that dogs are collectivized animals, as can be seen by reading, for example, the provisions of § 2 of this Instruction:

- The dog should be given sufficient communication with the person holding the dog. Walking and social contacts of dogs should be adjusted to its breed, age and health status.
- A person who owns more than one dog in one area, as a general rule, must keep them together, unless otherwise provided by other legislation.

4. CONCLUSION

At present, when a huge number of environmental problems threaten our planet, it is especially important to pay attention to the protection of the animals. Protection of animals is carried out in various ways, but a special role in this process is law-making, whose influence on society is enormous. That is why Germany, one of the advanced countries in the field of animal protection, has very elaborated legislation. The experience of Germany should not vanish in vain: countries which haven't enacted proper legislation have to analyze international experience in the field of animal protection. It is necessary to develop legislation in our country so that the treatment of animals and the attitude towards them change for the better.

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JUGENDSTRAFRECHT IN DER BRD UND IN RUSSLAND

1. EINLEITUNG

Dieser Artikel ist dem Vergleich des Jugendstrafrechts in der BRD und in Russland gewidmet. Heutzutage ist die Untersuchung dieser Frage besonders aktuell, weil die Jugendkriminalität in diesen Ländern ziemlich hoch ist. Von großer Bedeutung ist die spezielle Rechtslage der Jugendlichen und die Untersuchung des Jugendstrafrechts vom allgemeinen Strafrecht.

2. ZIEL DER FORSCHUNG

Ziel meiner Arbeit besteht darin, die vergleichende Analyse der russischen und der deutschen Jugendstrafrecht durchzuführen und zu verstehen, welche Rolle diese spezielle Rechtslage im Jugendstrafrecht spielt.

Unter dem Begriff “Minderjährigen” versteht man im Russischen Strafgesetzbuch die Altersgruppe zwischen 14 und 18 Jahren. Dieselbe Bedeutung hat der Begriff „Jugendliche“ im Deutschen Strafgesetzbuch. Sowohl in Russland als auch in Deutschland werden im Jugendstrafrecht als Kinder die Personen erfaßt, die jünger als 14 Jahre sind. Nach deutschem (genauso wie nach russichem) Recht sind sie strafrechtlich nicht verantwortlich.

In beiden Ländern liegt der Unterschied zwischen Erwachsenenstrafrecht und Jugendstrafrecht in wesentlichen Grundsätzen des Rechts und in den Rechtsfolgen der Straftat. In Deutschland geht die Rede über Erziehungsmaßregeln, solche wie: Erteilung von Weisungen, Anordnung, Hilfe zur Erziehung (z. B., der Umgang mit bestimmten Personen oder der Besuch von Gaststätten können verboten werden); über Zuchtmittel (Verwarnung, Erteilung von Auflagen, Jugendarrest) und Jugendstrafe (Freizeitarrest, Kurzarrest, Dauerarrest). Zuchtmittel ist zu verhängen, um dem Täter das Unrecht der Tat und seine Einstandspflicht hierfür bewusst zu machen. Jugendstrafe ist die schwerste Sanktion und kann verhängt werden, wenn weder Erziehungsmaßregeln noch Zuchtmittel ausreichen oder wenn wegen der Schwere der Schuld Strafe erforderlich ist. In Russland kann als Rechtsfolgen der Jugendstraftat Geldstrafe, Beschäftigungsverbot (Verbot einer bestimmten Tätigkeit), obligatorische Arbeiten, Besserungsarbeit, Freiheitsbeschränkung oder zeitige Freiheitsstrafe angewendet werden.

In Russicher Föderation und in der BRD ist gesetzlich vorgesehen, dass die Strafe zur Bewährung ausgesetzt werden kann. In diesem Fall wird die Bewährungszeit festgestellt.

Die Jugendliche sind strafrechtlich verantwortlich nicht für alle Verbrechen, für die nach dem Erwachsenenstrafrecht eine Strafe angedroht ist. Strafrechtliche Reaktionen erscheinen bei schweren Formen der Jugendkriminalität (Mord, Diebstahl, Raub, gefährliche Körperverletzung usw.) im Interesse der Oper, der allgemeinen Sicherheit, der Verhinderung „krimineller Karrieren“.

3. LITERATUR - UND DOKUMENTENÜBERSICHT

Es gibt einige Dokumente im deutschen und im russischen Recht, die gesetzliche Regelung für die Jugendstrafrecht enthalten. In Deutschland gelten als solche das Strafgesetzbuch (StGB) und Jugendgerichtsgesetz (JGG). In Russland ist es nur das Strafgesetzbuch.

4. SCHLUSSFOLGERUNG

Anschließend ist es zu unterstreichen, dass das Ziel des Jugendstrafrechts sowohl in Deutschland als auch in Russland nicht die Strafe ist, sondern die Verbesserung des jugendlichen Verhaltens. Im Jugendstrafverfahren sollen nur erzieherisch befähigte und in der Jugenderziehung erfahrene Jugendrichter und Jugendstaatsanwälte eingesetzt werden. Außerdem muss man betonen, dass als besonderer Erfolg kann da in beiden Ländern der Rückgang bei Jugendkriminalität betrachtet werden.

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EUROPÄISCHES PATENT MIT EINHEITLICHER WIRKUNG – EIN NEUER SCHRITT ZUM GLOBALEN PATENTRAUM

1. EINLEITUNG

Heutzutage gibt es in der Welt Globalisierungsprozesse, die internationale Verflechtungen auch in Bereichen der Wissenschaft, der Wirtschaft und des Rechtes zunehmen. Deshalb gibt es Unifikationbedarf auf dem Gebiet des Patentrechts von verschiedenen Staaten. Daher schlägt die Europäische Union jetzt ihre Lösung zu diesem Problem vor. Für Geltungssicherung des neuen EU-Patents mit einheitlicher Wirkung wird einheitliches Patentgericht geschaffen.

2. ZIEL DER FORSCHUNG

Ziel meiner Arbeit ist, neue Funktionen des Patentgerichts und Möglichkeiten, die Staaten mit Ratifizierung des neuen Überkommens über ein spezielles Patentgericht [1] gewinnen. Dabei möchte ich Prognose zu künftige Situation im Gebiet des Völkerpatentrechts analysieren.

3. LITERATUR - UND DOKUMENTENÜBERSICHT

Im Laufe der Studie verschiedener Dokumente wurde analysiert, dass gemäß dem Europäischen Patentübereinkommen (nachstehend EPÜ) [2], das von 38 Staaten unterzeichnet wurde, Europäisches Patent jahrelang von dem Europäischen Patentamt (EPA) erteilt wurde. Das ist nicht für die gesamte Europäische Union gültig, sondern nur für die Staaten, die EPÜ-Mitglieder sind und bei der Anmeldung benannt wurden. Durch Zahlung erforderlicher Gebühren bekommt Europäisches Patent dieselbe Wirkung wie ein nationales Patent. Es gibt auch die Möglichkeit die Patentschrift in die jeweilige Amtssprache der ausgewählten Ländern zu übersetzen. Alle Fälle von Verletzungen oder Nichtigkeit Europäischer Patente fallen unter die nationale Gerichtsbarkeit der jeweiligen EPÜ-Mitglieder.
Für die Verbesserung der Zusammenarbeit in der Europäischen Union in Patentfragen wurde die Gründung des EU-Patents geplant. Ziel des Europäischen Patents mit einheitlicher Wirkung (offizieller Name des EU-Patents) besteht darin, einen einheitlichen Patentschutz und zentrale Gerichtsverfahren im Rahmen der EU zu schaffen. Es wird wie exestierendes Europäisches Patent bisheriger Art konstruiert.

Aber sein «Wirkungsland» (Wirkungsterritorium) ist die EU. Deshalb wird es in allen Staaten der Europäischen Union gültig. Die Realisierung von diesem Projekt basiert sich auf Verordnungen über das EU-Patent №1257/2012 [3] und №1260/2012 [4].
Die Voraussetzung für das Inkrafttreten der obengenannten Verordnungen war vorherige Inkrafttreten des Übereinkommens über ein einheitliches Patentgericht [1], das fünfundzwanzig EU-Mitgliedstaaten unterzeichnet und dreizehn ratifiziert haben. Dieses Gericht wird die Nichtichklagen und die Klagen gegen Verletzung des Patents beilegen. Auch das Patentgericht ist für Einspruchsklagen gegen das Europäisches Patent und EU-Patent zuständig.
Das neue Einheitspatent ist eine verbesserte Modifikation des Europäischen Patents. Folgende Standpunkte beweisen das:

- EPeW wird nach der Erteilung als einheitliches Patent funktionieren und nicht in einzelne nationale Patente zerfallen. Seine Wirkung für alle EU-Mitgliedstaaten führt dazu, dass Kooperation zwischen den Staaten verstärken wird, weil wegen Kostengründen Haltung der großen Patentzahl in der Aufstellung von Europäischem Patent für Anmelder unbequem ist;
- Niedrigstpreis für Übersetzung der Patentschrift [5]. Die Anmeldung wird in einer der offiziellen Amtssprachen der Europäischen Union erfolgt und gegebenenfalls wird die Patentschrift in eine der drei Amtssprachen des Europäischen Patentamts (Englisch, Deutsch oder Französisch) gemacht. Dieses Prinzip wurde aus Londoner Übereinkommen [6] entnommen.
- Neue Form des Patents bietet einen einheitlichen Schutz. EU-Patentgericht wird Bereich der Nichtigkeitsklagen und Verletzung zentralisieren.

Im Laufe der Studie wurden im EU-Patent einige Nachteile festgestellt:

- Das Übereinkommen über ein spezielles Patentgericht und Verordnungen über das EU-Patent №1257/2012 und №1260/2012 sind nur für EU-Mitglieder öffentlich. Für alle anderen Staaten und für die EU-Länder, die im diesen Verabredungen keine nicht teilnehmen wollen, wird voriger Europäisches Patent gültig sind.
- Bei der maschinellen Übersetzung gibt es viele Fehler und nicht alle verfügbaren Sprachpaare sind in dem System enthaltet. Die analogische Variante von Übersetzern ist immer noch zu teuer.
- Nur im Vergleich zu europäischen Patentanmeldungen, die mehr als 5 Länder validiert werden, gibt es Preisvorteil des EU-Patents, weil Kosten für Jahresgebühren später zunehmen. Aber heutzutage validiert die Hälfte von aller Anmeldungen nur in drei Ländern: Großbritannien, Frankreich und Deutschland. [7]

4. SCHLUSSFOLGERUNG

Dank dieser Forschung kann man behaupten, dass Europäisches Patent mit einheitlicher Wirkung Vorteile und Nachteile hat. Ich schätze diesen Schritt als eine gute Basis zur regionalen Unifikation auf dem Gebiet des Patentrechts. Wenn die Ergebnisse der Europäischen Union positiv werden, dann können die anderen regionalen Staatsverbände Rechtsunifikation anfangen. Nur dieser Weg führt uns zum globalen einheitlichen Patentrecht, das weltweiten Progress auf die neue Stufe hinaufbringt.

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ZUR FRAGE ÜBER DIE AKTIENGESELLSCHAFTEN IN DEUTSCHLAND UND RUSSLAND

1. EINLEITUNG

Die gegenwärtige Veröffentlichung ist der Studie der rechtlichen Regulierung der Tätigkeit der Aktiengesellschaften in Deutschland und Russland gewidmet. In letzter Zeit bekommt die Betrachtung der gegebenen Frage die besondere Wichtigkeit unter den Bedingungen der Entwicklung des Aktienrechtes in Russland.

2. ZIEL DER FORSCHUNG

Ziel meiner Arbeit besteht darin, Besonderheiten russischer und deutscher Erfahrung des Funktionierens der Aktiengesellschaften zu vergleichen. Im Fokus der vorliegenden Arbeit ist die Analyse der deutschen und russischen Gesetzgebung über die Aktiengesellschaften.

3. LITERATUR - UND DOKUMENTENÜBERSICHT

Zuerst möchte ich die Besonderheit der Abschaffung der Einteilung in «geschlossene» und «offene» Aktiengesellschaft in Russland untersuchen, (die ist ab dem 1. September 2014 in Kraft getreten).

Die Einteilung von Aktiengesellschaften war in Russland in «geschlossene» (ZAO) und «offene» (OAO) Aktiengesellschaften abgeschafft. An dieser Stelle muss man besonders betonen, dass es nun zwischen öffentlichen und nichtöffentlichen Aktiengesellschaften unterschieden. Die beide jetzt mit AO abgekürzt wenden. Es sollte auch nicht unerwähnt bleiben, dass Aktiengesellschaften öffentlich sind, wenn ihre Aktien öffentlich gehandelt werden. Das hat zur Folge, dass sie strengeren Anforderungen hinsichtlich der Geschäftsführung, der Veräußerung von Aktien und der Informationspflichten unterliegen. Alle anderen Aktiengesellschaften sind nichtöffentlich und können die Geschäftsführung, die Durchführung von Aktionärsversammlungen und die Rechte der Aktionäre flexibler gestalten. [1]

Es wäre nützlich an dieser Stelle auch noch anmerken, dass ab 1. September 2014 bei der Gründung einer Gesellschaft ferner zu beachten ist, dass Einlagen in das Stammkapital bis zum Betrag des gesetzlichen Mindeststammkapitals der jeweiligen Gesellschaftsform in Geld einzuzahlen sind (für die „öffentlichen“ Aktiengesellschaften ist 100 000 Rubel; für die „nichtöffentlichen“ Aktiengesellschaften ist 10 000 Rubel). [2]

Zum Vergleicht: in Deutschland ist der größte Nachteil einer AG - der hohe finanzielle Aufwand, der nötig ist, um die Gesellschaft zu gründen. Es muss ein Grundkapital von 50.000 € eingezahlt oder durch Sacheinlage geleistet werden. [4]

Zudem sind die Kosten der AG-Gründung deutlich höher als bei Russlands Aktiengesellschaften. Dieser Unterschied liegt in der Formstrenge des Aktiengesetzes: einige der Vorgänge und Schriftstücke des AG-Gründungsprozesses müssen notariell beurkundet und beim Handelsregister eingetragen werden. Entsprechend fallen Gebühren für den Notar und die Eintragungen an.

4. SCHLUSSFOLGERUNG

Zusammenfassend lässt sich sagen, dass eine Aktiengesellschaft in Deutschland und Russland aufgrund der Vorgaben des Aktiengesetzes eine sehr komplizierte Gesellschaftsform ist. Formstrenge, Fristen sowie ein hoher Verwaltungs- und Organisationsaufwand sind der Nachteil einer AG. Obwohl, die Reformen des Aktiengesetzes – zusammengefasst unter dem Begriff "Kleine AG" in Deutschland und „Zivilrechtreform in Russland“ (September 2014) – hat zwar einiges vereinfacht, es gibt aber immer noch viele Tücken beim Führen einer AG. [3]

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DIFFERENCE BETWEEN NATIONALITY AND CITIZENSHIP

1. INTRODUCTION

This work is about the difference between two terms: “nationality” and “citizenship” in legislations of foreign countries. First of all, it is necessary to mention that we should not understand “nationality” as ethnic criterion. That is why we face a problem: how else we can understand “nationality?” For example, in the USA and the UK both terms are used to show the state of being a member of a particular country and having rights and obligations because of it. But depending on being of a nationality or citizen the ambit of rights will be different.

2. RESEARCH GOAL

The main purpose of the given article is to understand the difference between “nationality” and “citizenship” and legal implications of being national or citizen.

3. DOCUMENTS REVIEW

To begin with, we need to state that “nationality” is a wider term than “citizenship”. To be a national is to be a member of the state. Nationality is acquired by birth, adoption, marriage, and etc., which depends on countries’ legislation.

Actually, Article 15 of Universal declaration of Human Rights proclaims that “Everyone has the right to a nationality” and “No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality”. But that named declaration does not say anything about the citizenship. As it has been mentioned, citizenship is a narrower concept. Citizenship is a specific relationship between a state and a person.

For example, in the legislation of the USA we can see that there is some difference between being a national or a citizen. Thus, not all nationals are citizens. Of course, people, who have the status of “nationality”, have American passports, can live and work in the USA, but they cannot vote and be elected. In the USA being a citizen depends on the place where you were born. Before the 20th century people who were born in Guam, Puerto Rico and the U.S. Virgin Islands, so called “outlying positions of the USA” had a nationality, but not a citizenship.

After the 20th century the Congress gradually extended citizenship to their inhabitants. Today, only American Samoa and Swains Island stand apart and people, who were born there are nationals. [1]

Besides, it should be marked that nationality is not the same as the so called “green card” in the USA. People, who live and work in the USA due to green card are not American nationals or citizens, because green-card is residence permit, but not the state of being a member of the country. [2]

In the UK thanks to the legacy of colonialism, the situation is even more complicated.
“Nationality” in the UK is understood as a stable legal relationship not only with the United Kingdom, but with the British Commonwealth in general (Great Britain and a number of its former colonies and dominions). And “citizenship” is a stable legal relationship with the UK and its possessions. There are six types of British nationality: British citizens, British subjects, British overseas citizens, British Overseas Territories’ citizens, British overseas nationals, or British protected persons. But only British citizens, British overseas citizens and British overseas citizens have the status of “citizenship”.
Moreover, only British citizens have full scope of rights. Particularly, only British citizens have the right of free entry to the UK and right to be elected and they cannot be deported.
As for the “nationality”, people have a higher legal status apart from foreigners. Firstly, they have the right to vote, if they live on the territory of the UK, they also have preferential terms of entry to the country and cumbersome procedure of deportation. Secondly it can be a foundation to simplified procedure of conferment of citizenship of the UK. [3]

4. CONCLUSION

To sum up, it is necessary to notice that despite the fact that these two concepts are difficult to distinguish, it is important to know these differences, because the legal status depends on being a national or a citizen.

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FUNNY LAWS IN A BUNCH OF COUNTRIES

1. INTRODUCTION

While speaking about law in general, people usually expect to hear something serious but the population of our planet has been growing lately so governments have to wriggle out to control all types of citizens' activities.

2. RESEARCH GOAL

In this article, we would give some examples of laws that are quite odd and definitely not serious at all according to social polls.

3. LITERARTURE REVIEW

Well, we'd like to speak about the U.S.A., Great Britain and China. These countries have got lots of ridiculous laws and citizens don't even know how to get caught breaking any of them! So, let's start with the U.S.A. In the State of California baths are forbidden. Reason: This law was passed in the late 1980s when it turned out that most of the homosexuals sick with AIDS, could be found in public baths. The law was passed to stop the development of the epidemic.

In the city of Los Angeles it is forbidden to lick frogs. Reason: the law was passed after the city teenagers had found that the skin of some frogs contained hallucinogens. Addicts caught frogs and diligently licked them, and the police couldn't do anything about it.

Another weird law can be found in Great Britain. We all know that the royal family is sacred. So, if you, even accidentally and with no intent, paste a stamp with the queen's portrait facedown, it will be considered high treason. Besides, everybody knows that the British, to put it mildly, dislike Scots. So, if in the city of York you meet a Scot with a bow and arrows in the street, it's legal to kill him. British citizenship will be a sufficient legal justification for the murder.

China winds up our list with its bunch of funny laws. In 2013, the BBC reported that China had introduced a new Elderly Rights Law, which, among other things, required that grown-up children should visit their aging parents. The law actually served an important social purpose as it was aimed at curtailing loneliness among the elderly. In China, family relationships are extremely important, and the law codifies the old practice of frequent visiting elderly parents. However, it doesn't specify how often children should visit their folks, so it's not a really effective law. It's more of an "educational message to the public," according to Beijing attorney Zhang Yan Feng.

4. CONCLUSION

Summing this up, we'd like to specify that the list of funny laws is much longer though most of them should be cancelled.

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A BALANCE BETWEEN A CHILD'S RIGHT TO KNOW HIS PARENTS AND A CHILD'S ADOPTION SECRET

1. INTRODUCTION

At present there is a growing interest to legal regulation of children's rights. There are several conventions, laws, and regulations dealing with this issue both at international and national levels. Some provisions of these documents contradict each other and it is very important to find an appropriate balance between them in the interests of a child.

2. RESEARCH GOAL

The secret of child's adoption contributes to the creation of true relative relationship between an adopter and the adopted, to the stability of the adoption; it also makes the process of upbringing an adopted child easier. The secret of the child's adoption is also necessary in order to make the development of the adopted child problem-free and to keep calmness of people, who are not natural relatives [1].

3. ANALYSIS OF THE PROBLEM

According to Article 139 of the RF Family Code (FC) a secret of child's adoption is protected by law [2]. Article 47 of the Federal Law "On acts of civil status" guarantees the secret of child's adoption by state bodies for registering acts of civil status. Clerks of these bodies have no right to disclose any information about the adoption or issue any documents stating that adopters/an adopter are not parents of the adopted child [3] At the same time, according to clause 2 of Article 54 of the RF FC every child has a right to know his/her parents. The same rule can be found in Article 7 of the UN Convention on the rights of the child of 20th of November 1989 [4]. In case of adoption in Russia this right implementation becomes problematic. Moreover, according to clause 2 of Article 134 of the RF FC, an adopter may request a child to be given the adopter's surname and the first name he/she suggests. The way of a child's patronymic name defining is also fixed (Article 58). Article 135 gives a permit to change the date and the place of birth of an adopted child according to a request of the adopter. These measures, on the one hand, contribute to the guarantee of the child's adoption secret, but, on the other, prevent from the realization of the child's right to know his parents.

The analysis of the two above-listed norms leads to the conclusion that the right of an adopted child to know his/her parents could be realized only in case when there is a adopters' will to do so. Otherwise, providing the child with this information will be interpreted as divulging of the secret of adoption.

It is necessary to point out that in Russia the question under discussion demands additional detailed consideration. For example, should any information be given to a child, if the latter learnt about his/her adoption and would like to find his biological parents? Would it be possible to find necessary information and documents connected with the adoption of the child after time passes?

The European Convention on the Adoption of Children of the 27th of November 2008 [5], not ratified by the Russian Federation, states that an adopted child should have access to the information held by authorities concerning his or her origin. Thus, the Convention designates not only the balance between the secret of adoption and the child's right to know his parents, but also the right of a parent to remain anonymous.

As for Russia there is a special fixed by law procedure for child's origin institution. The connection of the Mother and the child is established just after the birth. The way of establishing the Fatherhood is also fixed in the RF FC. Nothing is said about the right of the Mother to remain unknown. In comparison, in some European countries Mothers can give birth to their children anonymously, so nobody can have an access to the information about them.

4. CONCLUSION

In conclusion it is necessary to emphasize that the child's adoption secret is still a very important issue in a modern society. However, European Conventions should also be taken into consideration, because adopted children might want to know their story of adoption. It is their choice to establish and keep a relationship with their parents or not. They should have the right to know who their parents are and how they should act to get this information. If they do not find out who their biological parents are then they will not be able to know their family history.

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THE COMPONENT OF CRIME

1. INTRODUCTION

The component of crime is the actual subject of the criminal law of the Russian Federation. The offense is the sole basis for criminal responsibility. it is very important for the lawyer as the practice and the theoretician to determine the presence of this component in the wrongful act.

2. RESEARCH GOAL

The aim of this study is a detailed examination of evidence. Every lawyer should learn the component of crime in certain situations. It is very important to study each element of an offence because this depends on the severity and nature of criminal.

3. ANALYSIS OF THE COMPONENT OF CRIME

The definition of the offense in the criminal code does not. This concept is mentioned only in one article of the criminal code. The offense is the sole basis for criminal responsibility. The offense is a system of objective and subjective elements of the acts that characterize the concrete socially dangerous act as a crime. The offense consists of

four elements: the object of crime, objective aspect of crime, subject of crime, subjective side of the crime. In the absence of any element of the crime of criminal responsibility can not occure. Each party of a crime is characterised by certain signs. The objective party of a crime is characterised by act or omission, socially dangerous consequence, a causal relationship between them, the circumstances of time and place, situation, method, means and instrumentalities of crime. The subjective side of the composition is composed of signs of fault (intent or negligence), motive and purpose of crime, and sometimes an emotional state in the Commission of criminal acts (affect). The subjective aspect of composition characterizes the internal (mental) side of the crime. The subject of the crime is physical sane person who has reached the statutory age. There are many classifications of crimes [1].

The nature and degree of public danger are the following crimes: basic, qualified, preferred. The main part expresses the most characteristic of the act signs. Qualified personnel includes the features that characterize the act with aggravating circumstances. The preferred composition includes the characteristics of the acts with extenuating circumstances. Design elements distinguish simple and complex compositions. In the simple composition of each appears only once. In complex structures, the signs can be doubled, can be transferred alternatives. There are also material and formal offences. The material elements of crimes stipulate as a mandatory symptom of the onset of specific socially dangerous consequences [2]. In the formal compositions of socially dangerous consequences means, but they are not required. A variety of formal compositions are truncated structures, when the end of criminal acts by law transferred to an earlier stage before it was completed.

In addition, the isolated truncated offences. The classification of the offences on the material, formal, and truncated based on the determination of the time of the crime. So, when the material part of the crime is considered completed from the moment of the consequences. For the formal composition is characterized by the onset of the effects for the already-committed a wrongful act, regardless of the consequences. The offense is truncated as soon as the offence constitutes a threat to the security of society, public relations.

There are different concepts of evidence. This particular composition, species, generic, and total offences. The concrete structure is a system of signs of specific criminal acts committed by a certain person. Species composition is a system of signs provided for a specific norm of the Special part of the criminal law [3]. The generic composition is the set of attributes common to a certain group of crimes that is allocated on the basis of theoretical and practical analysis of criminal law norms. The total composition is a set of characteristics common to all crimes known to criminal law.

4. CONCLUSION

The offense is a very complicated part of the crime, because in each case must be determined individually. Without crime is impossible to Institute criminal proceedings. A person may be prosecuted only in the presence of evidence. The important role crime plays in determining the qualification of the crime, because it highlights some specific features in each particular crime. The offense is used in the process of learning criminal acts: the study of specific crimes in the course of criminal law in the universities is by examination of its constituent individual features, elements of composition[1].

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THE CONSTITUTIONAL JUSTICE IN THE RUSSIAN FEDERATION: FEATURES, THEORETICAL AND PRACTICAL SIGNIFICANCE

1.INTRODUCTION

The Russian model of constitutional justice belongs to the European type. The main difference of it from the American type is the isolation from general justice. There is permanent body of constitutional justice in the judiciary in countries with European type.

The article is devoted to the analyze of some features of the Russian model of constitutional justice, its reasons, in particular, some historical aspects of it. Also the article tends to show the similarities and differences of constitutional justice models in countries of European and American types. The relevance of the article is that we can define the significance of these features because the system of constitutional control exists for more than 25 years without considerable changes.

2. RESEARCH GOAL

The research goal is to identify the main features of constitutional justice in Russia in the context of the European model, assess the development of this legal institute and try to make predictions about the future of this field of science.

3. ANALYSIS OF FEATURES OF THE RUSSIAN MODEL OF THE CONSTITUTIONAL JUSTICE

The Russian model of constitutional justice has some features. Firstly, direct effect of the Constitution of the Russian Federation [1] combines with existence of a special branch of constitutional courts. Secondly, constitutional (statutory) courts of the subjects in the Russian Federation are independent on the Constitutional Court of the Russian Federation. Finally, the Constitutional Court of the Russian Federation has relative narrow scope of authority in comparison with Germany.

Now we would turn to the latter. The similarities of the legal position of the bodies of constitutional review are comparable number of judges, unified role of the body of the constitutional justice, the set of methods and ways for implementing the judiciary within its competence, the similar range of issues to be considered in these bodies. But the function of the Constitutional Court of the Russian Federation is narrower. So the Federal Constitutional Court of FRG has the full powers such as interpretation of the Constitution in cases of dispute over the scope of rights and duties of subjects of

constitutional and legal relations; the consideration of disputes in the relations between the federation and the lands, land property; the consideration of complaints from communities and unions; the resolution of cases on the deprivation of the constitutional rights of citizens who use them against the democratic order, about the unconstitutionality in the activities of political organizations; the dismissal of the President because of the charge that came from the parliament; complaints about the Bundestag's decisions on certain issues. The Constitutional Court of the Russian Federation resolves cases in compliance of the Constitution with various types of national normative legal acts and international treaties of the Russian Federation that have not entered into force; disputes on the competence between state bodies of various levels, verifies the constitutionality of the law; is engaged in the interpretation of the Constitution of the Russian Federation; gives an opinion on the observance of the established procedure for bringing charges against the President of the Russian Federation for treason or for committing other serious crimes; acts with legislative initiative on the issues of its competence; considers cases on the possibility of enforcing the decisions of the intergovernmental body for the protection of human rights and freedoms.

The historical realities of the time when the judicial system and constitutional court proceedings were established are the reasons for the existence of the differences discussed above.

5. CONCLUSION

The main features of the Russian model of the constitutional justice permit to carry out the judicial proceedings competently and reduce the negative legal consequences [2]. So the Constitutional Court of the Russian Federation issued numerous decisions in compliance of the Constitution of the RF with various legal acts since the first year of its establishment. The body reacted quickly to errors committed in lawmaking.

The constitutional justice in the Russian Federation corresponds to the requirements set by time, society and the state. The constitutional control reflects the existing system of separation of powers and other signs of the Russian federation as a modern state.

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WHAT WE KNOW ABOUT ESTOPPEL?

1. INTRODUCTION

This article is devoted to the study of the principle of Estoppel. The value of the topic was that estoppel is a means of protecting in the law.

2. RESEARCH GOAL

The purpose of the study is to carry out an analysis of the Estoppel principle.

3. LITERARTURE REVIEW

Estoppel rises in English law. The principle dates back to XVI –XVII century and is also mentioned in the works of the English judge Edward Coke. The judge interestingly described this principle as «It is called an estoppel or conclusion, because a man's own act or acceptance stoppeth or closet up his mounth to allege or plead the truth». In the meantime, several types of estoppel are identified in law. But later there was «The Unified Theory».

At the moment English judges often use in practice separate types of estoppel, such as: 1) reliance based estoppels (including: estoppel by representation, equitable estoppel, estoppel by conduct, estoppel by negligence); 2) estoppel by record (including: estoppel by judgment, collateral estoppel, judicial estoppel, estoppel by foreign judgment in persona); 4) estoppel by agreement; 5) estoppel by deed; 6) estoppel by delay; 7) assignor estoppel; 8) licensee estoppel; 9) estoppel by silence.

In English common law the grounds for estoppel are two precedents. It's the case Hughes v. Metropolitan Ry (1877) [2], where for the first time the rule «promissory estoppel» was formulated. And the case Central London Property Trust Ltd. v. High Trees House Ltd (1947) [3], in which the court pointed out that the rule estoppel prohibits judicial protection of claims that run counter to the agreements reached by the parties and were respected by them for a long time. Russian scientist A.S. Koblov suppose that considering these precedents estoppel can be characterized as a prohibition to refer to circumstances that were previously recognized by the party as indisputable on the basis of its actions or assurances [4].

The English doctrine notes that the conditions to use estoppel are: A) existence of contractual relations; B) the intentions of the parties should be obvious; C) the actions of the parties must be reasonable.

4.CONCLUSION

Consequently, estoppel is a powerful means of combating abuses of their procedural rights of the parties. The aim of estoppel with respect to contractual relations is to ensure the existence of a treaty.

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LEGAL REGULATIONS OF ARTIFICIAL INTELLIGENCE

1. INTRODUCTION

A famous entrepreneur in the sphere of advanced technologies Elon Musk has recently stated that artificial intelligence (or AI for short) is becoming the biggest threat humanity has ever faced. He encourages government officials to work really hard to create a strict legal regulation for this innovation even if it does not benefit the rapid progress in its development. [1] However it proves to be a big challenge for policy makers to create a necessary legal framework for AI.

2. RESEARCH GOAL

The goal of this work is to analyze some issues legal regulation of AI faces today and give examples of approaches that legislators use to bring order and safety in this new phenomenon of our life.

3. ANALYSIS OF THE PROBLEM

AI has many aspects that can be misleading even for specialized IT lawyers. For instance, there is a delusion in approach to AI legal regulation that the manifestation of AI has the qualities of a legal person. Policy makers should understand that robots today are very far from resembling humans or even a human brain, they are mainly just big data with the special software to process it. Thus even the most advanced AI cannot be considered an agent. Neither platforms like decentralized autonomous organizations (DAOs) should be seen as separate legal entities because they cannot act independently of their promoters or owners. [2]

While regulating AI many difficult questions arise that give legislators much to grapple with. These are questions like: what interests should AI policy protect? Can existing legal structures be adapted to this technology or should be there created new ones? How to make regulatory burdens fair and proportionate for businesses?

Developed countries, such as the UK, the USA and Japan, in their governmental reports concerning the issue stated the following approach. First of all, regulations should be created for AI applications in such requiring high safety products as cars and aircrafts in order to protect the public from harm and keep fairness in market competition. The major question is how the usage of AI in these products will affect already existing regulatory structures. To solve this issue it is necessary to assess new risks that the addition of AI may bring. That knowledge will help to decide whether the current regulations need to be adapted or they are already adequate enough. [3]

Legislators should be sure that they create no obstacles to testing new technology as it develops; they need widely consult with industry and stakeholder groups but think of public safety interests first. [2]

Elon Musk also stresses that it is crucial to ban the AI usage for military purposes especially in the light of the US government announcement of plans to develop AI-

enabled weapons. [1] It seems very reasonable to sign an international agreement like one about nuclear weapons that will prohibit any development of AI for military uses.

4. CONCLUSION

AI is a central part of the fourth industrial revolution which is happening now. It will soon impact people's lives dramatically. That means there will be new big challenges for policy makers and legislators who will have to provide necessary technical and legal frameworks for new technology to ensure order and public safety.

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DIE INSOLVENZORDNUNG IN DEUTSCHLAND UND IN RUSSLAND

1. EINLEITUNG

Das deutsche Rechtssystem ist dem Russischen ähnlich. Das wichtigste Gesetz in der Russischen Föderation in diesem Bereich ist das Bundesgesetz (26. Oktober 2002 № 127-FZ) «Über Insolvenz". In Deutschland existiert die Insolvenzordnung (weiter - InsO). InsO hat am 5. Oktober 1944 erließ am. Am 1. Januar 1999 trat sie in Kraft. Die Hauptziele dieses Gesetzes sind: die einheitliche Prozedur im gesamten Bundesrepublik Deutschland zu schaffen, die Autonomie der Gläubiger des Schuldners zu stärken, außergerichtliche Reorganisation einzuführen, Einführung des Kleinverfahren. Das Thema ist relevant, weil dieses Gesetz in Russischer Föderation noch reformiert wird. Und die wichtigsten Positionen in der deutschen Insolvenzordnung als eine gute Basis für die Reformierung der russischen Insolvenzordnung dienen könnten.

2. ZIEL DER FORSCHUNG

Der Zweck meiner Forschung ist die theoretische Entwicklung und das Verständnis von Insolvenzproblemen in Deutschland zu klären.

3. LITERATUR - UND DOKUMENTENÜBERSICHT

Das Insolvenzverfahren kann vom Gericht nur auf Verlangen des Schuldners oder der Gläubiger verzehrt werden (§ 13 InsO). Insolvenzordung sieht drei Gründe vor: Zahlungsunfähigkeit (§ 17 InsO), Überschuldung (§ 19 InsO), drohende Zahlungsunfähigkeit (§ 18 InsO) [1]. In Russland kann der Antrag vom Schuldner,

Gläubiger, den bevollmächtigten Organen sowie einem Arbeitnehmer, einem ehemaligen Arbeitnehmer des Schuldners, der Abfindungsansprüche und (oder) Arbeitslohn verlangt, eingereicht werden. In der Russischen Föderation gibt es nur zwei Kriterien für Insolvenz: Insolvenz (Beendigung von Zahlungen) und Insuffizienz von Eigentum.

Im Insolvenzverfahren gibt es keine separaten Verfahren zur Überwachung und finanziellen Sanierung, die in der Russischen Föderation liegen. In Deutschland besteht das Insolvenzverfahren aus zwei Schritten: aus Vorverfahren und Insolvenzverfahren [2].

Sowohl in Deutschland als auch in Russland wird vorläufiger Insolvenzverwalter ernannt. In der Bundesrepublik Deutschland ist vorläufiger Insolvenzverwalter kein Mitglied einer Organisation, er ist persönlich für alle Verfahren verantwortlich (§60 InsO). In der Russischen Föderation muss diese Person in eine gemeinnützige Selbstregulierungsorganisation (SRO) eintreten. Ich denke, dass diese Position dem Schiedsrichtern die echte Unabhängigkeit entzieht.

4. SCHLUSSFOLGERUNG

Insolvenzverfahren in Deutschland ist nicht einfach. Aber es gibt Punkte, welche die russischen Gesetzgeber zu berücksichtigen sollten.

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EL CHANTAJE EN LA VIDA REAL

1. LA INTRODUCCIÓN

La palabra " chantaje " cada uno de nosotros la oye muchas veces en nuestra vida. Cuando miramos las películas participamos en las situaciones en las cuales los protagonistas afrontan casos de chantaje. Si piensan los lectores que en la vida real esto no ocurre, se equivocan. Cada persona tiene sus secretos, sus esqueletos en el armario y no tiene ganas de hablar sobre ellos ni con la familia, ni con amigos, ni, especialmente con un desconocido. Sucede, que alguien se entera de nuestro secreto y esta persona empieza a obligarnos a hacer algo malo y podemos crear unos problemas nuevos.

2. EL OBJETIVO DE LA INVESTIGACIÓN

El objetivo de mi artículo consiste en el análisis de tal fenómeno como chantaje y el método de luchar contra él.

3. LITERATURA/REVISIÓN DE FUENTES BIBLIOGRÁFICAS

El concepto del chantaje significa una amenaza de la revelación del secreto ajeno hecha con objetivo de extorsión de una propiedad. El chantaje está estrechamente relacionado con la historia. Arqueólogos encontraban los pinturas que se hallaban en los muros de cuevas. Las pinturas nos informaban sobre el chantaje, que usaba gente de la antigüedad. «O tú obedeces a mi o puedo dejarte sin comida y no calentaré las cuevas.» También esta historia se repite, porque muchas mujeres se ven obligadas a obedecer a unos hombres, pero en condiciones diferentes.

El chantaje no es un delito autónomo, porque esto es una manera que contribuye a creación de otro delito, generalmente de extorsión, que produce los efectos negativos para la víctima.

Existen varios formas del chantaje y todos son muy peligrosos para la vida de la sociedad. El chantaje puede ser emocional, político, chantaje bajo un pseudónymo y chantaje de internet. Ahora muchos estafadores ejercen sus actividades en Internet donde hay toda la información de la vida de los usuarios. Así la información se utiliza contra nosotros.

Qué hacer si alguien quiere recurrir al chantaje contra tu persona?

Es necesario dirigirse a la policía, no tener miedo de hablar sobre información personal. El castigo por el chantaje es inevitable. Entre las variedades de la forma de la pena aplicada se puede citar la multa, los trabajos forzados o condena de prisión.

4. LA CONCLUSIÓN

Si no quieren ser juguete de otra persona, que desea su dinero, aprendan sus derechos y no tengan miedo, la verdad está de su parte.

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VOICE IDENTIFICATION IN NATIVE AND NON-NATIVE SPEECH FOR THE PURPOSES OF FORENSIC EXAMINATION

1. INTRODUCTION

The analysis of the telephone conversations *(phonogrammes)* permits the attorney and the detectives get information about the structure of the criminal group, its members, and, which is the most important thing, prove that the complicity in the crime of foreign citizens who haven't left direct evidence and who were at the head of the crime by telephone.

Due to all the above said the aims the law-enforcement agencies face have become more complicated. In the law- enforcement agencies of the Russian Federation there were no scientific and methodological base for the identification researches of the voice and the foreign speech. Neither the Ministry of Internal Affairs, nor the Federal Security Service had the possibility to study sound recordings in foreign languages.

2. RESEARCH GOAL

In this paper we research automatic speaker identification methods in terms of its performance in non-native language speech. Our research is based on Tajik and Russian speech of Tajik native speakers. We plan to develop recommendation for experts who make forensic comparisons of recordings containing speech in a non-native language.

3. LITERARTURE REVIEW

According to the data received from the surveys of the criminal environment in Russia in recent years there is a substantial growth of the crimes committed by the Tadjik, Uzbek and criminal groups of other ethnical origin [1]. The crimes in the sphere of drug circulation are committed in the conditions of the strict conspiracy. In order to conceal the evidence the heads of the criminal groups use only telephone communications to receive and pass the information, while all talks are held in their native language. But the voice is also a trace left by the criminal. The "voiceprint" is the same type of evidence in court as a fingerprint, so in some cases it may be the only evidence in the investigation process of such crimes [2].

In 2005 there appeared a necessity to hold voice identification expertise for the court trials of the recording in the Tadjik language. The experts of the Federal Drag service of the Russian Federation aimed at working out methods and organizing the speaker recognition expertise for the Tadjik language.

4. CONCLUSION

We can conclude that the proposed hypotheses were confirmed. This research was a pilot study and it is carried out for a particular case of foreign speech. The problem of forensic comparisons of speech in a non-native language is highly important nowadays and needs deeper exploration, like other forensic examination [3].

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EUROPEAN CHARTER OF LOCAL SELF-GOVERNMENT

1. INTRODUCTION

European Charter of Local Self-Government is convention of European States; it is the most important multilateral document defining the fundamental principles of functioning of local governments. The Charter has precedence relative to national legislation of each of the states that have signed and ratified it.

European Charter of Local Self-Government was opened for signature by member-states of the Council of Europe 15 October 1985 and entered into legal force 1 September 1988. Forty-four of the forty-seven member-countries of the Council of Europe have signed and ratified the Charter except Andorra, San Marino and Monaco. Montenegro was the last country to sign a document in September 2008.

2. RESEARCH GOAL

The Charter requires States to consolidate in domestic legislations and practice a set of legal rules guaranteeing the political, administrative and financial independence of municipalities. It also establishes the need for constitutional regulation of the autonomy of local government. In addition, the Charter is the first legal instrument guaranteeing respect for the principle of subsidiarity in the states- members of the Council of Europe.

3. DOCUMENTS REVIEW

According to it, local authorities must operate in the interests of the local communities within their responsibilities. The scope of those responsibilities is rather wide, from so called communal services (local roads and lighting, water supply and sanitation, waste management, parks and sports facilities, etc.) to education, health and social assistance [1]. The Charter provides that public commitments are to be implemented at the local administrative level with reference to a higher administrative level only if the solution of such problems by the local government is inefficient or impossible. The principles of the Charter are applied to all types of local governments.

4. CONCLUSION

The Charter requires that the principle of local self-government be embedded in domestic law or in the Constitution in order to guarantee its effective implementation. It lays down the principles of the democratic functioning of communities, and is the first treaty to establish the principle of the transfer of competences to local communities, which must be accompanied by a transfer of financial resources.

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THE ROLE OF OPINIO JURIS IN THE EMERGENCE OF INTERNATIONAL CUSTOM

1. INTRODUCTION

Formation of international custom is a less formalized process of lawmaking in contrast to the process of contractual norm-formation. This circumstance makes it necessary to define special rules and criteria to ensure the formalization of the emergence of custom.

2. RESEARCH GOAL

The purpose of this work is to determine the place and role of opinio juris as a subjective criterion for the emergence of international custom. In this regard, it is necessary to analyze the different opinions of scientists, to identify their positive and negative points.

3.ANALYSIS OF of the role of opinio juris as a subjective element of international custom

Arguments that deny the fundamental role of opinio juris: 1. the literal interpretation of Article 38 (1) (b) of the Statute of the International Court of Justice confirms that the court uses "international custom as evidence of general practice in addition to the conventions ...". In the literal sense, it is only about practice. 2. There are serious problems in proving the opinio juris with respect to any particular practice or norm. States are made up of a multitude of political and governmental actors who often express diametrically opposed opinions, then problems arise with the identification of the belief of the "state" itself. 3. In addition, widespread practice, as a rule, creates justified expectations on the part of other states that such behavior will continue in the future.

Arguments in favor of opinio juris: 1. The International Court of Justice in the Case on the Continental Shelf of the North Sea gave one of the most revealing definitions of *opinio juris sive necessitatis*. Emphasizing its importance, combined with state practice, the court noted: "The acts in question must not only form a stable practice, but, moreover, by their nature or way of committing, they must testify to the conviction that this practice has become mandatory because of the existence of the rule of law." 2. The peculiarity of international law is its conciliatory nature: it is of a coordinating nature. Therefore, the imposition of obligations on the state in respect of which it has not expressed its consent (regardless of the forms of such expressions) can be considered as a violation of the essence of international law, its fundamental principles. 3. This second element of custom prevents the possibility of imposing the will of the majority of states on the minority that which fully corresponds to the principle of the sovereign equality of states.

4.CONCLUSION

The question of the relationship between practice and *opinio juris*, as well as their role in the formation of the international custom, should be dealt with individually, in relation to a specific situation. It is impossible to develop specific rules and requirements, according to which international custom must become legally binding. Moreover, it is not necessary because too stringent requirements for the establishment of rules may limit the possibility of development of international law.

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GLOBALISIERUNGSTENDENZEN IM INTERNATIONALEN LUFTVERKEHR

1. EINLEITUNG

Die zwanziger Jahre des vergangenen Jahrhunderts können als Beginn der Entwicklung des internationalen Luftverkehrs, d. h. des systematischen Einsatzes des Flugzeuges als wichtigsten Verkehrsmittels, angesehen werden. Aber sehr schnell ergaben sich rechtliche Problemstellungen, was das große Interesse zum internationalen Luftverkehrsrecht hervorgerufen hat.

2. ZIEL DER FORSCHUNG

Ziel meiner Arbeit besteht darin, die Problemstellungen und Besonderheiten des Luftverkehrsrechts zu untersuchen. Als Luftverkehrsrecht (Luftrecht oder Luftfahrtrecht) werden sämtliche Rechtsvorschriften bezeichnet, die sich auf die Luftfahrt beziehen. Wegen der erkennbar zahlreichen Berührungspunkte mit anderen Rechtsgebieten ist das Luftverkehrsrecht äußerst komplex und wird in vielen Teilbereichen überlagert.

3. LITERATUR- UND DOKUMENTÜBERSICHT

Im internationalen Luftrecht stellten sich hauptsächlich Fragen der Erlaubnispflichtigkeit von grenzüberschreitenden Flügen. Hierbei standen sich ursprünglich 2 Theorien gegenüber, und zwar: die Luftfreiheitstheorie und die Lufthoheitstheorie.

Nach der ersten Theorie ist der Luftraum über dem Gebiet eines Staates frei von staatlichen Hoheitsrechten. Die zweite Theorie bezeichnet den Luftraum außerhalb der Staatgrenzen ganz im Gegenteil zur Luftfreiheitstheorie als ein staatliches Hoheitsrecht. Verständlicherweise wurde die Lufthoheitstheorie von den einzelnen Staaten bevorzugt und setzte sich durch. Automatisch ergab sich so eine Erlaubnispflichtigkeit grenzüberschreitender Flüge und das Bedürfnis bilateraler und multilateraler Luftrechtsabkommen, deren das wichtigste Chicagoer Abkommen ist. In Bezug auf technische und sicherheitsrelevante Fragen des Weltluftverkehrs bestanden trotzdem große Differenzen über die künftige wirtschaftliche Regelung des Luftverkehrs.

4. SCHLUSSFOLGERUNG

Heutzutage gibt es sowohl multilaterale (Chicagoer Abkommen), als auch viele

bilaterale Abkommen, was davon zeugt, dass sich das internationale Luftrecht bis heute entwickelt. Möglicherweise wird in der Folgezeit ein neues Abkommen beschlossen werden, das alle Erfahrungen sammelt und die Globalisierung besser berücksichtigt.

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COMPARATIVE ANALYSIS OF INHERITANCE IN RUSSIAN FEDERATION AND ITALIAN REPUBLIC

1. INTRODUCTION

Russian and Italian regulations of the succession are enshrined in the civil codes of those countries, and the same approach is applicable in most of other countries of civil law. The Italian system of priorities is based on a combination of three generations: grandparents, parents and children.

The first priority of heirs are descendants and the spouse of the testator. If they are absent, parents of the deceased are included in the second priority of heirs, and if there are no heirs of such priority, older relatives are called to inherit as the third priority. The circle of heirs ends with the families of grandparents [1].

Russian circle of possible heirs is more complicated and includes seven possible priorities of heirs with stepchildren, stepdaughters, stepfather and stepmother in the last one. Moreover, there is no simple way to divide one priority from another by the level of relationships.

2. RESEARCH GOAL

This articles aims at examining peculiarities of the property inheritance of a deceased spouse in the Italian and Russian laws.

3. LITERARTURE REVIEW

The common problem in inheritance law in countries under comparison is the inheritance status of a widow or a widower [2]. If the decedent on the day of his or her death was in the properly registered marriage with an Italian or Russian citizen, regardless of his/her citizenship, he/she gets the right to be included in the first priority of heirs. Nevertheless, if the testator had children (and, according to the Russian law, parents), then the property is divided equally between all the heirs. Taking into account the trends of social development, another important aspect of succession is the inheritance by person in the unregistered marriage (cohabitation). In Italian law, cohabitation is a separate institution (there is no analogue in the Russian law) [3]. But neither in Russian nor in Italian law, the rights of the cohabitant as a person claiming to inherit are specially protected. In Russia, cohabitant has the opportunity to inherit only by will or in case when the heir was dependent on the testator unable to work or because of a minor. However, in Italy, the right to inherit arises only by an individual

agreement between cohabitants, fixed in the written form and certified by a notary (act of property disposing) [4].

4. CONCLUSION

This article allows to show the distinctive features of inheritance laws in the Russian Federation and in the Republic of Italy. First of all, these differences concern the types of inheritance, distinguishing two classical types of inheritance: by will and by law. But in Italian law, there is a specific kind of inheritance by will with specific procedure of opening the inheritance (an olographic will). Secondly, there is an exceptional specific of Italian order, which let the spouse to inherit the pension of the deceased. This right of the heir is a very important component of welfare of the deceased's family, especially taking into account that in most cases the pension of the deceased is the main funds of the existence for the offspring [5].

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DIE STAATLICHE SOZIAL-GEISTESWISSENSCHAFTLICHE UNIVERSITÄT (KOLOMNA, RUSSLAND)

UMGANG MIT HAUSTIEREN IN DEUTSCHLAND: GESETZE UND STRAFEN

1. EINLEITUNG

Die Deutschen lieben ihre Haustiere genauso wie alle anderen Menschen, aber sie haben viele Regeln und Gesetze in Bezug auf sie.

2. ZIEL DER FORSCHUNG

Es gibt Regeln für den Lufttransport von Tieren nach Deutschland. Es gibt sogar eine spezielle Liste „gefährlicher“ Hunderassen, die nicht betreten werden können. Und es gibt verschiedene Vorschriften für die Haltung von Tieren (besonders von Hunden) auch zu Hause.

3. LITERATUR - UND DOKUMENTENÜBERSICHT

Transport von tieren

Die Fluggesellschaft sollte benachrichtigt werden, wenn Sie den Flug buchen, wenn Sie ein Haustier mitbringen möchten. Das reisende Tier sollte sich in einer Transportkiste befinden, die robust, gut belüftet und groß genug ist, damit das Tier frei stehen, sich umdrehen und hinlegen kann. Jede Person, die von außerhalb der EU nach Deutschland reist, darf maximal fünf Tiere befördern. Die Tiere sollten „Haustiere“ sein und nicht zum Verkauf nach Deutschland gebracht werden. Aber wenn der Zweck Ihres

Transports mit einem Verkauf verbunden ist oder Sie mit sechs oder mehr Hunden, Katzen, Frettchen reisen, können Sie nach Deutschland kommerziell betreten.
Tiere, die nach Deutschland gebracht werden, müssen nicht in Quarantäne genommen werden, wenn sie die richtigen Impfungen haben (und das Dokument, um es zu beweisen). Welpen und Kätzchen dürfen nur mit einem Impfschutz gegen Tollwut nach Deutschland importiert werden. Nach der Impfung müssen einundzwanzig Tage passieren. Darüber hinaus sollte Ihr Haustier mit einem Tattoo oder einem Mikrochip markiert sein.
Die Bundesagentur, die dafür verantwortlich ist, dass die Tierhalter die Regeln respektieren, heißt das Deutsche Zollamt.

„Gefährliche“ Hunde

„Gefährliche“ Hunde sind Hunde, die per Gesetz als gefährliche oder potentiell gefährliche Hunde angesehen werden. Auch Kampfhunde und Listenhunde genannt.
Jedes Bundesland in Deutschland hat eine eigene Liste von „gefährlichen“ Hunden. Aber die meisten betrachten Pit Bulls, Staffordshire Bull Terriers und American Staffordshire Terrier zu gefährlich. Import dieser Hunde ist verboten.
Zum Beispiel, die Kampfhundeliste in Bayern sieht laut »Verordnung über Hunde mit gesteigerter Aggressivität und Gefährlichkeit« (Kampfhundeverordnung Bayern) wie folgt aus:
1) Kategorie-1-Hunde (gefährlich): Pitbull, auch American Pitbullterrier, Bandog, Staffordshire Bullterrier, American Staffordshire Terrier, Tosa-Inu;
2) Kategorie-2-Hunde (Tiere mit einem höheren Aggressionspotenzial): Alano, American Bulldog, Bullmastiff, Bullterrier, Cane Corso, Dog Argentino, Dogue de Bordeaux, Fila Brasileiro, Mastiff, Mastin Espanol, Mastino Napoletano, Perro de Presa Canario (Dogo Canario), Perro de Presa Mallorquin und Rottweiler.
Es gibt kein absolutes Verbot für die Einfuhr von Kampfhund-Rassen der Kategorie 2, aber sie müssen den Test bestehen. In einem Wesenstest kann der Listenhund beweisen, dass er nicht gefährlich ist. Der Test stellt Charakter und Verhalten des Hundes auf den Prüfstand, insbesondere in Stresssituationen. Wenn sie den Test bestehen, werden sie wie jeder andere Hund behandelt.
Das Landesstraf- und Verordnungsgesetz verbietet, solche Kampfhunde in Bayern zu züchten. Wenn Sie die legalen Bestimmungen verletzen und einen Kampfhund aus der Liste ohne Genehmigung halten, müssen Sie hohe Strafen erwarten (bis zu 10.000 Euro). Der zu zahlende Geldbetrag verfünffacht sich, wenn Sie solche Exemplare auch noch züchten.
Eine detaillierte Liste der verbotenen Rassen finden Sie auf der Website www.zoll.de.

Haltung von Tieren in Deutschland

In Deutschland müssen Hunde lizensiert sein. Sie müssen eine Hundesteuer zahlen (normalerweise 150-300 Euro pro Jahr, aber 700 Euro für Kampfhunde). Katzen brauchen keine Lizenz, noch werden sie besteuert.
Mit diesen und allen Haustieren sein Sie rechtlich verantwortlich für alles, was das Tier tut. Sie unterliegen Klagen, wenn beispielsweise ein Hund einen Motorradfahrer von der Straße fährt und er lebenslang behindert ist.
Hunde sind in Lebensmittelgeschäften, Metzgereien und anderen Geschäften, in denen frische Lebensmittel verkauft werden, nicht gestattet. Einige Cafés, erlauben sie auch nicht. Institutionen, die nicht möchten, dass Sie Ihren Hund mitnehmen, haben ein

kleines Schild, normalerweise am Fenster. Es zeigt ein Bild eines Hundes mit Text »Wir müssen leider daraus«.

4. SCHLUSSFOLGERUNG

Also, die Deutschen lieben Ordnung in allem. Und Sie müssen alle diese Regeln kennen, wenn Sie Haustiere in Deutschland behalten möchten.

LITERATURVERZEICHNIS

[1] https://www.howtogermany.com
[2] http://www.pettravel.com
[3] https://www.anwalt.org

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RECHTSFOLGEN DER URHEBERRECHTSVERLETZUNGEN IN DEUTSCHLAND UND IN RUSSLAND

1. EINLEITUNG

Das Urheberrecht ist geschichtlich relativ jung. Obwohl die Ideen des Urheberrechtschutzes noch in der Neuzeit erschienen, wurden Urheberrechtsgesetze erst im 18. Jahrhundert in England (1709), in den USA (1790) und Frankreich (1791-1793) erlassen. In Deutschland hat Baden 1810 das Urheberrerchtsgesetz nach dem französischen Beispiel eingeführt [1]. Im 20. Jahrhundert wurden viele Gesetze und internationale Abkommen im Bereich des Urheberrechtsschutzes in Kraft gesetzt. Der Wirtschaftsbereich des Urheberrechts wird besonders bedeutend heutzutage in der Informationsgesellschaft. Menschen kommunizieren per Internet, wobei sie unbewusst verschiedene urheberrechtlich geschützte Produkte benutzen, und manchmal kann diese Benutzung gesetzwidrig sein. Urheberrechtsverletzungen führen zu einer zivilrechtlichen sowie strafrechtlichen Verantwortung. So ist es wirklich nützlich, sich mit der Regelung des Geisteseigentums auseinanderzusetzen.

2. ZIEL DER FORSCHUNG

Ziel der vorliegenden Arbeit besteht darin, zivilrechtliche und strafrechtliche Rechtsfolgen einer gesetzwidrigen Benutzung von Geisteseigentum und einige erhebliche Rechtstreitigkeiten in diesem Bereich zu untersuchen.

3. LITERATUR-UND DOKUMENTENÜBERSICHT

Die wichtigsten Informationsquellen der Forschung sind vornehmlich deutsche Gesetze [2], normative Dokumente der EU [3], völkerrechtliche Verträge sowie die Lehre im Bereich des Urheberrechts.

4. SCHLUSSFOLGERUNG

Der Informationsraum wird immer breiter und komplizierter. Folglich wird die gesetzliche Regelung des Bereichs des Geisteseigentums immer beachtenswerter. Die Grundlage für zivilrechtliche und strafrechtliche Verantwortung für die unerlaubte Verwertung urheberrechtlich geschützter Werke findet man im Gesetz über Urheberrecht und verwandte Schutzrechte (Urheberrechtsgesetz).

LITERATURVERZEICHNIS

[1] Dreier, T./ Schulze, G. (2006): Urheberrechtsgesetz. SS. 120-122
[2] Gesetz über Urheberrecht und verwandte Schutzrechte (Urheberrechtsgesetz)

[3] EU-Richtlinie „zur Harmonisierung bestimmter Aspekte des Urheberrechts und der verwandten Schutzrechte in der Informationsgesellschaft“ 2001 (RL 2001/29/EG)

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FEATURES OF CYBERCRIMES

1. INTRODUCTION

The article examines the concept and essence of cybercrimes, the law of the Russian Federation in the area of cybercrimes, the statistics of the committed crimes with the use of a computer. In addition, some problems and features of cybercrimes are distinguished. From the end of the 20th century, the informative constituent of the social life has been increasing. Computer technologies are used in all spheres of our life, providing resolution of many social and technical problems. Computer technologies and internet are widely used in communication sphere, banking, exchange transactions, trading and many others. The most important informational functions are bound with computers, computer networks and computer information.

2. RESEARCH GOAL

The purpose of the study is to analyze the cybercrimes in the modern world; to find out how countries, in particular the Russian Federation, are fighting against computer crimes.

3. LITERATURE REVIEW

According to “Cisco”, the world leader of network engineering, global traffic will increase for 32% every year [1]. Respectively “cybercrimes” begin emerging. Computer crimes can be considered as multifaceted and complicated phenomenon. There is no legislative definition of “cybercrimes” in the Criminal Code of Russian Federation, but chapter 28 of the Code is called "Computer crimes". The research on criminal law crimes define them as: “Crimes in the area of computer information (computer crimes) are prohibited by the criminal law. They are determined as the attacks on the security of the computer information that caused significant harm or created a threat or harm to the individual, society or the state” [2]. Some researchers suggest that computer crimes are offenses where the computer is an instrument of committing them. Other researchers suggest that computer crimes are illegal actions that inflict a loss related to electronic information processing [3].

One of the examples of the computer crime was on May 9, 2012, when Krasnoyarsk resident Vasily Nikitin committed a hacker attack on the official website of the President of Russia, because of which the federal Internet resource remained blocked within an hour. It was set by investigation, that blocking of the web site was committed to support an opposition of the presidential elections results in Russia in 2012.

In the current world computer criminality is already considered as one of the serious types of crimes. According to the information from the Ministry of Home Affairs of Russia, criminality in the field of high-tech is one of the most serious threats of the national safety to the Russian Federation [4]. As for the international community, in 2001 the Convention on combating cybercrime was signed in Budapest by the representatives of 30 member states of the Council of Europe. Also in 2013 “The

European Cybercrime Center" was opened in The Hague. For example, the Computer Security Institute has been operating in the United States for a long time. In Great Britain, the struggle against cybercrime is carried out in two separate forms: combating computer crimes and Internet crimes.

In Russia, the first law on the legal protection of programs for computers and databases was adopted in 1992. Article 128 of the Civil Code of the Russian Federation adopted on October 25, 1994, and defines information as a special object of civil rights, along with objects, other types of property and intellectual property. On February 20, 1995 the law "On Information, Informatization and Protection of Information" was enacted. This law regulated legal relations in the sphere of information exchange and processing using technical means. Then the development of the Criminal Code draft of the Russian Federation started in 1996, a group of articles providing the criminal liability for the crimes committed in the area of computer information. In 1996, the Model Criminal Code of the CIS countries was also signed; it included responsibility for computer crimes. Since January 1, 1997, the Criminal Code of the Russian Federation was enacted, there Chapter 28 is devoted to the crimes in the field of computer information, it includes Article 272 "Illegal access to computer information", Article 273 "Creation, use and distribution of malware for computers" and Article 274 "Violation of the rules for the operation of computers, computer systems or their networks".

The amount of cybercrimes according to statistics grows every year. According to the information of the Ministry of Home Affairs of Russia, in 1997, it was registered just seven crimes in the field of computer information, in 2002, their number grew to 4050 and in 2005, it attained 10214 cases. According to Major General of Police of the Ministry of Home Affairs of Russia A.N. Moshkov in 2014, more than 11 thousand cybercrimes were registered. The problem of computer crimes is that these acts are characterized by high latency of 80-85%. In practice, most of these crimes remain undisclosed, and criminals in this area remain unpunished.

4. CONCLUSION

Summarizing the study of cybercrimes, it is possible to distinguish the following problems and features of cybercrimes:

1. Absence of clear determination of computer criminality, deep understanding of the essence of this phenomenon. It makes a negative effect on the determination of the tasks of law enforcement authorities in developing a single strategy of fight against computer criminality.
2. The crimes committed with the help of computer technology are latent. An attacker can commit illegal actions without leaving the apartment or office.
3. Computer crimes often have an international character, since the special capabilities of the Internet allow malefactors from different countries to negotiate, plan and commit their crimes at great distances.
4. Currently the Russian legislation in the field of cybercrimes needs revision, because computer criminality has no borders. Because an information exchange becomes quicker, cheaper and more effective, criminality in the information sphere grows beyond the established criminal law norms.

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CONCERNING LEGISLATIVE RECOGNITION OF EUTHANASIA IN RUSSIA

1. INTRODUCTION

The question of whether euthanasia is applicable or not is still remaining one of the most difficult to solve from legal, religious and ethical points of view. It is one of the most intricate categories of criminal law, thus, such a lack of regulation at legislative level creates the problem of qualifying actus reus properly.

2. RESEARCH GOAL

To define a tendency of development of this institute at the present stage and to argue its existence in the Russian criminal law.

3. ANALYSIS

The world experience of applying euthanasia is rather wide in the countries where it is officially executed: its concept is precisely defined, there is criminal responsibility for involuntary euthanasia established, but certain criteria differentiating euthanasia from simple murder are not formulated. At the present time, euthanasia is legalized in Belgium, Switzerland, Holland and some states of the USA.

A distinction is made between active and passive forms of euthanasia implementation. Active euthanasia is an intervention undertaken by physicians with the express intention of ending patient's life. Passive euthanasia relates to voluntary patient's withholding of treatment necessary for continuance of life. The federal act on the bases of health of the citizens of the Russian Federation provides a patient with the right of resigning medical intervention. Consequently, passive euthanasia is implicitly allowed in Russia. Execution of euthanasia in Russia is considered as criminal homicide contained in the article 105 of the Criminal Code of the Russian Federation. From our point of view, applying the given article to doctors committing euthanasia breaks criminal law justice principles. Ending person's life on request to relieve intractable suffering cannot be equal to simple murder.

Euthanasia as an illegal act now entails criminal responsibility and a penalty, however the issue of proper legal qualification of this act is not yet solved in the Russian criminal theory.

Russian practice can now introduce three ways of how the institute of euthanasia can evolve: 1) full legalization of euthanasia with tailored standards and rigorous procedures being applied; 2) complete prohibition of euthanasia; 3) establishing a separate legal offence.

Legalising euthanasia and excluding penalty for its execution will lead to devaluation of human life. Fear to fail at keeping alive those terminally ill unwilling to terminate their lives is often the main reason for refusal of euthanasia legalisation. In fact, future development of euthanasia can also lead to its criminalisation and loss of medical institutions trust in the society.

4. CONCLUSION

Existing variety of points of view concerning euthanasia in Russia turns it into one of the most complicated issues in criminal law science. In our opinion, modern realities of our state make it impossible to execute euthanasia on the legal basis. Pursuing concrete legislative actions must be preceded by legislator's investigation of all aspects of this complex problem.

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ON THE CONTINUITY OF THE RIGHT OF SERVICEMEN TO ADDITIONAL LIVING SPACE

1. INTRODUCTION

One of the important and significant social guarantees for military servants is the provision of military personnel with living quarters which is exercised according to Clause 1 of Article 15 of the Federal Law dd. May 27, 1998, No. 76-FZ "On the Status of Military servicemen". A number of circumstances allow the soldier to exercise his right to additional living space.

This article provides a historical and legal analysis of the mechanism of legal fixation of the rights of servicemen to additional living space.

2. RESEARCH GOALS

Targets of this research are:

— to explore the up-to-date and historic legal basis of the guaranties of obtaining the additional living space for military servicemen;

— to identify general patterns in the development of the regulatory legal acts listed herein;

— to show the continuity of the right of military servicemen to additional living space. .

3. LITERATURE AND DOCUMENTS REVIEW

Besides the aforementioned Federal Law of May 27, 1998, No. 76-FZ "On the Status of Military servicemen", issues associated with obtaining an additional housing area by military personnel are governed by several other acts. Additional housing space is granted by federal legislation to judges, investigators, prosecutors (including military ones), in the amount of 20 square meters (see, for example: Art. 1992 No. 3132-1 "On the Status of Judges in the Russian Federation"). Historic analysis is based on such significant legal acts as the code of laws on privileges and benefits for military personnel of the Worker-Peasant Red Army and Worker-Peasant Red fleet of the Soviet Union and their families (1924), Resolution of Council of Ministers of RSFSR dated July 2, 1981, No. 364 and others.

4. CONCLUSION

The analysis of normative acts regulating the right of military servicemen to additional living space has shown the continuity in determining the categories of military servicemen who need additional living space, on the one hand, for high-quality performance of official duties, and on the other hand, as an additional form of encouragement.

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PROSECUTOR'S OFFICE IN THE LEGAL STATE

1. INTRODUCTION

The prosecutor's supervision of the exact and uniform execution of laws in the Russian Federation is regarded as one of the independent forms of state activity that ensures the successful implementation of tasks to strengthen law and order in the Russian Federation, the implementation of the principles of social justice. It is important to note

that prosecutor's supervision is considered as one of the most significant guarantees for protecting the rights and legitimate interests of citizens.

The prosecution authorities carry out the tasks formulated in the Constitution of the Russian Federation, the Law on the Prosecutor's Office of the Russian Federation, other normative acts of the Russian Federation and the republics in its composition, as well as in the orders and instructions of the Prosecutor General of the Russian Federation.

2. RESEARCH GOAL

The constitutional uncertainty of the role and place of the prosecutor's office in the system of state power not only gave rise to many assumptions about its future fate, but also led to the fact that today many people talk about the expediency of its continued existence as a single and centralized system of bodies overseeing the implementation of laws and providing a regime legality in the country.

3. LITERARTURE REVIEW

One of the main conditions for the development of civil society is strict observance of the rule of law and order. In civilized states, the authority charged with monitoring compliance with the law is the prosecutor's office. This organization is the state law enforcement body, which is entrusted with the supervision of compliance and the correct application of laws.

At present, the situation with observance of laws in society has sharply worsened, the number of dangerous and serious crimes committed with unprecedented cruelty and cynicism increases. Crime becomes more organized. This situation is one of the main factors that negatively affect the rule of law and the internal security of the state.[1]

A characteristic feature of the present time was disregard for the law and its ignoring. This brings to the forefront the task of ensuring the rule of law, protecting the rights of citizens' interests, the rule of law. The solution of these problems is possible through the strengthening of the function of prosecutorial oversight of the activities of state bodies. This, in turn, will allow the state to return to the legal field.

Thus, the study of the functions and tasks of the prosecutor's office and its significance in the rule of law is very important nowadays.

The Prosecutor's Office is a unified centralized system of bodies that oversee the observance of the Constitution and the implementation of laws in force in the territory of the Russian Federation. The objectives of the Prosecutor's Office are to ensure the rule of law, unity and strengthening of law, the protection of human and civil rights and freedoms, as well as the interests of society and the state protected by law.

The main content of the activities of the Prosecutor's Office is prosecutorial supervision. In addition, the Prosecutor's Office of the Russian Federation carries out criminal prosecution of persons who have committed criminal acts, as well as the coordination of the activities of law enforcement agencies in the fight against crime, and participates in the law-making activities of the country.

4. CONCLUSION

The main principles of organization and activity of the Prosecutor's Office of the Russian Federation are centralization, independence, legality and publicity.[2]

The Constitution of the Russian Federation defines the Russian Federation as a legal state. This means that the state through its bodies (including the Russian Prosecutor's Office) carries out its activities on the basis of the norms of law, ensures the rule of law,

protects the legitimate interests of the individual, and the mutual responsibility of the state and citizens.

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ELECTORAL SYSTEM IN ARGENTINA: UNSIMPLICITY AND FAIRNESS

1. INTRODUCTION

This publication focuses on electoral systems, especially Argentinean, that is unique and has no analogues. Today, in most countries at the elections to the Parliament the simplest for counting and understanding for citizens electoral systems are used: such as majoritarian (USA) or proportional (Spain) in its pure form. Despite its simplicity, these systems have many disadvantages. Contrary to them, some countries may have a mixed electoral system (Russia), but it combines the disadvantages of two other electoral systems. The winner in the presidential election, basically, is determined by the system of the absolute majority (candidate to win must get more than 50% of the votes). In case no one got the required number of votes, a second round will be held, which may be a waste of state budget, because one candidate could score 40-45% of the vote in the first round and the remaining votes were equally distributed among many opponents.

2. RESEARCH GOAL

The aim of this work is to study the electoral system of Argentina, as well as to conduct a comparative analysis with the most popular electoral systems.

3. REVIEW OF ELECTORAL SYSTEM IN ARGENTINA

Election of the President, to the Senate and to the Chamber of deputies in Argentina is always held on the same day – the General election day. Voting is mandatory for all citizens over the age of 16. Citizens who miss the election and not having a valid reason are subject to a fine up to 30$.

As in other countries, in Argentina, presidential elections are held on the majority system, however, the method of determining the winner here is unique and has no analogues. To win in the first round, a candidate needs to get 45% of the vote, like in 2007. However, if the leader of the first round is ahead of his nearest opponent by more than 10%, he can get the victory in the first round, gaining 40% of the vote. If after the first round it was not possible to determine the winner, then the second one is held, in which two leaders of the first round compete.

In the elections to both houses of Parliament, the territory of Argentina is divided into 24 electoral districts. In senatorial elections, each district reserves 3 mandates: 2 mandates go to the party-winner and 1 mandate gets the vice-winner party. Thus, not only the party that received the majority passes to the senate from the district, but also "the strongest of the minorities". It is also worth noting an interesting fact that from

each district the party must declare two candidates of different sex. In elections to the Chamber of Deputies, each of the electoral districts "gives" the number of mandates found, proportional to the number of voters in the district. "Deputy mandates" are distributed within these districts according to a proportional system.

4.CONCLUSION

Thus, conclusion can be made that the electoral system of Argentina is complex compared to the most popular ones in the world, while being fair to both the population of the country and the federal structure of the state.

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COMPATIBILITY OF LEGAL CULTURES AS A FACTOR OF THEIR INTERACTION

1. INTRODUCTION

Culture can be manifested, on the one hand, within society, on the other hand - outside, through interacting with other cultures. Therefore its historical development is conditioned by factors of both internal and external nature. Legal culture is defined as part of a general culture which reflects the state of the society's legal life, the system of legal values of humanity and relates to legal realities of the society. The last point comprises the level of society's legal awareness, the rule of law and order, the state of legislation development and legal practice. The interaction of legal cultures is manifested through the interaction of their individual elements and is realized in the form of incorporation of law. The incorporation of law is the borrowing of another state's or another epoch's law and its adaptation to the conditions of the recipient country.

2. RESEARCH GOAL

Although the legal incorporation is quite widespread, historical experience provides evidence that the perception of foreign law has limits. There are various conditions that can exert influence on the incorporation of law. The purpose of this article is to study the most significant culturally specific factors of legal acceptance.

3. ANALYSIS OF PROBLEM

The most important condition for the successful incorporation is the compatibility of the cultures of the donor state and the recipient states. In other words, the received legal model should be formed in similar social and economic conditions. This means that the accepted legal norms should correspond to the norms that regulate similar relations in the recipient legal system, with the world view and the sense of justice which have developed in a particular society, as well as with the mentality of the recipient country.

Language factor is an equally important condition for the successful incorporation of law. Language is a reflection of the mentality, ideology, values, traditions and customs

of the native speakers. And, in fact, the translation from one language to another one is the translation of one culture to another one. Discussing legal translation, it should also be taken into account that it entails certain difficulties in terms of the above mentioned factors. One should not forget about the specificity of terminology: in each language, legal terms are characterized by features of use and linguistic representation. These features depend on the uniqueness of the language and culture of the certain state.

An important factor in the process of legal incorporation is the ideological (political) factor. The ideologies of the states participating in the incorporation process are able to justify or not justify the necessity of such incorporation. This rationale can be expressed in the aspiration to modernize the legal system, in the striving to demonstrate continuity with the mighty empire of the past (for example, the Roman Empire) or proximity to the "civilized" states of our time.

4. CONCLUSION

Thus, there are various factors that can both facilitate legal incorporation and prevent it from being implemented. This means that when transferring any legal norms or institutions from one country to another one, it is necessary to take into account the cultural characteristics of the states that participate in the process.

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SOCIAL AND LEGAL SUPPORT OF LARGE FAMILIES IN RUSSIA

1. INTRODUCTION

The article is devoted to a topical subject of today, namely, the social and legal protection of large families.

2. RESEARCH GOAL

In this article I would try to define constitutional provisions, look into the main problems that large families face, their causes and possible ways to solve them.

3. LITERARTURE REVIEW

The family as a social institution is a foundation upon which the whole structure of any society is built. Since the earliest times the family has played an important role in bringing people together and creating states.

In accordance with articles 7, 38 and 72 of the Constitution of the Russian Federation the family is a constitutionally-legal category based on marriage (a legally decorated, voluntary union of a man and a woman), which presents mutual personal and property rights and obligations aimed at creating a family, the birth and upbringing of children. In today's world, a number of social and economic factors demand a more responsible

approach to the planning of the number of children. Now many children families are sometimes regarded as some kind of social exception from generally accepted rules. According to the census of population for 2010 there were only 6.6 per cent of families with 3 or more children in Russia. 15.7 per cent of all children (10.6% in towns and 16.8 per cent in rural areas) are brought up In families with many children.

In accordance with the laws of the government of Moscow a large family is a family in which there are three or more children (including adopted ones as well as stepchildren) until the youngest of them reaches the age of 16 (for pupils in the establishments implementing educational programmes up to 18). Large families are considered to be the least well off because the more children there are in the family, the less each child gets the parents attention. Children often experience feelings of resentment when they are surrounded by children wearing more expensive clothes, with expensive gadgets that their parents cannot afford. On the other hand, the child who grows up in a large family knows the meaning of such words as «support», «understanding», «joint problem-solving». There are a lot of situations when children from large families grow up well- disciplined and responsible.

On reviewing the information on the size of allowances to large families, we can conclude that the allowance for children is very small. If we take into account the fact that average wages are fairly low in our country it is hard to imagine how such large families can survive. It is partly due to these factors that our country is facing a demographic crisis. People are afraid to be on the verge of poverty not being able to give a proper education to their children or provide them with a decent life. Of course, there are some support measures such as maternal capital which motivates the mothers to give birth to a second child, but the payment comes after a certain period of time, it may be used only for a narrow range of services, namely, the improvement of living conditions, education, treatment of children, purchasing a vehicle, household appliances or basic necessities for a newborn baby.

CONCLUSION

Summing up, we would like to note that large families could be an important element of the country's population stabilization but large families need special protection.

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INTERNATIONAL LEGAL COMMUNICATION

1. INTRODUCTION

This publication is devoted to the study of the issue of international communication between lawyers. Nowadays, this topic has become increasingly popular, since our cultural understanding of the world depends on our style of communication as we start collecting the ways of one's culture at around the same time we begin to learn how to communicate. But the most important thing it is that culture influences the words we speak and our behavior.

2. RESEARCH GOAL

The aim of the work is to study the professional communication. As the global community of lawyers needs communication to exchange experiences. Therefore, it is

very important to understand the role of professional communication in international relations.

3. LITERARTURE REVIEW

When professional communication is realized, our cultural differences affect the meaning of what has been said, even if we speak the same language.

The most important moment of intercultural professional communication is the difference in the context of the cultures of the participants in communication. Representatives of different ethical groups are guided by their rules of constructing and interpreting.

For example, in the United States, Germany and the Nordic countries, people pay more attention on what is said, and not how it is said.

Moreover, in the Asian countries the information is transmitted indirectly, and others should draw conclusions about the meaning of the message, based on the physical and social context. This feature manifests itself in paying special attention to the form of the message.

4. CONCLUSION

Accordingly, when two lawyers of different cultures start communicating, they not only have different cultural background, their legal systems might be also different. The issue of interethnic professional communication is topical. Therefore, it is important to study the specific features of the communication between the lawyers of different nations.

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GESTALTUNGSRECHTE: PROBLEME DES KONZEPTS

1. EINLEITUNG

Die Entstehung des Gestaltungsrechtskonzeptes geht auf den Anfang des 20. Jahrhunderts zurück und man hat das vor allem dem deutschen Juristen Emil Seckel zu verdanken. Außerdem leisteten auch andere deutsche Gelehrte Ernst Zittelman und Konrad Hellwig dazu einen erheblichen Beitrag. Das Gestaltungsrechtskonzept wurde danach von sowjetischen Juristen bereichert. Jedoch stellt es bis heute immer noch Diskussionsgegenstand dar und das Gestaltungsrechtskonzept ist eines der größten Probleme des Zivilrechts.

2. ZIEL DER FORSCHUNG

Ziel meiner Arbeit besteht darin, verschiedene Ansichten in Bezug auf das Gestaltungsrechtskonzept zu analysieren und dessen Hauptprobleme zu zeigen.

3. LITERATUR- UND DOKUMENTENÜBERSICHT

Emil Seckel, der Begründer dieses Konzeptes, bezeichnete Gestaltungsrecht als die Macht zur Gestaltung. Dabei wird gemeint, dass der Berechtigte durch das einseitige Rechtsgeschäft das konkrete Rechtsverhältnis schaffen kann. Folglich sind

Gestaltungsrechte mit einseitigen Rechtsgeschäften verbunden. Es gibt sogar den Begriff "Gestaltungsgeschäfte". Der sowjetische Jurist Mark Gurwitsch hielt Gestaltungsrechte für das Recht auf einseitige Willenserklärung.

Heute herrscht die Meinung, dass das Gestaltungsrecht ein relatives subjektives Recht ist, durch das einseitig ein neues Recht begründet oder ein bestehendes Rechtsverhältnis geändert oder aufgehoben werden kann. Als Beispiele können Widerruf, Anfechtung, Kündigung, Rücktritt und Aufrechnung dienen. Jedoch bestehen Meinungsverschiedenheiten vornehmlich in Bezug auf die Natur des Gestaltungsrechts: ist das wirklich ein relatives und subjektives Recht?

Emil Seckel zählte Vorkaufsrecht zu Gestaltungsrechten zu. Es gibt kein Rechtsverhältnis zwischen dem Dritten, der das Eigentum kaufen will, und dem Berechtigten, der das Vorkaufsrecht ausüben kann. Obwohl Rechtsverhältnis nur zwischen dem Berechtigten und dem Verkäufer besteht, ist der Dritte auch an die Handlungen des Berechtigten gebunden. Deshalb ist es umstritten, ob Gestaltungsrechte relativ sind. Sind sie dann subjektiv? Mikhail Agarkow, ein sowjetischer Jurist, war der Meinung, dass es kein subjektives Recht ist, weil Pflicht dem subjektiven Recht gegenüberstehen muss. Dem Gestaltungsrecht steht keine Pflicht, sondern Gebundenheit gegenüber. Gestaltungsrechte wurden vom Gelehrten als nicht eigenständige Rechtskategorie, sondern als Aufweisung der sogenannten dynamischen Rechtsfähigkeit angesehen.

4. SCHLUSSFOLGERUNG

Die Konsequenzen seien, dass selbst die Existenz solcher Rechtskategorie wie Gestaltungsrechte unter der Frage steht. Ich würde der Meinung vom heutigen Juristen Aleksej Babaew zustimmen, dass Gestaltungsrechte subjektive relative Rechte sind, die ausnahmsweise keine gegenüberstehende Pflicht voraussetzen.

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KLUYEVA V.

RUDN UNIVERSIDAD (MOSCÚ, RÚSIA)

LOS ACTOS DE INSOLVENCIA Y SU INTERPRETACION LEGAL

1. INTRODUCCIÓN

Esta publicación está dedicada al estudio del marco legal de los procedimientos de quiebra. En sistemas modernos de cuestiones legales relacionadas con el procedimiento de quiebra siempre se requiere el estudio detallado. La quiebra – es la incapacidad del deudor (ciudadano, organización o el gobierno) de satisfacer íntegramente las demandas de pagar obligaciones monetarias a los acreedores y cumplir con la obligación de realizar los pagos estatales obligatorios.

2. EL OBJETIVO DE LA INVESTIGACIÓN

En la Federación Rusa, la decisión de declarar la quiebra del deudor la autorza el Arbitraje.

El instituto de la Ciencia Jurídica ruso trata la insolvencia (quiebra) como la parte de la rama del derecho de los negocios. Existe una variante de ese procedimiento jurídico que se titula como la quiebra, iniciada por el deudor –o quiebra planificada.

3 LITERATURA / REVISIÓN DE FUENTES BIBLIOGRÅFICAS

Todos los trabajos publicados en referencia a ese problema coinciden en manifiestar la idea de la complejidad de diferentes aspectos de procedimiento de quiebra. En la literatura rusa y extranjera identifican algunos de estas particularidades del derecho público:

1) Las normas contenidas en la legislación de la quiebra del ordenamiento jurídico externa y interna que regulan los aspectos de procedimiento de la institución[1].

2) En muchos países, las normas de quiebra tienen propiedades obligatorias

3) Los instrumentos jurídicos internacionales, que vinculan el estado con el reconocimiento de la situación de quiebra, ofrecen a los tribunales una lista exhaustiva de criterios para negar a reconocer un procedimiento de insolvencia incoados ante un tribunal de un Estado extranjero.

4) El procedimiento de liquidación que afecta los derechos e intereses legítimos no solamente de los participantes profesionales del intercambio civil, sino también los derechos de los grupos de acreedores menos protegidos, así como sucede en la mayoría de los casos el derecho del Estado (impuestos).

La práctica mundial implica el uso de la insolvencia (quiebra) para personas jurídicas y físicas.

4 CONCLUSIÓNES

El proceso de la quiebra no lleva solamente el caracter del derecho privado,sino también tiene una cierta cantidad de publicidad en las relaciones jurídicas llegadas con el proceso de liquidación[2].

Régimen de la quiebra es un equilibrio de varios objetivos:

Por un lado - es la protección de los derechos de los acreedores, los intereses de los accionistas por el otro – una liquidación de advertencia de empresas viables.

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KOLOSOVA R.

RUDN (MOSCOW RUSSIA)

THE SPECIFIC IMPLEMENTATION OF THE CONSTITUTIONAL RIGHT TO PRIVACY OF CORRESPONDENCE IN THE RUSSIAN FEDERATION

1. INTRODUCTION

This publication is devoted to the problem concerning the existence of some restrictions in the implementation of one of the individual rights of a citizen - the privacy of correspondence and other communications. The relevance of this topic is not in doubt, because the process of building effective democratic institutions, the recitation of the rights and freedoms of citizens, awareness of the need for the rule of law demand an appropriate implementation of the legislative provisions in the daily life of Russians.

2. RESEARCH GOAL

The purpose of this article is to reveal negative tendencies in the realization of this right of the Russian citizens and to show specific examples that are contrary to the designated constitutional provision.

3.ANALYSIS OF THE SPECIFIC IMPLEMENTATION OF THE CONSTITUTIONAL RIGHT TO PRIVACY OF CORRESPONDENCE IN THE RUSSIAN FEDERATION

Part 2 of article 23 of the Constitution of the Russian Federation states: "Everyone has the right to privacy of correspondence, telephone conversations, postal, telegraph and other messages. The limitation of this right is permitted only on the basis of a judicial decision." [1] However, what we can see in practice: on 6 July 2016, the President of Russia signed a package of bills, which the media called "Spring package" or "Yarovaya Law". It is often called one of the rigid and most criticized laws adopted by the State Duma of the previous convocation. This law regulates a wide range of issues, but in relation to our topic, it is worth noting that lawmakers obliged the operators to store details of all conversations and correspondence of Russians and legalized the ability to require the owners of the messengers to give the security agencies access to encrypted communications. "A full law takes effect only from mid-2018. Since then, the Spring law obliges mobile operators (MTS, MegaFon, Beeline and others) to keep records of calls and any user messages and Internet traffic for six months. The providers and Internet-based resources entered in the register of organizers of information dissemination in the Internet also need to store the entire user traffic for six months. In addition, telephone operators and Internet companies must store meta-data — that is, roughly speaking, note the content of calls and messages, and information that they took place at a certain time. All these data will need to transmit to security officials if they request them." [2]

The following example is significant: on 16 October 2017, a Russian court fined the messenger Telegram for the failure to transfer the FSB the keys from the correspondence of the users. Now the court's decision will be sent to the London address of Telegram, and in 10 days it will enter into force, if it does not appeal. Then Roskomnadzor will give the messenger more time to fulfill the requirements of the FSB. If the Telegram does not cooperate with the secret services, the messenger will be

blocked in Russia. [3] By the way, the founder of Telegram Pavel Durov announced his intention to appeal this decision.

4. CONCLUSION

What is the need of this topic? Like any patriotic-minded citizen of Russia who are concerned about his/her well-being and prosperity, I would like to be sure that my state respects guaranteed to every person and citizen by the Constitution rights and freedoms, recognizes their value and perseverance, meets all the criteria of a modern civilized democratic state. Of course, the digital era in which we live and communicative opportunities that it provides, is not always used for good purposes. The Internet is becoming a tool for terroristic and extremist organizations. However, it is necessary to do everything possible so that the newly adopted normative-legal acts were not of unconstitutional and not in conflict with the immutable values enshrined in the basic law of the country.

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[3] https://meduza.io/short/2017/10/16/sud-oshtrafoval-telegram-za-otkaz-rabotat-s-fsb-kogda-servis-zablokiruyut

KOMOVA E.

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RECHTSREGELUNG VON KRYPTOWÄHRUNGEN IN DEUTSCHLAND

1. EINLEITUNG

Als 2009 Satoshi Nakamoto (Das ist ein Pseudonym.) Bitcoin – das innovative Netzwerk für digitalen Zahlungverkehr – dargestellt hat, hat nach der Meinung von vielen Technokraten eine neue Epoche der digitalen Wirtschaft begonnen. Heutzutage gibt es viele Kryptowährungen, die verteilte, dezentrale und sichere digitale Zahlungssysteme nach den Prinzipien der Kryptographie bilden. Obwohl solche “Währungen” keine Deckung haben und keiner nationalen Rechtsordnung unterstehen, werden sie immer häufiger in der Welt benutzt. Das stellt neue Herausforderungen für Juristen.

2. ZIEL DER FORSCHUNG

Diese Arbeit verfolgt den Zweck, das Schicksal der Kryptowährungen in Deutschland zu analysieren. Und zwar liegt der Forschung der rechtliche Status der Kryptowährungen in Deutschland zugrunde.

3. LITERATUR- UND DOKUMENTENÜBERSICHT

Kryptowährungen sind in Deutschland als Währungen im engeren Sinne nicht anerkannt. Aber das bedeutet nicht, dass sie aus der Rechtsregelung ausgeschlossen sind. Im August 2013 hat das Bundesfinanzministerium [1] Bitcoins (die populärste Kryptowährung) zwar als „privates Geld“ und als „Rechnungseinheiten“ im Sinne des Art. 1 Abs. 11 S. 1 Nr. 7 Kreditwesensgesetz (KWG) [2] bestimmt. Aus dem Sinne dieses Artikels folgt es, dass dem Bitcoin oder anderen Kryptowährungen die ebenfalls

lediglich fiktive Rechnungseinheit ECU (European Currency Unit) vergleichbar ist, die vor Einführung des Euro als Rechnungseinheit für den EU-Haushalt verwendet wurde. Obwohl im deutschen Recht auch elektronisches Geld bekannt ist, z.B. Kartengeld oder Netzgeld (über Bezahldienstanbieter wie PayPal oder eCash), unterfallen Kryptowährungen dem elektronischen Geld nach derzeitig anwendbaren Definitionen nicht. Laut § 1a Abs. 3 Zahlungsdiensteaufsichtsgesetz (ZAG) [3], muss elektronisches Geld neben anderen Voraussetzungen, einen monetären Wert in Form einer Forderung gegenüber dem Emittenten haben. Im Zusammenhang mit Kryptowährungen gibt es keinen einzelnen Emittenten. Als Zahlungsmittel können Kryptowärungen nicht gelten, weil der Euro in Deutschland nach Art. 128 des Arbeitsweisenvertrages (AEUV) [4] das einzige Zahlungsmittel ist.

4. SCHLUSSFOLGERUNG

Das Fazit wäre, dass obwohl Kryptowährungen zu neuen Finanzinstrumenten zählen, sind manche Aspekte von ihrem Status geregelt. Aber es gibt noch viele Rechtslücken, die noch zu schließen sind.

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[3] Zahlungsdiensteaufsichtsgesetz vom 25. Juni 2009 (BGBl. I S. 1506), das zuletzt durch Artikel 18 des Gesetzes vom 23. Juni 2017 (BGBl. I S. 1822) geändert worden ist.

[4] Vertrag über die Arbeitsweise der Europäischen Union (http://eur-lex.europa.eu).

KONOPLINA V.

DIE STAATLICHE SOZIAL-GEISTESWISSENSCHAFTLICHE UNIVERSITÄT (KOLOMNA, RUSSLAND)

GESETZLICHE RUHEZEITEN REGELN: NACHBARN MÜSSEN DAS WISSEN

1. EINLEITUNG

Diese Publikation widmet sich der sogenannten Ruhezeit, von der Menschen aus anderen Ländern kaum etwas hören. Dieses Gesetz ist jedoch Teil des deutschen Rechtssystems und kann zu schwerwiegenden Missverständnissen führen, wenn es nicht ordnungsgemäß beachtet wird. Es ist eine sehr bekannte Tatsache, dass die Deutschen absolut verrückt nach Ordnung sind und zu einem gewissen Grad, das ist ihre Mentalität. Deshalb sind strenge Gesetze und strenge Politik eine Norm in Deutschland. Beispielsweise, den Frieden stören Gesetze sind für ihre Strenge bemerkenswert und werden zum Teil als Verletzung der Unantastbarkeit anerkannt. Deshalb haben die Deutschen Gesetze verabschiedet, um sicherzustellen, dass sie sich ausruhen können.

2. ZIEL DER FORSCHUNG

Ziel meiner Arbeit ist es zu analysieren, wie ernst die Deutschen nicht nur ihre Arbeit, sondern auch ihre Ruhe nehmen. Für viele Deutsche ist es ein aktuelles Thema, das wirklich sorgfältig behandelt werden muss. Zwar besteht hierzulande kein Gesetz, welches eine vollständige Ruhe garantieren würde, dies bedeutet im Umkehrschluss aber auch nicht, dass im zwischenmenschlichen Zusammenleben jegliche Form der Lärmbelästigung hingenommen werden muss.

3. LITERATUR - UND DOKUMENTENÜBERSICHT

Es gibt einige spezielle Dokumente, die die Ruhezeit regeln, aber zunächst sollte der Begriff definiert werden. Die Ruhezeit ist die Zeit, in der man leise sein muss, das heißt, keinen Lärm machen. Selbst im Privatleben tauchen gesetzliche Ruhezeiten auf. Sie können nicht verkürzt oder verschoben, sondern höchstens durch Hausordnungen erweitert werden. Die Hausordnung in Mietshäusern ist sozusagen eine Verschärfung des Gesetzes, an die sich die Mieter per Unterzeichnung binden. Entgegen der weit verbreiteten Annahme gibt es in Deutschland keine bundesweit einheitlich gesetzlich vorgeschriebenen ruhigen Stunden mehr. Zum Beispiel, von 13:00 bis 15:00 Uhr sind für eine Mittagsruhe reserviert, aber es gibt keine Garantie dafür, dass dies überall gleich ist. Darüber hinaus haben einige Staaten dieses Urteil gestoppt, in einigen besteht es noch, aber es ist im Allgemeinen ein gutes Manieren, während dieser Zeit ruhig zu bleiben. Sehr lärmintensive Geräte, wie Laubbläser, sind nur zwischen 9.00 und 13.00 Uhr sowie zwischen 15.00 und 17.00 Uhr erlaubt (§ 7 Abs. 1 32. BImSchV). An Sonn- und Feiertagen dürfen Lärmerzeuger in Wohngebieten gar nicht benutzt werden (§ 2 Abs. 5 18. BImSchV). Aber was üblicherweise standardisiert ist, ist die so genannte Nachtruhe, die von 22.00 bis 06.00 Uhr dauert (§ 9 Abs. LImschG Nordrhein-Westfalen). Zuhause, wird es nicht nur verweigert, unter der Dusche zu singen, aber das Duschen selbst wird verweigert. Eines der am häufigsten besprochenen Probleme war früher die Verwendung von Wasser nach 22 Uhr, wenn das fließende Wasser von anderen Personen im selben Gebäude gehört werden konnte. In manchen Mietverträgen wurde nach 22 Uhr sogar verboten, zu baden oder zu duschen, bis schließlich ein Gerichtsverfahren eingeleitet wurde, das entscheiden musste, ob jemand, der eine Spätschicht hat und deshalb vor 22 Uhr nicht duschen darf, eine Ausnahme erhält.

4. SCHLUSSFOLGERUNG

Wie Sie sehen können, nehmen die Deutschen ihre Ruhezeit sehr ernst. Natürlich gibt es Ausnahmen wie Fasching, das ist ein Feiertag speziell zu feiern, so dass Lärm erwartet wird. Ansonsten halte es ruhig! Ehrlich gesagt, gibt es in Deutschland fast kein Bundesgesetz über die Ruhezeit. Stattdessen wird es durch eine Gemeindeverordnung behandelt, und wenn man irgendwo in Deutschland in eine Gemeinde zieht, soll man sie besser nach seinen speziellen Vorschriften fragen. Wenn Sie eine Wohnung mieten, sind die Ruhezeiten durch die Hausordnung festgelegt. Dies ist frei kontrahierbar. Wenn in Ihrem Vertrag keine stillen Zeiten festgelegt sind, gibt es keine. Aber immer noch, wenn Sie in Deutschland sind, denken Sie daran, wenn Sie keine Probleme mit Ihren Nachbarn haben wollen. Vorgewarnt ist gewappnet.

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QUESTIONS ARISING AT CASSATION CASES SETTLEMENT BY THE BOARD ON ECONOMIC DISPUTES OF THE RUSSIAN SUPREME COURT

1. INTRODUCTION

This article is dedicated to the analysis of norms of Arbitration law concerning cassation settlement of cases in the Supreme Court of the Russian Federation. Recently, this issue has become particularly important in terms of cassation proceedings, revealing the essence, jurisdiction to conduct arbitration of appeals in cassation and the characters and limits of these powers.

2. RESEARCH GOAL

The purpose of this work is a complex scientific analysis of the essence of cassation tribunal on economic disputes of the Russian Supreme Court as new and progressive phenomenon in the national judicial system, as well as systematization of its procedural features and objectives.

3. ANALYSIS OF CASSATION INSTANCE OF THE SUPREME COURT

Chapter 35 is devoted to the cassation instance in the Commercial Procedural Code of the Russian Federation. This chapter governs the procedure of hearing appeals in commercial district courts (there are only 10 of them) and in judicial board on economic disputes of the Supreme Court of the Russian Federation (Art. 291.1 – 291.15 Commercial Procedural Code of the Russian Federation).

The cassation instance in the Russian Supreme Court was founded by the Federal law of 28.06.2014 No. 186-FZ "On Amendments to the Commercial Procedural Code of the Russian Federation".

Cassation instance of commercial district courts check legality of judicial acts and establish correct application of norms of substantive and procedural laws, whereas the newly formed judicial board on economic disputes of the Supreme Court can revise the judicial acts of all the lower courts only in case of essential violations of the norms of substantive and procedural laws.

Such violations can affect the outcome of the case, so if not removed they can hinder restoration and protection of violated rights, freedoms, legitimate interests in the entrepreneurial sphere and other economic activities; as a result protection of public interests by law will not be effective.

Thus, the Amendments to Commercial Procedural Code of the Russian Federation adopted by Act No. 186-FZ lead to essential changes of legal proceedings in cassation.

4. CONCLUSION

In conclusion, resolution of cases in cassation by the Supreme Court of the Russian Federation is often conducted with a large number of mistakes. To avoid such situations the courts are to specify accurately the most significant violations of substantive and procedural law, which effected the judicial decisions during revising specific cases. It will allow the Plenum of the Supreme Court to outline the approximate criteria of the key concepts in the future.

The analysis of the definition of the Supreme Court (for example, definition No. 305-ES14-3530 of 11/18/2014) do not contain any motivated instruction concerning which violations of norms of substantive and procedural laws are considered essential. Basically, it specifies that arguments of the applicant deserve serious attention. In our opinion, by analogy with the CCP of the Russian Federation under the concept of essential violation of norms of substantive and procedural laws it is necessary to understand violations of uniformity in application and interpretation of the law, keeping in mind the previous mistakes and the urge to correct them, while considering the concrete facts of the case. For example, violations of the basic principles of legal proceedings, such as adversarial nature of the judicial process, equal conditions for the parties on submission of proofs, violation of jurisdiction by a district court and others.

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KRAMARENKO V.
RUDN (MOSKAU, RUSSLAND)

HISTORISCHE TRADITIONEN UND KULTUR DER RUSSLANDDEUTSCHEN

1. EINLEITUNG

Die Deutschen – das ist die hauptsächliche Bevölkerung Deutschlands. Die Grundlage dieser ethnischen Gruppe bildeten (ursprünglich) die Stämme der Germanen. Die Zahl der deutschen in Russland beträgt 842 tausend Menschen. Die Region von Novosibirsk sind es 61 tausend. Der Hauptgrund für das massenhafte Erscheinen der Deutschen in Russland waren die Verordnungen von Katharina II. Die Umsiedlung der Deutschen und die Entstehung der zahlreichen deutschen Siedlungen in Sibirien begannen im 19. Jahrhundert. Zu dieser Zeit vergab die Regierung einigen Kosaken-Offizieren Land entlang der neu gebauten Eisenbahnwege. Und diese wiederum verkauften die Ländereien relativ preiswert den unternehmungslustigen Deutschen

2. DER WOHNBEREICH

Von der traditionellen Kultur blieben die Behausungen am besten erhalten. Im südlichen Bereich waren sie aus Lehm. In den nördlichen Gebieten waren es Holzbauten. Russische Blockhäuser trifft man als Baukonstruktion in den alten deutschen Siedlungen seltener an. Zumindest kann man es nicht als «изба» bezeichnen. Der Boden, die Decke, der Ofen im Haus sind bemalt. Deutsche Häuser kann man auf den ersten Blick erkennen, sobald man über die Schwelle des Eingangsbereiches tritt. An der Wand hängen unbedingt alte Fotos in Rahmen – die «hochgeehrten Vorfahren». Das Innere der Wohnung ist außerdem durch geschnitzte hölzerne Möbel gekennzeichnet, durch Daunenfederbetten und eine Fülle von gestickten und gestrickten Tüchern. Motive für die Stickereien sind Blumen, Vögel und Sprüche aus der Bibel.

3. RELIGION

Die Gläubigen Deutschen gehören unterschiedlichen konfessionellen Gruppen an. Neben dem Katholizismus und den Lutheranern – dazu gehören die Baptisten, Adventisten, Mennoniten und andere – behalten die Deutschen in Sibirien noch viele

weitere Traditionen bei, die noch zur Zeit ihrer Vorfahren in Deutschland entstanden sind. Dies ermöglicht ihnen, eine Zugehörigkeit zu dem deutschen Volk zu empfinden.

4. FESTE UND TRADITIONEN

Die Deutschen feiern Ostern, Pfingsten, Weihnachten, Silvester, Erntedankfest und Dorffeste. Weihnachten wird im Kreis der Familie gefeiert. Auf den Tisch kamen getränkte Äpfel und Wassermelonen. Ebenso mussten auf dem Tisch Gemüse und Obst liegen, damit es das ganze Jahr über eine gute Ernte gibt». Zum Fest der Trinität musste auf dem Tisch immer ein selbstgemachter Käse stehen. Dieser musste gelb und ohne Körner sein. Die Deutschen werden am dritten Tag begraben. Verwandte bringen Geld in Umschlägen. Am neunten und vierzigsten Tag ist dies nicht üblich. Denkmäler (beziehungsweise Grabsteine) werden bei den Deutschen an den Kopf, und nicht so wie bei den Russen, an die Beine gestellt.

5. DEM ARTIKEL NACH KANN MAN ZUR SCHLUSSFOLGERUNG KOMMEN

dass die Forschung der historischen Traditionen und Kultur der Russlanddeutschen von großen Bedeutung ist. Der Forschung zeit dass die Traditionen in Sibirien noch immer weitergelebt werden.

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KUZNETSOV A.

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PREVENTING CRIMES: DO STRICT PUNISHMENTS WORK?

1. INTRODUCTION

There is an ongoing dispute about adequacy of crime and punishment. Moreover, most democratic countries stopped imposing death penalty as contradicting basic human values. On the other hand, there are countries where both corporal and capital punishments are still used and these penalties seem to work well as a means of deterrence.

2. RESEARCH GOAL

This research aims at considering corporal and capital punishments in Singapore and analyzing the results the Singapore government reached in preventing crime.

3. ANALYSIS OF THE PROBLEM

Singapore is considered to be a country of rules and limits. Death penalty, imprisonment, forfeiture of property, fine, and caning are punishments used in Singapore [1]. Singapore maintains both corporal punishment (in the form of caning) and capital punishment (by hanging) as penalties for serious crimes. For specific offences, the imposition of these penalties is compulsory. There is a rather long list of crimes punishable by death penalty, waging war, kidnapping, perjury that results in the execution of an innocent person, and murder being some example. More than 400 people were hanged in Singapore, most of them for drug trafficking, from 1991 to 2004. The Penal Code (Amendment) Act 2007 no longer allows imposing death penalty for rape or mutiny [2].

Singaporean law allows caning to be ordered for over 35 offences, including kidnapping, robbery, drug abuse, vandalism, extortion, and unlawful possession of weapons. Caning is also a mandatory punishment for certain offences such as rape, drug trafficking, illegal moneylending, and for foreigners who overstay by more than 90 days – a measure designed to deter illegal immigrants.

In 1993, the number of caning sentences ordered by the courts was 3,244. By 2007, this figure had doubled to 6,404, of which about 95% were actually implemented. Since 2007, the number of caning sentences has experienced an overall decline, reaching just 1,257 in 2016 [3].

4. CONCLUSION

Criminal law of Singapore is severe but it is designed to make people think of their actions in relation to others. Singapore is a country with the lowest level of risk to life in the world [4], there is a low level of the crime rate. They are made for maintenance of law and order. Singapore judicial system and Penal Code make the country one of the safest countries in world.

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EHEVERTRAG NACH DEUTSCHEM RECHT

1. EINLEITUNG

Der Entschluss zum Heiraten ist einer der wichtigsten Entschlüsse im Leben eines Menschen. Doch neben der Frage, ob es auch eine kirchliche Trauung sein soll, welche

Kleidung angemessen ist und wer auf die Gästeliste gehört, sollen die künftigen Ehegatten auch eine unromantische Entscheidung über die Notwendigkeit eines Ehevertrags treffen.

2. ZIEL DER FORSCHUNG

Ziel meiner Arbeit besteht darin, die Rechtsnatur eines Ehevertrages zu analysieren und dabei klarzustellen, in welchen Fällen er sinnvoll ist und wann er sich nicht lohnt, welche Regelungsbereiche von einem Ehevertrag erfasst werden, ob solcher Vertrag der notariellen Beglaubigung bedarf und was er kostet.

3. LITERATUR- UND DOKUMENTENÜBERSICHT

Regelungen zum Ehevertrag befinden sich im Untertitel 2 “Vertragliches Güterrecht” des Titels 6 “Eheliches Güterrecht” BGB sowie im FamFG und im GNotKG. Es ist ratsam, einen Ehevertrag im Falle der verschiedenen Staatsangehörigkeit der Ehegatten abzuschließen, um festzustellen, welches Recht für das Eheverhältnis gelten soll. Ein Ehevertrag kann auch dann sinnvoll sein, wenn der wohlhabende Ehegatte die Heirat nur mit dem Ziel der Versorgung im Falle einer Scheidung verhindern möchte. Es ist auch empfehlend, einen Ehevertrag vorzunehmen, wenn beide Ehegatten finanziell selbständig sind, um im Falle einer Scheidung ohne finanzielle Forderungen auseinanderzugehen sowie wenn sie keine Kinder wünschen. Schulden eines Ehepartners sind kein Grund für den Ehevertrag, solange der andere dafür nicht ausdrücklich mitunterschrieben hat, sowie die Erbschaft, die dem sogenannten Anfangsvermögen hinzugerechnet wird. Drei große Regelungsbereiche eines Ehevertrages sind der Güterstand, der Versorgungsausgleich und der nacheheliche Unterhalt. Grundsätzlich leben die Eheleute nach deutschem Recht im Güterstand der Zugewinngemeinschaft, aber sie können auch solchen Güterstand wählen, wie Gütertrennung, wenn sie im Fall einer Scheidung überhaupt keinen Zugewinnausgleich wollen oder Gütergemeinschaft, bei der beiden Ehepartnern nach Vertragsschluss alles eingebrachte und in der Ehe geschaffene Vermögen gehört. Regelungen zum nachehelichen Unterhalt sind in den §§ 1570 ff. BGB festgelegt, beispielsweise kann ein geschiedener Ehegatte von dem anderen wegen der Pflege oder Erziehung eines gemeinschaftlichen Kindes, der Krankheit oder des Alters Unterhalt verlangen. Im §1410 BGB ist es verankert, ein Ehevertrag muss von einem Notar beurkundet werden. Der Notar berät die Eheleute auch umfassend und erstellt nach ihren Anforderungen einen Vertragsentwurf. Die Höhe der Kosten hängt davon ab, ob die Ehegatten nur zu einem Notar gehen oder auch einen Rechtsanwalt vorab mit der Prüfung beauftragen wollen. Für die Beurkundung eines Ehevertrags fällt ein doppelter Gebührensatz nach Anlage 1 Nr. 21100 GNotKG an.

4. SCHLUSSFOLGERUNG

Das Fazit wäre, ein Ehevertrag ist ein kompliziertes Rechtsinstitut, deswegen müssen sich die Ehegatten im Voraus dessen Vorteile und Risiken überlegen und sich auf dessen Punkte zu einigen. Im Großen und Ganzen sind Eheverträge für eine eventuelle Scheidung ganz praktisch.

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DIE STAATLICHE SOZIAL-GEISTESWISSENSCHAFTLICHE UNIVERSITÄT (KOLOMNA, RUSSLAND)

STRAFTATEN IN DEUTSCHLAND

1. EINLEITUNG

Tägliche begehen Menschen Verbrechen in allen Teilen der Welt. Laut Statistik ist Deutschland sicherer als andere europäische Länder, aber Kriminalität existiert auch hier noch immer. Dieses Problem ist aktuell und deshalb möchten wir Sie darauf aufmerksam machen.

2. ZIEL DER FORSCHUNG

Das Ziel dieses Artikels ist die häufigsten Verbrechen in Deutschland zu analysieren. Es ist auch notwendig, das schwerste Verbrechen herauszufinden und wie die Regierungen dafür bestrafen.

3. LITERATUR - UND DOKUMENTENÜBERSICHT

Die häufigsten Vorfälle sind in der Regel der Diebstahl von unbeaufsichtigtem Eigentum, Pick-Pocketing, Einbrüche in Wohngebieten, Fahrzeugvandalismus, Einbrüche von Fahrzeugen (Zertrümmern und Zupacken) und Fahrzeugbrände. So war 2011 ein Rekordjahr für Autofeuer in Berlin und Hamburg. Zunächst ist es notwendig, herauszufinden, was der Begriff „Verbrechen“ bedeutet. Die Straftat ist eine Handlung oder Aktivität, die als böse, beschämend oder falsch angesehen wird. Als Straftat bezeichnet das deutsche Strafrecht ein Verhalten, das durch ein Strafgesetz mit Strafe bedroht ist. Eine Gesetzesdefinition für den Begriff bietet das Gesetz zwar nicht, jedoch heißt es in Art. 103 Abs. 2 GG und § 1 StGB: „Eine Tat kann nur dann bestraft werden, wenn die Strafbarkeit gesetzlich bestimmt war“. Gewaltverbrechen sind in Deutschland selten, aber vor allem in größeren Städten oder in Gebieten mit höherem Risiko wie dem Zug Stationen oder dunkle Straßen. Es gab auch einige Berichte über einen schweren Angriff auf nichtdeutsche Bürger in städtischen Gebieten mit höherem Risiko. Die meisten Vorfälle von Straßenkriminalität beinhalten jedoch den Diebstahl von unbeaufsichtigten Gegenständen und die Einnahme von Taschen.

Aber was passiert, wenn eine Person eines Verbrechens beschuldigt wird? Tatsächlich besteht ein krimineller Prozess aus drei Hauptphasen, und jetzt würde ich mich auf sie konzentrieren. Die erste heißt Anfangsverdacht. Diese Phase impliziert, dass die Untersuchungsbehörden Hinweise auf die Einleitung eines Strafverfahrens haben. Danach kommt die nächste Etappe, die als hinreichender Verdacht bekannt ist. Dies bedeutet, dass Strafverfolgungsbehörden ausreichende Beweise für eine Strafanzeige haben. Schließlich ist die letzte Phase der Verdacht. Es bedeutet, dass die Staatsanwaltschaft völlig versichert ist, dass die Person das Verbrechen begangen hat. Darüber hinaus kann das Büro des Staatsanwalts den Angeklagten auch in folgenden Fällen in Haft nehmen: wenn die Person versucht, Beweise des Verbrechens zu zerstören, sich mit Zeugen zu verständigen oder auf der Flucht ist.

Das schwerste Verbrechen ist zweifellos ein Mord. Im Jahr 2011 hatte Deutschland eine Mordrate von 0,8 pro 100.000 Einwohner. Die Mindestdauer für einen Mord beträgt 5 Jahre, in den heftigsten Fällen kann ein Mann für lebenslange Haft gesandt werden. Das Gesetz selbst gibt ein Beispiel für einen kleinen Fall: die Tötung aufgrund der Provokation des Getöteten. Es bedeutet, wenn der Tötende den Täter oder einen seiner Angehörigen geschlagen hat oder sie schwer beleidigt hat und der Killer unter dem Einfluss großer Wut gehandelt hat.

4. SCHLUSSFOLGERUNG

Abschließend ist es zu erwähnen, dass heutzutage viele Leute glauben, dass es eine Korrelation zwischen der Zunahme krimineller Aktivitäten und Einwanderern gibt, aber laut Statistik ist die Kriminalitätsrate des durchschnittlichen Flüchtlings niedriger als die des Durchschnittsdeutschen. Schließlich ist die Kriminalitätsrate in Deutschland, insbesondere die Gewaltkriminalität, weitaus geringer als in den Vereinigten Staaten.

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LOBASTOVA U.

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TOPICAL LEGAL PROBLEMS OF ERSATZ MATERNITY

1. INTRODUCTION

This article is dedicated to research and analysis of ersatz maternity problem. In current law situation the question about ersatz maternity becomes more and more critical. This field of medicine is developing much faster than legislation which regulate these legal relationships.

2. RESEARCH GOAL

The goal of this publication is to learn and analyse the legislation and scientific articles in the range of legal problems of ersatz maternity and to find “blind-spots” in the regulatory system.

3. ANALYSIS OF ERSATZ MATERNITY PROBLEM

Ersatz maternity is child-bearing and birth according to the treety between ersatz mother and potential parents (or single woman) whose gamete cells were used for fertilization [1]. Each healthy woman in the age of from 20 to 35 who has one or more healthy children. The procedure is regulated by order No.107 of Ministry of Health. The necessity of ersatz maternity is caused by permanent increasing in number of barrenness cases which negatively affects demographic situation in the country. That is why the government and science are obliged to find the solution of barrenness problem.

The civil treety is covenanted between the potential parents and ersatz mother. In this contract the sides can agree upon maintenance costs, medical costs, etc., ersatz mother’s reward, compensations for expences, conduct of ersatz mother during the pregnancy and other necessary points. But the unborn child cannot be the object of the contract, that is why the condition of conveying the baby from ersatz mother to potential parents is not legally effective. As a general rule, the conflicts come up after child’s birth.

There are some cases in the world's practice when the ersatz mother had abjured to convey newborn to biological parents. For example, in 2016 an ersatz mother gave birth to twins in St. Petersburg. The compensation in case of bearing several children was expressed in the treaty, but the woman was not satisfied with the cited price and she decided to break all contacts with biological parents and call herself the biological mother. In this case the court proceedings led nowhere. According to the legislation, persons who have set the written seal for fetus implantation to other woman in order to carry a child can be down as a parents only with the agreement of the ersatz mother [2]. In this case it is really hard to bring ersatz mother to responsibility, because legislation gives them a right of choice even in spite of fact of treaty conclusion. Considering this case, we can see a lot of loopeholes of Russian legislation which regulates questions of ersatz maternity. As a result, we can see that both sides can ignore their commitments.

One more problem of ersatz maternity is protection of privileged information about parentage of child. Nowadays responsibility for dissemination of ersatz maternity secret does not exist. Probably, it would be efficient to appoint this type of liability for ersatz mothers, because she can use it in lucrative aims.

So how can we avoid theese problems?

First of all, we need to pass the law which would regulate rights and liabilities of both sides, restrict rules of contract completion and responsibilities of sides in case of violation of contract provisions.

Secondly, it is necessary to create a distinct and regulated instrument of child conveying from ersatz mother to biological parents to exclude possibility of contract delinquencies of both sides. [3]

4. CONCLUSION

To conclude, there are a lot of "blind-spots" in the Russian legislation which leads to a great amount of insoluble arguments. If the government wants to dispose of nascent difficulties, it needs to improve legal framework which regulates questions of ersatz maternity.

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LUTSCHINA A.

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VERGLEICH POLITISCHER GRUNDRECHTE IN DER RUSSISCHEN FÖDERATION UND IN DER SCHWEIZ

1. EINLEITUNG

Diese Arbeit widmet sich der Studio einiger Rechte und Freiheiten von Mensch und Bürger im politischen Bereich der Gesellschaft in Russland und in der Schweiz. Derzeit gibt es einige Probleme in diesem Bereich, im Zusammenhang mit dem Wachstum des Rechtsbewusstseins des Bürgers und dem Wunsch, politische Rechte effektiver

umzusetzen. Dieses Thema ist wichtig für eine moderne Gesellschaft, zu welcher Russland und die Schweiz auch als demokratische Staaten gehören, und in Welchen Rechts und Freiheiten die höchsten Werte sind [1].

2. ZIEL DER FORSCHUNG

Das Ziel meiner Arbeit besteht darin, die Normen der Gesetzgebung Russlands und der Schweiz zu analysieren und zu vergleichen, die die politischen Rechte und Freiheiten von Menschen und Bürgern begründen.

3. LITERATUR - und Dokumentenübersicht

Um mein Ziel zu erreichen, habe ich einige der politischen Rechte, die im zweiten Kapitel der russischen Verfassung und in den Kapiteln der zweiten und dritten Schweizerischer Verfassung verankert sind, analysiert und vergliechen.

Gemäß Artikel 19 der Verfassung von Russland ist jeder vor dem Gesetz und dem Gericht gleich; der Staat garantiert die Gleichheit der Rechte und Freiheiten, einschließlich der politischen Rechte, unabhängig von Geschlecht, Rasse, Nationalität; Männer und Frauen haben gleiche Rechte und Freiheiten [2]. Die gleiche Norm ist in Artikel 8 der Verfassung der Schweiz verankert. Der vierte Absatz dieses Artikels enthält jedoch Maßnahmen zur Beseitigung von Nachteilen für Behinderte, die in einem ähnlichen Artikel der Verfassung Russlands nicht enthalten sind. Der 5 Absatz des Artikels 29 sichert ferner die Freiheit der Masseninformation und das Verbot der Zensur. In Artikel 17 des schweizerischen Gesetzes ist diese Regel breiter angelegt, weil sie Formen der öffentlichen Informationstransfer beinhaltet: mittels Presse, Radio und Fernsehen [3]. Artikel 30 der Verfassung Russlands und Artikel 23 der Schweizerischen Verfassung begründen das ähnliche politische Recht sich zu vereinen: Jeder hat das Recht sich zu vereinigen; Niemand kann gezwungen werden, einer Vereinigung beizutreten. Das Grundgesetz Russlands enthält jedoch eine Norm (Art. 13), die dieses Recht einschränkt: Aktivitäten von Verbänden, deren Ziele und Aktionen gegen die Russische Föderation und den öffentlichen Frieden gerichtet sind, sind verboten. Artikel 22 der Verfassung der Schweiz sieht Versammlungsfreiheit vor. Dasselbe Recht ist auch in Artikel 31 des Grundgesetz von Russland verankert, aber der Gesetzgeber hat diese Norm ausführlicher formuliert: das Recht auf Versammlungen, Kundgebungen und Demonstrationen, Märsche und Streikposten, aber friedlich und ohne Waffen. Artikel 33 der Verfassung der Russischen Föderation und der Schweizericher begründet das Recht, bei den Behörden Einspruch einzulegen, in der Schweiz jedoch in Form einer Petition und in der Russischen Föderation in Form der Eingabe einer individuellen oder kollektiven Behandlung oder eines persönlichen Umlaufs. Die Schweizer Verfassung enthält das zweite Kapitel "Das Recht auf Staatsbürgerschaft und politische Rechte", im russischen Grundgesetz gibt es keine Analogie. Dieses Gesetz enthält die wichtigsten Bestimmungen für die Umsetzung der politischen Rechte.

SCHLUSSFOLGERUNG

Zum Schluss möchte ich betonen, dass die Verfassung Russlands und die Verfassung der Schweiz ihre eigenen Besonderheiten der Konsolidierung der politischen Rechte und Freiheiten haben. Es ist jedoch offensichtlich, dass es für den Gesetzgeber des russischen Rechts wichtig ist, die Normen im Detail zu formulieren, was für das Grundgesetz der Schweiz nicht typisch ist.

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THE UK CIVIL SERVICE WEAKNESESS

1. INTRODUCTION

One of the main roles in effective implementation of executive branch of any states plays the institution of civil service. The UK managerial civil service model is considered to be the most effective and most active in the world: many countries are taking the example from the United Kingdom in carrying out civil service reforms. In this regard, an analysis of the existing problems of the civil service will be very useful in order to improve this institution as a whole and to prevent UK mistakes in the future.

2. RESEARCH GOALS

First of all, we need to identify the definition of civil service in the UK legislation. Secondly, it is necessary to analyze opinions of authoritative sources concerning the institute of civil service in Great Britain and to formulate the most acute problems.

3. ANALYSIS OF CIVIL SERVICE PROBLEMS

It is difficult to find an exact definition of civil service in the UK legislation, because it has peculiarities depending on common law system. Anyway, the UK civil service can be formulated as politically impartial officials who are not replaced depending on political conjuncture. The official cite of civil servants reported another definition. Civil Servants are those who are employed by the Crown, excluding those employed by the Monarch herself. It is important to differ public servants and civil servants. To the first group can be referred any workers in governmental organization. The UK civil service does not include those who are employed by the parliament, and does not include those civil servants who work in other governmental bodies. Only 1 in 12 UK public servants is therefore classified as a civil servant.

One of the main problems of civil servants is the apolitical nature of civil servants. They are independent from politicians; they do not listen to their advice. Therefore, it causes insufficient understanding of population issues. That is why senior servants are unable to overcome social and economic changes. Senior officials are too slow or unable to implement important reforms in a wider society or in the economy. Ministers and others complain that "nothing is being done" and accuse the civil service institute of stubbornness and incompetence.

This leads to the following problem: senior executives have an inevitable tendency to recruit to their own image, so the SCS is overpopulated by people with a high level of intelligence and self-confidence, but to some extent limited self-awareness. Officers

have a small degree of empathy and do not take into account the needs of the people; they solve them on their own logical way.
The other weakness is fast staff turnover. The change of leaders leads to a total conversion of the course chosen earlier and to the lack of continuity in the work.

4. CONCLUSION
The main problems of the civil service of Great Britain concern Senior Civil Service club and the political apathy of this institute. They should be solved by a gradual and carefully thought out reform. It would be better to take into account the US model, where there is a coordinated policy with the highest leaders of executive power and the political independence of lower officials.

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MANOSHKINA A.

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THE LEGAL STATUS OF MINORS

1. INTRODUCTION
Who are the teenagers? It seems to be a simple question, but asking it, we will get various answers. People tend to associate this word with age, psychological and mental features, even with Philosophy. In this article we would consider this term from legal perspective, as a lawyer, and try to analyse the legal status of minors. We believe, that this concept is very important; it has a practical value, because it defines the rank of adolescent in our society.

2. RESEARCH GOAL
It is common knowledge that the legal status of person is his/her personal rights and abilities. This definition is closely related to concept “legal capacity”. Across the majority of jurisdictions full legal capacity is attained when a person becomes 18 years old, however there are cases, when sixteen-year-old teenagers can acquire it. The **aim** of our research is to consider some legal consequences of legal capacity early acquisition.

3. LITERARTURE REVIEW
The Civil code stipulates two circumstances, allowing to attain full capacity for miners: marriage at law and recognition of emancipation if they are in biasness or work on the employment contract. In these cases, all civil rights are granted to youngsters. But why only civil rights? Why other branches of law do not recognize them as fully legally capable? For example, emancipated minors still cannot vote. What is the reason for this limitation? Does it mean, that such persons are old enough for creating family, choosing a life partner, but not enough for electing the President? Is it correctly to restrict anybody in constitutional rights? Discussing the rights, we must not forget about responsibility, including criminal one. Some Criminal code’s articles (134,135)

provide for criminal liability only after 18 years old, although, usually it starts from 16. But, if emancipated teenager commits this crime, he/she will not be punished, because Criminal law does not recognize him/her as fully capable. Accordingly, it might be supposed, that the legislator considers, that minors can be responsible for their family, business, work, but not for their own behavior. From our point of view, if miners are entitled to full capacity, it means that they can make complicated decisions, exercise the right of choice and take the responsibility for it, for all actions they have done. This kind of youngsters decide to be like adults, the law gives them such opportunity, so they can have equal rights and liabilities in all areas, not only in Civil law, it is only fareI.

4. CONCLUSION

In conclusion it is proper to say, that issues, related to teenagers, are always subject to disputes, and the one under analysis is not an exception. But according to my personal opinion if the state recognizes miners' full legal capacity, it should grant them all rights in all branches of law. Minors should realize that with more rights they entail more liabilities. We believe that single legal status of fully capable in Constitution, Civil, Administrative and Criminal law makes minors' position in the system of public-legal relations more "fixable". This equality protects minors' rights from limitation, on the one hand, and protects other persons on the other hand.

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EL PAPEL DE ESPANA EN LA UNION EUROPEA

1. INTRODUCCIÓN

En 2015, se cumplen 30 años desde la firma del Tratado de Adhesión de España a las entonces Comunidades Europeas. Estos años se cuentan entre los de mayor bienestar, progreso y modernidad de España. Las aspiraciones de España por lograr su incorporación a las Comunidades Europeas cobraron impulso con la llegada de la democracia y, con tal propósito, el Gobierno del presidente Adolfo Suárez solicitó, el 26 de julio de 1977, oficialmente la adhesión a la CEE (hoy Unión Europea). Esta aspiración española se vio satisfecha ocho años después -el 12 de junio de 1985- con la firma del Tratado de Adhesión en Madrid y la integración efectiva en la Comunidad Económica el 1 de enero de 1986.

2. OBJETIVO DE LA INVESTIGACIÓN

Este artículo considerará la cuestión de la entrada de España en la Unión Europea, así como su papel y lugar en esta organización. Las fechas más significativas para España en la Unión Europea se analizarán también.

3. REVISIÓN DE FUENTES BIBLIOGRÅFICAS

Desde su incorporación a la Unión Europea, España ha realizado progresos significativos en muchas áreas de la sociedad. Por ejemplo: la mejora en cuanto al tema demográfico, el crecimiento del PIB, etc. Pero el tema principal de este artículo es el papel de España en la Unión Europea. La integración en la Unión Europea ayudó a España a alcanzar un nivel cualitativamente nuevo respecto a los socios latinoamericanos y mediterráneos. La idea principal de las actividades internacionales de Madrid es aumentar la importancia del papel de España en la resolución de los problemas europeos y mundiales, respectivamente, para aumentar su potencial económico, lo que demuestra que el afán de España por resolver problemas internacionales empuja a otros países miembros a percibir a España como uno de los líderes de la Unión Europea junto con Alemania, Francia, Italia, etc. Hay otro hecho que demuestra que España es uno de los temas más importantes de la Unión Europea, a saber, que en la primavera de 1998 la UE decidió admitir a España a formar parte del primer grupo de países de la unión monetaria y económica, tras lo cual tuvo lugar la adaptación de la economía nacional a euros.El papel de España en el escenario internacional, estaba cambiando junto con los cambios en las posiciones de liderazgo dentro del estado, lo que no permitió que este país se desarrollara sin problemas.En 2004, España ocupó el octavo lugar en contribuciones al presupuesto de la ONU (2,59% o 27 millones de dólares), logrando puestos de gestión directa proporcionales a sus contribuciones y participando en los proyectos de la organización. El país participa activamente en las organizaciones de mantenimiento de la paz, humanitarias y culturales (ONU, OSCE, etc.), así como miembro de la APCE, la UE y la OTAN.

4. CONCLUSIONES

El curso europeo de España ha cambiado con el gobierno de este país, que se ha abierto camino a la comunidad europea sin disfrutar de un enorme éxito, pero a pesar de todas las barreras que España tenía, este país tomó uno de los lugares principales en la Unión Europea y también desempeña un papel importante en la comunidad internacional.

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RELIGIOUS LAW

1. INTRODUCTION

Religious law raises very vital questions in terms of how a specific country views and supports its religions. In most cases, religious law works alongside the mainstream law to provide guidance to individuals; however, there are times when religious law collides with traditional law and its concepts come into conflict.

2. RESEARCH GOAL

In this article I would try to look into the meaning of religion in law as well as the role of religious law.

3. LITERARTURE REVIEW

Religious law is derived from two primary sources: the civil law tradition as followed by Catholic, Anglican and Orthodox religions and the more customary basis such as Sharia law that is more akin to common law principles.

The interaction of religious law and traditional law always seems to be a difficult area to comprehend. Emotions run high in relation to religious law, and in many countries there are conflicting belief systems adding to the problems. In almost all cases of religious law the underlying issue is that a legal document of some description is one of the sources of law referred to by the traditional law.

The way and the extent to which the religious law is then worked into the traditional law vary dramatically. For example, the religious law of Judaism known as the Halakha plays an enormously important role in countries with Jewish populations. Whilst the religious law of Halakha is not a primary source of law in any country, it is possible for two Jewish individuals to agree to take a matter to a Jewish court for adjudication, thus effectively agreeing to be governed by religious law.

However, there is a more sinister side to religious law that has to be mentioned. Many countries are now forced into ensuring that they have an anti-hatred law due to the conflict between many religions.

4. CONCLUSION

Summing up, we would like to note that religious law as both a source of law and a factor influencing the development of traditional law is a topic that cannot be ignored. Religious law can be central to the traditional laws of the country, typically, in Islamic or Jewish countries. In other cases, such as the UK, religious law is rooted in the history of law, although more traditional methods of interpretation and precedent have taken a more important role in modern society.

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EL CONCEPTO DEL DERECHO Y JUSTICIA EN LA FRASEOLOGIA ESPAÑOLA

1. INTRODUCCIÓN

Este artículo está dedicado al analisis cognitivo de los conceptos del derecho y justicia en la fraseología española. Este es un tema muy actual, porque los fraseologismos se usan muy a menudo en la vida cotidiana. Los conceptos de derecho y justicia son de uso muy frecuente y por eso son vitales en todas sociedades. Los fraseologismos correspondientes destacan la importancia de estos conceptos y precisan la esencia y contenidos que éstos transmiten.

2. EL OBJETIVO DE LA INVESTIGACIÓN

El objetivo de la investigación es explorar los fraseologismos del campo semántico *justicia* en español coloquial. El lenguaje de las personas basado en el folclore tradicional refleja su individualidad, su carácter, y representa cierta repercusión de la historia desde la antigüedad en el día de hoy.

3. REVISIÓN DE FUENTES BIBLIOGRÁFICAS

La justicia está estrechamente relacionada con la ley y tiene una gran influencia en ella. Además, la justicia es una necesidad y exigencia natural de todos los pueblos, siendo estrechamente relacionada con la moral. La ley corrige oficialmente lo que es injusto. Las normas legales son a menudo morales, pero las normas morales no siempre se reflejan en la ley. Y además, una gran cantidad de leyes no garantizan su observanción y respeto estricto. Para mostrar el significado y la esencia de la ley y la justicia en su vida cotidiana las personas usan diferentes modismos muy amplios por su significado [2]. Hay muchas combinaciones de palabras que contienen la esencia principal de estos conceptos, por ejemplo:

La ley nace del pecado, y la ley le castiga. (Este proverbio nos informa sobre de dónde provienen las leyes y por qué están destinadas)

Las buenas leyes son hijas de malas costumbres. (Este proverbio dice cómo nacen las buenas leyes.)

En el mal reino, leyes muchas, y no se cumple ninguna. (Este proverbio nos dice que lo principal no es el número de leyes, sino la calidad de su ejecución)

Muchas leyes, mal gobierno. (Aquí se dice que a menudo una gran cantidad de leyes no garantiza el buen gobierno del país)

Estas expresiones nos ayudan a comprender más de cerca qué es, según los hispanohablantes, lo correcto y lo primordial en la justicia y en su funcionalidad. Además, proverbios y dichos de personas de diferentes países, en particular, de España, hacen posible compenetrarse mejor con la mentalidad y la realidad social de la nación [1].

4. CONCLUSIONES

De todo lo anterior se desprende que los proverbios no están desapareciendo; al contrario, están en uso constante en varios géneros del habla. Este breve estudio de proverbios y dichos españoles sugiere que los españoles, al igual que muchas otras naciones, tienen en su discurso muchas expresiones interesantes e instructivas. Estas frases claras y concisas encierran la actitud popular a las cuestiones de la ley, nos muestran perfectamente la cultura del país y la orginalidad de la mundivisión de los pueblos hispanohablantes.

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DIE RECHTLICHEN GRUNDLAGEN DER ENERGIEEFFIZIENZ IN DEUTSCHLAND

1. EINLEITUNG

Immer mehr Einrichtungen der öffentlichen Hand realisieren erfolgreich eigene Energieeffizienzmaßnahmen: Sie reduzieren ihren Endeenergieverbrauch, steigern die Energieeffizienz und sparen Energiekosten ein. Dieser Bereich muss auch rechtlich reguliert werden, deshalb wurden mehrere Gesetze über die Energieeffizienz in den letzten Jahren verabschiedet.

2. ZIEL DER FORSCHUNG

Ziel meiner Arbeit besteht darin, die rechtlichen Grundlagen der Energieeffizienz in Deutschland zu erläutern, und auch zu zeigen, wie die EU-Rechtsquellen in das deutsche Recht implementiert werden.

3. LITERATUR- UND DOCUMENTENÜBERSICHT

Es gibt einige Dokumente, die dieses Thema betreffen. Mit der EG-Richtlinie 2002/91/EG Energy Performance of Buildings Directive (EPBD) kam der Begriff Energieeffizienz (Energy Performance) in den gängigen deutschen Sprachgebrauch. In deutsches Recht umgesetzt wurde diese Richtlinie mit dem Energieeinspargesetz (EnEG) und, darauf basierend, mit der Energieeinsparverordnung (EnEV), worin in §20 die Verbesserung der energetischen Eigenschaften zur verbesserten Energieeffizienz führt. Mit dem Nationalen Aktionsplan Energieeffizienz (NAPE) hat die Bundesregierung ein umfassendes Maßnahmenpaket für diese Legislatur auf den Weg gebracht, um die Potentiale für Energieeffizienz in Deutschland besser auszuschöpfen. Um die Schlagkraft signifikant zu erhöhen, wird die Beratungs- und Investitionsförderung mit der „Förderstrategie Energieeffizienz und Wärme aus erneuerbaren Energien“ grundlegend reformiert.

4. SCHLUSSFOLGERUNG

Bessere Energieeffizienz ist universell einsetzbar. Überall, wo heute Dienstleistungen mit Energie erbracht werden, lässt sich die Effizienz verbessern, meist ganz erheblich. Die Klimaschutz- und Energiepolitik der Regierung wurde in den verschieden Rechtsquellen durchgesetzt. Im deutschen Recht kann man die Gesetze über die Energieeffizienz finden, die den EU-Richtlinien auch folgen.

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PROBLEMATIK VON OFFSHORE-FINANZPLÄTZEN

1. EINLEITUNG

Dieser Artikel widmet sich der Analyse von Offshore-Aktivitäten ausländischer Unternehmen. In letzter Zeit ist die Untersuchung dieser Frage besonders wichtig im Zusammenhang mit der schwirigen geopolitischen und wirtschaftlichen Situation. In der Welt gibt es eine große Anzahl von Unternehmen, die in Offshore-Zonen registriert sind und die Gremien versuchen, die negativen Folgen diese Erscheinung zu bekämpfen.

2. ZIEL DER FORSCHUNG

Der Zweck meiner Arbeit war es, die Situation im Bereich der Offshore-Aktivitäten zu analysieren und zu verstehen, welche Probleme im Zusammenhang mit dieser Aktivität auftreten.

3. LITERATUR - UND DOKUMENTENÜBERSICHT

Es gibt mehrere Publikationen, die diesem Thema gewidmet sind. Befürworter von Offshore-Finanzplätzen betonen ihre wichtige Rolle im internationalen Währungssystem, in dem sie durch ihre liberalen Gesetze die Entwicklung besonderer Instrumente beispielsweise zum Risikomanagement erlauben. Auch seien sie wichtig als Regulatoren, die verhinderten, dass Regierungen die Steuern zu weit anheben könnten. In der amerikanischen Zeitschrift TJN wurde betont, dass Offshore-Finanzplätze vor allem als Steueroasen, die in Kombination mit ihrem striken Bankgeheimnis die Steuerhinterziehung in anderen Ländern begünstigen werden. Die NGO Tax Justice Network schätzt die durch Offshore-Finanzplätze verlorenen Steuereinnahmen auf weltweit etwa 255 Mrd. US$ pro Jahr[1] Joanne Ramos Joanne Ramos hat in seinem Artikel in « The Economist» darauf hingewiesen, dass die Steuereinnahmen, die den USA auf diese Weise verloren gehen, auf etwa 70 Mrd. US$ geschätzt werden.[2] Problematisch ist die fehlende Transparenz aber auch im

Zusammenhang mit Geldwäscheaktivitäten, die hierdurch gefördert werden. Jährlich werden nach einer Schätzung des IWF weltweit zwischen zwei und fünf Prozent des BSP gewaschen.[3] Zusätzlich sind die Finanzplätze aufgrund ihrer schlechten Finanzaufsicht in der Kritik, da sie nach Meinung vieler Experten die Stabilität des Finanzmarktes gefährden. Als bekannte Beispiele können hier die Pleiten der Meridian International Bank im Jahr 1995 oder der Zusammenbruch der Bank of Credit and Commerce International (BCCI) gelten. Auch wird Offshore-Finanzplätzen eine wichtige Rolle in der Entstehung der verschiedenen Währungskrisen der 90er Jahre zugeschrieben.[4]

4. SCHLUSSFOLGERUNG

Aus dem Gesagten könnten wir folgende Schlussfolgerung ziehen: es gibt immer noch große Probleme, die mit einer unzureichenden Transparenz der Unternehmensaktivitäten verbunden sind, und Gremien sollten mehr Aufmerksamkeit darauf richten.

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UNWIRKSAMKEIT DES EHEVERTRAGES

1. EINLEITUNG

Ehevertragliche Regelungen sind im Kern vorsorgliche Regelungen für den Fall der Trennung und Scheidung. Grundsätzlich ist es zulässig, in einem Ehevertrag alles nur Erdenkliche zu regeln. Dennoch ist nicht alles, was in einem Ehevertrag geregelt ist, auch immer rechtswirksam oder sogar durchsetzbar.

2. ZIEL DER FORSCHUNG

Ziel meiner Arbeit besteht in der Analyse von Gründen, die in Deutschland die Unwirksamkeit eines Ehevertrages zur Folge haben.

3. LITERATUR – UND DOKUMENTENUEBERSICHT

Bei dieser Forschung wurden folgende Informationsquellen benutzt: Das Bürgerliche Gesetzbuch, «Ehevertrag und Scheidungsvereinbarung in Frage und Antwort: Güterstand, Unterhalt, Versorgungsausgleich und Zugewinn richtig regeln» von Andrea Peyerl, die Webseite der Rechtsanwaltskanzlei Kotz und die Webseite Anwalt.de.

4. SCHLUSSFOLGERUNG

Es ist sehr wichtig informiert sein, dass einige Klauseln im Ehevertrag grundsätzlich unwirksam sind. Deshalb muss man sich bei dem Abschluss eines Ehevertrags mit grundsätzlichen Regelungen bekannt machen.

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ANIMALS' STATUS IN DIFFIRENT LEGAL SYSTEMS

1. INTRODUCTION

Nowadays an idea of animals' rights is becoming more and more popular. This issue is not only legal but also philosophical. The idea is based on the concept of treating all creatures, both human beings and animals, as equal. So animals must be guaranteed protection of their basic interests and rights. But their status is still not the same in different legal systems.

2. RESEARCH GOAL

A goal of this research is to compare status of animals in different legal systems and figure out what can be improved in the sphere of animals' rights.

3. LITERARTURE REVIEW

To qualify animals' status it is necessary to find out what role in legal relationships they play. RF Civil Code defines animals as objects of civil rights and states that general rules on the property shall be applied to the animals (section 1, subsection 3, chapter 5, article 137). At the same time the law says that cruel treatment of animals, contradicting the principles of humanity, shall not be admitted. So in Russia animals cannot be subjects but legislators say that their status is specific.

Laws of some foreign countries provide some human rights to animals. Anglo-American law allows bequeathing property to animals which is used to provide good living of pets after owners' death. For instance, Alexander McQueen, a famous British designer, bequeathed £ 50 000 to his dogs. Naturally, dogs themselves cannot decide how to spend money: there are people whose duty is to take care about the pets. [1] Another example of unusual animals' rights is that a cat Stubbs has been a mayor of Talkeetna, Alaska for 20 years. Although the mayor's post is symbolic the next "mayor" will also be one of the kittens of Stubb's owners, so it is a kind of a legal custom. [2] Furthermore, animals' weddings are becoming more and more popular. However, there is no registration of such marriages and any legal consequences. It is just a way to have fun and spend money (for example, cats Pet and Ploy got married in Thailand in 1996 and it cost about $ 40 000).

There are such international non-governmental organizations as World Wide Fund for Nature (WWF), Greenpeace, World Animal Protection and many others. One of their aims is to protect and take care of animals. They made countries to create new laws in sphere of animal lives' protection.

4. CONCLUSION

Animals are living creatures as humans are. They need people's help and support to live their lives and deserve good treatment, so it is not necessary to provide them with human rights but the point is that violent attitude is inadmissible.

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HUMAN TRAFFICKING AS A CRIME

1. INTRODUCTION

This article focuses on the problems of trafficking in persons as a crime, as well as problems of application of Article 127.1 of the Criminal Code of the Russian Federation.

2.RESEARCH GOAL

The aim of this article is to reveal and to analyze some problems of human trafficking as a criminal act, based on the current legislation. It has also some examples, confirming these problems.

3. ANALYSIS OF ARTICLE

According to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, trafficking in persons is understood as the recruitment, transportation, transfer, harboring or receipt of people for exploitation by threat or use of force or other forms of coercion, of kidnapping, fraud, deception, abuse of power or the vulnerability of the situation, or by bribery, in the form of payments or benefits to achieve the consent of a person having control over another person [1].

Based on the definition contained in the Trafficking in Persons Protocol, this criminal act has three constituent elements. Firstly, it is the act itself, which includes the recruitment, transportation, transfer, harboring or receipt of people. Secondly, the methods of committing a crime, which include the threat of force and its use, other forms of coercion, abduction, fraud, deception, abuse of power or the vulnerability of the situation, bribery in the form of payments or other benefits. Finally, it is the goal of a trade, which includes, at a minimum, the exploitation of prostitution by others, other forms of sexual exploitation, forced labor, slavery or customs similar to it, and the retrieval of organs [2].

To date, about 147 states, including the Russian Federation, have signed and ratified the Trafficking Protocol, but the implementation of this Protocol continues to face many difficulties. Very few criminals are convicted of this crime, while the number of victims, who will probably never receive help, is steadily growing.

It is the fact that this crime can be committed in any part of the world, and our country is not an exception. The Criminal Code of the Russian Federation in Article 127.1 determines the trafficking in persons as the purchase and sale of a person, other transactions in relation to a person, as well as the recruitment, transportation, transfer, harboring or receipt for the purposes of its operation.

The main object of this crime is personal freedom of the person, which is understood as a human's state, in which he can freely move around, choose the place of residence, and, depending on his interests, choose the kind of activity and profession that excludes any kind of exploitation and servitude. As an optional object of this crime can act honor and dignity of the person, the adequate formation and education of a minor, the established order of crossing the state border, life and health of a person.

The actus reus of human trafficking includes the purchase and sale of a person, other illegal transactions (exchange, gift, bailment, transfer for temporary use and others), as well as the recruitment, transfer, receipt and secretion committed for the purpose of its exploitation.

The perpetrator of the crime is an individual of sound mind, who has reached the age of 16. Subjects in the commitment of this crime are both parties to the transaction. Due to the high crime rate among minors under 16 and the use of cruel methods of committing criminal acts by them, it would be reasonable to reduce the age of criminal prosecution for this particular crime.

The mens rea of this crime is characterized by guilt in the form of direct intent. A mandatory element of mens rea of human trafficking is the purpose of the crime - exploitation of the victim. As for the motives, they can be very different: the desire to get rid of the child, selfish motivations, aspirations to obtain some benefits, personal dislike, etc.

As the purpose of the crime is a compulsory element of mens rea, it is shall be proved by the law enforcer. It is one of the problems of the qualification of the crime, which arises from the wording of this article, because by its formulation the legislator has significantly narrowed the scope of the article. For example, the sale of infants often occurs without the purpose of their exploitation because the child cannot fulfill the requirements of the exploiter due to its physical and mental state. Thus, it becomes impossible to qualify such acts under this article [3]. Another problem related to the wording of this article is its ambiguous understanding. Having fixed the goal in the disposition of Part 1 of Art. 127.1 the legislator gives grounds to consider actions on human trafficking without purpose of their further exploitation being lawful, which is wrong.

4. CONCLUSION

The problem of human trafficking today has become a threat to millions of people from all over the world. In order to solve it, we must take all of the appropriate measures, including the improvement of criminal legislation.

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THE SYSTEM OF EXTRATERRITORIAL PRIVILEGES IN CHINESE HISTORY

1. RESEARCH GOAL

The purpose of this work is to analyze the phenomenon, which was called the system of extraterritorial privileges. This system existed in China until the 1950s. Since today China plays a leading role on the world arena, it is extremely important to analyze the experience of this country in the formation and development of its legal and judicial system under the influence of foreign experience.

2. ANALYSIS OF THE PROBLEM OF EXTERRITORIAL PRIVILEGES

After the weakening of China as a result of the defeat in the Opium War, many countries, including Britain, Germany, the United States and France, entered into unilateral treaties with China, giving them land and unilateral trade concessions. The system was imposed by Western states because they pointed to imperfections in the Chinese legal system, in particular, they argued that Chinese punishments were too harsh, torture was often used to obtain evidence, and courts were extremely corrupt [1]. As a result, more than 100 foreign courts were opened in China, among which Japan opened 44 courts, the United Kingdom - 25, the United States - 18, France - 16. Each of these consular courts applied the law of the state that established it.

In earlier periods, the Chinese considered the system of extraterritorial privileges acceptable, since the imperial government considered it important to guard the order in foreign communities. This system worked in small communities where foreign and Chinese citizens did not mix.

Obviously, the system of extraterritorial privileges was a by-product of the colonial era, and was negatively perceived by China as an encroachment on sovereignty and judicial autonomy.

In addition, the system of extraterritorial privileges led to distrust of the population towards their government, which pursued a favourable policy towards foreigners. The system of extraterritorial privileges lasted for more than 60 years.

The anger at such privileges, as well as economic coercion, partial colonization and foreign aggression, prompted the Chinese Communist Party to isolate China from the rest of the world. Also the changes introduced to the legal system were abandoned.

3 CONCLUSION

The lesson that China learned from extraterritoriality was that the legal system was a vital element in the control of individuals and property, foreign trade and economic development, and that it could not afford to lose control of its judicial functions in the future.

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3 LANDMARK MUSIC COPYRIGHT CASES

1. INTRODUCTION

Music it’s a serious business. Today, any musical work is protected by copyright. Anyone who copies a few notes from a song protected by copyright will be subject to a lawsuit.

2. RESEARCH GOAL

In this article we'll try to research the most popular cases in the judicial practice of copyright infringements in the musical field.

3. LITERARTURE REVIEW

"Ice Ice Baby," by Vanilla Ice (1989) vs. "Under Pressure," by Queen, David Bowie (1981).

The Case: To anyone with functional eardrums, it's clear that Vanilla Ice's pop-rap crossover hit sampled the bass line to the 1981 Queen/Bowie collaboration "Under Pressure." But Ice famously insisted that the two melodies are distinct because he added a beat between notes. Ice later claimed that this rationale was merely a joke. Representatives for Queen and Bowie weren't laughing and threatened a copyright infringement suit.

The Verdict: The case was settled out of court, costing Ice an undisclosed sum and earning him a not-insignificant amount of public scorn. Bowie and all members of the Queen received songwriting credits on the track.

Why It Matters: "Ice Ice Baby" sparked discussion about the punitive actions taken in plagiarism cases. While copyright laws do a fair job of protecting the financial interests of artists, there are fewer measures in place to protect their creative interests. In this instance, Vanilla Ice willfully used a classic hook without permission. Though he paid the price, some argue that isn't enough to make up for the potential credibility lost by Queen and David Bowie, who are now linked to him through a collaboration they had no choice in joining.

Moreover, Ice's weak defense makes it one of the most hilarious copyright cases of all time.

"Oh, Pretty Woman," by Roy Orbison (1964) vs. "Pretty Woman," by *2 Live Crew* (1989).

The Case: When their album 'As Nasty as They Wanna Be' was met with accusations of obscenity, *2 Live Crew* produced a sanitized version with the tongue-in-cheek title 'As Clean as They Wanna Be'. This disc contained a humorous take on Roy Orbison's "Oh, Pretty Woman." Called simply "Pretty Woman," the Crew describes the titular woman in less-than-glowing terms as they rap over a sample of the original 1964 tune. Crew leader Luther Campbell sought clearance from the song's publisher, Acuff-Rose, but the company was not amused and refused permission. Undeterred, Campbell went ahead and released the song anyway.

The Verdict: The lighthearted *2 Live Crew* song spawned a vicious legal battle that traveled through the judiciary system all the way to the Supreme Court. In March 1994,

Campbell and the rest of the band were cleared of any wrongdoing once the justices ruled that "Pretty Woman" was a parody, and thus qualified for fair use.
Why It Matters: By expanding the definition of fair use, the Campbell vs. Acuff-Rose Music, Inc. ruling served as an iron-clad defense for future artists wishing to express themselves through parody.
"Ghostbusters" by Ray Parker Jr. (1984) vs. "I Want a New Drug," by Huey Lewis and the News (1984).
The Case: Producers of the film Ghostbusters originally approached Huey Lewis to pen the film's theme, but he was already committed to work on another sci-fi comedy – "Back to the Future" – and declined. Producers tapped Ray Parker Jr. to do the honors, apparently directing him toward a sound that could be described as "Huey Lewis-esque." Lewis himself certainly thought so, and filed a suit against Parker, alleging that he lifted the melody from his own song "I Want a New Drug."
The Verdict: The pair settled out of court in 1995 on the condition that both parties refrain from speaking about the suit in public. All was well until Lewis unloaded about the settlement on a 2001 episode of VH1's Behind the Music. Parker sued him soon after for breaching the confidentiality agreement.
Why It Matters: Though no legal precedents were set, the lawsuit's ghostly reemergence served as a strong reminder that confidentiality agreements weren't just a formality.

4. CONCLUSION

Of all the forms of copyright protected works, music is perhaps the most restricted and licensed. Since music was first broadcast on the radio, a vast mechanism for licensing music has emerged from the opposing forces of the recording industry and the radio and TV broadcasting industries.

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STYLISTIC FEATURES OF THE CODE OF LAW OF IVAN III

1. INTRODUCTION

The history of the Russian state during the reign of Ivan III attracts the attention of historians and researchers. This sharp turn in history has defined destiny of the Russian state, and the countries of Europe and Asia. His study allows us to understand the spirit and nature of the Russian character and to comprehend the logic of further historical transformations.
I think that it is not only interesting, but also necessary to study the legal institutions of the history of the Russian state. After all, these legal acts are considered to be the

foundation of legality and justice. Thus, the selected problems of the study are very relevant, and this topic should be studied now.

2. RESEARCH GOAL

The purpose of this study is the historical-critical analysis and comparative legal study of the legal relations of the Russian state in the XV-XVI centuries. It is necessary to highlight the peculiarities of the Code of Law of 1497, as well as to identify the sources that were the basis of the Code of Law of Ivan III.

3. LITERARTURE REVIEW

The first stylistic feature of the Code of Law is its specific content, since the subject of regulation includes mainly the issues of criminal prosecution and the judicial procedure (conducting the search and trial process). In these monument of law there is no clear system of location of the legal material, although it would seem that the articles regulating one sphere of social relations should be grouped consistently, and not scattered "in different places" [1], i.e. was not been carried out sectoral classification of norms. There is no clear division into the material and procedural blocks. In addition, the original text of this Code did not have article-by-article division, and only when it was published in the XIX century it was divided into 68 articles [2].

An important feature of the legal style of the Code was the appearance of norm-definitions, *abstractly* formulating certain concepts of criminal law and process. For example, the concept of crime is expanded and covers more criminal acts [3]. It is interpreted by the legislator as a "likhoye delo", which violated the interests of the ruling class and the state order.

4. CONCLUSION

Since the Code of Law of John III, a new era began in the history of Russian jurisprudence and the technology of codification of law. However, there is still no common opinion about its origin, sources and significance in the life of the Russian state.

The Code of Law of 1497 was the basis of the Code of Law of 1550, and some of its provisions and principles were further developed in subsequent legislation.

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THE DECISIONS OF THE EUROPEAN COURT OF HUMAN RIGHTS

1. INTRODUCTION

This article is devoted to decisions of the European Court of Human Rights, which are binding for all parties concerned in the dispute. This Court is an effective mechanism for the protection of the declared rights, therefore its decisions are binding for all states that have ratified the European Convention on Human Rights and joined the Council of Europe. But in the modern society there are disputes about whether Member States should implement these decisions. This problem is topical as it is widely discussed all over the world, and much covered in the mass media.

2. RESEARCH GOAL

The aim of this research is to discuss whether these decisions should be binding, as well as to look into the possibility of these decisions' contradicting the national legislations of the states.

3. ANALYSIS OF the problem

To begin with, people are free and have equal rights in the modern society, and the protection of these rights and freedoms is a complex process. A person files actions in courts of different levels. He uses all possible domestic legal remedies. But in the end, all judicial proceedings are abortive for him. It takes a month or a year and a person simply cannot protect him/herself and his/her lawful rights and interests. In a situation like this there is only one remedy left - to lodge a claim with an independent, international body, such as the European Court of Human Rights. Now, when it would seem, all domestic remedies have been used, a person wins and thereby defends his/her rights and freedoms. The European Court of Human Rights is a universal remedy, decisions of which cannot but be compulsory. If states have ratified the Convention and recognized the basic principles of international law, then why create disputes and conflicts about this? All these rights and freedoms are recognized throughout the world. Therefore, the decisions of the European Court of Human Rights cannot contradict the national legislations of the participating countries, because in each rule-of-law state these rights are enshrined and play an important role in the life of society.

4. CONCLUSION

In the end, it should be noted that this problem will always surface from time to time. Many people and countries will argue about what is more important in these cases - the domestic legislation of states or the norms of international law. But, of course, the decisions of the European Court of Human Rights must be binding, because human rights will always be offended. To protect these rights and freedoms, a universal, independent remedy is needed, which can be accessed by each of us.

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THE CONCEPT OF MARRIAGE CONTRACT ACCORDING TO SYRIAN LAW OF PERSONAL STATUS (SLPS) OF THE YEAR 1953

1.INTRODUCTION

This article focuses on the concept of marriage contract in Syrian law. The importance of this research stems from the fact that marital relationship is considered one of the most important relations between the members of the society, the cornerstone of family formation. The article gives a clear and unambiguous definition of such contract. The concept of marriage is governed by the Syrian Personal Status Law of 1953, which is currently considered the basic law in relations between family members in the Syrian Arab Republic.

2. RESEARCH GOAL

The main goal of this study is to emphasize the idea that a marriage contract in Syria is civil matter based on law but not on religion customs. This contract derives its legal power from the legal texts contained in Syrian legislation, but not from the Islamic law (which is the source of family legislation in Syria). Legal actions are not encouraged unless they are consistent with the legal texts governing them. There is no need to examine the compatibility of the act or contract with the historical source of legislation.

3. ANALYSIS OF THE CONCEPT OF MARRIAGE CONTRACT

The first SLPS article defines marriage as follows: "A marriage is a contract between a man and a woman, which is not prohibited by law and aims to establish a connection for mutual life and posterity". Based on this definition, it is possible to say that marriage contract in Syria is of a civil but not of a religious nature, similar to other contracts decreed in the various Syrian laws. Therefore, such contract is characterized by terms and procedures that are fundamental, with broad legal consequences and accepted by the society as correct. This point of view matches the opinions of many Syrian scientists who contributed to Syrian family law, among them the most eminent doctor Abdul Rahman Al Sabooni.

Although Syrian families used to conduct marriage contracts before a clergyman, this procedure is not necessary or compulsory anymore and its omission does not void the validity of the marriage contract. However, the Syrian law indicates the presence of a clergyman in each Sharia court considering the signature of the clergyman fundamental as one of the main requirements to conduct such contract.

In Syria and other Arabic countries, people are used to what is known as engagement or promise to get married, which is a period that precedes marriage to get to know each other better and agree to some basic issues of conducting a marriage. Though this period or stage is not compulsory (marriage can take place anyway at the parties consent), the Syrian legislator suggests some special legal onsiderations of this period in articles 2, 3, 4 (of SLPS).

In article 2, the Syrian regulation confirms that engagement, a promise prior to marriage, reading Surat Al Fatiha, accepting a dowry and exchanging gifts are not regarded as marriage. Article 3 of the same law states that a fiancé and a fiancée can turn down the engagement by virtue of their consent before marriage. Whereas article 4 distinguishes between the two cases of breaking an engagement by a fiancé or a

fiancée. According to this article, if a fiancé has paid an initial dowry (in cash) and a fiancée bought some things (at her choice) with this money, and after that the contract has been terminated by a fiancé, the options for a fiancée are as follows: she can either return the money of dowry or the things bough with this money. However, if the engagement has been broken off by a fiancée then she has no choice but to return the taken dowry back to a fiancé. The third provision of the same article stipulates that the gifts are subject to the similar rules of donation contract. We believe that including such rules, though briefly, in the first SLPS articles is justified irrespective of the fact that engagement stage or period is far from being an obligatory way to marriage. The main reason is that at this stage, financial commitments might arise between the two parties, and they can lead to a dispute in front of the court if engagement has been broken off before marriage. Thus, these rules can prevent plenty of disputes and considerably reduce court cases.

Going back on a marriage contract and its concept in Syrian law, it is essential to strengthen the difference in gender between the parties to a marriage contract (which is considered logical to an Arabic or Islamic reader but may have other implications for a western reader). As we have mentioned above, a marriage is a contract signed between a man and a woman. Syrian law bans same sex marriages that violate not only all the successive Syrian laws but also customs and ethics of the Syrian society. The aim of such contract is to establish connection with mutual life and posterity, which is only possible between a man and a woman.

4. CONCLUSION

In conclusion, it has to be states once again that marriage contract is a civil matter rather than a religious act that gains its strength and is accepted by law and society only if it is executed according to the Syrian Law of Personal Status of 1953. It does not gain its legal strength from the religious laws. Islamic laws with their juristic judgments do not make the signed contracts (including marriage contracts) legal unless these religious regulations are recognized by the Syrian law. Contracts and deportments in the Syrian legislation are valid or invalid only in regard to their consistency with the legal texts but not with the sources of these texts (including the Islamic law).

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EL RECURSO DE AMPARO COMO UN MEDIO DE PROTECCIÓN DE LOS DERECHOS HUMANOS

1. INTRODUCCIÓN

Este artículo está dedicado al problema del quebrantamiento de los derechos humanos en los estados de América Latina. Es una cuestión muy controvertida en la región determinada y tiene su propio modo de solución. Es actual para analizar porque es un problema de envergadura mundial y todos los estados deben mejorar sus medios

existentes de protección de los derechos humanos.

2. OBJETIVO DE LA INVESTIGACIÓN

El fin de la investigación es escudriñar la legislación del derecho constitucional y los medios de protección de las libertades que son típicos para los estados de América Latina.

3. LITERATURA / REVISIÓN DE FUENTES BIBLIOGRÁFICAS

El amparo es una acción o un recurso, dependiendo de la legislación del país de que se trata(Argentina, Bolivia, Ecuador, Perú, por ejemplo) que conoce Tribunal Constitucional o Corte Suprema. El amparo tutela los derechos y las libertades del ciudadano que están establecidos por La Constitución.

Por primera vez el recurso de amparo fue encarnado en México. Se puede mencionar la obra Tocvil, un científico americano, "Democracia en América" que fue publicada en 1837 y ejerció influencia enlos juristas mexicanos. Después fue elaborado el amparo Colonial, que se refería a la gente de las colonias del continente[1].

Ahora se aplica en casi todos los estados de América Latina, pero puede tener los nombres diferentes, por instancia, en Ecuador, Perú y Venezuela se denomina "acción de amparo", en Colombia "acción de tutela" y en Brasil "mandato de seguridad", además La Corte Interamericana de derechos humanos se puede denominar "amparo interamericano"[2]

El procedimiento consiste en juicio del amparo (presentación de la denuncia, que fue hecha por una persona personalmente y su conocimiento), proceso está dedicado a la acción o inacción (omisión) de las autoridades o los órganos públicos sin algunas referencias a una ley concreta, no hay necesidad de involucrar los juristas profesionales para proteger sus derechos humanos[3].

Para cumplir el objetivo central de su trabajo los autores recurrieron a las Constituciones de los paises latinoamericanos y a las obras de los científicos quienes se dedicaron a la investigación de derecho constitucional.

4. CONCLUSIÓNES

Este breve estudio del medio de protección de los derechos humanos tal como el recurso de amparo muestra, que en las partes diferentes del mundo existen las normas jurídicas, que se refieren a la historia de la región mencionada y pueden funcionar bastantes bien ahora. Además hay que señalar que es necesario investigar la experiencia de otros estados para mejorar su propia legislación.

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VICARIOUS LIABILITY OF CONTROLLING PERSONS: WHAT AMENDMENEDS WERE INTRODUCED INTO RUSSIAN INSOLVENCY LAW

1. INTRODUCTION

This issue is devoted to new provisions which were introduced into Russian Federal law on Insolvency (the Insolvency law). On July there 2017 were substantial changes concerning vicarious liability of controlling persons in bankruptcy cases. Such amendments aimed at improving of bankruptcy proceedings and protection of creditors' rights.

2. RESEARCH GOAL

The main purpose of the paper is to briefly highlight new provisions relating to vicarious liability and assume how these amendments will affect the insolvency proceedings.

3. ANALYSIS OF the amendements

First of all, it should be mentioned that the definition of "controlling persons" has suffered some changes. In particular, new presumption when the person is considered as "controlling the debtor" was introduced: when such person gets profit from illegal or unfair conduct of company management. At the same time, the immunity is established for the persons who have less than ten percent of company assets and this is "usual profit" for such persons and the single connection with the debtor.

Secondly, new amendments introduce a number of circumstances when the burden of proof is on the controlling person. In other words, general intent or presumption of guilt rests with such persons. Earlier the burden of proof was on the insolvency administrator and creditors. That is why the controlling person shall submit statement of defense to the relevant court.

On the other hand, claimant shall prove that this person is controlling the debtor and the trial must be initiated against him.

New provisions relate to judicial proceeding on this matter. Earlier a claim for vicarious liability was considered only during the insolvency proceeding case. Now it is possible to consider such claims out of insolvency proceeding. Besides, the limitation period for filing of claim was increased too. Now this period is three years (instead of one year) from the moment when claimant realized violation of his rights. This limitation period may be extended or revived by judicial order.

One more provision relates to the protection of creditors' rights. According to the amendments, creditors have an opportunity to choose what to do with their right of claim against controlling persons. They can recover the debts; sell their right of claim; or one creditor can assign his or her right to claim to another creditor. Each of the options is regulated by its own rules which are introduced into Insolvency law too.

4. CONCLUSION

The above said concentrates only on the main and the most noticeable amendments. Actually there are a number of provisions which elaborate the procedure for bringing to vicarious liability. However even specified provisions show that legislator aimed at protection of creditors' rights. Consequently, it should be mentioned that it is a tendency to make easier the procedure of initiating a trial against controlling persons.

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EL ANÁLISIS COMPARATIVO DE LAS CONSTITUCIONES DE ESPAÑA Y RUSIA

1. INTRODUCCIÓN

Históricamente, Rusia y España pertenecen a la misma familia jurídica. Primero, la recepción del derecho romano, y en posterior el desarrollo del derecho alemán influyeron en estos países, en mayor o menor medida. Pero con el paso del tiempo, incluso los sistemas jurídicos nacionales comienzan a acercarse con una excesiva velocidad, que se puede notar especialmente en nuestro tiempo. En primer lugar, eso se observa bien en las leyes fundamentales de los Estados (Constituciones), donde cada día se puede descubrir más semejanzas que diferencias en materia de organización del poder y de la separación de poderes, que es hoy una cuestión muy importante en el período de la unificación de derecho, de la globalización de todo el mundo, pero al mismo tiempo, y de la búsqueda de individualidad en los sistemas de derecho nacional.

2. OBJETIVO DE INVESTIGACIÓN

En este artículo se realizará un análisis comparativo de las instituciones supremas del poder estatal de España y de Rusia, que proporcionan la base de un sistema de pesos y contrapesos, así como se descubrirán los aspectos individuales en la cuestión de la separación de poderes en cada país presentado. Contestamos a las preguntas: en qué consisten las particularidades de la Constitución de España? ¿Cuáles son las similitudes y diferencias en la organización del poder y como se comprende el principio de separación de poderes en las Constituciones de España y de Rusia? Son éstas las preguntas planteadas las que constituyen el propósito del presente artículo.

3. ANÁLISIS COMPARATIVO

1. Según la Constitución, el Rey de España es el jefe del Estado, el símbolo de unidad y permanencia, el árbitro y conciliador en la actividad de los organismos estatales, el representante superior del pueblo. Es la persona inviolable, no está sujeto a ninguna responsabilidad.

Los actos del Rey deben firmarse por el Presidente de Gobierno y, en consecuencia, por los ministros, a la competencia de los cuales se sujetan estos actos (es el elemento del instituto de la "contrasignatura"). La responsabilidad por estos actos tienen las personas que pusieron su firma.

Además, el Presidente es el garante de la Constitución, el poder le pasa a él no por herencia, sino a través de las elecciones respectivas. Sus decretos no requieren la vinculación de ningunas firmas, y sus poderes son más amplios y fuertes, que los del monarca español (por ejemplo, el Presidente tiene el derecho de iniciativa legislativa, el derecho de veto, firma los actos de última instancia), que es natural y razonable para un país grande y multinacional. El Presidente ruso es el garante de su unidad y integridad.

2. El órgano legislativo, en consonancia con la Constitución de España, son las Cortes Generales, organizadas como el parlamento bicameral (uno de los más antiguos en el mundo): la Cámara Baja es el Congreso de los Diputados; la superior es la Cámara de Senadores. En el Congreso se eligen 350 diputados por un plazo de 4 años a partir de la representación proporcional de 50 distritos electorales (coincididos con las provincias). El Senado es el órgano de representación territorial: de cada provincia, se eligen 4 senadores mediante el sufragio universal de los votantes de la provincia correspondiente por un plazo de 4 años.

3. De acuerdo con la Constitución y una legislación especial, el órgano ejecutivo central de España es el Gobierno. Precisamente él realiza la dirección de la política interna y exterior, de la administración civil y militar, de la protección del Estado. El Gobierno se compone del Presidente, de los Vicepresidentes, los Ministros y otros miembros, determinados por la ley. La lista de los Ministerios también es definido por la ley (en total 15).

4. El poder judicial está organizado en España de conformidad con la Constitución y la ley Orgánica del poder judicial del año 1981. En el país hay un Tribunal Constitucional (el órgano especializado de control constitucional), con las facultades idénticas a aquellas establecidas por el Tribunal Constitucional de Rusia (artículo 125 de la Constitución de la Federación Rusa).

En la organización del poder judicial en España y en Rusia hay las diferencias importantes en los detalles, sin embargo, y en Rusia se disponen: el Tribunal Constitucional, el sistema de tribunales de jurisdicción general (la competencia de que es fijada, en comparación con España, de otra manera) en comparación con España, la fijación de la competencia), el sistema de tribunales de arbitraje para resolver las controversias económicas, los juzgados de paz. [1]

4. CONCLUSIÓN

A pesar de que la Federación Rusa y España pertenecen a la misma familia jurídica, hay muchas diferencias en su dispositivo estatal de poder. Esto se condiciona por sus particularidades nacionales y históricas. Pero en general, los sistemas son muy cercanos y siguen convergiéndose, como en el principio, lo hacen los sistemas legales de todo el mundo por circunstancias objetivas, como he indicado antes. Por eso surge la pregunta, ¿y qué será luego?

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EL CASTIGO DE DELITOS CONTRA LA PERSONA EN EL CÓDIGO PENAL DE ESPAÑA

1. INTRODUCCIÓN

Las prioridades protegidas por el estado, que se reflejan en las secciones, capítulos y artículos de los códigos penales de los estados extranjeros, se clasifican en una secuencia estricta dependiendo de la jerarquía de valores, adoptados en diferentes países democráticos. La sección especial del Código Penal de España comienza con los delitos contra la persona. Últimamente el nivel de la criminalidad aumenta, por consiguiente, la cuestión que me gustaría considerar en este artículo, es especialmente pertinente en nuestros días.

2. OBJETIVO DE LA INVESTIGACIÓN

El objetivo principal de este artículo es el análisis de determinados artículos del código penal de España, la identificación de los diferentes tipos de penas por delitos contra la persona y también la comparación con el código penal de la Federación Rusa.

3. LITERATURA/REVISIÓN DE FUENTES BIBLIOGRÁFICAS

Para profundizar la esencia del tema, me he basado en el Código Penal de España y en el Código Penal de la Federación Rusa y he recurrido a las obras especializadas acerca el tema, en particular, a los artículos de un famoso profesor universitario de la Universidad de Kazan Farjad Mulukov.

4. CONCLUSIONES

La sección especial del Código Penal (LIBRO II " Delitos y sus penas ") comienza con los artículos, que establecen la responsabilidad por el asesinato, el aborto, lesiones corporales y otros delitos, que causan daño a la vida humana. En el primer plan de este Libro se plantea el objetivo de la protección de los derechos y libertades de la persona, así como los instituyentes y creadores de código antes de todo querían garantizar la privacidad. El Libro II es el más grande, en el se reglamenta la responsabilidad por los delitos contra la persona con cierto detalle, es decir, de conformidad con el artículo 33 en función de su naturaleza y duración en: graves (La prisión superior a cinco años, La inhabilitación absoluta, Las inhabilitaciones especiales por tiempo superior a cinco años), menos graves (La prisión de tres meses hasta cinco años, Las inhabilitaciones especiales hasta cinco años, la multa de más de tres meses, La suspensión de empleo o cargo público hasta cinco años) y leves (La privación del derecho a conducir vehículos, la multa, la detención.

El sistema de sanciones incluye la tipipificación de las infracciones en las principales y las adicionales. La multa, el servicio comunitario y la privación de ciertos derechos se establecen como principales y adicionales, el resto de los tipos de sanciones se consideran como las principals. La pena de muerte no existe. Libro II contempla por un delito contra la persona 3 tipos de sanciones: 1. determinados, 2. alternativos, 3. acumulativos.

En comparación con el Código Penal de la Federación Rusa el Código penal de España establece una pena más severa en forma de la privación de la libertad por el asesinato. Así la sanción de la parte 1 del artículo 105 del Código Penal de Rusia establece por el asesinato el principal castigo – la privación de la libertad por un período de 6 a 15 años, y en el Código Penal de España – la privación de la libertad por un período de 10 a 15 años. El artículo 157 implica el castigo por el daño o lesión fetal de cualquier manera, este tipo de pena no existe en el Código Penal de la Federación Rusa.

Por lo tanto, se puede concluir que en algunas situaciones la experiencia extranjera merece la pena de ser adquirida y puede considrarse como conveniente. Además he podido analizar determinados artículos del Código Penal de España y delimitar los tipos de sanciones, previstos por los delitos contra la persona.

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DIE UNGEWÖHNLICHSTE DEUTSCHE GESETZE

1. EINLEITUNG

In jedem Staat gibt es ungewöhnliche Gesetze. Deutschland unterscheidet sich in dieser Hinsicht von anderen Ländern nicht.

2. ZIEL DER FORSCHUNG

Ziel meiner Arbeit besteht darin, die Gesetze von Deutschland auf das Auftreten von ungewöhnlichen Fällen zu analysieren und ihre Beobachtungen zu teilen. Und hier sind die ungewöhnlichsten von ihnen:

3. LITERATUR - UND DOKUMENTENÜBERSICHT

Als Grundlage habe ich deutsches Recht genommen.

Ein Verbot, nachts Klavier zu spielen. Trotz der Tatsache, dass Mozart selbst nachts gerne Kompositionen schrieb.

In Deutschland können Sie sich nicht an den Polizisten mit "Sie" wenden. Sie können nur "Sie" verwenden. Vergessen Sie das nicht, wenn Sie gegen die Polizei keine Geldstrafe in Höhe von bis zu 600 Euro zahlen möchten.

Die überraschenden Gesetze Deutschlands sollten auch ein Gesetz enthalten, das das Verbot, die ersten Zeilen der Nationalhymne „Deutschland Lied“ darzustellen, verbietet.

Die Deutschen sorgen für Komfort. In Deutschland gibt es ein Gesetz, dass jeder Büroraum Fenster haben sollte, durch die der Himmel sichtbar ist. Nicht nur für gutes Tageslicht, sondern auch für die Schaffung angenehmer Arbeitsbedingungen für die Mitarbeiter.
Deutschland ist vielleicht das einzige Land, in dem Fahrradfahren in einem Zustand der Vergiftung strafbar ist. Das Ergebnis ist anders - ein Radfahrer kann seinen Führerschein wegnehmen oder sogar widerrufen werden.
Ein weiteres interessantes Gesetz im Zusammenhang mit dem Straßenverkehr. Sie können das Auto auf der Autobahn nicht stoppen, auch wenn Ihnen das Benzin ausgegangen ist. Außerdem ist es unmöglich, aus dem Auto zu steigen, da das Laufen auf der Autobahn streng verboten ist. Der einzige Ausweg ist, den Wrecker anzurufen.
Die Tatsache, dass das Eindringen eines anderen Eigentums illegal ist, ist für alle Industrieländer eine absolut normale Regel. In Deutschland sind die Ausnahme ... Imker und Schornsteinfeger. Wenn der Imker einen Bienenschwarm verfolgt, kann er Ihr privates Eigentum stören. In Bezug auf die Schornsteinfeger gibt es ein Gesetz, das die Bürger auf jeden Fall dazu verpflichtet, sie im Haus zu lassen. Die Leute scherzen sogar darüber: Es ist einfacher für Schornsteinfeger in jemandes Haus einzudringen als in die Polizei.

4. SCHLUSSFOLGERUNG

Natürlich ist dies keine vollständige Liste der ungewöhnlichen Gesetze Deutschlands, es gibt immer noch viele Dinge, die Ihnen seltsam und absurd erscheinen mögen. Aber in jeder nationalen Gesetzgebung gibt es einige Verrücktheiten, so dass die Frage nach dem, was ungewöhnlich ist und was normal ist, für jeden eine private Angelegenheit ist.

LITERATURVERZEICHNIS

[1] https://germania.one
[2] http://www.drjv.org/index.php/dgesetze.html

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THE EXTRATERRITORIALITY PRINCIPLES

1. INTRODUCTION

The Extraterritoriality principle is an important part of International Law. The ideas of the principle arose a few centuries ago, however it was legitimately fixed in the Vienna Convention of the consular relations in 1963. The principle fixes legal protection of diplomatic missions and consulates in other countries of the world, though it also regulates different relationships that don’t have correlation with diplomatic missions.

2. RESEARCH GOAL

The purpose of the research is to describe the concept of extraterritoriality and its working principles.

3. LITERARTURE REVIEW

Extraterritoriality is the status of natural persons or legal entities, institutions or objects that were withdrawn from the local legislation control, and fall (partially or fully) under the law of the government. The main extraterritoriality subjects are: Diplomatic representation in embassies and consulates, the headquarters of the UN in New York, CIS Assembly in St. Petersburg, the headquarters of NATO in Brussels, the international Bureau of weights and measures in Sevres, the Pope residence in Castel Gandolfo, the head office of the order of Malta in Rome, the Naval base of Guantanamo (USA), the European Central Bank in Frankfurt am Main.

4. CONCLUSION

Extraterritoriality is a right to the diplomatic immunity and extraterritorial zone protection. It appeared with the expansion of diplomatic relations between countries, contributing to their stable functioning and helping to avoid international scandals and conflicts.

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DIE STAATLICHE SOZIAL-GEISTESWISSENSCHAFTLICHE UNIVERSITÄT (KOLOMNA, RUSSLAND)

DAS BUNDESVERFASSUNGSGERICHT (BVerfG)

1. EINLEITUNG

Das Grundgesetz ist der wichtigste Rechtsakt des Staates. Es ist die Grundlage für die Entwicklung der sozialen und politischen Beziehungen und garantiert die Rechte und Freiheiten des Bürgers.

In jedem entwickelten und demokratischen Land gibt es eine Stelle, die für die Befolgung des Gesetzes der Verfassung verantwortlich ist. Die Bundesrepublik Deutschland ist keine Ausnahme, denn es gibt das Bundesverfassungsgericht.

2. ZIEL DER FORSCHUNG

Ziel meiner Arbeit besteht darin, Beschreibung der Struktur des Bundesverfassungsgerichts zu machen. Ein weiteres Ziel meiner Arbeit besteht darin, Untersuchung des Bundesverfassungsgerichts zu präsentieren.

3. LITERATUR - UND DOKUMENTENÜBERSICHT

Das Bundesverfassungsgericht ist ein selbständiges und unabhängiges Gericht. Es hat seinen Sitz in Karlsruhe.

Es steht über den obersten Bundesgerichten nicht wie dem BGH (Bundesgerichtshof – „das oberste Gericht in Deutschland im Bereich der so genannten ordentlichen Gerichtsbarkeit“). Das BVerfG entscheidet über Streitigkeiten und Angelegenheiten, die mit Verfassungsrecht verbunden sind.
Das Bundesverfassungsgericht hat zwei Senate. Aus diesen werden jeweils drei Kammern gebildet. In einem Senat sitzen acht Richter, in den Kammern jeweils drei. Der Präsident leitet den ersten Senat. Der Vizepräsident leitet den zweiten Senat. Sie sind zugleich die Vorsitzenden der Senate. Der Wahlausschuss des Deutschen Bundestages wählt die Hälfte der Richter jedes Senats. Der Bundesrat wählt die Hälfte der Richter des Bundesverfassungsgerichts.
Ob eine Kammer oder ein Senat entscheidet, hängt von der Art der Streitigkeit ab und ist im Gesetz über das Bundesverfassungsgericht sowie in dessen Geschäftsordnung festgelegt.
Die Hauptaufgabe des Bundesverfassungsgerichts in Deutschland ist zu prüfen, ob der Staat oder große Konzerne das Grundgesetz der Bundesrepublik Deutschland brechen oder nicht.
Es geht um Grundrechte der Bürger. Sie sind in den ersten 19 Gesetzesartikeln und sind die Grundlage der Nachkriegs-deutschen Verfassung.
Welche sind die Rechte? Zum Beispiel im 1. Artikel geht es um den Schutz der Menschenwürde, in der 12. – um das Recht auf freie Wahl von Beruf und Arbeitsplatz, 14. Artikel regelt das Recht auf Eigentum und so weiter.
Auch das Verfassungsgericht „entscheidet über Verfassungsbeschwerden, über Streitigkeiten zwischen Bundesorganen oder zwischen Bund und Ländern, über die Vereinbarkeit von Bundes- oder Landesrecht mit dem Grundgesetz, über die Verfassungswidrigkeit von Parteien“.
Bemerkenswert ist, wie das Gericht einen Beschluss fasst. Das Verfassungsgericht kann eine Rechtsnorm kraftlos feststellen, aber dieser Beschluss kann Rücktrittswirkung haben. Gleichzeitig kann das Gericht feststellen, dass die Rechtsnorm der Verfassung nicht entspricht, und in diesem Fall fortsetzt die Rechtsnorm gültig bis zu ihre Nachprüfung den Gesetzgeber zu sein. Das Verfassungsgericht kann den Termin für die Nachprüfung bestimmen. Das Verfassungsgericht kann auch den Rechtsspruch des BGH unwirksam anerkennen und den Fall an anderes Gericht schicken.

4.SCHLUSSFOLGERUNG

Somit können wir behaupten, dass in Deutschland das System der Verfassungsgerichtsbarkeit effektiv gebildet wird. Es garantiert die Stabilität der Staatsmacht und die Verfassungsmäßigkeit im Land.
Weltbekannt ist Alexander Popes Ausspruch: „Laßt Toren streiten, welche Verfassung die beste sei; wo am besten regiert wird, ist die Verfassung die beste“.

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THE SOBORNOYE CODE OF 1649 AS A MONUMENT OF THE LEGAL CULTURE IN RUSSIA

1. INTRODUCTION

Russia is a country with a rich history and culture, including legal one. One of the most important legal monuments of our country is the Sobornoye Code of 1649. It included a number of provisions that had a significant impact on the further Russian history and, as a result, a culture connected mainly with the theme of serfdom.

2. RESEARCH GOAL

The purpose of this work is to show the importance of the Sobornoye Code of 1649 and the sources of law in general for Russia and to make students of other faculties be interested in law.

3. LITERATURE REVIEW

During centuries of history, the rulers and regimes have been replaced in our country, the borders have expanded, science and culture have developed, and the living conditions and legal status of various social groups in a multinational Russian society have changed. Various kinds of changes in the state and public spheres, as a rule, were caused by various reformatory activities of the governments, which in turn were reflected in codes, regulations and other legislative acts and documents.

The Sobornoye Code of 1649 is a set of laws of the Russian state, a monument of the Russian law, different from the previous legislation. From the very beginning of the seventeenth century in Russia was marked by a number of events that significantly influenced the further development not only of history as a whole, but also of individual components of the life of the Russian society, including the development of law.[1] A new dynasty of rulers under the changed conditions of life was necessary not only to codify the old legal sources, but also to create a new, more extensive and perfect legislation that responded to the conditions of the time.

The Sobornoye Code of 1649 reflected the development of socio-economic relations, the judicial system and legal proceedings of Russia, its political system. It contains a wide range of the institutions of law (from civil to judicial proceedings), and therefore it is not surprising that for almost two centuries this source of law became the basic code of laws in Russia.[2]

4. CONCLUSION

For many years and decades, the studies of the Code have been conducted, and they are still relevant today, as the study of the code of laws gives an idea of the historical epoch of its realization, as well as the successful attempt to systematize the right of the Romanov dynasty, which was also the basis for subsequent codes of laws of the Russian Empire.

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LA SITUACIÓN DE MIGRACIÓN EN RUSIA

1. INTRODUCCIÓN

En la actualidad, la situación migratoria en Rusia está cambiando constantemente. Los casos de traslado de nuestros ciudadanos a otros países son cada vez más frecuentes. Algunos de ellos se van a otro país con los propósitos de la educación, otros creen que en otro país el nivel de atención médica será mejor, y alguien tiene miedo de la situación política en el país.

2. OBJETIVO DE LA INVESTIGACIÓN

El propósito de este trabajo es analizar las estadísticas de la migración de Rusia, y también entender si los migrantes crean problemas para los ciudadanos.

3. REVISIÓN DE FUENTES BIBLIOGRÁFICAS

De acuerdo con el Servicio Federal de Estadísticas del Estado, la emigración de Rusia en 2016 ascendió a más de 260 000 personas, a Rusia más de 313 000 personas.[1] Muchos ciudadanos rusos creen que los inmigrantes vienen a Rusia para ganar un poco de dinero, privándoles de la oportunidad de recibir un buen sueldo, pero en realidad esto no afecta el nivel de los salarios. El resto de los ciudadanos cree que el número de migrantes influye en el crecimiento de la delincuencia, pero tampoco es cierto. Los inmigrantes legales son muy serios en cuanto al cumplimiento de las leyes, temiendo la deportación. Según las estadísticas, 10 millones de extranjeros que viven en el territorio de la Federación de Rusia son responsables de sólo el 2% de los crímenes cometidos en el país, y la mayoría de las infracciones están relacionadas con la violación de las reglas de su estancia en el territorio de la Federación Rusa. [2] La delincuencia crece cuando la gente esta inmoral , no encuentran trabajo, entran en una situación difícil. Personas sin trabajo y sin dinero, humillado, ofendido, no le dieron el sueldo, han robado – he aquí un potencial criminal.

4. CONCLUSIÓNES

Al final, quisiera señalar que el problema de la migración y el control de los flujos migratorios será siempre relevante e importante para la economía del estado.

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ANALYSIS AND PERSPECTIVES OF THE ECONOMIC INTEGRATION IN ASEAN REGION

1. INTRODUCTION

The second half of the twentieth century coincided with a highly increased volume of cooperation between different states in various spheres of the economic relationship. These processes were referred to later as a phenomenon of economic integration of the states.

Objective advantages of the economic integration were in direct correlation with an intensification of the volumes of economic integration. This, in turn, was naturally implying for some organizational and legally autonomous means[1] designed to ensure the correspondence of the emerging economic integration processes to the needs of the participating countries.

This paper is devoted to the Association of South East Nations (ASEAN) – regional integration association promoting tightening of economic collaboration among its member states.

2. RESEARCH GOAL

The purpose of this research is to review the current state of affairs in the area of achieving a high level of economic integrity in the ASEAN region.

3. ANALYSIS

Despite the fact that international organizations of economic integration exist the world over and ASEAN is not the only organization of such type in the region of South East Asia, ASEAN can boast the title of the oldest integration organization in Asia. It has become possible due to the assumed role of integration factor promoting conversion into the highly competitive region, with equitable economic development fully integrated into the global economy.

Having analyzed the past 50 years path of the ASEAN existence there is a ground to state that ASEAN contributed significantly to the boost in intra and extra-regional trade. It has also contributed to the rise in prosperity and quality of life for nations populating the region. The region has also benefitted from the relocation of many global industries, along the way creating lucrative markets for imported consumer goods. As a result of the joint efforts of the member countries, the ASEAN region has succeeded to attract such major manufacturing giants' attention as Foxconn, Toyota, Samsung, Nikon[2]. The reasons for direct investments into the region is that ASEAN area is an example of increasingly integrated free trade zone where economic community provides a favorable business environment based on continuously growing labor supply, productivity and consumption statistics.

According to Surin Pitsuwan – former ASEAN General Secretary, combined trade volume in the region has reached US$2.6 trillion, while Foreign Direct Investment (FDI) has been hovering around US$130-150 billion a year[3].

Still, ASEAN members do not stop at this and continue improving the investment environment through implementing and introducing measures that further streamline, facilitate, promote and support foreign direct investments. ASEAN member states have

already signed ASEAN Trade in Goods Agreement (ATIGA), which replaces the Common Effective Preferential Tariff (CEPT) Scheme; the ASEAN Framework Agreement on Services (AFAS); and the ASEAN Comprehensive Investment Agreement (ACIA), which replaces the ASEAN Investment Agreement (AIA).

It is also worth mentioning some of the infrastructure development projects aiming to contribute to regional economic integration goal: ASEAN Highway Network, Singapore-Kunming Railway Link, Trans-ASEAN Gas Pipeline and the ASEAN Power Grid.

Having briefly outlined the current status of the ASEAN's economic integration, it is worth mentioning a couple of challenges that might impede further progress of integration in ASEAN.

The first challenge is cultural diversity and different historical backgrounds of the member states. For the purpose of establishing a wholesome and stable community, it is of practical interest for the member states to enhance awareness of ASEAN and its Vision of a politically cohesive, economically integrated and socially responsible Community.

The next in line is the problem of weak centrality in ASEAN. Its member states are known for their strong predilection to reserve the maximum of their sovereignty rights. This, in its turn, to some extent impedes the progressive development of the integration phenomena in the region. Considering this, it is logical to recommend the ASEAN member states to strengthen various organs and the Secretariat of the Association.

4. CONCLUSION

Summarizing all the above, there is ground to state that despite recent trends for disintegration and protectionist measures there are no alternatives that are able to provide member countries with advantages similar to those currently associated with the ASEAN.

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DERECHO DE AUTOR

1. INTRODUCCIÓN

El problema de la regulación y protección del derecho de autor no pierde su relevancia en la etapa actual del desarrollo de la sociedad, debido al hecho que está relacionado con diferentes intereses del individuo y la sociedad misma y con la creación de nuevos objetos de derechos de autor que requieren revisión y crean nuevos mecanismos para regular los resultados de la propiedad intelectual. Actualmente, por ejemplo, el Internet es una fuente ampliamente abierta de información, entretenimiento y comunicación. Muchas personas creen que la apertura y el acceso a la información no implica la protección de esta información. A veces, en busca de conocimiento y entretenimiento, los usuarios de Internet cruzan el límite permitido y, como resultado, violan los derechos de autor. Sin el conocimiento adecuado, los usuarios de Internet infringen inadvertidamente las leyes de propiedad intelectual.

2. EL OBJETIVO DE LA INVESTIGACIÓN

El objetivo de este artículo es analizar el derecho de autor.

3. LITERATURA/REVISIÓN DE FUENTES BIBLIOGRÁFICAS

El crecimiento del número de libros a través de la creación de la imprenta y las oportunidades económicas que la acompañaban crearon una necesidad inmediata de protección de los derechos del autor. La primera ley relacionada con el derecho del autor fue El Estatuto de la Reina Ana en Inglaterra en 1710. En Francia, en 1791 y 1793 se formó la ley de protección legal de escritores y artistas, que funcionó hasta 1957, y ha sido un modelo para la mayoría de los países por mucho tiempo. La Legislación sobre los derechos de autor en España se establece dentro de la Ley 22/1987, de 11 de noviembre de 1987, sobre la Propiedad Intelectual.

La aplicación de la ley de propiedad intelectual en nuestra era moderna está plagada de complejidades. A medida que las sociedades y las tecnologías se desarrollan, surgen nuevos problemas en la regulación del derecho de autor.

Los derechos de autor pueden aplicarse a una amplia gama de formas creativas, intelectuales o artísticas. Los detalles varían según la jurisdicción, pero pueden incluir poemas, tesis, obras de teatro y otras obras literarias, películas, coreografías, composiciones musicales, grabaciones de sonido, pinturas, dibujos, esculturas, fotografías, programas informáticos, transmisiones de radio y televisión y diseños industriales. Los diseños gráficos y diseños industriales pueden tener leyes separadas o superpuestas aplicadas a ellos en algunas jurisdicciones. Los derechos de autor no cubren ideas e información en sí mismas, solo la forma o forma en que se expresan.

Existen varios derechos exclusivos del derecho de autor: producir copias o reproducciones del trabajo y vender esas copias (incluidas copias electrónicas), importar o exportar el trabajo, crear obras derivadas, realizar o mostrar el trabajo públicamente, vender o ceder estos derechos a otros, transmitir o mostrar por radio o video. Pero todavía hay muchos usos de obras protegidas por la ley del derecho de autor sin permiso, infringiendo ciertos derechos exclusivos otorgados al titular de los derechos de autor, como el derecho a reproducir, distribuir, exhibir.

4. CONCLUSIONES

Con el desarrollo de la tecnología, aparecieron muchos problemas con la aplicacion de lal ley del derecho del autor, estos problemas requerían soluciones inmediatas. Sin embargo, no siempre fue posible lograr el resultado deseado, debido a la especificidad de algunos objetos de derecho de autor. Las nuevas reglas están diseñadas para resolver disputas de intereses entre individuos / entidades legales y la sociedad en general.

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SAVELEV V.

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EL INSTITUTO DE CERTIFICACIÓN DE INTÉRPRETES JURADOS: LA EXPERIENCIA DE ESPAÑA Y LA POSIBILIDAD DE SU APLICACIÓN EN RUSIA

1. LA INTRODUCCIÓN

En cada estado el instituto de intérpretes jurados desempeña un papel vital en el funcionamiento correcto del sistema judicial. En la legislación rusa se definen los derechos, las obligaciones, las causales de atracción a la participación de intérprete jurado y las causales de su recusación. Sin embargo, en la legislación rusa no se habla mucho de los requisitos, que se exigen a intérpretes jurados, a excepción de dos artículos del código penal procesal, en que se trata de tales requisitos como el desinterés en el resultado del caso y la competencia del intérprete, expresado en su libre posesión de la lengua. Y si con el primer requisito todo es evidente, con el segundo todo es más difícil. Según el párrafo 2 del artículo 169 del código penal procesal de Rusia, antes de iniciar de la diligencia, el investigador debe asegurarse en la competencia lingüística del intérprete. Al este, el método y el procedimiento de comprobación de conocimientos y habilidades en el ámbito de la lingüística no se especifican. Por esta razón, es un problema enorme para el sistema del derecho ruso. ¿Cómo verificar la competencia del intérprete, si no tiene el documento acreditativo de sus conocimientos y habilidades? Para resolver este problema, en muchos países, como Estados Unidos, Canadá, Australia y, por supuesto, en España, fue creado un instituto de certificación de intérpretes jurados.

2. EL OBJETIVO DE LA INVESTIGACIÓN

El objetivo de este artículo es examinar y analizar el insituto de certificación de intérpretes jurados de España para su aplicación en Rusia.

3. LITERATURA/REVISIÓN DE FUENTES BIBLIOGRÁFICAS

Refiriéndose a la página web del Ministerio de Asuntos Exteriores y de Cooperación de España la certificación de intérpretes jurados se realiza por el propio Ministerio de Asuntos Exteriores y de Cooperación. Exactamente el Ministerio de Asuntos Exteriores y de Cooperación es competente para la concesión del título de "Traductor-Intérprete Jurado". Actualmente, este título se puede accederse por dos vías. En primer lugar, la vía principal de obtención de eso título es el examen, que se convoca anualmente por el Ministerio. No obstante, actualmente existe otra vía de acceso al mismo: el reconocimiento de cualificaciones profesionales análogas obtenidas en otro Estado miembro de la Unión Europea (UE) o del Espacio Económico Europeo (EEE). Un requisito común a las dos vías para la obtención del título de Traductor-Intérprete Jurado es el de ser ciudadano de alguno de los países miembros de la UE o del EEE. Y, por ultimo ¿por qué los intérpretes jurados deben obtener este título? Todo es simple, según La Ley 2/2014, de 25 de marzo (con las modificaciones introducidas en la Ley 29/2015, de 30 de julio) las traducciones e interpretaciones de una lengua extranjera al español y viceversa deberían ser de carácter oficial y ser realizadas por aquellos, que tienen el título de "Traductor-Intérprete Jurado", otorgado por el Ministerio de Asuntos Exteriores y de Cooperación.

4. LA CONCLUSIÓN

Teniendo en cuenta todo lo que fue dicho, se puede concluir, que el instituto de certificación de intérpretes jurados facilita mucho el procedimiento de atracción de intérprete a la participación en el proceso judicial. Por esta razón, la aplicación de este instituto en la Federación de Rusia podría ser útil para el sistema judicial, porque eso liberará a los funcionarios tribunales de la obligación de asegurarse en la competencia lingüística del intérprete.

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SCHMITT M.

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THE DEVELOPMENT OF PUBLIC SERVICES INTERPRETING IN FRANCE

1. INTRODUCTION

Public Service Interpreting was born out of European directives on the integration of immigrants and on support for intra-European mobility. Those directives were meant to allow communication between immigrants and the host country's institutions as well as to bridge a gap between two different worlds with the interpreter acting as a cultural mediator.

2. RESEARCH GOAL

As an emerging profession Public service interpreting and translation presents challenges to all participants of the process. The aim of the present study is to analyze the current context of Public service interpreting and translation in France as every country’s experience could contribute to the development of this filed globally.

3. DEVELOPMENT OF PUBLIC SERVICES INTERPRETING

The profession took off in the early 1990s, although interpreting organizations already emerged earlier in the century. The SFT (French Society of Translators) was founded in 1947 to promote the profession and remains the largest professional translators' union in France today. It presents itself as a platform for exchange between interpreters and translators, the clients and public authorities [1,2].

A few others professional interpreting associations based in France's main cities are APTIRA (Association for the Promotion and the Integration in the region of Angers), founded in 1968, ASAMLA in Nantes (1984), COFRIMI in Toulouse (1992), ISM-Interprétariat in Paris (1970), MANA in Bordeaux (1998), Migration Santé Alsace in Strasbourg (1975) and Réseau Louis Guilloux in Rennes (1995) [3].

The European convention known as The Convention for the Protection of Human Rights and Fundamental Freedoms came into force in 1950 and issued a set of directives about interpreting in France and in Europe, this time in the context of penal proceedings. Those directives were aimed at ensuring full understanding of those proceedings to allow the person involved to properly exercise their rights regardless of their level of understanding of the French language. This European directive was transposed into French Law in August 2013 [4].

Still relating to the implementation of those policies, the Medical Interpreting and Social Professional Charter was adopted in Strasbourg in November 2012. The goal was to promote interpreting in France through non-lucrative associations which aim for an access to medical care and social rights for all.

However, recourse to interpreters in the medical field in France is not a legal obligation and is only based on the code of public health's plan of action in favour of “the patient's right to information”. A recent law dated at January 2016 and relating to the modernization of the health care system aims at improving access to care for those disconnected from prevention schemes by taking into account the particularities of each

individual [5]. At the present moment, however, the French National Authority for Health still has not ruled on the enforcement of this law.

4. CONCLUSION

The development of public services interpreting emerged amid an exponential growth of immigration into Europe. The steadiness of that trend might suggest that this profession is on the up, but it appears that xenophobic political speeches sometimes exert their influence to reduce immigrants' access to medical, social, educational and administrative resources by depriving them of interpreters.

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ZERO-TOLERANCE POLICY: ADVANTAGES AND DISADVANTAGES

1. INTRODUCTION

Zero tolerance is the refusal to accept antisocial behavior, typically by strict and uncompromising application of the law. [1]

The idea of the zero tolerance policy began to be traced back to the Safe and Clean Neighborhoods Act of 1973, adopted in New Jersey, USA. Then it developed in «The broken windows theory» by James Q. Wilson and George L. Kelling. The most active policy of zero tolerance began with the Mayor of New York, Rudolph Giuliani, in 1994. At present, it is used throughout the world in the course of the growth of crisis phenomena in various spheres of public relations, such as law, politics, economics and even ecology, for example, the policy of "zero deforestation" officially held in Norway. [2]

2. RESEARCH GOAL

The purpose of this work is to analyze the general positive and negative aspects of the policy of zero tolerance by analyzing publications and statistical data.

3. ANALYSIS OF ADVANTAGES AND DISADVANTAGES OF ZERO-TOLERANCE POLICY

To the merits of a policy of zero tolerance can be attributed:

1. The universality of the application of the zero-tolerance policy to various spheres of public life: starting from the fight against corruption (in particular, Xi Jinping, the Chief Secretary of the Communist Party of China, at the 19th Party Congress, 2017, confirmed the policy of zero tolerance for corruption in the party. [3]) and ending with the initiation of a policy of zero tolerance in relation to the unacceptable and harmful behavior of employees of a commercial company to the 1998 Mitsubishi Motors North America zero tolerance policy for sexual harassment. [4])

2. In the context of weave of private and public interests in modern societies, the policy of zero tolerance can become an effective instrument not only in the hands of subjects of public political authority, but also within the framework of private legal management structures. (The manager of the Banana Republic, who told a subordinate African-American that her dreadlocks violated the dress code of the company, was fired, the company's message on the dismissal of the tactless manager says: "Banana Republic has zero tolerance for discrimination." This situation was completely unacceptable, it contradicts our policy and in no way reflects the beliefs and values of our company. "

3. The possibility of using the zero-tolerance policy is not only an operational way of responding to undesirable phenomena of public life, but also as a preventive measure.

4. With the help of zero-tolerance policy, power structures demonstrate their keen interest in a specific issue. So, making a statement in an interview with the Sunday Telegraph newspaper about the August 2011 riots in a number of UK cities, August 14, 2011, the then British Prime Minister, David Cameron, said that Britain needed a program of "zero tolerance" for street crime. [6]

5. The practice of implementing the policy of zero tolerance implies the possibility of an operative verification of its effectiveness and, if necessary, an adequate adjustment of its forms and directions, up to the cancellation of the corresponding measures.

Disadvantages of zero-tolerance policy:

1. The bias of punishment: in the implementation of law enforcement powers, the policy of zero tolerance punishes a certain offense predetermined in advance, and the objective circumstances of the commission of the offense, on the base of which the saving measures applied to the offender are, on the contrary, toughened, not taken into account.

2. The necessity for zero-tolerance policy, together with other changes in this area of public relations to achieve a certain result.

3. Low effectiveness of harshening the punishment, confirmed by research, as a preventive measure of committing offenses. This conclusion can be drawn on the example of the application of the Three Strikes Law in different states of America. The analysis of the data clearly indicates that cities and states that resolutely and relentlessly introduced the "Law of Three Strikes" did not experience a more significant reduction in any of the categories of crimes than from the use of less resolute administrative units.

4. A significant increase of state budget to ensure the implementation of zero tolerance policy without the availability of guarantees of its effectiveness. Modern criminal policy, in which the main emphasis is still on fines and detentions with low efficiency in the field of crime prevention is extremely costly for taxpayers.

4. CONCLUSION

On the base of this mini-study, we can conclude that, for all advantages, the zero-tolerance policy still has some disadvantages and controversial issues. Therefore, the actors who use this policy do not need to simply implement it in a certain sphere, adjusting to certain conditions, but also trying to implement, try to modify, thus reducing the negative effects.

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LAS DIFERENCIAS EN EL SIGNIFICADO DE LOS TÉRMINOS LEGALES: «ROBO» Y «HURTO»

1. INTRODUCCIÓN

En el mundo de hoy el número de delitos, por desgracia, sigue aumentando. Cada día un enorme número de personas acude a la policía con las declaraciónes del hurto y robo que muestra que esos tipos de delito son dominantes. Y esta estadística es característica no sólo para Rusia, sino también para la mayoría de los países de Occidente. Por lo tanto, este hecho está condicionado por la pertinencia del análisis de los anteriores términos: el robo y el hurto. Además, es nesecario para entender la diferencia entre estos términos legales para traducir correctamente los artículos y los documentos jurídicos.

2. EL OBJETIVO DE LA INVESTIGACIÓN

El objetivo principal del presente artículo es averiguar las diferencias en el significado de los términos el robo y el hurto en Rusia y después correlacionarlos con los equivalentes españoles.

3. LITERATURA/REVISIÓN DE FUENTES BIBLIOGRÁFICAS

Para investigar el tema planteado he basado en este trabajo en el Código Penal de Federación Rusa y el Código Penal de España y además en el artículo de Carlos Perez Vaquero que se refiere a las diferencias entre los verbos “hurtar” y “robar”.

4. CONCLUSIONes

El término "robo" tuvo su origen del latín "raubare" y del alemán "raubon" que proviene del antiguo idioma alemán y significa el delito que se comete en contra de la propiedad de la persona con el uso de la violencia o la amenaza del empleo de la violencia a la gente o del empleo de la fuerza en las cosas.

En el Derecho Penal de Rusia «el robo» y «el hurto» son delitos diferentes. El Código Penal de Federación Rusa considera que esos delitos son premeditado ilícito desfalco de la propiedad de otra persona, sin embargo la principal diferencia consiste en el hecho de que el hurto es el desfalco oculto pero el robo, por el contrario, es una depredación abierta (artículo 158, artículo 161 del Código Penal de Federación Rusa)[1].

Es interesante que en el Código Penal de España para la distinción del robo y hurto el carácter secreto o abierto de las acciones del culpable no tenga un valor (artículo 234, artículo 237 del Código Penal de España). El criterio principal para la distinción de esos delitos según la legislación de España es el empleo de la violencia a la víctima o a sus personas cercanas, así como el empleo de la violencia en contra de las cosas y de los bienes de la víctima [2].

Existe otro punto de vista sobre el significado de los términos jurídicos según lo cual a veces se interpretan como cercanos por su léxica valor y se consideran como las formas independientes del "hurto".Por ejemplo, Carlos Perez Vaquero observa que esos delitos tienen diferentes formaciónes históricas, jurídicas e incluso léxicas. Considera que el concepto mismo del hurto tiene su origin de la palabra latina "furtum" y denota una acción destinada a posesión de la cosa ajena contra la voluntad de su propietario, sin el empleo de la fuerza o de la amenaza de la fuerza [3].

En conclusión podemos decir que los terminos «el robo» y «hurto» se interpretan de distintas maneras en la legislación de Rusia y España: en Rusia el criterio principal de la distinción son las acciones del culpable pero en España - el empleo de la violencia a la víctima y sus bienes.

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NEOLOGISMS IN THE TEXTS ON JURIDICAL AND POLITICAL TOPICS

1. INTRODUCTION

Nowadays in American media one can find many texts concerning the two important areas - policy and jurisprudence. Thus new words and terms that require careful studying appear at the intersection of these areas. Due to the growing amount of cross-cultural communication people have to deal with new words that appeared not so long ago but still have not acquired fixed translation. Thus, we must understand not only the structure of such words but how to translate them properly as well. To the types of word formation we can refer affixation, which includes inflexion and derivational affixes[1] and compound words. The example of affixation is the use of the suffix '*-ish*' in the word '*treasonish*' which was formed from '*treason*'. The meaning of the neologism is the following - *an unpunished crime of betraying one's country through espionage and alternative facts.* As for the compound words, they are formed by joining together two stems that exist separately in the language[2] as in the word '*Trumpcare*" (Trump + care) - *health care reform under Donald Trump*. There are also blend-neologisms, i.e. words formed by merging the sounds and meanings of two or more other words or word-parts like in the word '*Trumponomics*' **(**Trump + nomics) – part of the economics.

2. RESEARCH GOAL IS TO STUDY THE MAJOR METHODS OF NEOLOGISMS FORMATION

For better apprehension of different texts on juridical and political topics, we must understand how new words appear and what their meaning is. Thus, this can help us not only to grasp the essence of such articles better but also to translate them in a proper way.

3. ANALYSIS OF THE PROBLEM OF THE NEOLOGISMS TRANSLATING

The problem of neologisms' studying will always be topical. Many linguists consider that neologisms not only reflect the situation in the modern society, but also require a proper translation and only one equivalent in the Russian language. By studying and translating neologisms we also enrich Russian with new terms and word collocations like '*tweetplomacy*', '*tweetpolicy*' (твитполитика, твитпломация – активное использование политиками социальной сети для комментирования различных событий) or '*banana republicanism*' (банановый республиканизм – обозначает политический курс нынешнего президента США, который ,по мнению некоторых американцев, несет губительные последствия для страны).

4. CONCLUSION

In our research we have analysed 40 neologisms from the texts on juridical and political topics. It was found that 15 of them were translated into Russian with the help of loan-translation or calque, 10 - with the help of the equivalent selection, 9 - by finding functional analogues, and 2 neologisms were transliterated. That proves the fact that the

loan translation is one of the most popular ways of translating neologisms for better understanding by Russians.

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SHILEPINA I.

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THE DEATH PENALTY IN THE ENGLISH CRIMINAL LAW

1. INTRODUCTION

The present publication is devoted to issues of application of the death penalty in criminal law. Recently, consideration of this question receives special importance in the conditions of the modern democratic society.

2. RESEARCH GOAL

In this work, we will focus to application of this type of punishment in Great Britain. The purpose of this article is to analyze historical sources and publications in a faculty of the death penalty in the English criminal law to understand how this type of punishment is appropriate in the modern world.

3. DOCUMENTS REVIEW

Nowadays there are three theoretical positions in relation to a problem of such type of punishment as the death penalty. Some scientists and practitioners oppose entirely the application of the death penalty and for its immediate cancellation, explaining it with immorality and inexpediency of similar punishment. Others support the application of the death penalty, considering it not only as legal restriction, but also as physical extermination of the criminal which guarantees to society full safety against similar act of this person. Some others support this measure, calling for reduction of application and gradual abolition of the death penalty. All these opinions are rather competently proved, and the choice of the most correct approach to a problem of the death penalty seems to be difficult.

At the beginning of the XIX century England held the first place by the number of the crimes punished by the death penalty. According to Blekston, in his time the English laws knew up to 160 crimes which are laid over by the death penalty, and on the account of others, even in the first quarter of the XIX century, their number reached to 240, and on an equal basis with high treasons, with heavy infringement of the personality as murder, rape, with the same measure of punishment the law for threat in the letter, for a mutilation of animals, for forest felling, for theft from benches for the sum over 5 shillings, theft in church, at a fair for the sum over 1 shilling, theft of animals, etc. But, since the 1830s, owing to statutes of the Queen Victoria of 1837 and 1841, the number of the crimes punished by death started considerably to decrease, and

after the consolidated statutes of 1861 only remained to this group: infringement of the person of the queen and members of the reigning house; the revolt which is followed by violence, etc.; murder, the malicious drawing wounds which has lead to death; sea robbery and arson of docks and arsenals.

The analysis of the modern English legislation allows to distinguish the death penalty from the extensive list of different types of punishment. Nowadays, the death penalty is appointed for: "great treason" - treason to the sovereign or the state and assistance to the enemy; piracy interfaced to violence under the Law on piracy of 1837; for a number of serious military crimes in Great Britain. At the same time the death penalty cannot be reached for underage persons and pregnant women. Imprisonment can be for an indefinite time in the first case, but not lifelong; in the second case - a life imprisonment. During the last twenty years the death penalty for treason and piracy was not applied. There are no bases to consider that this measure will be applied in the future.

Hanging is a capital punishment in Great Britain. But unlike usual hanging when death is tread from asphyxia by compression by a loop of airways, in this country this act is carried out by means of "a long loop" - the way invented by the professor Hautton from Dublin. At hung up by means of "a long loop" there is a removal, a rupture of vertebras consequently comes immediate and painless death. Failure of this type of an execution is that this type of punishment is made directly by the person - the executioner, that has a character of revenge which is made by one person over another. During the modern period of development of the society it is absolutely unacceptable as the death penalty is first of all physical destruction, the guarantor of the fact that the person will not be able to commit heavy criminal action any more.

4. CONCLUSION

The death penalty is a most severe measure of punishment which is applied in such countries as the USA, Great Britain, Japan, etc. During the last 20 years the moratorium is imposed on this type of punishment in Russia. In the countries where the death penalty is applied, most of the lawyers deviate to opinion that it is necessary, but cannot be a continual type of punishment. Over a time it will be possible to carry out gradual transition from the death penalty to other, more humane types of punishment, but so far neither society, nor legislators, nor experts lawyers are ready to similar transition and the situation with crime does not give an opportunity for refusal of the death penalty as there is no more best protection of interests of the state, societies from heavy illegal infringements, than physical extermination of the criminal.

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INFLUENCE OF CODE NAPOLEON ON DEVELOPMENT OF CIVIL LAW OF SWITZERLAND

1. INTRODUCTION

The civil history of the state can undergo considerable and various changes under the influence of other countries. An example of such state is Switzerland which development was contributed by other states, and in particular, France and Napoleon's Code.

2. RESEARCH GOAL

The purpose of this study is to analyze the history of creation and development of the Swiss civil Code and to determine an impact of French legislation in codification of Swiss civil law. Particularly special attention is paid to the Napoleonic Code, on the basis of which the Swiss civil Code was developed.

3. ANALYSIS OF DEVELOPMENT OF SWISS CIVIL LAW

The first attempts to unify Helvetic law began in 1798 when 13 cantons of Switzerland constituting its territory were brought under control of France. Soon two drafts of the Civil Code of the Helvetic Republic were developed on the basis of French legislation [1].

In 1803 Switzerland received a new Constitution from Napoleon and became a federated state under the protectorate of France; at the time it consisted of 19 cantons, the legal regulation of which was carried out mainly in accordance with the provisions of the Code Napoleon. By the time of the collapse of the first French Empire, the Swiss Confederation consisted of 22 cantons, and each of them could define the law independently. As a result, the vast majority of cantons has decided to use the French model as a basis. Other cantons as, for example, the former Geneva republic and the Bernese Jura, have kept the Napoleon's Code and continued to apply its norms since annexation by France. In 1819 the Canton of Vaud located in the west of Switzerland accepted the civil Code which reflected the provisions and structure of the Code of Napoleon. Several years later the number of cantons increased therefore practically all western French-speaking and southern parts of Switzerland began using civil Codes drafted under the influence of the French Civil Code: in 1839 – Friburg, in 1853 – Valais, in 1854 – Neuchatel and in 1856 – Tesin.

By the end of the XIX century in Switzerland, the need arose in a single Code, which would unify the right 25 Autonomous territories. In this regard, the development of the Swiss Civil Code was assigned to Professor Eugene Huber (1849 – 1923) and continued for 12 years, from 1892 tol 1904, since before the beginning of work on the Code he conducted preliminary research and analysis of legal history of most Swiss cantons. As a basis for the new Civil Code of Switzerland the French civil Code was chosen because it was clear and reasonable and was already habitual to many Swisses. As a result, many institutes of French civil law and the majority of its private rules were implemented. As an example, Art. 1132 of the French Civil Code was transferred to

Art. 17 of the Civil Code of Switzerland and Art. 1382 and 1383 were reflected in the Swiss Civil Code [2].

Huber began the process of developing the Code with dividing the legislation of the Swiss cantons into four groups: the first included the rules of law based on the German legislation the second – on Austrian, the third included the norms in force in Zurich and the fourth – precepts of law of France which were applied in cantons earlier [3].

As a result, Huber's efforts were repaid, and the Code was highly estimated by jurists who described it as the modern and relevant normative document with short, simple and clear language. The Swiss Civil Code was adopted in November 10, 1907 and then came into force on January 1, 1912. In addition, at the same time, Virgil of Rossel Brenna and Bertoni published a translation of the Code into French and Italian, which also contributed to its spread and growth in popularity [4].

The Swiss Civil Code is based on the provisions and principles of the French and German Civil Codes. Primarily the Swiss Civil Code inherited the French form of the Code without the General part, the terminology and style of presentation of legal norms. Napoleon's Code also affected the norms of the Preliminary title and some other, such as the norms regulating property right, family and inheritance law.

At the moment the Swiss Civil Code, includes a Preliminary title and four parts and the Swiss Code of obligations, which is considered the fifth part [5].

4. CONCLUSION

It is possible to draw a conclusion that there were serious preconditions for expanding the impact of French law on the civil law of Switzerland. First of all, it was due to the fact that despite its flaws, the French law was still better developed than the laws of most other countries at that time. Further annexation of the Swiss Confederation by France, their territorial proximity and the works of French scholars and jurists contributed to the choice of the French law as a model for the formation and development of the Swiss civil law.

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SMETOV I.

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HISTORY OF THE FORMATION OF ENVIRONMENTAL LAW IN RUSSIA

1. INTRODUCTION

This publication is devoted to the development of environmental law in Russia. This topic is relevant because natural resources and minerals have always been an important part of Russian economy. Protection of natural resources and environment is an important part of policy of our country.

2. RESEARCH GOAL

The purpose of research is to study the stages of development of environmental law in Russia.

3. ANALYSIS OF STAGES OF FORMATION OF ENVIRONMENTAL LAW IN RUSSIA

Formation of environmental law has passed three stages: emergence and development of land law, development of environmental law in natural resource industries and modern stage of environmental law.

First of all, we need to understand what is environmental law and why it is necessary for our country. Environmental law is a system of legal norms that regulate environmental public relations in order to preserve and restore natural resources, ensure their rational use of nature, as well as ecological safety of a person and society.

The first stage covered the time from 1917 to 1968. It was time of creation of the foundation of land law. The second stage was held from 1968 to 1987. In this period legislative acts that involve environmental links of natural objects (Law on the Protection of Atmospheric Air, Law on the Use and Protection of Wildlife) were created. The third period began in 1988. In this period environmental law was recognized .All environmental relations were regulated

The most intense field was the development of land law, which differs from environmental law by the subject of its regulation. Land law regulates economic land relations. But this spheres have much in common. For example, the subject of land law includes relations, which regulates environmental management of the nature.

The subject of studying the history of environmental law in Russia is all the legal prerequisites of legislation that helped to create the current norms, principles and institutions of modern environmental law. Strengthening of state functions in the field of forest ownership can be observed in Russia in the late 19 century. Forestry Law and forest order provided for state interference to the rights of the owner of the land to prohibit uncontrolled use of forests, the right to seize land from violators of norms. The process of codification of natural resources began in the seventies of the twentieth century. The Land-Water and forest codes and RSFSR Russian Soviet Federative Socialist Republic subsoil code were adopted in the 80s.The most important events of that time were the adoption of two laws - The Russian Soviet Federative Socialist Republic law on the Protection and Use of Wildlife and the Law ofon the Protection of

Atmospheric Air. The result of the adoption of these acts was legal regulation of all environmental relations.

4. CONCLUSION

Based on analysis of the development of environmental law in Russia,we can conclude that environmental law has a long way of development from part of land law to an entire independent branch of law.

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EL ANÁLISIS COMPARATIVO DE LA TERMINOLOGÍA ESPAÑOLA Y LATINOAMERICANA EN MATERIA PENAL

1. INTRODUCCIÓN

No es un secreto que existen las diferencias entre el español de España y las variantes nacionales de ese idioma en América Latina. Además, cada parte de America Latina tiene su propio tipo de la lengua que se refleja en todos los ámbitos de la vida social y no sólo. En particular quierría plantear la cuestión (bastante curiosa en nuestra especialidad profesional) en cuanto a las distinciones en español jurídico Penal entre regiones por encima. Cabe notar que un número importante de juristas están confusos cuando afrontan a los diferentes equivalentes.

2. OBJETIVO DE LA INVESTIGACIÓN

El objetivo de artículo es examinar y recordar las diferencias gracias a los ejemplos siguientes que ayudarán a aportar luz sobre este tema.

3. LITERATURA/REVISIÓN DE FUENTES BIBLIOGRÁFICAS

Refiriéndose al fuente que representa un glosario de varios términos regionales se puede encontrar miles de equivalentes. Por ejemplo, la palabra española "prisión" tiene otras versiones. En Venezuela es "pran", en Peru – rio pero, Costa Rica –cholpa. La segunda palabra – asalto que en Rep. Dominicana es "atraco", en Colombia – vuelta. La tercera es "secuestro". En Peru la gente usa la forma apocopada de esa palabra “seco”, en México "plágio" o "levantón". Es más del uso peninsular la palabra soborno pero en Argentina se utiliza "coima", en Honduras – machaca y en Colombia – mordida. De manera similar se emplea el verbo "inculpar" en España cuando en Argentina usan "escrachar" y en Colombia "chiviar". El último ejemplo es el sustantivo "demencia" que tiene el homólogo "tocoquera" y "paisa" en Venezuela [1].

4. CONCLUSIONES

Considerando lo susodicho es imposible creer que no haya diferencias entre el español de España y las variantes nacionales de ese idioma en América Latina. Por el contrario existe un montón de buenas pruebas a favor de variaciones de español en las partes del mundo. A causa de estos cambios históricos de lengua hay distinciones en particular y en la traducción jurídica también. En nuestro caso es el vocabulario Penal. Evidentemente cualquier jurista no tiene que estar verde y no perder el control cuando enfrenta tales homólogos. Para evitar los fracasos es necesario buscar información y

adquirir nuevos conocimientos ampliando su glosario. Hablando de terminología Penal puede afirmarse que más de un tercio de significados idénticos de palabras tiene distinta ortografía. En fin me gustaría aconsejar a todos a profundizar sus conocimientos en la materia de la traducción jurídica y descubrir las cosas y lagunas desconocidas.

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SONIA C. M.

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THE PROBLEM OF SETTLING TERRITORIAL DISPUTES BETWEEN BOLIVIA AND CHILE

1. INTRODUCTION

As a consequence of the Chilean invasion on 14 February 1879 and the subsequent loss of its coastal territory, Bolivia ceased to be a coastal state without any major constraints to directly communicate with the rest of the world.

This situation has a series of negative implications for its economic and social development. Aside from having lost a territory of approximately 120,000 square kilometers, Bolivia was deprived of the natural resources in that territory and the adjacent coastal area.

The Bolivian coastal territory of Atacama was richening guano and saltpeter deposits. Guano became an important commercial product thanks to its qualities as a natural fertilizer. The boom in guano exploitation lasted approximately until the late 19th century, when it was replaced by saltpeter during the industrial revolution.

As a result of Chile annexing the Bolivian coastal territory and Peru's southern departments, Chile rapidly became the first world producer of saltpeter, monopolizing the exploitation and trade of this mineral over the following forty years. This situation enabled Chile to multiply its revenues and lay the foundations for its subsequent economic development and political consolidation.

2. RESEARCH GOAL

The purpose of the research is a comprehensive analysis of the dispute with Chile about the loss of the maritime territory of Bolivia as a category of international law, as well as its components.

The circumstances of the historical context as an element of the loss of marine territory, its concept, legal status, causes, types and distinctive characteristics of each individual part of the international conflict.

3. ANALYSIS

When Bolivia achieved independence in 1825, it owned a seacoast of about four hundred kilometers on the Pacific Ocean. However, fifty-four years after, in 1879, Chile invaded and took Bolivia´s Department of Litoral by force, depriving Bolivia of its sovereign access to the sea and seizing a territory of around 120.000 square kilometers.

None of the international controversies or warlike conflagrations that Bolivia has faced throughout the course of its history has caused such a significant loss as that brought about by the War of the Pacific as it deprived Bolivia of its maritime sovereignty and prevented it from exerting its presence in the Pacific Ocean; an essential geopolitical and economic scenario.

Chile is aware of the damage it has caused and it has repeatedly acknowledged that Bolivia cannot remain indefinitely cloistered. Consistently, by way of agreements and its unilateral declarations, Chile has undertaken the obligation to negotiate with Bolivia on its sovereign access to the Pacific Ocean.

Given this fact, Bolivia realizes the need to use the mechanisms for peaceful settlement of international controversies provided by International Law and has applied to the International Court of Justice in order to find a solution to this more than centenary issue.

Bolivia has constantly expressed its readiness to engage into negotiations in good faith with Chile and it hopes that all nations of the world will support it in its effort to overcome the last remaining obstacle that hampers the integration process in South America.

4. CONCLUSION

Bolivia is convinced that the best way to face the XXI century with a clean look and to eradicate the ghosts of the past is to solve the issue of cloistering through sovereign access to the sea.

It is for this reason that Bolivia has decided to go to the highest international court to resolve this dispute in peace and through international law.

Chile and Bolivia undoubtedly have the challenge of constructing future relations, resolving the pending issues of the XX century, to enter the XXI century.

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THE LEGAL STATUS OF LABOR MIGRANTS IN NORWAY

1. INTRODUCTION

This publication is devoted to analysis of labor immigration into Norway. Thanks to the high living standards of the population, availability of jobs and developed system of

integration into the Norwegian society Norway for many years remains one of the most attractive countries for labor migrants.

2. RESEARCH GOAL

The purpose of this work is to study the fundamentals of Migration Law and Employment Law of Norway, which regulate the rights and obligations of migrants.

3. ANALYSIS OF MIGRATION LAW AND EMPLOYMENT LAW OF NORWAY

In Norway, about 14 percent of the population is migrants. They came to the country for various reasons: family, job search, studying, refugee. 32 percent of all migrants are labor migrants. [1] This is due, first of all, to the fact that indigenous population of Norway is small and consequently the country needs some workforce.

Immigration policy of Norway is regulated by Immigration Act of 1988. This law provides reception of immigrants in a limited and regulated manner. In January 200, the Migration Law was amended to simplify the recruiting of workforce from countries, which are not part of the European Union, what significantly increased the total number of foreign workers.

There are several categories of labor migrants. The first category is foreign workers with special qualifications. They can be recruited as specialists, but this requires an employer's invitation and a special procedure confirming that this specialist is necessary. Then he gets a work permit for one year, which can be prolonged. After 3 years of work, a specialist has the right to obtain a residence permit, what allow him to work anywhere in the country. [2]

Another situation is with the second category, when workers are engaged in seasonal activities. To get permit for this type of activity is relatively simply than a specialist, because work in oil and gas industry and fisheries does not require high qualification and are not in demand among the local population. In contrast to the first category, this permit is issued for 3 months.

Labor relations between employees and employer are regulated by Working Environment Act (WEA) of 2006, with subsequent amendments. This law applies to both Norwegian citizens and foreigners. The law contains numerous articles concerning the responsibilities of the employer and employee, working time, protecting from discrimination, etc. Also there is a labor protection inspection in which an employee can ask for help if his rights are not respected by the employer.

When an organization takes an employee, it must ensure him with a special identity card (ID-Kort). These identity cards must make the process of identification of an employee easier and reduce the number of crimes with forged documents.

The employment rate among migrants in Norway is 71 percent. Immigrants in Norway also earn more than their Scandinavian counterparts. [3].

4. CONCLUSION

Based on this analysis, a conclusion can be made that despite the high percent of employed immigrants, the Norwegian government is serious about the selection of migrant workers and by this it carries out an external migration policy without prejudice to internal interests, and ensures stable economic growth.

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CASE LAW IN THE RUSSIAN FEDERATION

1. INTRODUCTION

Case law is a legal system where the main source of law is the judicial precedent. Judicial precedent means the process whereby judges follow previously decided cases where the facts are of sufficient similarity. Case law is used in the countries with the Anglo – Saxon legal system such as England, the USA and so on. However, case law exists in Russia, too, but it is not fixed officially. Some Russian lawyers believe that the judicial precedent is also a source of law in Russia.

2. RESEARCH GOAL

In this article we will try to understand the history of case law and try to prove that Russia has such a source of law as a judicial precedent.

3. LITERARTURE REVIEW

A precedent has been considered as a source of law for a long time. In ancient states (Ancient Egypt, Babylon) the judicial precedent was the basis for the first written compilations of laws. In ancient Rome, the edicts and decisions of praetors and magistrates were precedents.

Classic case law developed in England. In the XIV – XV centuries the Royal courts made decisions in the cases which became the court orders. The orders became part of the English common law. So, the case law system is the basis of the Anglo-Saxon legal doctrine.

Does the judicial precedent exist in Russia? Today, lawyers attribute the Russian Federation to the Romano-Germanic (continental) family. This legal system implies that the judicial precedent is not important and it is not a source of law. However, the decision of the Constitutional court has the leading force. These decisions become effective immediately after the publication. The regional courts refer to the decisions of the higher courts. These facts indicate that case law exists in Russia.

So, as you can see case law is not official in Russia, but all courts follow the decisions of the higher authorities. I think we can say that the judicial precedent exists in the Russian Federation, at least nominally.

4. CONCLUSION

Summing up, the precedent is not an official source of law in Russia, although the decisions of the higher courts are always used by other courts when they resolve

disputes. A lot of Russian lawyers believe the judicial precedent could become an independent source of law. In my opinion, the judicial precedent is the best source of law and I think that it must be an official source of law in Russia despite belonging to another legal system.

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VERBRAUCHERSCHUTZ IN DEUTSCHLAND

1. EINLEITUNG

Dieser Artikel ist dem gesetzlichen Verbraucherschutz in Deutschland gewidmet. Die modernen Formen des Vertriebs von Waren und Dienstleistungen bergen die Gefahr, dass der Verbraucher bereits bei Abschluss des Vertrages überrumpelt bzw. nicht hinreichend über Inhalt und Bedeutung des Vertrages informiert wird. Deshalb steht dem Verbraucher bei besonderen Vertriebsformen, d.h. bei außerhalb von Geschäftsräumen geschlossenen Verbraucherverträgen („Haustürgeschäft“) und bei Fernabsatzverträgen grundsätzlich ein Widerrufsrecht zu (§ 312g BGB).

2. ZIEL DER FORSCHUNG

Der Zweck dieses Artikels besteht darin, dem Verbraucher zu erklären, wie und in welchen Fällen er sein Widerrufsrecht geltend machen kann.

Es ist kein Hehl, dass ein Verbraucher immer eine schwächere Seite in den Beziehungen zu den Verkäufern ist. Deswegen werden seine Rechte im Gesetz verankert und auf diese Weise geschützt. Der Artikel erläutert die Arten der Verträge, die der Verbraucher widerrufen kann, auch die Besonderheiten, die dabei entstehen. Er gibt die Liste der Waren, die das Widerrufsrecht nicht umfasst (z.B. Gesundheits- und Hygieneartikel, untrennbar vermischte Waren, Software, Zeitungen und Zeitschriften usw.), die Fristen für den Widerruf und das Erlöschen des Widerrufsrechts, die Form der Widerrufserklärung. Dabei wird auch die Rechtsfolgen eines Widerrufs erklärt, wie er die Leistung beeinflusst, welche Schritte unternommen werden müssen von dem Verkäufer. Hier werden die Rechte und die Pflichten beider Seiten (des Käufers und des Verkäufers) besprochen. Auch die Fragen der Verantwortung werden betroffen: wer die Kosten und die Gefahr eines Verlustes trägt, wer für die Beförderung haftet.

Dieser Artikel gibt eine erschöpfende Vorstellung, wie ein Verbraucher seine Rechte schützen kann.

3. LITERATUR – UND DOKUMENTENÜBERSICHT

Widerrufsrechte des Verbrauchers sind vornehmlich im Bürgerlichen Gesetzbuch (BGB) geregelt. Die Vorschriften über den Widerruf von Verbraucherverträgen beruhen auf zahlreichen EU-Richtlinien, etwa der Verbraucherrechterichtlinie

(Richtlinie 2011/83/EU des Europäischen Parlaments und des Rates vom 25. Oktober 2011). Sie erfassen nicht alle Verbraucherverträge, sondern nur solche, bei denen ein besonderes Schutzbedürfnis des Verbrauchers besteht.

4. SCHLUSSFOLGERUNG

Das Ziel vom Verbraucherschutz ist es, das Ungleichgewicht zwischen den verschiedenen Parteien zu mindern. Der Verbraucher soll dazu befähigt werden, eine möglichst rationale Entscheidung zu treffen. Außerdem dient das Verbraucherrecht dem Schutz vor Ausbeutung und Betrug. Maßgeblich ist aber die Vorstellung der Schwäche des Verbrauchers gegenüber mächtigen Konzernen oder Unternehmen.

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THE DIPLOMATIC DISCOURSE FEATURES IN LEGAL DOCUMENTS OF THE UN

1. INTRODUCTION

The present article is devoted to considerate the functions of a diplomatic discourse, its language features on the example of documents which are sources of International law. For modern diplomacy, studying and using language meanings plays a key role, in many cases the success of diplomatic negotiations depends on it, also the international interaction is supported because of it.

2. RESEARCH GOAL

The main goal of this article is to identify the discursive features on the example of the International documents of the UN. The subject of research are the features that are related to diplomatic communication.

3. DOCUMENTS REVIEW OF DISCOURSE USING

The diplomatic discourse is a type of tool for information transfer during diplomatic communication. Carrying out a successful foreign policy is an important function of discourse. For discourse not only oral speech, but also written forms are very important. On the example of the international organization, the UN, which activities are, carried out by means of both oral negotiations and written documents, we will consider a discourse in a written form. The diplomatic discourse and discourse of documents of the UN have a variety of common features at the lexical level: enormous using the collective nouns: "assembly", "authority", "government". Often in the text various clichés are used: "high contracting parties", "on behalf and instruction", "I beg to inform, I have "the privilege to introduce", ambassador presents his compliments". In the majority of documents of the UN among nouns, "state" as the UN consists only of a certain number of the states is on the first place, and all documents of the organization extend to them.

The use of a synonymous number of verbs is frequent. For example, to ensure, to protect, and to secure. *To protect* and *to secure* are full synonyms, but *to secure* can be used in a certain context. It means that these verbs are interchangeable. Participles play an important role in documents of the UN as they do the text laconic, adding the sequence. Such participles, as "directed", "being", are used for transferring of the

relations between terms and provisions. The most often used are these: including, ensuring, taking (into consideration), increasing, which come at the beginning of each paragraph and serve as a parenthesis, for connection of paragraphs. Also, as well as with verbs, use of synonymous participles is allowed: "following", "affecting". Participles of the second form are often used as definition in a postposition, for huge detailing and statement. The most often found participles: United — the name of the United Nations, aimed — explains the purposes and mission of the taken actions, "connected, based/related/noted" — the contextual synonyms performing the same function and bearing the same value.

4. CONCLUSION

Thus, it is possible to draw a conclusion that the English texts of the UN documents are characterized by the huge use of nouns, verbs and verbal forms. The relations of a modality are transferred by means of modal verbs, a subject - the rheme relations are transferred by means of impersonal forms of a verb, such as participles. The translation is often applied by dictionary compliance, but also omissions, grammatical replacements, additions, contextual replacement and conversion take place.

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LEGAL REGULATION OF LENDING TO SMALL BUSINESS

1. INTRODUCTION

Toda in Russia, the problems associated with the significant lag in the legal regulation of the credit and financial system from the requirements of a modern market economy come to the fore. In these conditions, the problem of limited access of small businesses to borrowed money is due to the fact that lending to small businesses is characterized by the lack of effective legal mechanisms that guarantee the implementation of the property interests of participants in loan transactions. Consequently, the development of small business institutions is one of the most important areas of economic policy of modern Russia. Obviously, further development of small business in modern Russia is impossible without improving the regulatory framework governing the procedure for providing small business entities with accessible borrowed funds.

2. RESEARCH GOAL

The subject of the study are legal relations in the sphere of bank crediting of small business entities. The purpose of the research is to develop on the basis of a comprehensive analysis of the existing legislative framework, business and judicial practice provisions aimed at improving the legal regulation of small business lending in modern Russia.

3. LITERARTURE REVIEW

The theoretical basis of the research was the works of legal scholars and economists. The legal base of this research were the provisions of the Constitution, civil, banking, business and other fields of law.

One of the main reasons why small business entities do not turn to the bank for borrowed funds is high interest rates. During the financial crisis, the sphere of small business lending has significantly decreased. The limited supply of loans for small businesses and the lack of a competitive market for lending services lead to the preservation of high interest rates.

The interest rates offered by banks on loan agreements in fact correspond to the maximum profitability of small enterprises, which does not allow them to use this service. Recently, there has been a trend towards the development of unsecured bank lending to small business entities. Consequently, small business entities in certain cases can expect to receive unsecured loans in the bank.

It seems that this problem will be solved by developing microcredit. The advantage of microcredits is the following: the provision of a minimum package of documents, the possibility of obtaining a loan in cash or cashless, with or without a guarantee, a decision period of up to two days. A serious problem for small business is that loans in Russian banks are issued for a short period of time. Thus, for the development of bank lending, liberalization of the requirements for the formation of reserves when lending to small businesses is necessary.

4. CONCLUSION

The peculiarity of the loan agreement with the participation of small and entrepreneurs is its subject composition: one party to such an agreement (creditor) is a bank or other credit institution that has an appropriate license and the other - only legal entities or individual entrepreneurs, which in accordance with the current legislation have the status of small business entities.

The current regulatory legal acts in the field of bank lending to small businesses are currently unable to solve the problem of lending to an entrepreneurial initiative (so-called start-up lending). To solve this problem, an integrated approach is needed to create a legal mechanism that facilitates the development of this area of small business lending.

In recent years, a number of regulatory and legal acts aimed at the development of microfinance and microcredit have been adopted in Russia, which requires a comprehensive study of the legal norms contained in them in relation to financing and lending to small businesses.

The above circumstances indicate the growing relevance of issues of legal regulation of small-scale lending in modern Russia and attracted attention to this issue.

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THE RIGHT TO BEAR ARMS: A NECESSITY OR A REMNANT OF THE PAST?

1. INTRODUCTION

Today in the US, murders using firearms are the second cause of death among young people under the age of nineteen and the first cause among black youth. Every day 13 children die from firearms. Therefore, reducing the number of crimes committed with the use of guns is one of the topical problems of the United States. [1] After the tragic events in Las Vegas, questions about the second amendment to the US Constitution and gun control again divided the country into two parts.

2. RESEARCH GOAL

To study the views on the second amendment and the ways it is interpreted; to analyze the opinions on the right to arms in other countries; to answer the question: should an ordinary citizen of a democratic country have the right to a weapon?

3. ANALYSIS OF THE PROBLEM

To date, out of approximately 200 constitutions in force in the world, three documents still include the right to bear arms: Guatemala, Mexico and the United States Constitutions. And out of these three, only the latter does not include explicit restrictive conditions. [2]

Every mass shooting in the US is accompanied by fierce disputes between opponents and supporters of the 2nd amendment to the US Constitution, guaranteeing the citizens the right to freely carry and store weapons. The main opponents to restrictive measures are the National Rifle Association (NRA) and the Republicans. The Democrats, on the contrary, oppose the rifle lobby. This is one of the issues on which the US society is split roughly in half. According to Pew Research Center polls in 2017, 47% of Americans oppose restrictions on the right ‘to bear arms’, 51% vote for such restrictions. [3]

The 2nd amendment right to store and carry weapons provides for realizing the people's right to insurrection, mentioned in the Declaration of Independence, if the US government grossly violates the rights of Americans and the Constitution. Then the government would have armed forces against the unarmed population. So, the founding fathers equalized the chances. But more than 200 years have passed. Does America need this amendment now? Barack Obama took steps to control the weapons, but found no support from the people as they believe that such control restricts their rights, which is unacceptable in a free America.

In 43 states the acquisition of guns does not require a license or registration. 18 states do not set a minimum age for firearms possession: a baby can technically have a gun). [4] On the other hand, many famous Americans discuss the 2nd amendment repeal in their social networks. Citizens support them with different comments. As for the current US president, he avoids addressing this issue. [5]

4. CONCLUSION

In my opinion, the issue of introducing arms control should not be postponed. The society understands the problem and is ready to solve it. The president will not be able to play in silence for a long time, he will have to answer. The tragic events in Las Vegas can happen again at any time.

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E-COMMERCE IN DEUTSCHLAND

1. EINLEITUNG

Dieser Artikel ist der Entwicklung vom E-Commerce in Deutschland gewidmet. E-Commerce ist der Wachstumsmotor in der Handelslandschaft. Der Handelsumsatz mit Waren und Gütern über Vertriebswege des Fernabsatzes (Internet, Katalog, TV) erreicht längst einen Anteil von deutlich über 12% am gesamten Einzelhandelsumsatz. Ein erhebliches weiteres Anwachsen wird erwartet.

2. ZIEL DER FORSCHUNG

Der Zweck dieses Artikels besteht darin, die wachsende Popularität solcher Arten des Handels zu erklären, rechtliche Probleme zu betonen und Perspektive der Entwicklung zu bestimmen.

Der Schwerpunkt der Regelung des E-Commerce ist der Schutz der Rechte von Verbrauchern, obwohl die zunehmende Ausrichtung auf den „schwachen“ Verbraucher die Entwicklungen im Onlinehandel bremst. Onlineverkäufer werden im Vergleich zu den gewöhnlichen Verkäufern diskriminiert: Onlineverkäufer haben mehr Informationen über ihre Waren den Verbrauchern vorzulegen. Die Situation erschwert die Politik des so sogenannten „Nudgings“: das „Nudging“ ist eine Methode, mit der das Verhalten von Menschen auf systematische und vorhersagbare Weise beeinflusst wird, und zwar, Verbraucher sollen sich „eigenständig“ für nachhaltigen, gesunden und umweltfreundlichen Konsum entscheiden. Eine solche vermeintlich gutgemeinte Steuerung des Verbraucherverhaltens nach politisch vorgegebenen Kriterien ist

wirklich nicht im Interesse der Verbraucher. Die Frage der Einführung des prozessualen Instruments der Sammelklage in diesem Bereich ist sehr umstritten. In anderen Staaten existieren vergleichbare Instrumente, aber in Deutschland könnte das zu einer unverhältnismäßigen und nicht mehr kalkulierbaren Belastung der Wirtschaft führen und würde daher abgelehnt (in Deutschland existieren solche Mechanismen wie Individualklage, Verbandsklage, Sammelklage, verbraucher- und wettbewerbrechtliche Abmahnung, behördliche Aufsicht). Akut ernsthaft stehen auch die Fragen des Datenschutzes. In der Informationsgesellschaft kann maximaler Datenschutz nicht durch eine größtmögliche Reduktion der Datennutzung erreicht werden. Zugunsten der deutschen und europäischen E-Commerce-Wirtschaft wurden Änderungen in die Europäische Datenschutzgrundverordnung aufgenommen, wie: Weiterverarbeitungsbefugnisse und die Anerkennung von Marketingaktivitäten.

3. LITERATUR – UND DOKUMENTENÜBERSICHT

Die Kernfragen der Entwicklung vom E-Commerce in der EU und in Deutschland (wie Informationspflichten, Vertragsschluss, Klagemöglichkeiten, Zusammenarbeit der Staaten usw.) werden in der Richtlinie 2000/31/EG vom 8. Juni 2000 über bestimmte rechtliche Aspekte der Dienste der Informationsgesellschaft, insbesondere des elektronischen Geschäftsverkehrs, im Binnenmarkt verankert.

In Deutschland beschäftigt sich der Bundesverband E-Commerce und Versandhandel Deutschland e.V. (bevh) mit den Perspektiven vom E-Commerce und veröffentlicht jährlich seine Agenda.

4. SCHLUSSFOLGERUNG

Der E-Commerce hat viele Vorteile für die Menschen, die nicht viel Freizeit haben oder etwas Besonderes kaufen wollen, was nicht so einfach zu finden ist. Der Zugang zum Internet und zu Angeboten im E-Commerce erleichtert das Leben und erhöht die Lebensqualität. Die Lösung der rechtlichen Fragen wird den E-Commerce hochbringen.

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DEATH PENALTY: STOP THE VIOLENCE

1. INTRODUCTION

Out into practice a death penalty or not to do it is a long-term problem. It is still extended one and it is of a debating nature. The author's point of view follows from the title of the article, so the author is aiming to bring her own arguments made in the process of modern scientific literature analyzing. The current picture looks woefully: increases in the growth of crime, the number of «vacancies» in prison increasing, the lion's share of the national budget is deducted for the maintenance of criminals in prison. The question arises: Why don’t the states use their budget for medicine and education development? If the legislator imposes the death penalty, will it be improvements? After all, in this case, the need to finance such a large number of prisons, a proactive law function will be performed more efficiently and the crime rate will probably decrease.

2. RESEARCH GOAL

The main goal of this research is to analyze the negative aspects of death penalty use. It should also be determined if there are situations when it is necessary to apply capital punishment.

3. ANALYSIS OF THE PROBLEM

The death penalty was known since ancient times. It took charge whenever someone was against the government or talion principle. Nowadays the death penalty is only used in some countries. During the XX-XIX centuries a group of countries started to create unions between them. In order to become a member of those unions the countries had to exclude the death penalty from their constitutions. One of these nations was European Nation (непонятная нация, народ, страна) part of which became Russia on 28th of February 1996. The 30th of March 1998 Russia recognized the European nation order for the protection of the human rights, where it was written that countries which were part of the union, had to exclude the death penalty from their constitutions. Though in countries such as the USA and China the death penalty is still legal penalty.

There are several reasons why the death penalty has to be excluded from constitutions.

Firstly, there is no such ideal of governance they can operate in the governments without mistakes. According to the statistics in the United States of America the death penalty is used in only 0.06% of the cases.

Secondly, when it comes to death penalty we forget about the people who will execute it, the images they have to see during and after that. Even though the execution may not include physical commitment, the action itself contains negative potential enough to affect on the psychology of the person that will take the charge of the execution. Furthermore this can affect in a negative way in the society making death look like a normal action,

Thirdly, as Martin Luther King said: “Violence begets violence”. There are supporters of this theory who thinks that using the death penalty will stimulate heavy crime. Lastly, when imposing the death penalty, the legislator will need to outline the range of crimes for which it should be applied. There is a risk that one day the edges of this circle will begin to wear off.

4. CONCLUSION

However, we suppose that the death penalty is inadmissible in peacetime because the right to life is the natural constitutional right of any person and is recognized as the highest value. So the government has to improve the judicial system to reduce the number of judicial errors and to find more humane way of redemption by criminals of their guilt.

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EL DERECHO AL OCIO Y DESCANSO: LA INFLUENCIA DE LOS MEDIOS DE COMUNICACION EN LA ESFERA TURÍSTICA

1. INTRODUCCIÓN

El turismo colabora activamente con las esferas de la cultura, la educación, la enseñanza, el ocio, los medios de comunicación. Naturales son la aspiración de las personas a la cultura, el ansia de adquirir conocimientos nuevos, el deseo de viajar y organizar cualitativamente las vacaciones. El derecho al ocio está consagrado en la mayoría de las constituciones vigentes. El crecimiento de la demanda referente a la calidad del descanso condiciona el surgimiento y desarrollo de temáticas presentadas por la radio y televisión en los programas de turismo, capaces de jugar uno de los papeles importantes en conceptualización del ocio en general, así como en el desarrollo de las actividades recreativas debido a la capacidad de la principal manera de influir en la elección de un lugar de vacaciones, tratamiento de la salud y el entretenimiento.

2. OBJETIVO DE INVESTIGACIÓN

El objetivo de este trabajo es analizar de qué manera los medios de comunicación pueden ayudar en el desarrollo del turismo, fomentar los derechos de los ciudadanos al descanso de alta calidad operjudicar los mismos.

3. REVISIÓN DE FUENTES BIBLIOGRÁFICAS

Los medios de comunicación tienen un fuerte impacto en la opinión pública. Consideramos indiscutible su influencia en el desarrollo del turismo en particular. A todos los turistas extranjeros en el mundo entero ejerce una fuerte influencia lo que ellos leen, ven o escuchan sobre cierto país, región, comunidad, sobre peculiaridades y condiciones de un determinado objeto turístico. Es de subrayar, además, el intenso desarrollo del mercado on-line, altamente competetivo hoy [1]. Los consumidores estudian oportunidades turísticas basándose en los medios de comunicación, con el fin de obtener información, que en parte determina sus decisiones en cuanto al viaje. Los medios de comunicación importantes para el turismo incluyen la prensa dedicada a la industria del turismo, ediciones y materiales periodísticos dedicados a las atracciones turísticas, publicaciones en los principales periódicos y revistas especializadas prvenientes de las empresas correspondientes, opiniones expresadas por los usuarios en las redes sociales [2].

En cuanto a la importancia de los medios de comunicación para el turismo mundial, cabe destacar que ésta consiste en lo siguiente: el mejoramiento de la situación económica de la región y la atracción de inversiones; el aumento del número de los puestos de trabajo [3]; el crecimiento de la actividad física de los niños como resultado de las prácticas de turismo infantil y juvenil; promoción del modo de vida saludable por campañas de publicidad, reportajes sobre actividades y eventos deportivos, por nuevos tipos y especies de turismo (campadas); la circulación de bienes y servicios; la posibilidad de informar a cada miembro de la sociedad acerca del funcionamineto de cierto sector del turismo y el sistema de servicios turísticos en su totalidad [4].

4. CONCLUSIÓNES

Por lo tanto, se puede concluir que los medios de comunicación del sector turístico son un potente instrumento con el que se han alcanzado muchos objetivos pragmáticos y se resuelven tareas de la propagación del turismo mundial. Es por eso que la Organización Mundial del Turismo (OMT) ha prestado especial atención a los procesos de interacción de los medios de comunicación y del sector del turismo, ya que los resultados de tal interacción pueden tener efectos positivos en el desarrollo del turismo y en el mejoramiento de la calidad de vida de cada uno de nosotros.

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LA POLÍTICA ANTITERRORISTA DE ESPAÑA

1. INTRODUCCIÓN

Este artículo se dedica, en mi opinión, a uno de los problemas más importantes y serios en la actualidad - al problema de la lucha contra los actos de terrorismo. Creo que para nadie es ningún secreto, que en los últimos tiempos el número de los atentados se aumentó. Por ese motivo la situación mundial está lejos de ser tranquila. La política antiterrorista en cada país es diferente. En el marco de presente artículo analizaremos la política antiterrorista de España.

2. EL OBJETIVO DE LA INVESTIGACIÓN

El objetivo de este trabajo consiste en determinar existencia de las modificaciones en la política antiterrorista de España después del agosto de 2017.

3. REVISIÓN DE FUENTES BIBLIOGRÅFICAS

Hace poco tiempo, el 17 de agosto de 2017 en el centro de Barcelona en la calle Rambla ocurrió un nuevo atentado. Una furgoneta se lanzó contra los centenares de personas que se encontraban en La Rambla [1]. En cuánto se sabe, 13 personas murieron, más de 190 resultaron heridos. Antes de este terrible suceso, España llevaba una política de "no intervención" en la lucha contra las fuerzas terroristas de la "yihad".

Regresemos un poco en el pasado. En 2004 en España hubo una serie de explosiones en la estación de tren de Madrid y en los trenes de pasajeros. 191 personas murieron y casi 2 mil habían sido heridos. Pero por algún motivo el gobierno del estreno de José María Aznar decidió presentar este problema como algo interno, sin considerarlo como un suceso de extrema gravidad internacional. El gobernante Partido Popular acusó en

delito a los radicales de la organización terrorista nacionalista vasca ETA, pero el atentado ocurrió no por la culpa de los vascos, sino justamente por el hecho de que Aznar prestó un apoyo demasiado activo a la "guerra contra el terror" llevada por Los Estados Unidos.

Durante las elecciones parlamentarias en el país Aznar perdió su cargo y ganó el Partido Socialista, un Partido de la oposición. Las nuevas autoridades de España realizaron una serie de reformas destinadas a la lucha contra el terrorismo: fueron expulsados muchas personas sospechadas de los vínculos con los terroristas, fueron arrestados los ciudadanos que habían luchado en Irak y Siria al lado de los islamistas radicales, también se introdujeron las herramientas para la detección de explosivos en cinco de los principales aeropuertos de España, y etc.

Todas las medidas mencionadas en conjunto con la política de "no intervención" en la lucha contra el terror dieron resultados tangibles. Los últimos 13 años para España fueron tranquilos y pacíficos, no ha pasado ni un solo atentado. Sin embargo, los eventos que ocurrieron en Barcelona el 17 de agosto de 2017, obligan al primer ministro Rajoy cambiar la estrategia antiterrorista.

De ese modo, es necesario que España modifique radicalmente la legislación en la materia de la seguridad nacional.

El primer ministro de España ya ha prometido recurrir a los partidos políticos del país, para modificar el pacto estatal antiterrorista [2], el cual, según sus palabras, no funciona hoy. Se trata del documento, que fue firmado en 2015 entre el gobernante partido popular y los socialistas - la principal fuerza oposicionista del país.

En Rusia, por ejemplo, en 2006 fue adoptada la Ley Federativa «De contrarrestar el terrorismo» [3], el principio fundamental del cual consiste en: la lucha contra el terrorismo, la prevención del terrorismo, y también las bases jurídicas de la participación de Las Fuerzas Armadas de la Federación Rusa contra el terrorismo.

Rusia lucha activamente contra el terrorismo, tanto en su territorio, así como en los territorios de otros estados, tomando parte en la lucha internacional de la erradicación de las células terroristas.

4. CONCLUSIÓNES

Por lo tanto, se puede concluir que España tiene que participar más activamente en la lucha mundial contra el terrorismo, ya que dispone de los especialistas calificados en esta esfera, con la ayuda de los cuales la lucha mundial contra el terrorismo será mucho más efectiva.

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HOMICIDE CLASSIFICATION IN THE US CRIMINAL LAW

1. INTRODUCTION

Specific nature of the US legislation leads to the peculiar classification of the offences in the criminal law. Sometimes diversified categorization of crimes results in complicated determination of the type of a particular crime. Homicide classification is not an exception for that matter.

2. RESEARCH GOAL

The article aims to analyze US homicide classification and to find out the elements essential to each type of homicide to dispel the confusion between the terms "homicide", "murder" and "manslaughter". The research also purports to highlight the differences in punishments for each of these crimes.

3. LITERARTURE REVIEW

"The Free Legal Dictionary" by Farlex defines homicide as the killing of one human being by another human being [1]. USLegal Dictionary gives a more detailed definition of this term: "Homicide is the killing of a human being due to the act or failure to act of another" [2]. Title 18 of the US Code gives the legal classification of the homicide actions in the USA.

The first type of homicide given by 18 USC § 1111 is murder. "Murder is the unlawful killing of a human being with malice aforethought" [3]. This crime is subdivided into 2 degrees: first-degree murder (also called Capital Murder) and second-degree murder.

Murder in the first degree is the most serious of all homicide charges. It always requires malice and planning. In accordance with 18 USC § 1111(a), "every murder perpetrated by poison, lying in wait, or any other kind of willful, deliberate, malicious, and premeditated killing; or committed in the perpetration of, or attempt to perpetrate, [any felony]" [3] is recognized as murder in the first degree. The sentencing table of the US sentencing guidelines provides for mandatory sentencing as a death penalty or life imprisonment without parole for murder in the first degree. [4]

Any other murder should be recognized as the murder in the second degree. It requires punishment up to 293 months of imprisonment if a person has clean record and from 360 months to life with serious past offenses. [4]

Another type of the homicide in the US criminal law is manslaughter which is the unlawful killing of a human being without malice. Manslaughter is subdivided into 2 kinds: voluntary and involuntary.

Voluntary manslaughter is a homicide upon a sudden quarrel or in the heat of passion. The punishment for a voluntary manslaughter provided by US sentencing table is from 87-108 months of imprisonment with a clear "criminal history" to 151-188 months with bad criminal reputation.

A manslaughter is recognized as involuntary in the commission of an unlawful act not amounting to a felony, or in the commission in an unlawful manner, or without due caution and circumspection, of a lawful act which might produce death. Minimum

sentence for committing an involuntary manslaughter is 10 months of imprisonment; maximum penalty is 8-year-imprisonment.

4 CONCLUSION

US criminal legislation establishes clear classification of homicide actions and punishments for them. These features help the state to regulate public relations in criminal matters.

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FEDERAL AND STATE LAWS COLLISION: SANCTUARY CITIES

1. INTRODUCTION

The term "a sanctuary city" firstly appeared in the USA in 1979. "A sanctuary city" means a city that does not permit municipal funds or resources to be applied in furtherance of enforcement of federal immigration laws. But the problem is that, firstly, the word "sanctuary city" has no legal meaning and, secondly, the phenomenon itself is not supported by American federal government. [1]

2. RESEARCH GOAL

This research aims at analyzing a "sanctuary cities" phenomenon and the most essential concerns, connected with such cities.

3. LITERARTURE REVIEW

In the USA all illegal immigrants should be deported according to the federal law. Many illegal immigrants from South America get a foothold in the Sothern part of the US and, as a rule, much crime is connected with these people. Very often witnesses cannot say anything about crimes or offenders because they are afraid of being deported. So local authorities decided not to enforce the federal immigration law and local police stopped requesting information about a person's immigration status. These steps influence immigrants' trust to the police and it got an opportunity to investigate crimes more effectively. Thus, sanctuary cities appeared.

There are sanctuary cities by law (de jure) or only by actions (de facto). Moreover, there are cities that help immigrants to come back to their home countries or give them special shelters outside the city, for example, San Francisco. And at the same time there are states which prohibit such actions. [2]

New American administration tries to ensure immigration laws enforcement and

stopped providing sanctuary cities with different federal grants. However, this decision was appealed by Chicago and a federal judge sentenced that it was unlawful. [3]
So there is a collision between American federal and state laws. This conflict causes serious issues because nowadays sanctuary cities are charged with incitement and refusal to facilitate federal government. At the same time cities say that governmental actions can 'transform the USA into a police state'. [4]

4. CONCLUSION

This is a burning issue especially in the light of Trump's politics towards illegal immigrantion. The way US administration will solve this collision of federal and state laws will strongly impact the future of today's American president and can lead to stratification of the society.

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LA PROTECCIÓN DE LA UNIÓN DE HECHO O CONCUBINATO Y SUS BENEFICIOS DE ACUERDO A LA LEGISLACION PERUANA

1. LA INTRODUCCIÓN

En el Código Civil de la Federación de Rusia, no se expresa y no detalla que derechos puede adquirir una pareja en la convivencia (unión libre) , que no estén unidas por matrimonio.
Resulta necesario reflexionar sobre la necesidad de otorgar mayor protección jurídica a dicha institución que, al igual que el matrimonio, funda la familia y es la base de la sociedad.
Dentro de la legislación peruana en su Código Civil artículo 326, estipula que la unión de hecho debe ser voluntariamente realizada y mantenida por un varón y una mujer, libres de impedimento matrimonial, para alcanzar finalidades y cumplir deberes semejantes a los del matrimonio, y que origina una sociedad de bienes que se sujeta al régimen de sociedades de gananciales, siempre que dicha unión haya durado por lo menos dos años continuos. Hay que tener en cuenta también que debe existir un principio de prueba escrita, y en caso de ausencia, mutuo acuerdo o decisión unilateral de los concubinos, el juez puede conceder, a elección del abandonado, una cantidad de dinero por concepto de indemnización o una pensión de alimentos, además de los

derechos que le correspondan de conformidad con el régimen de sociedad de gananciales. Viendo este panorama, uno se pregunta si se investigara a profundidad el tema de convivencia en Rusia, ¿No estarían velando y garantizando con mayor eficiencia los derechos de los convivientes y la familia?

Desde 18 de abril del 2013, dentro de la legislación peruana en su Código Civil se incorporo el artículo 724, donde contempla que integrante sobreviviente de la unión de hecho como heredero forzoso. Que quiere decir este articulo, que si en caso de la muerte de unos de los concubinos, al otro se le reconocerá derechos sucesorios. Definitivamente este tema fue muy polémico, porque se encuentran inmersos temas de índole social, moral y religioso, además del jurídico. Podemos tomar como ejemplo a Bolivia y Ecuador que reconocen derechos sucesorios a los concubinos.

2. EL OBJETIVO DE LA INVESTIGACIÓN

El objetivo de este articulo es examinar y analizar la protección de la unión de hecho o concubinato y sus beneficios de acuerdo a la legislación Peruana.

3. LITERATURA/REVISIÓN DE FUENTES BIBLIOGRÁFICAS

Citando a la pagina web de Poder Judicial del Perú, Colegio de Notarios de Lima y Superintendencia Nacional de los Registros Públicos. Ellos son encargados de inscribir, garantizar y reconocer la unión de hecho en Perú.

El primer paso para formalizar una unión de hecho es acudir a un notario publico o al Poder Judicial. En el caso de acudir a un notario, se deben tramitar los siguientes documentos: presentar una solicitud que incluya los nombres y firmas de ambos solicitantes, así también el reconocimiento expreso que conviven no menos de dos años de manera continua.

Una declaración expresa de los solicitantes que se encuentran libres de impedimento matrimonial y que ninguno tiene vida en común con otro varón o mujer, según sea el caso. Además, certificado domiciliario de los solicitantes. Asimismo, un certificado negativo de unión de hecho tanto del varón como de la mujer, expedido por la oficina registral donde domicilian los solicitantes, declaración de dos testigos indicando que los solicitantes conviven dos años continuos o más, y otros documentos que acrediten que la unión de hecho tiene por lo menos dos años continuos.

Completando estos requisitos, el notario mandara a publicar un extracto de la solicitud en el Diario Oficial El Peruano y en otro diario de amplia circulación.

Transcurridos 15 días útiles desde la publicación del último aviso, y si no se hubiera formulado ninguna oposición, el notario extenderá la escritura pública con la declaración del reconocimiento de la unión de hecho entre los convivientes y lo remitirá al Registro de Personas Naturales de la Sunarp del lugar donde estos domicilian para su respectiva inscripción.

Es importante saber que si cualquiera de los solicitantes proporcionara información falsa para sustentar su pedido ante el notario, será pasible de responsabilidad penal.

4. CONCLUSIONES

Finalmente, la vida de los concubinos que desean formar una familia estable constituye un interés digno de tutela, y como consecuencia de la ruptura unilateral e injustificada de la unión de hecho debe ser sancionada, aplicando la responsabilidad civil para garantizar no sólo una adecuada reparación sino, para que no vuelvan a ocurrir hechos que desestabilicen a la familia como base de la sociedad y del Estado.

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CRIMINAL PROFILING AS AN INSTRUMENT OF CRIME INVESTIGATION

1. INTRODUCTION

This paper contains the analysis of criminal profiling as one of the methods used in the course of crime investigation, including its theoretical basis, scope of use, brief characteristics of the method and its advantages and disadvantages. The relevance of this issue is objectively determined by the fact that the application of the mentioned method within the crime detection operations is not developed enough in modern Russia, therefore comes the necessity of the further improvement of this situation.

2. RESEARCH GOAL

This paper is aimed to determine the practical utility of the criminal profiling method for the crime detection operations considering the brief analysis of the subject, and to substantiate the necessity of its further development within the crime investigation system in Russia.

3. ANALYSIS

The criminal profiling method was developed in the USA in the 1980s and is officially used by FBI, with its further recognition by the criminalists all over the world.

The method is based on the assumption of the fact that personal characteristics of an individual are always somehow reflected in his behavior [1]. In brief, criminal profiling includes the analysis of criminal activity of an unidentified offender and the creation of his psychological portrait based on the obtained information. It is often used to make up an approximate description of the criminal in order to narrow the circle of suspects. It should be mentioned that criminal profiling is most useful in limited number of cases, such as serial crimes and sexual assaults, when the criminal individualizes himself, so the crime scene reflects consistencies in offender’s personality and the manner of committing a crime [2].

The process of criminal profiling can be divided into four stages [3]:

1) Gathering information about the crime, including crime scene investigation, inspection of victim's background, analysis of the protocol of forensic autopsy etc.
2) Analysis of the obtained information and classification of the crime by type and style, further resulting in the crime assessment.
3) Creation of the offender's hypothetical psychological portrait considering the information obtained from the previous stages.
4) Development of the investigative strategy, including forecasts of the further offender's conduct, recommendations regarding his apprehension and interrogation.

The advantages of the method are obvious: it allows to narrow the circle of suspects and reduces the amount of required work that rationalizes the investigation process and facilitates faster apprehension of the offender. Criminal profiling has proven its effectiveness and has contributed to the detention of a large number of offenders in the countries where this method is officially used.

However, the existing disadvantages of the method should also be noted. First of all, there is the mentioned limitation of use only in certain types of cases. Next, psychological profile is not specific enough, so it cannot be used in crime investigation apart from other methods – it is only an auxiliary tool. Moreover, the accuracy of profiling depends on the professionalism of the expert who works on it, and as this method suggests the interpretation of the facts, the resulting psycho-profile is always to some extent subjective.

Despite the overall progress of crime detection methods in Russia, the application of criminal profiling still requires further development and improvement. For instance, bringing this method to the official level and creation of highly specialized departments of criminal profiling within the investigative authorities, following the example of the USA, may be considered as an option.

4. CONCLUSION

The method of criminal profiling, that is, creation of the offender's psychological portrait (or psycho-profile), has proven its practical utility for the investigation of certain categories of crimes with high individualization of the offender. However, in modern Russia its application is not sufficiently developed, that requires the necessity of its consistent implementation into the Russian crime investigation system.

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DIE STAATLICHE SOZIAL-GEISTESWISSENSCHAFTLICHE UNIVERSITÄT (KOLOMNA, RUSSLAND)

ETYMOLOGIE UND SEMANTIK DES VERWALTUNGSRECHT DER DEUTSCHEN UND RUSSISCHEN SPRACHEN

1. EINLEITUNG

In der modernen Gesellschaft wächst die Bedeutung des administrativen Gesetzes als Zweig des Gesetzes über die Öffentlichkeitsarbeit weiter, da das moderne gesellschaftliche Leben durch Rechtsstaatlichkeit charakterisiert wird.

2. ZIEL DER FORSCHUNG

In diesem Zusammenhang scheint eine vergleichende Analyse des administrativen Gesetzes mehrerer europäischer Länder und Russlands rational und theoretisch sinnvoll zu sein.

3. LITERATUR - UND DOKUMENTENÜBERSICHT

Erstens sollten die Etymologie und die Semantik des Begriffs "Verwaltungsvorschriften"/"административное право" berücksichtigt werden. Es ist bekannt, dass der Begriff "администрация" in der russischen Sprache von Latein (administration) ausgeliehen wird, was wörtlich "управление", "руководство" bedeutet. Der deutsche Begriff "Verwaltung" wird üblicherweise auch als "управление, администрация" übersetzt. Wenn der Begriff jedoch keine negative Farbe für das russische Bewusstsein hat, ist die Situation für das deutsche Bewusstsein anders. In der deutschen Sprache ist das Wort "Verwaltung" ein Wurzelwort für "Gewalt" - "насилие", "Gewaltakt" - "акт насилия, расправа" und wird von "walten" um "доминировать", "господствовать", "управлять" abgeleitet, ein bestimmtes Lexikon-Semantik-Universum der deutschen Sprache zeigt. So ist es klar, dass die semantische Nuance der Begriffe "администрация" und "Verwaltung" für Russisch und Deutsch öffentliches Bewusstsein etwas anders sind. Wenn für das russische Bewusstsein der Begriff hinreichend neutral ist, um "die Aufgaben der Verwaltung auszuüben", bezieht sich der Begriff für das deutsche Bewusstsein auf die Möglichkeit der Verwendung von Gewalt.

In Bezug auf den Begriff "право"/"Recht" war es in deutscher und russischer Sprache im Vergleich zum vorigen Begriff umgekehrt. Die lateinische Grundlage ist in diesem Fall für den deutschen Begriff "Recht" typisch, der die meisten Forscher zum lateinischen Verb "regere"-"направлять" führen, folglich ist "Recht" semantisch mit dem Begriff "rectus", "прямой", "правильный" nah. Mit anderen Worten: "Recht" wird semantisch als "правильный", "такой, какой нужно" interpretiert, was den Begriff "справедливый" näher bringt.

Man könnte erwägen, die Bedeutung des Begriffs "право" auf mit den Begriffen "справедливость" und "Gerechtigkeit" auf Russisch und Deutsch zu verknüpfen, die ähnliche Ursprünge von "право"/"Recht" haben.

Daher ist die Analyse der Etymologie und der semantischen Merkmale des Begriffs "Recht" vernünftig. Die Semantik des Konzepts des "Gesetzes" kann mit dem Begriff "Gerechtigkeit" verknüpft werden, der eine verwandte Begriffe von "Recht" ist, die in

gewissem Maße in der Nähe der Feststellungen auf der rechten Seite als feste Fähigkeiten ist. Es war jedoch möglich, festzustellen, dass in den modernen deutschen erläuternden Wörterbücher, nach der Interpretation des Begriffs "Gesetz" als "das Recht der Natur", der Begriff als "von einem Staat, Herrscher und oberste Autorität verbindlich für alle festgelegt werden" interpretiert werden sollte. Doch im Brüder-Grimm Wörterbuch wird "Gesetz" als "unerschütterlich Regeln", "Supreme Dekret, Disposition", "etwas untergeordnet der höchsten Ordnung" interpretiert, die logisch in der Mitte hohen Periode zur Interpretation des "rechtlichen Gesetzes" geführt hat. Nach einer Reihe von Untersuchungen wurde der Begriff "Gesetz" aus dem Verb "setzen" im Sinne von "устанавливать», «определять», «упорядочевать» gebildet. Daher ist "Gesetz" in deutscher Sprache eine Frage der vorgegebenen Regeln oder Normen, deren Quelle die Autorität oder der Staat ist.
In der russischen Sprache ist die Semantik des Begriffs "Gesetz" an der Deutschen sehr nah: Ozhegov auch, wie die zweite Bedeutung des Begriffs, gibt "die Entscheidung der staatlichen Behörde". Es ist jedoch anzumerken, dass in der russischen Tradition der Begriff "закон" und "право" eher dem semantischen Inhalt als dem deutschen "Gesetz" und "Recht" ähnelt.

4. SCHLUSSFOLGERUNG

So wird dieser Trend eine Reihe von unsicheren Übersetzungen und Assimilation von ausländischen Erfahrungen beseitigen, um Ihre eigenen russischen Gesetze, auch im Bereich des administrativen Gesetzes, zu modifizieren.

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THE REQUIREMENT OF GOOD FAITH IN CONTRACT LAW OF ENGLAND AND THE UNITED STATES

1. INTRODUCTION

In historical context, civil law evolves as the industry, which primarily uses the dispositive method in regulating legal relations. This method takes into account the independence of participants of civil turnover to choose a behavior pattern when exercising their rights, which in turn requires good faith in their actions. The importance of clarification of the notion *good faith* in civil law, in this regard, is difficult to overestimate. Evidently, the principle of *good faith* in civil law is not a static concept and varies depending on the business customs, traditional beliefs of the society, honest behavior prevailing in a certain historical period, and conventional jurisprudence in a certain country.

2. RESEARCH GOAL

The purpose of this article is to conduct a comparative study of ideas of *good faith* in legal systems of the US and Britain, as well as to identify the essential aspects of the definition used in judicial practice in these countries. Efforts to detect the content of the notion of *good faith* in contract law allows to avoid the formal use of the laws governing the relations of the parties to the contract.

3. ANALYSIS OF THE REQUIREMENT OF GOOD FAITH IN LAW OF ENGLAND AND THE UNITED STATES

In the early period of Roman law formation, the requirement of *bona fides* was taken into account when deciding on each case; thus, the contents of good faith were wearing a casual nature.

In the era of Justinian's codification of Roman law, the content of *good faith* necessarily implied *justice* inherent in the law of peoples. It was Ulpianus, who first pointed out the need to understand conscience as part of natural justice. He argued that "there is nothing more in accordance with good faith than to do what was agreed upon by the Contracting Parties. If something was not agreed, then you need to do what is naturally incorporated in accordance with the decision of the court" [1].

The content of the notion of *good faith* in English contract law suggests different approach to the specified requirement, depending on the stage of the agreement or contract type. For example, in the precedent decision of *Walford v. Miles*, Lord Ackner points out that "the duty of good faith in negotiations on the conclusion of the contract is by its very nature incompatible with the opposite positions of the opponents, leading the negotiations" [2].

Thus, the English courts determine integrity of the parties in each case. However, in 1977 the UK Parliament adopted an Unfair Contract Terms Act, which regulates contracts by restricting the operation and legality of some contract terms. The Act renders terms excluding or limiting liability on the nature of the obligation purported to be excluded and whether the party purporting to exclude or limit business liability, acting against a consumer.

There is also another notion of good faith in the English law; it is called *utmost good faith* and is widely used in insurance contracts and other forms of agreements on trust management of the property.

The concept of good faith in American law is also of flexible nature. Its definition collected various meanings stemmed from judicial practice. One of those comes from *the theory of exclusion* created by American Professor Robert S. Summers [3]. He writes: "A feature of this theory is that the definition of good faith here is not a certain value, more important is the process of identifying dishonest behavior" [4]. The Professor believes that identification forms of negative behavior allow to exclude and thereby create the conditions of so-called *safety valve* when the parties are contracting to follow the spirit of the transaction in their intentions [5]. He identifies four types of such bad faith conduct in contract law: bad faith conduct during the negotiations; the unfair conduct in the performance of the contract; unscrupulous behavior in the resolution of disputes arising on contract; bad faith conduct during litigation associated with the contract [6].

Summers' theory is just one of many theories adopted in American contract law in identifying the good faith, but this example highlights a completely different approach to this notion existing in all known legal systems in the world.

4. CONCLUSION

Summing up it is worth mentioning that perceptions of good faith in the laws of the United States and England can enrich the contemporary Russian legal doctrine and court practice. A more flexible approach adopted in the United States and England for determining good faith in contract law allows American and British judges to quickly adapt to modern disputes characterized by their rapid variability.

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NUCLEAR DISARMAMENT OBLIGATIONS UNDER INTERNATIONAL LAW

1. INTRODUCTION

The existing conflict in Asian region is the basis for a long-term armed confrontation between the Korean states. A new branch in this conflict was the launch of intercontinental missiles towards Japan, which was reflected in the international community in the form of sanctions for North Korea. However, this communist state possesses nuclear weapons and is no longer a party to NPT treaty, and it is important to note a number of norms in international law that oblige such states to refrain from using weapon of mass destruction.

2. RESEARCH GOAL

The main idea of this work is to analyze the international obligations in the sphere of nuclear disarmament; to formulate the main iisues prohibiting the use of nuclear weapons.

3.DOCUMENTS REVIEW

The Charter of the United Nations counsels that the relevant sources of international law are international conventions, international custom, general principles of law recognized by civilized nations, and scholarly writings. Unfortunately, there exists no treaty or convention that explicitly addresses the legality of all uses of nuclear weapons.[1]

Since the advent of nuclear weapons in the 1940s, various sources of international law provided some evidence as to whether the use of these weapons is against customary international law. Perhaps the most useful sources of evidence are the international conventions discussed above. Another important source to determine the customary international law is an international judicial precedent. There was only one instance in which a tribunal rendered judgment as to the legality of the first use of nuclear weapons. In 1963, the District Court of Tokyo decided The Shimoda Case, in which it assessed the legality of the atomic bombings of Hiroshima and Nagasaki by the United States. In Shimoda, five Japanese plaintiffs brought an action against the Japanese government, claiming that the government violated their constitutional rights by waiving the rights of its nationals to pursue claims against the United States government that arose from the bombings." As an element of their claim, the plaintiffs asserted that the United States government violated both positive and customary international law by its use of the nuclear weapons.[2]

4. CONCLUSION

In today's world, there is not a single norm that allows the use of nuclear weapons in the way of observance of international law. Treaties that disallow the use of nuclear weapons, customs that forbid the threat or use of weapons of mass destruction, as well as the principles that directly stating that states are prohibited from resorting to the use of nuclear weapons. All above can be interpreted as a lack of practice in international law allowing the state to use nuclear weapons.

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APPEALS IN THE US CRINIMAL PROCEDURE

1. INTRODUCTION

Having arisen in ancient Rome, the institute of appeal changed many times, and at different periods it had a revision or a mixed character, which in turn led to almost entire exclusion of the appeal from legislations of some countries. For millennia, there has been a search for an optimal arrangement of courts of verification instances and the nature of decisions they make. At present, the American system of criminal procedure seems to be a worthy model of the institute of appeal.

2. RESEARCH GOAL

Within a current reform of the Russian criminal procedure law, the study of criminal procedure of foreign countries takes on special relevance. This paper aims at the analysis of the US appellate procedure as one of the most successful in the world.

3. ANALYSIS OF LITERATURE

The US criminal procedure law, unlike the English one, has always had some features that bring it closer to the continental law system. The US judicial system provides for two types of appellate courts: an appellate court of an intermediate instance which goal is to timely correct mistakes of trial courts and the US Supreme Court which ensures the development of law, resolving fundamental issues for judicial practice throughout the country.

The US appeals process proceeds from the premise that the initiative to review a judgment can only be shown by the parties. Thus, only the prosecutor who participated in the trial can file an appeal, that conforms to the adversarial principle. [1] On the contrary, the RF Criminal Procedure Code provides the opportunity for a higher-ranking prosecutor who did not take part in the trial to appeal the against the court decision. Since the prosecutor directly involved in the trial is an independent procedural figure and the higher prosecutor is just the post in the prosecutor's office, we have to claim that in the case of filing an appeal by a higher prosecutor who did not take part in the trial the principle of immediacy is violated. [2]

Since no one, except parties participating in the trial, can appeal against the holding, the court reviewing the case cannot go beyond the field of the appeal. At the same time, as it is rightly noted in the legal literature, in case when the parties for some reason do not use the right to procedural protection in the form of revision, then no one can help them, as it is permitted in the revision appellate procedure [3].

If a person pleads guilty, he/she may appeal against the judgment in connection with improper application of the rules of substantive or procedural law, but forfeits the right to appeal against the factual circumstances of the case.

Having considered the appeal, an appellate court may affirm, amend, or vacate the decision of a lower court or refer the case to the trial court, similar to the powers of the court of cassation instance acting in Russia as a court of second instance before January 1, 2013.

Thus, the US appellate process has a mixed appeal and cassation character. Although additional evidence may be submitted to a second instance court, as a general rule, appellate courts do not consider the facts of the case and, for this purpose, refer the case to a trial court, the discretionary authority of which is the resolution of the case on the merits. These provisions of American legislation are subject to reasonable criticism from some authors, since the transfer of a valid judgment to a trial court raises bureaucratic red tape and violation of the procedural guarantees of the individual [3].

4. CONCLUSION

To sum up, it is necessary to say that although the US appeal procedure is considered one of the most successful in the world it has some disadvantages. Nonetheless, Russian criminal procedure should adopt some positive provisions of US appeal

procedure, such as inability for a higher-ranking prosecutor who did not take part in the trial to appeal in order to conform to the principle of immediacy.

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SHOULD PRISONERS HAVE A RIGHT TO VOTE?

1. INTRODUCTION

This study focuses on the electoral rights of prisoners. The consideration of this question becomes particularly important in connection with the judgments of The European Court of Human Rights (ECHR) that requires States parties to the European Convention on Human Rights to ensure the right of prisoners to vote in elections. This issue is regulated by governments in different ways: some give voting rights to all prisoners without exception, the other secured the right to vote only for some categories of prisoners, and still others disenfranchise all prisoners because of their status.

2. RESEARCH GOAL

The purpose of this article is to analyze the pros and cons of the rights of prisoners to vote.

3. DOCUMENTS REVIEW

Assuming that prisoners will get voting rights, what are the benefits of this to society? First, if the state for the punishment proclaimed the correction of the offender, the opportunity to participate in the elections can help to improve a person's sense of social responsibility. He will know that even despite the fact that he has committed a crime and was behind bars, his opinion is still important to society. To raise legal awareness and social responsibility is an integral part of re-socialization, which is the basis of the process of reformation of the prisoner.

Second, allowing inmates to participate in elections, we get a new electoral group. Candidates in the conduct of the election campaign will have in mind the issue of prisoners. Going on a dialogue with prisoners policy can develop new solutions for the improvement of the penitentiary system, which also meets the objectives of re-socialization.

On the other hand, restriction of the right to vote of prisoners could be justified in some cases. For example, «Finland convicted of election fraud and corruption are deprived of voting rights during their stay in prison and for the next few years after coming out» [1]. It seems logical that the person, who violated the electoral rights of other citizens, will be time limited to the same rights. Such a punishment is proportionate to these crimes.

It is known that the electoral law of the ECHR requires States to adhere to the principle of inclusion (increasing the degree the participation of all citizens in society). However, the Court also points out that «it is unacceptable that a person who disregards the rules of law and morality and is isolated from society to ensure its correction, participated in the management of the company by voting at elections» [2]. Therefore Strasbourg considers acceptable restriction of the electoral rights of prisoners, but in special cases. It is unacceptable to deprive a person suffrage automatically, because of his status as a prisoner. Depriving prisoners of voting rights must be justified in the law.

But even despite this, we must remember the essence of the elections. It is a form of direct expression of people. In legal systems it is customary to restrict the electoral rights of children and mentally incompetents, because they cannot make such an important decision because of their inexperience and poor health, respectively. Prisoners, even despite the fact that yesterday they committed a crime, can take responsibility for the participation in the fate of the country. Suffrage is no longer a privilege but a basic principle. In view of the importance of suffrage, it can be understood even as a duty. And as Graham Stewart said, the CEO of Canadian human rights organization John Howard Society: «jail sentences are meant to remove prisoners from society, not to take away their responsibilities as citizens» [3].

4. CONCLUSION

It can be stated that the assumption of the participation of prisoners in the voting fully meets the objectives of re-socialization of criminals. However, the limitation of the voting rights for certain categories of crimes can be considered reasonable.

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MAIN FEAUTURES OF EVIDENTIAL LAW IN ROMANO-GERMANIC AND ANGLO-AMERICAN SYSTEMS OF LAW

1. INTRODUCTION

Present research is dedicated to the problem of law of evidence - as main part of criminal procedural science in the framework of two main legal systems of modern world. Relevancy and novelty of given investigation is conditioned with the increasing

necessity to study legal institutes in the period of globalization and integration. This issue is better to investigate not only within one legal system but in comparative analysis with other modern legal systems, with the aim to detect certain characteristic features.

2. RESEARCH GOAL

The aim of the present work is to analyze scientific researches and laws of the countries with Romano-Germanic and Anglo-American law systems in the sphere of criminal procedures. Moreover, in the course of legal comparative analysis the task was to determine and disclose the key features of the law of evidence in the framework of two domineering legal systems in the world.

3. ANALYSIS

No one argues against the existence of two kinds of criminal procedures at present time: inquisitional (investigative) and adversarial. The former gained its development in the countries where legal system is based upon continental law (Romano-Germanic law system), the latter blossomed in the countries of common law (Anglo-American law system) [1].

Regardless of national peculiarities of legal systems, we may trace fundamental features appropriate to Romano-Germanic or Anglo-American law systems that influence characteristics and content of evidential law.

First. Romano-Germanic law system stemmed from Roman law; this determines priority of civil law (material law) upon procedural branches. Adversely, in countries with Anglo-American law system antecedence of development of procedural branches is reflected in the material law [2]. This is one of pivotal differences between Romano-Germanic and Anglo-American law systems, which can be noticed in the evidential law regulation.

Second. Evidential law in the countries with Romano-Germanic law system is based on the principle of legislative regulation (as the main source of law are regulatory legal acts) and in the countries with Anglo-American law system where a case law prevails, procedural norms were created and are being created by judges in the decision making process of certain cases.

Third. The most important means of juridical technics of Romano-Germanic law system is codification. As a rule, the main source of any branch of law is an appropriate code (Criminal code, criminal procedural code, etc.) whereas for countries with Anglo-American law system codification is not typical [3].

Forth. Another important feature is that criminal proceedings of countries with Romano-Germanic law system are related to inquisitional type of proceedings. It involves such characteristics as supremacy of law, subordination of practice to law, the burden of proof laid not on the parties but prosecution, collecting and fixing of evidences during pre-trial proceedings, court activities during case hearing, inactivity of parties, oral directness of court hearing, principles of publicity and equality of parties in establishing the truth.

On the other hand, adversarial litigation characteristic of United Kingdom, USA and other countries with similar legal systems belonging to common law displays the following features: judges recognize only events happening during the trial, recognition

of procedural rights of parties, ensuring procedural equality, evidence presentation only during a trial but not at the pre-trial proceedings, separation of court from procedural functions of parties, (inactivity of judges and activity of parties), independence and impartiality of judges [4].

Fifth. A set of rules concerning evidence play a special role in criminal proceedings of countries with Anglo-American law system. More explicitly, the doctrine tends to not recognize those rules as part of criminal proceedings, separating them into an independent branch of law (law of evidence) thus recognizing its autonomy. Such approach shows that the importance of rules on criminal evidences are traditionally great for English criminal justice and exceeds the meaning which has the law of evidence in criminal proceedings in the countries with Romano-Germanic law system [5].

Sixth. Another particularity of Anglo-American law of evidence is that the main criteria for declaring this or that evidence admissible lies not in following law or other legal norms while getting it, but in the internal quality of evidence itself, its ability to prove certain conditions which should be established during litigation. In accordance with English interpretation, the main point of evidence is not its appropriateness (in the continental meaning of the word) but relativeness and validity.

4. CONCLUSION

Comparative scientific analysis shows that law of evidence is an element of legal system of a particular state. Legal system belongs a certain type. Legal system determines the appropriate type of proceedings.

By this way, each legal system, not being necessarily perfect, seeks to its ideal, and for this end, it is looking for ways to compensate existing shortfalls. In the modern integrating world, it may be easily attained by examining and applying foreign experience. Skillful handling of foreign countries' practices allows to improve law, administer more active and fair justice without damaging the system and structure of its proceedings.

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INTERNATIONAL LEGAL BASIS OF ECOLOGICALLY SAFE HANDLING OF CHEMICALS AND HAZARDOUS WASTE

1. INTRODUCTION

This article focuses on introducing international conventions regulating ecologically safe handling of chemicals and hazardous waste into Russian national legislation and problems of their implementation. Recently the activity of adopting international ecological documents has considerably amplified. This can be explained by the desire of states to strengthen and develop cooperation in the field of environmental protection. Environment has to be protected for the sake of health and wellbeing of increasing population of Earth. Sustainable development of economy demands ecologically reasonable management of natural resources and effective legal regulation by means of international law.

2. RESEARCH GOAL

This research makes an attempt to look at specifics of interaction of international and interstate regulation of ecological relations. In the focus are also problems of national legislation in this sphere and practice of its enforcement.

3. ANALYSIS OF THE NATIONAL PLAN OF IMPLEMENTATION OF THE STOCKHOLM CONVENTION

The Stockholm convention secures duties of the Countries - participants on decrease or elimination of permanent organic waste at the global level. It gives Russia an opportunity to do away with dependence of the national economy on toxic chemicals in the future. The Convention also supplements provisions of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade. The general guidelines are set out in the UN Program for the environment (UNEP) [1].

About 70 percent of the chemicals that are currently included in the lists of the Basel, Rotterdam and Stockholm conventions are pesticides, and most of them are still used in agriculture. It is for the benefit of all Countries - participants that the Basel, Rotterdam and Stockholm conventions should be effectively introduced to solve various aspects of chemicals life cycle. The Russian Federation is the Party to all the three conventions [4].

Russia has signed the Stockholm convention on May 22, 2002. This gives a possibility of gaining financing in the form of grants of the Global Environment Facility (GEF) for the development of the National plan of implementation of the Stockholm convention. Signing this convention means recognition of legal obligations of international treaties by the Russian Federation, which is one of the stages of implementing the rules of international law [5].

Under the Stockholm convention, at the initiative of Russian Ministry of Natural Resources and Environmental Protection, the profile UN Agency on Industrial Development (UNIDO) has developed the first project on ecologically safe regulation and destruction of permanent organic pollutants of polychlorinated biphenyls (PHB),

contained in the equipment and materials used at the enterprises of the Russian Railways, energy companies and enterprises of nonferrous and ferrous metallurgy. The project is approved by the GEF Council (Global Environment Facility) [6].

According to the project document, regulations concerning polychlorinated biphenyls (PHB) contained in the oil-filled equipment are to be developed and enacted in Russia by 2018 with regard to ecological and production safety and labor protection. Inventory of at least 50,000 units of transformers and condensers regarding PHB is to be carried out. Neutralization and destruction of 3,800 tons of polychlorinated biphenyls (PHB) containing oils has already been fulfilled. On July 28, 2015 the Russian Railways put the plant on utilization of hazardous waste into commercial operation in Yaroslavl and created the International Center for Ecosafety. Realization of this project will make an essential contribution to implementation of obligations assumed by Russia within the Stockholm Convention on Elimination of Resistant Organic Pollutants by 2028.

However, to achieve a goal there is an array of problems. In scales of this country carrying out inventory is the most difficult task, considering industrial outputs, the size of the energy sector and geography. Even if PHB are revealed in only 7-10% of the equipment, this huge number of transformers, condensers and electro insulating liquids demand temporary storage and subsequent destruction. Therefore, it is very important that all the interested parties should combine their efforts to remove PHB from the turnover and destroy the pollutants the sooner the better.

4. CONCLUSION

It seems essential to further improve the national legislation in the field of rationing of quality of the environment, bringing the domestic ecological legislation into accord with the modern social and economic conditions and international legal standards existing in this sphere.

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JUSTICE JUVENILE DE LA FRANCE: AVANTAGES ET INCONVENIENTS

1. INTRODUCTION

Dans les conditions d'humanisation de la justice moderne, la question de la protection globale des droits et des intérêts des enfants est de plus en plus entendue. Dans le même temps, le haut niveau de délinquance juvénile ne passe pas inaperçu. Les raisons peuvent en être différentes: un manque d'éducation dans la famille (un climat défavorable), un faible niveau de vie, l'implication des mineurs dans les organisations criminelles. En tout état de cause, l'Etat ne peut que réagir à cette situation: d'une part, chaque pays s'intéresse à former une jeune génération moralement saine, et d'autre part, il est important de pouvoir faire face aux conséquences négatives de la criminalité infantile. La Fédération de Russie étudie la possibilité d'adopter l'expérience des pays européens dans la création de tribunaux spécialisés pour les mineurs. À cet égard, il y a beaucoup de discussions. En particulier, certains chercheurs contestent l'idée d'emprunter le modèle de la justice juvénile à la France. Leurs arguments et l'analyse des problèmes ci-dessus sont exposés dans cet article.

2. BUT DE LA RECHERCHE

La présence d'un grand nombre d'avis, de propositions, d'ouvrages scientifiques sur la nécessité de la justice pour mineurs en Russie justifie la pertinence de la problématique. L'expérience de la République Française dans ce domaine est importante. Le but de ce travail est l'étude du système français de justice pour mineurs et de la formation de position de notre Etat.

3. LITTÉRATURE/ ANALYSE DE LA LITTÉRATURE

L'après-guerre a laissé une trace notable dans le développement de la législation de nombreux pays. Des foules de sans-abri, d'orphelins ont été poussés à commettre des crimes. Parmi ce nombre étaient les enfants. Il est devenu évident que des mesures gouvernementales étaient nécessaires La Loi n ° 45-174 du 2 février 1945 relative à l'enfance délinquante [1] est adoptée. La loi établit les principales tâches de la justice pour mineurs (lutte contre la criminalité infantile, protection efficace des empiétements criminels d'enfants et de jeunes, etc.)

L'ordonnance de 1945, établit les principes de base de l'ensemble du système de justice pour mineurs.

- Premier principe est le principe de la préférence de mesures disciplinaires avant la punition.
- Deuxième principe: une profonde connaissance de la psychologie de la personnalité du mineur délinquant.
- Troisième principe fondamental - la spécialisation des juges, qui doivent s'occuper exclusivement des affaires de mineurs.

Des sanctions pénales ne peuvent être appliquées que dans les cas où les caractéristiques de la personnalité du mineur, ainsi que certaines circonstances ne permettent pas l'application à lui des mesures de caractère éducatif.

La loi prévoit deux niveaux de la justice pour mineurs: tribunal des enfants — prend des décisions à l'égard des mineurs de 13 à 16 ans, et Cour d’assises de mineurs —

examine les cas des adolescents de 16 à 18 ans, ainsi que les cas de crimes graves ou particulièrement graves [2]

Malgré le fait que le principal objectif de la justice des mineurs est de protéger les droits d'un mineur, il convient de noter que ce système n'est pas parfait. «Un grand nombre d'enfants ont été enlevés à leurs parents et placés dans des refuges et des familles d'accueil. Les juges et les travailleurs sociaux enfreignent constamment la loi. Entre le droit et la pratique il y a une énorme différence» - écrivent dans leur rapport l'inspecteur général des affaires sociales Pierre Auvent et l'inspecteur général du service juridique Bruno Cathala [3].

Le fait est qu'il n'y a pas d'acte normatif en France qui établirait des limites claires pour une ingérence possible dans la vie de la famille. Ainsi, les autorités ont reçu une totale liberté d'action à l'égard de ces familles, qui à leur avis sont touchées.

En dépit de ce que la justice des mineurs en France soit depuis longtemps une institution établie, de nombreux aspects de son fonctionnement et de son soutien juridique ne sont pas entièrement réglés par le législateur, et ont souvent des conséquences négatives sur la mise en œuvre de la justice juvénile.

4. CONCLUSION

La justice juvénile est encore imparfaite et exige des mesures législatives mises au point, avant qu'elle puisse être appliquée dans le plein sens de ce mot dans la Fédération de Russie. En aucun cas, on ne peut pas s'appuyer sur l'emprunt direct. Il faut adapter le système en conformité avec la mentalité, les coutumes et les croyances de la société russe. Si l'on ne le fais pas, nous aurons plus de négatif que de positif.

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RUDN (MOSCOU, RUSSIE)

PROTECTION DES DROITS DES ENFANTS-MIGRANTS DANS LE MONDE MODERNE

1. INTRODUCTION

Cette publication est consacrée à l'analyse des actions des pays et des organisations internationales sur les questions de la protection des droits des enfants-migrants. Ces derniers temps ce problème deviant très important dans les conditions de la crise migratoire vu la croissance du nombre des enfants restés sans la tutelle parentale.

2. BUT DU TRAVAIL

Analyser les actions des pays ou les organisations internationales pour les questions des enfants-migrants et étudier les documents, qui sont à la base juridique de la protection des droits des enfants- migrants.

3. ANALYSE DE LA LITTERATURE

Le système de l'Organisation des Nations Unies s'occuppe de divers aspects de la migration internationale. Le fond d'enfants de l'ONU UNISEF appelle les pays industrialisés à aider les pays en voie de développement. La migration provoque le danger pour les mineurs. Ils peuvent tomber dans les mains des contrebandiers, qui exploitent les enfants cruellement. Dans les pays d'accueil ils n'ont pas souvent l'accès aux moyens pour trouver la place dans la société et commencer la vie nouvelle. En particulier, l'attention spéciale est accordée à la réunification des familles (l'Article 9 et 10 Conventions de l'ONU sur les droits de l'enfant) [1]. Le fond UNISEF aide à trouver les parents aux enfants perdus pendant leurs voyages en Europe. «Tous ces enfants, qui déjà et ainsi ont souffert assez, ont droit à la dignité et la protection. Est venu le temps leur accorder la possibilité de réaliser ce droit», — disent les membres du Comité de l'ONU inquiétés par le destin des enfants des réfugiés et des migrants. «Tous les États européens ont ratifié la Convention de l'ONU sur les droits de l'enfant et se sont chargés des obligations d'assurer les droits de tous les enfants, qui tombent sous leur juridiction, indépendamment de leur statut juridique», – a rappel le président du Comité.

Le programme DACA, ou comme elle était appelée comme "les Rêveurs" (Dreamers) permettait aux immigrants illégaux qui sont arrivé aux États-Unis en l'âge d'enfant de recevoir le délai de la déportation. Le Président des États-Unis Donald Tramp a pris la décision de supprimer le programme DACA, qui protégeait contre la déportation du pays des enfants des migrants illégaux. «Nous ne pouvons pas accepter tous, qui veulent y venir».

L'article 13 de la déclaration générale des droits de l'homme [2] stipule : «chaque personne a droit de se déplacer librement et choisir sa residence » et «chaque personne a droit de quitter n'importe quel pays, y compris natal, et y revenir». Le document principal, qui est la base juridique pour les enfants-migrants est la Convention sur les droits de l'enfant, adoptée par l'Assemblée générale de l”ONUen 1989. Selon l’article 7 de la Déclaration générale des droits de l'homme les enfants-migrants ont aussi droit à la protection et à l'aide.

4. CONCLUSION

Dans tous les pays du monde la question de la protection des droits des enfants-migrants devient de plus en plus actuelle à nos jours. Il faut absolument protéger les droits des enfants-migrants. Nous sommes égaux, et les enfants ne sont pas coupables des conflits dans le monde. Les communautés mondiales et les pays développés doivent faire tout le possible pour aider et protéger les droits des enfants du monde entier.

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LA JUSTICE DES MINEURS EN FRANCE

1. INTRODUCTION

Cette publication est consacrée à l'étude de la question de la justice des mineurs en France. La criminalité des enfants et des jeunes est une question très sensible. La justice des mineurs est le système juridique des institutions et des organisations qui exercent la justice sur les affaires concernant des infractions commises par des mineurs. Dans le système judiciaire, cette instance est apparue très récemment. En raison de l'absence d'une riche expérience son travail n'est pas efficace et doit être amélioré. Cependant, dans de nombreux pays européens la justice des mineurs s'est largement développée, et particulièrement en France. [1]

2. BUT DE LA RECHERCHE

Le but de cet article est d'identifier les principales caractéristiques de la justice des mineurs en France et leur utilité pour la société. Les sources de cette recherches sont les documents juridiques, le droit de France et les publications des chercheurs.

3. ANALYSE DU PROBLEME

La France est le deuxième pays en Europe à avoir ratifié la Convention internationale des droits de l'enfant qui a comme devoir de protéger tous les enfants vivant sur son territoire. Le système moderne de justice juvénile en France est réglementé par le Titre de l'ordonnance du 2 février 1945 relative à l'enfance délinquante. Il contient les buts principaux de la protection judiciaire de la jeunesse en France, tels que:

- la lutte contre la délinquance des jeunes;
- la restauration des liens sociaux des personnes mineures;
- l'aide sociale et l'accompagnement des jeunes pour l'amélioration de la réinsertion sociale;
- la protection effective des personnes mineures dans le groupe de risque. [2]

Pour l'exercer de la façon efficace la justice sur les affaires concernant des infractions commises par des mineurs en France, il existe les institutions de procedure spéciales. Les délits civils et infractions pénales sont traités par les tribunaux pour mineurs. En fonction de l'âge de l'accusé et du type d'infraction, la procédure judiciaire se déroule dans les différentes juridictions. Les cas d'enfants jusqu'à 13 ans, ainsi que les cas particuliers dans des crimes mineurs (à l'exception des cas graves) sont examinés par le juge unique. Le Tribunal se compose du juge pour les mineurs et 2 assesseurs. Les affaires de mineurs âgés de moins de 16 ans peuvent être examinées par la cour d'assises des mineurs, à savoir les 3 magistrats professionnels (dont 2 juges des enfants) et d'un jury populaire (9 citoyens tirés au sort).

La présence d'un procureur de la République ou du substitut chargé des affaires des mineurs est obligatoire dans le procès de mineurs. Parmi ses pouvoirs de défendre les intérêts de la société à la Cour, il assure le contrôle de l'exécution de la peine. En outre, au cours de l'interrogatoire et la procédure judiciaire un avocat dois être présent. En France, il existe des avocats spécialisés dans la défense des mineurs.

Les mineurs, qui font l'objet d'une enquête, ont besoin d'un traitement spécial et le beau travail du psychologue. C'est pourquoi il existe les services de la Protection judiciaire de la Jeunesse (PJJ) à la justice pour mineurs. Cette organisation suit l'état psychologique d'un adolescent lors d'un procès, examine l'environnement social dans lequel se trouve l'enfant, s'entretient avec lui et sa famille. À la fin de l'investigation PJJ faire rapport, sur la base de laquelle le juge statue sur l'affaire. La compétence de PJJ comprend également l'exécution de la peine. Les mineurs peuvent mettre aux unités éducatives d'hébergement collectif, centres éducatifs fermés ou établissements pénitentiaires pour mineurs. Aussi on peut envoyer l'adolescent en famille d'accueil pour l'éducation. PJJ apporte une aide morale et affective aux mineurs pendant l'exécution de la peine, soutien l'adaptation à une nouvelle vie. [3]

4. CONCLUSION

En conséquence, actuellement la justice des mineurs en France agit en vertu de la loi, qui établit que l'éducation d'un adolescent qui a commis une infraction, est plus important que les sanctions pénales. Mais, malheureusement, la pratique de l'application de la loi démontre un manque d'efficacité de ce système. Ces dernières années, le taux de la criminalité des mineurs dans le pays n'a pas changé.

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