

**МИНИСТЕРСТВО ОБРАЗОВАНИЯ И НАУКИ
РОССИЙСКОЙ ФЕДЕРАЦИИ**

**федеральное государственное бюджетное образовательное учреждение
высшего образования**

**Алтайский государственный университет
Научное студенческое общество АлтГУ**

**«ПРАВОВАЯ РЕФОРМА В РОССИИ»
Материалы XII ежегодной научной конференции
молодых ученых и студентов**

**Барнаул
2016**

УДК 340(470)(091)

ББК 67.4

П68

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П68 Правовая реформа в России – 2016 / Материалы всероссийской
XII ежегодной научной конференции молодых ученых
и студентов. – Барнаул: ИГ «Си-пресс», 2016. – 350 с.

В сборник вошли материалы лучших докладов, представленных на XII ежегодной научной конференции молодых ученых и студентов «Правовая реформа в России – 2016». Рассматриваются актуальные проблемы теории и истории государства и права, организация и деятельность суда, прокуратуры и иных правоохранительных органов, конституционного и муниципального права, административного права, трудового права и права социального обеспечения, уголовного права, уголовного процесса, международного права, земельного и экологического права, гражданского права и процесса, информационного права и государственного регулирования рыночной экономики.

**Сборник издан в рамках Программы развития деятельности
студенческих объединений ФГБОУ ВПО «Алтайский
государственный университет» на 2016г.**

ISBN 978-5-9909459-0-6

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СЕКЦИЯ ИНОСТРАННЫХ ЯЗЫКОВ

DIE JURISTISCHE AUSBILDUNG IN DEUTSCHLAND

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Die juristische Ausbildung und die juristische Berufe in Deutschland werden durch die Idee des Einheitsjuristen bestimmt. Der Jurist soll in der Lage sein, nach angemessener Einarbeitung in Besonderheiten einzelner Gebiete grundsätzlich alle Bereiche des Rechtskompetent zu bearbeiten und damit alle juristischen Berufe auszufüllen. Jeder Berufsanfänger braucht daher eine langere Einarbeitungszeit.

Die juristische Ausbildung gliedert sich in zwei Abschnitte. Die juristische Ausbildung beginnt mit dem Hochschulstudium, das mit der Ersten Juristischen Staatsprüfung abgeschlossen wird. Darauf folgt der Vorbereitungsdienst, der mit der Zweiten Juristischen Staatsprüfung endet.

Im ersten Abschnitt steht die theoretische, im zweiten Abschnitt die praktische Ausbildung im Vordergrund.

Das Hochschulstudium.

Das Hochschulstudium dauert - je nach Bundesland – mindestens sieben oder acht Semester.

Während des Studiums finden keine Prüfungen statt. Der Studierende muss nur vier Leistungsnachweise erbringen, die sog. Scheine. Diese drei Scheine werden in den wichtigsten Rechtsgebieten erworben: in dem Bürgerlichen Recht, dem Strafrecht und dem Öffentlichen Recht. Der vierte Schein belegt die erfolgreiche Teilnahme an einem Seminar, in dem der Studierende einen juristischen Aufsatz (Referat) verfassen muss.

Die in den Scheinen erzielten Leistungen zählen nicht für die Note der Staatsprüfung, sie sind lediglich die Zulassungsvoraussetzung zur Prüfung.¹

Zum Programm der Ausbildung gehören die allgemeinen Disziplinen - (die wichtigsten allgemeinen juristischen Gebiete, s.g. die obligatorischen Gegenstände) und die eigenartigen juristischen Gebiete nach Wahl.

Zu den obligatorischen Gegenständenverhältsich:
das Bürgerliche Recht;
das Handels- und Gesellschaftsrecht;
das Arbeitsrecht;

¹ Koorits K., Zhurakovskaja N. Juristische Fachsprache // E-kursuse "Õigusalane saksa keel" materjalid [Die elektronische Ressource] URL: <http://www.e-ope.ee>

das Strafrecht;
das Verfassungsrecht;
das Allgemeine Verwaltungsrecht und Teile des Besonderen Verwaltungsrechts (z.B. Baurecht, Polizeirecht);
Grundzüge des Europarechts;
das Zivil- und Strafprozessrecht.

Während des Hochschulstudiums muss der Studierende eine praktische Studienzeit von drei Monaten ableisten. Der Student kann im Gericht, beim Anwalt, des Notars und in verschiedenen staatlichen Organen Praktikum machen. Die praktische Studienzeit kann auch im Ausland verbracht werden.

Die erste Staatsprüfung.

Je nach Bundesland ist die Prüfung zwei- oder dreiteilig (Hausarbeit, Klausuren, mündliche Prüfung).

Prüfungsgegenstand sind jeweils alle Pflichtfächer und das vom Studierenden gewählte Wahlfach. Die schriftlichen Arbeiten werden anonym bewertet. Hat der Studierende die Staatsprüfung nicht bestanden, kann er sie einmal wiederholen. Die, wer diese Prüfung abgelegt hat heißen von Referendar.

Der Vorbereitungsdienst.

Der Vorbereitungsdienst dauert zwei Jahre und ist in verschiedene Abschnitte (sog. Stationen) eingeteilt. Je nach Bundesland gibt es hier Unterschiede; gebräuchlich ist derzeit noch folgende Einteilung:

- 9 Monate bei einem Zivil- und Strafgericht;
- 7 Monate bei der öffentlichen Verwaltung;
- 4 Monate bei einem Rechtsanwalt;
- 4 Monate bei einer vom Referandar selbst gewählten Stelle, der sein besonderes Interesse gilt (Wahlstation).

Die Wahlstation kann auch im Ausland abgeleistet werden.

Die Zweite Staatsprüfung.

Nach Abschluss des Vorbereitungsdienstes findet die Zweite Staatsprüfung statt. Die Prüfung besteht aus bis zu elf Klausuren, und einer mündlichen Prüfung.

Auch die Zweite Staatsprüfung kann nur einmal, ganz ausnahmsweise auch zweimal wiederholt werden, wenn sie vom Referandar nicht bestanden wird.

Wer die Zweite Staatsprüfung bestanden hat (Assessor), hat damit zugleich die "Befähigung zum Richteramt" erworben. Es bedeutet, dass sie in allen Sphären der Rechtswissenschaft arbeiten können. Aceccor ist ein Volljurist.

Die Examensnote hat für die Berufschancender Assessor eine groÙe Bedeutung. Die hohe Examensnote gewährleistet die Arbeitsbeschaffung in die kurzen Fristen und auf die guten Ämter.

Assessoren mit guten Examens ergebnissen finden ohne weiteres eine Anstellung bei der Justiz oder in der öffentlichen Verwaltung. Die Examensnote spielt die große Rolle in der Regel nicht, wenn der Absolvent auf den kommerziellen Betrieb unterkommt.

Der Einfluss des rechtlichen Systems auf die juristische Ausbildung.

Das rechtliche System Deutschlands bestimmt die Struktur der Justizausbildung vorher. In jedem Bundesland ist das Gesetz über die höchsten Schule übernommen. Die Bundesländer entscheiden selbstständig, wie die Lehrpläne der Hochschulen aussehen werden, die auf ihren Territorien funktionieren. Das föderale Recht wird in allen Bildungseinrichtungen unterrichtet. In jedem Bundesland gibt es eigene Besonderheiten der juristischen Hochausbildung. Die Beziehung der föderalen und regionalen Gesetzgebung hängt vom rechtlichen Zweig ab. Der Anteil der regionalen Gesetzgebung ist im Verwaltungsrecht am meisten groß. Aus diesem Grund entsteht eine paradoxe Situation: die Absolventen-Juristen können auf dem ganzen Territorium Deutschlands arbeiten, aber das Wissen des regionalen Rechtes wird vom Recht jener Bundesländer, an deren Territorien sie die beschränkte Bildung bekamen. Die vorliegende Tatsache wird vom Arbeitgeber bei der Annahme auf die entsprechenden Ämter berücksichtigt: in diesem Fall hat unter sonst gleichen Umständen die Priorität der Absolvent der Hochschule dieses Bundeslandes.¹

Also, der Erhalt der juristischen Ausbildung in Deutschland ist einlanges und kompliziertes Prozess. Der Studiengang hat sehr grossen Umfang und viele junge Juriste wählen ein eigenes Gebiet der Jura Tätigkeit.

Aber gibt es Volljuristen, die kompetent in alle Rechtsbereiche sind. Die juristischen Ausbildung in der BRD ist prestig und behauptet. Die deutsche juristischen Ausbildung bereiten qualifizierte Spezialisten vor. Die Idee des Einheitsjuristen vermittelt dieses.

Das Diplom ausgezeichneter Fachleute erlaubt junge Juristen die Möglichkeit die Laufbahn auf verschiedene Gebieten der Jura von Hochschullehrer bis Richteramt zu Machen. Einer der Hauptvorzüge der juristische Ausbildung in Deutschland ist seine hoch die Ausrichtung auf das praktische Handeln.

PROBLEMS OF THE LEGAL STATUS OF THE JUDGE AND PROSPECTS OF THE JUDICIAL SYSTEM DEVELOPMENT IN THE RUSSIAN FEDERATION.

¹ Rumjanzev A. Die Justizausbildung in Deutschland im Kontext des rechtlichen Systems: die Tatsachen, die Einschätzung und einige pragmatische Gründe // Die Webseite "Fakultät des Rechtes" [Die elektronische Ressource] URL: <https://pravo.hse.ru>

As for the prospects for the development of the judiciary in the Russian Federation it should be stressed that no matter how perfect the judicial system is, it can't function without proper maintenance of its activities by the state. The absence of such provision deprives the judiciary of having independence and autonomy.

Analyzing the problems of the legal status of the various parties, you can determine what the legal status of the judges is and what elements it is composed of. In accordance with the Law "On the Status of Judges in the Russian Federation," the judges are the bearers of the judicial power in the state. Only the courts in the face of the judges, the whole judiciary in the Russian Federation belongs to^{1, 2}.

According to the second article of the «Law on the status of judges of the Russian Federation », "all judges have the same status and legal position, use legal guarantees which are common for the whole country and guarantees of social and legal protection and uniform standards of material support"³

Another problem arising in the study of the legal status of judges is the guarantee of the independence of judges. The conclusion is that many of the procedural guarantees were displaced to the direction of judges' life, while the focus should be on the immediate protection of the independence of the individual judge as the citizen.

It is important to emphasize that the Russian Federation Constitution guarantees independence, irremovability and inviolability of judges, without which it would be impossible to ensure the implementation of the judicial authority.

Article 120 of the Constitution of the Russian Federation determines that judges are independent and subject only to the Constitution and federal law⁴

A unified legal procedure for judges appointment is the basic point of the principle of independence.

¹ The Constitution of the Russian Federation -12.12.1993. // The Legal system - Consultant plus. - 2009. - System number 1.

² The Federal Constitutional Law of 31.12.1996 N 1-FKZ (Ed. From 02.05.2014) "On the Judicial System of the Russian Federation" (31 December 1996) // the legal system, Consultant plus.

³ Law of Russian Federation of 26.06.1992 N 3132-1 (Ed. From 04.06.2015) «Law on the status of judges of Russian Federation» (26 June 1992) // Legal system - Consultant plus. - 2009. - System number 1.

⁴ M.I. Kleandrov: judges Status: Legal and related components. M.: Publishing House, "Norma" 2008.

Guarantees of independence of judges are expressed in the provision of measures of material and social security and social protection of judges and their families¹.

The independence of judges is also characterized by attraction to a disciplinary responsibility. The rules defining the procedure for action of disciplinary application to the judges are scattered throughout different legal acts, in addition, the authority body which is empowered to apply disciplinary measures against a judge is - Qualification College- but it is not an employer, therefore, it is contrary to the Labor Code of the Russian Federation²

According to the practice of the Qualification College, the majority of judges and chairmen of courts lost their jobs not for their procedural activity of the administration of justice, but due to the weaknesses in the organization of the courts and judicial processes³

Therefore, it is necessary to release the judge from his unusual organizational and administrative functions, and it will have a real opportunity to solve the increasing number of court cases.

The Court as a branch of government cannot stand apart from general issues to be solved by the state of rule of law and protection of the rights of citizens, formation of legal culture in society by influencing the social and individual sense of justice, introduction the principles of morality to public relations.

In this case, we think, that in the coming years the efforts of federal public authorities and the judicial community should be directed to:

- Strengthening the judiciary by highly qualified lawyers.
 - Provision of courts with the necessary financial resources and material and technical resources.
 - Changing the staff composition of not only the Qualification Colleges, but also the examination commissions.
 - Provision of the openness and publicity of justice, due to the cooperation between courts and media;
- Of course, there are gaps and shortcomings in the judicial reform and the legal status of the judges and it takes time in order to get the judicial system in accordance with the Russian Constitution proclaimed the principle of rule of law.

¹ E.V. Sapunov: The legal responsibility of judges.// Russian justice, 2007, №1, S.52-5.

² E.P Ostapenko.: The legal status of the judge and the efficiency of justice // Society and Law. 2010. № 4. S. 233-238.

³ U.S. Kovalev Question about status of judges in Russia// Actual problems of law. Materials IV Interm. Scientific Conf. (Moscow, November 2015).-M.:Buki-Vedi, 2015/ - P.34-36

GLOBALIZATION: ITS CHALLENGES & PERSPECTIVES

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Globalization is a process of integration among the people, companies, and governments of different nations, it's movement of people, goods and capitals due to increase the economic system. It means the end of sovereignty of nation-states and now the world is borderless.

Globalization has had a major impact on all aspects of life, i.e. political, social, economic and technological.

1. Policy decisions and actions of one part of the world quickly affect the rest of the world. Each state needs in cooperation with other countries to keep the peace. UN, WTO and NATO exist to solve such problems. It blurs the boundaries between domestic and foreign policies. «Globalization has shown in the global crisis that we are all in the same boat. If we do not choose wise captains, then the storm will harm us all, » according to Hassan Rouhani, the president of the Islamic Republic of Iran.

2. Social aspects cover communication, culture, education and science.

In terms of communication information moves quickly and free now, mainly because of the Internet. Now you can keep in touch with a person who is miles away by using e-mails or video conference tools.

In the process of globalization traditions are getting lost, some cultures overlap others. Some cultures merges and you cannot clearly see two or more cultures as separate cultures. If cultures have different beliefs and opinions, they may have a conflict and it called cultural clashing. The Kumandins, who live mainly in the Altai Krai and Altai Republic, significantly reduced their numbers in recent years. There is a tendency to move from countryside to the city.¹

Globalization influence on science and education. In ASU there are a lot of foreign students from China, Armenia, Kazakhstan, Kyrgyzstan, Tajikistan and other countries. Students can easily get degree in the university which is not located in their country.

Student exchange programs are becoming popular. Global UGRAD program provides opportunities for students from around the world to spend one semester in the United States colleges and universities, without obtaining a diploma.

1 Федеральная служба государственной статистики, Информационные материалы об окончательных итогах Всероссийской переписи населения 2010 года.[Electronic resource]. http://www.gks.ru/free_doc/new_site/perepis2010/perepis_itogi1612.htm

Also you can get knowledge, learn online and get degree without travelling. You can take online courses, some of them are free and you are not only getting knowledge in any sphere but also improving language skills without leaving your house.

3. Globalization effects on employment, work and the lives of people in both developed and developing countries. It's a powerful transformative force that is reshaping the modern economy and new world order appears. We've got a world market now. The most striking example is transnational corporations. They are different from international and multinational organizations. Local subsidiaries are different from each other depending on features location, they can influence decisions on an equal footing.¹

4. Technology is one more principal driver of globalization. "Technology causes problems as well as solves problems. Nobody has figured out a way to ensure that, as of tomorrow, technology won't create problems. Technology simply means increased power, which is why we have the global problems we face today, " said Jared Diamond, famous American scientist. The development of technology has flourished in recent years and has played a major role. Every day a new technological innovation is being created.

People have different attitudes to globalization because it has ambiguous effect on different aspects of life. Let us provide some pros.

Advantages:

1. Globalization creates international competition. Competition stimulates the production and quality of goods and services is higher, prices are lower.

2. International trade becomes easier.

3. Productivity is increasing by implementing of new technologies.

4. The solution of global problems by joint efforts

5. The improvement of understanding between different cultures.

6. Globalization has opened new possibilities for people, it makes it possible to respect for basic human rights.

The positive impact of globalization can not be overestimated. Globalization of the economy, politics, culture and other spheres of life is a serious basis for the solution of universal problems of humanity.

However, there are some of its cons.

Disadvantages:

1. Society stratification. Competition creates a large gap between skilled and unskilled workers. Highly skilled workers' salary increases significantly, while others get very little.

¹ Dicken, P. Global Shift: Reshaping the Global Economic Map in the 21st Century. London: Sage. 2003

2. The loss of countries' identity, cultural overlapping, merging and clashing.

3. The destruction of the environment, placement of production in countries with low requirements for its protection.

Although in the era of globalization countries keep their uniqueness. You can watch football in more or less any country in the world - live because the concept of football is globalised.¹

On the other hand, every fan roots for his team, he is proud for his country and wants it to win.

Each nation wants to preserve their national features like flags and anthems. People have patriotic feelings, although the idea of globalization, they are aware of belonging to the homeland. That's why manufacturers should consider the particularities of each country. This can be explained by the term "glocalization".

Glocalization is a combination of the words "globalization" and "localization". To succeed globally, entrepreneur must think locally. For example, India is very different from Western countries and some companies adapt to its culture. Nokia was producing dust-resistant keypad, antislip grip and an inbuilt flash light for Indian rural consumers, especially for truck drivers. The Subway chain does not have beef in its stores because cows are sacral animals there. Taco Bell has hired employees who explain what burritos and quesadillas are to customers. Gillette introduced the low-cost razor 'Gillette Guard' priced at about \$0.33. The main feature was easy rinsing as water is scarce in Indian rural areas.² These methods help to sell more products and derive higher profits.

Globalization is not the opposite of glocalisation. Global issues affect everyone, global problems create the local ones, so they go hand in hand.³ For example, the global warming is the world problem, and people who live by river concern if river will dry up or overflow. Philip G. Cerny, professor of Global Political Economy in the Division of Global Affairs at Rutgers University-Newark, said, "Globalization is not just about changing relations between the 'inside' of the nation-state and the 'outside' of the international system. It cuts across received categories, creating myriad multilayered intersections, overlapping playing fields, and actors skilled at working across these boundaries. People are at once rooted and rootless,

¹ Futurelearn – Understanding Modern Business and Organizations (free online course.) [Electronic resource]. <https://www.futurelearn.com/courses/understanding-modern-business-and-organisations/3/todo/4039>

² Jain, M. Glocalization Examples – Think Globally and Act Locally [Electronic resource]. (2010). <http://www.casestudyinc.com/glocalization-examples-think-globally-and-act-locally>

³ Friedman, T. The World Is Flat: A Brief History of the Twenty-First Century. Farrar, Straus and Giroux 2005

local producers and global consumers, threatened in their identities yet continually remaking those identities.”

FUNCTIONS OF FOREIGN TRADE LAW AS BASIC VECTORS FOR LEGAL REGULATION OF SOCIAL RELATIONS

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Foreign trade relations are an important factor impacting the level and direction of economic development of the Russian Federation, its regions, growth of national income, improvement of quality of life, building of the national system of innovations.

The multi-faceted character entails complex structure of the foreign trade law. It is logical, since the legal relations in the sphere of foreign trade are resulting from impact of different sectoral norms (constitutional law, financial law, tax law, customs law, currency controls regulations and others) on the economic connections with the foreign element. The relations, included into the subject of foreign trade law, should be categorized according to economic criterion. It should be taken into account, though, that this criterion must be legally significant – so as to define the legal regime applied to the categorized relations. It is the functions of the foreign trade law that define the subject of legal regulation. According to S.S.Alexeev, the law as a social institution appeared for structuring social relations and is socially significant as long as it fulfills its functions. Glitches in this fulfillment bring very negative consequences, most evidently – transfer of conflicts resolution to the extra-legal sphere. Therefore the structure of law and existence of its main elements are subordinated to specific functions of the elements. Moreover, it is the functions of a specific legal element that delineate the subject of its regulation.

Some studies express an opinion that it is necessary to divide the substantial (basic) and instrumental functions of the branch of law. The substantial functions of the branch reflect its social role and point at the subject of the legal regulation. Meanwhile, instrumental functions are inherent to some structural elements of the branch and assist in fulfillment of the basic function.

We consider these conclusions to be applicable in analysis of legal institutes as well, since as a rule it is a main element of the branch of law. At the same time we should stress that all aforementioned conclusions are made for the traditional branches of law and legal institutes and may not be fully applicable in case of cross-branch functional institutes.

The legal system in each country is shaped throughout history and its structure depends on a number of conditions: social, economic, political, national etc. The role of law in economy is exceptionally important during the periods of deep social, economic and political transformations. Naturally, the law can not stand aside the large-scale process, which includes all spheres of social life, but the role of legal institutes (both on national and regional levels), as well as forms and methods of fulfillment of the law's economic and social functions must undergo some substantial changes.

The mechanism of implementation of these functions by the legal systems of mixed economies (i.e. all developed countries) can serve as a reference point. But it is just a reference point because each of these countries has parameters and particularities that make Russia unique. In particular these are specifics of national mentality, political culture, co-habitation of different ethnic and national groups and cultures, denominations, unprecedented diversity of natural and climate zones, transitional economy, which is aggravated by the break of economic ties in formerly united system. The fulfillment of the law's economic function has several basic goals, including normal functioning of market economy and prevention of social unrest in the country's social and political system. Taking this into account, we can list following directions of implementation of the law's economic function: ensuring the rule of law in the country (lack of it makes hardly possible effective functioning of any sphere of social life, including the economy), compliance with rules of the game by all members of the society (including market players), creation and maintenance of favorable social background for normal work of economy.

To sum it up, the first substantive function of the foreign trade law is a protection of the Russian national economy from takeover by other states' national economies.

Therefore, the state has *ratione loci* jurisdiction to apply special economic measures within its territory as well as *ratione personae* jurisdiction to adopt prohibitions for its citizens and companies.

The second substantive function is directly connected with the first one and constantly compete it – it is attraction of foreign resources for development of the Russian national economy through foreign trade agreements and investments.

Comparison of the said functions with the functions of the Russian antitrust legislation shows their evident similarity. This is not a coincidence because the foreign trade law regulates the competition of foreign economies and transnational corporations on the Russian market while preventing unfriendly takeover of the Russian national economy. Therefore the foreign trade law may be called “competition law in foreign trade”.

It is not a coincidence that the UN decided on necessity of international regulation of business. The UN Conference on Trade and Development (UNCTAD) attracted attention to the main danger – monopolist activities or, in other words, restrictive business practice, which negatively affects the foreign trade and does not help in improving international economic relations. UN recommends following methods to oppose monopolism: adoption of antitrust legislation to create, foster and protect competition; to control concentration of capitals; to promote innovations; to defend prosperity for the whole society; to protect consumers; to limit activities of trans-national corporations; to enhance effectiveness of judicial and administrative controls over business malpractice; to improve collecting data about companies' activities; exchange of experience and information on antitrust activities between countries. Companies are directly prohibited to participate in price-fixing, market divisions, sales and production quotas; to impede competition through predatory pricing or price discrimination; collusion on restricted entrance to agreement or association; mergers and acquisitions of companies.

The violations of these prohibitions lead to sanctions like loss of reputation of reliable partner in international agreements, which in its turn result in economic and political losses; deprivation of diplomatic (governmental) protection; denial of access to subsidies etc.

To sum it up, two basic functions of the foreign trade law outline its subject: relations that appear not only during the international circulation of goods, but also during the State's protection of the Russian national economy from takeover by other states' national economies. These opposite functions of the foreign trade law provide superficial and conditional unity of social relations it regulates.

Instrumental functions of the foreign trade law are supposed to implement the substantial functions. They match the general functions of law, as categorized by S.S.Alexeev: regulative-dynamic, regulative-static and protective. In the foreign trade law they define elements of regulation method and not its subject, because the relations themselves are segmented. Only subordination of relations, included in the subject of the foreign trade law, to the unified method allows implementation of the institute's basic functions.

The stable legal connection between relations, included into the subject of foreign trade law, is created not by the nature of these relations, but by the basic functions of legal regulation, which in their turn define specific method of regulating such relations. This fact emphasizes the special status of foreign trade law.

UNDERSTANDING THE ROLE OF BRANDS IN MODERN SOCIETY

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Definitely, everyone has heard a lot about brands and their effects on our modern life. A brand is one of the most important parts of any business, whether it is a transnational corporation or small local firm. Jeff Bezos, the founder of Amazon, once said: "Your brand is what people say about you when you're not in the room".¹

The goal of the research is to understand the "brand" concept

There are three main tasks:

1. To analyze the definitions of brand;
2. To find out historical facts about the formation of brand;
3. To examine how the "brand" concept influence worldwide life.

Research object: the "brand" concept.

There are many different definitions of the term for understanding its concept.

The American Marketing Association gives the following definition: brand is a 'name, term, design, symbol, or any other feature that identifies one seller's good or service as distinct from those of other sellers. The legal term for brand is trademark. A brand may identify one item, a family of items, or all items of that seller. If used for the firm as a whole, the preferred term is trade name.'²

The Cambridge Learner's Dictionary gives a similar interpretation: 'brand is a product that is made by a particular company or a particular type of something.'³

And yet one more definition from the Business Dictionary: 'brand is a unique design, sign, symbol, words, or a combination of these, employed in creating an image that identifies a product and differentiates it from its competitors. Over time, this image becomes associated with a level of credibility, quality, and satisfaction in the consumer's mind. Thus, brands help harried consumers in crowded and complex marketplace, by standing for certain benefits and value. Legal name for a brand is trademark and, when it identifies or represents a firm, it is called a brand name.'⁴

Attentively examining and comparing the definitions, we can see that a brand is not a slogan, but it is what a company stands for. It is a kind of

¹ TEDGlobal 2012 University [Electronic resource]. (2012) <http://blog.ted.com/10-brand-stories-from-tim-leberechts-tedtalk/>

² Tilde Heding, Charlotte F Knudtzen and Mogens Bjerre, Brand Management, 2009

³ Cambridge Advanced Learner's Dictionary, 2003

⁴ Jonathan Law, A Dictionary of Business and Management (5 ed.), 2009

promise to the company's consumers, because they will expect the appropriate quality of products. Moreover, brand is differing sellers' products.

Brand has become big business in the last 20 years, but it has been around for centuries. There are some versions of the trademark appearing. The first version comes from the middle of the 17th century. And it claims that it came into use as a symbol of something which would exist for a long time. The second version appearance belongs to the beginning of the 19th century, when people wanted to point the main features of the manufacturer's product. The next version appeared a century after the previous one, and its idea was simple – when customers would associate famous goods with cheer, they would still buy it and would be more faithful. So that was the beginning of the advertisement. After about a half of a century people started to use the word "brand" to define not only a product, but also an organisation. This fact helped to maintain a demand. Finally, at the beginning of the 21st century online business has become more and more popular.¹ This kind of making business provides many different options, which people couldn't imagine before, because they can find almost all about the world, buy or sell some things, make themselves popular and famous, even work without leaving their house.

All these versions are still in usage. Brand has become big business in the last 20 years, but it's been around for centuries. Though, what will be the next step? That's a question.

Nowadays, in the age of globalization, more and more people prefer to buy brand items. There are hundreds of well-known companies with out-of-the-ordinary brands in the world. There's no need to speak about Apple as an example of worldwide popular logo, because igadgets are becoming more and more common. Google and Microsoft Corporation are not far behind it. Almost everyone of us can't imagine even a day without their products or services. As for the fashion brands there are Nike, Adidas, H&M, Louis Vuitton, Chanel, Gucci, Burberry and many-many others, that are known all over the world, and people love them, because their products are associated with high quality and also make them feel like a stars or models, who demonstrate fashionable things. When we speak about fast food brands, first of all, we remember McDonald's with its burgers, fries and Happy Mills, Coca-Cola and Pepsi with its legendary taste, Starbucks and their aromatic coffee and tea. As for the car manufacturing industry, there's no need to speak about Toyota, BMV, Ford, Hyundai, Porsche and lots of other brands in this sphere, because today we see that people buy and use means of transportation more than ever. In the banking sector, many established brands are known – HSBS Holdings, providing its financial services almost all over the world, J.P. Morgan, quite strong bank, which

¹ Liz Moor, The Rise of Brands, 2007

provides investment services etc.¹ It takes a lot of time, money and very hard work to build and maintain great brands like that, brands that can speak volumes in just a few syllables.

In conclusion, we can see that brand is not only a symbol or term, but it's something that influence how people think, feel and act. Nowadays building brands is the preferred alternative. They would allow companies to hold on to customers, win new ones and start-up new products. Brands are inherent parts of our life.

SOURCES OF AMERICAN LAW

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Modern communication and technology have made the world smaller. They have leveled many variations in world culture. Yet, people still speak different languages, wear different clothes, follow different religions, and have different moral values. They are also subject to different laws. Clearly, legal systems are not as different as languages. The world the people live in creates a certain kind of society. This kind of society depends on and welcomes certain kinds of laws. Every nation is used to its laws. The legal system always functions. Law and society both have a long history. The objective of this paper is to investigate the sources of American law. Many people think that history and tradition are very strong in American law. There is some basis for this belief. Some parts of the law come back to the 17th century, but other parts of the law are quite new.

The oldest form of law in the United States is common law. Common law is the judge-made law. It is derived from custom and judicial precedent. American system law came from England. The English settlers of the original 13 colonies brought with them their own set of rules and principles to be used in their new society. The English common law was quickly adopted throughout the colonies. The common law in the United States has been developed by the judges of both England and the United States. Initially, the 13 original states all adopted the common law. Today, only Louisiana has not adopted the common law in some form. Most states have expressly adopted the common law either by statute or by constitutional authority, although many adopted only parts of the common law. However, approximately half of the states no longer recognize common-law crimes. Modifications to and nullifications of common law come about in many different manners. In some instances, courts have decided that the common law must be changed to meet contemporary

¹ Erik Roscam Abbing, Brand-Driven Innovation, 2010

conditions. In extreme situations, parts of the common law have been totally abolished. Because the legislatures are charged with the duty of making laws, they have the final word, unless there is a state constitutional provision stating otherwise, on the status of the common law. Some legislatures, however, have expressly given their judiciaries the authority to modify, partially abolish, or wholly abolish the common law as long as the state constitution and the United States Constitution are not violated by so doing.

The common law normally is inferior to legislation, so if a legislature acts in an area previously dealt with by common law, the new statute is controlling, absent a statement by the legislature to the contrary¹.

The most important source of law is the United States Constitution². Everything falls under, and is subordinate to, it. No law may contradict the United States Constitution. Constitutional law is based on a formal document that defines broad powers. Federal constitutional law originates from the U.S. constitution. State constitutional law originates from the individual state constitutions. The Constitution creates the framework for the rest of the laws of the land. First it sets out the procedural rules through which federal laws can be made. The Constitution creates the Congress and tells how to staff it. It stipulates that both houses of Congress must pass laws and that they send the laws to the President for his ascent. If the President vetoes the law the Congress may override the veto by a two-thirds majority in both houses of Congress. But the Constitution also lays out significant substitute limits on the lawmaking powers of the government. First the Constitution gives a list of enumerated congressional powers and allows Congress the authority to pass only those laws necessary and proper to achieving the goals laid out in article 1. Additional substitute limits were added to the Constitution in the form of amendment. The Constitution is at the top of the hierarchy because it is very hard to change. Laws of Congress cannot overturn the provisions of the Constitution. The Constitution can be amended by one of the owners processes laid out in article 5. The Constitution is the supreme law of the land despite its diminutive size. It only has 4440 words. It is the shortest constitution of any major national government but most Americans only know three of the words “We the People”.

The next source of law is statutory law³. Statutory law is law that is made by a legislature and codified or written down in code books. Statutory laws can be passed by various government agencies of a country. Thus, there are laws passed by federal and state governments, ordinances

¹ <http://www.otto-graph.com/samples/3/sources.html>

² Brooks Tina M., Steenken Beau. Sources of American Law. An Introduction to Legal Research. - eLangdell Press, - 2015

³ http://guides.ll.georgetown.edu/history_crime_punish

passed by towns and cities all having the power of law. New laws are issued to meet the needs of the citizens, to resolve outstanding issues, and to formalize an existing law.

There is administrative law. The federal, state, and local legislatures all create administrative agencies. Administrative law is the body of law that governs the activities of administrative agencies of government. Government agency action can include rulemaking, adjudication, or the enforcement of a specific regulatory agenda. As a body of law, administrative law deals with the decision-making of administrative units of government that are part of a national regulatory scheme in such areas as police law, international trade, manufacturing, the environment, taxation, broadcasting, immigration and transport. The rules and regulations established by an administrative agency generally have the force of law. Like statutes, the regulations can be reviewed by courts to determine whether they are constitutional. The importance of administrative law has grown as the number of federal agencies increased.

The following conclusions can be drawn from the present study:

1. In the United States, the law is derived from various sources. These sources are constitutional law, statutory law, administrative law, and the common law.
2. The USA is an heir to the common law legal tradition of English law.
3. The Constitution is the supreme source of law and it cannot be overturned by any of the other sources of law in the system.
4. The sources of law have both vertical and horizontal dimensions. Vertical dimensions include federal authority and state authority. The horizontal dimension is related to the separation of power between the executive branch, which creates administrative law, the legislative branch, which creates statutes, and the judicial branch, which creates common law.

DAS VERHÄLTNIS DER RECHTSANALOGIE UND GESETZANALOGIE MIT DER EXTENSIVEN AUSLEGUNG DES RECHTS

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Zur Zeit ist das Problem des Verhältnisses der extensiven Auslegung des Rechts zur Rechtsanalogie und Gesetzanalogie sehr aktuell. Zuerst scheint es, dass zwischen ihnen überhaupt keine Verbindung ist, aber diese Bestätigung ist voreilig. Um den Charakter dieses Verhältnisses zu bestimmen, muss man sich an die textlichen Formulierungen wenden, die ihre Bedeutung definieren.

Unter der extensiven Auslegung des Rechts versteht man das Auslegungsergebnis, bei dem der geltende Inhalt der Rechtsnorm anders als ihr Ausdruck im Text ist.

Die Gesetzanalogie ist die Anwendung von der ungeregelten in der konkreten Norm des Verhältnisses Gesetznorm, die die ähnlichen Verhältnisse festlegt. Die Rechtsanalogie ist die Anwendung von den gemeinsamen Rechtsprinzipien, zum streitigen Verhältnis, das mit der Norm nicht geregelt ist und auf das keine Geltung der geregelten ähnlichen Normverhältnisses ausdehnt¹.

Die Inhaltsanalyse dieser Begriffe zeigt, dass ihre Ziele und Funktionen ganz verschieden sind. Das Rechtswesen und die Rechtsnatur dieser Begriffe sind auch verschieden. Die extensive Auslegung richtet nach der durch die Verdeutlichung und die Erläuterung von der Rechtsnorm Inhaltsfestlegung, die mehr weiter ihres textlichen Ausdrucks ist.

Als Ergebnis der ausdehnenden Auslegung wird der durch den Gesetzgeber bestimmte Sinn festgestellt, der nicht sehr klar und deutlich war. Es gibt immer die Auslegung im Recht, weil jede Norm sie braucht, was man über die Analogie nicht sagen kann.

Die Gesetzanalogie und die Rechtsanalogie «treten» nur dann auf, wenn es eine Rechtslücke entdeckt wird. Es gibt die Verhältnisse, die durch die Rechtsnorm wegen ihrer Abwesenheit die ähnlichen Verhältnisse (Gesetzanalogie) regeln. So Abschnitt 3 Artikel 11 SGb legt fest, dass das Gericht im Fall der Abwesenheit der Rechtsnorm, die die streitigen Verhältnisse regelt, die Rechtsnorm anwendet, die die ähnlichen Verhältnisse (Gesetzanalogie) regelt, und im Fall der Abwesenheit solcher Normen die Sache klärt. Man benutzt die gemeinsamen Grundsätze und den Sinn der Gesetzgebung (Rechtsanalogie).

Die extensive Auslegung wird sich nur im Rahmen der Rechtsnorm verwirklicht. Das Ergebnis der Auslegung tritt die bestimmte innere Inhaltseinstimmung mit ihrem äußerlichen Ausdruck auf².

Die Aufgabe des Rechts und der Gesetzanalogie ist die Lückenfüllung im positiven Recht mithilfe des Rechts, das die ähnlichen Verhältnisse und die grundlegenden Rechtsideen regelt. Die Auslegung kann solche Funktion nicht erfüllen und deshalb ist es kein Mittel der Lückenfüllung in der Gesetzgebung.

Die Gesetzanalogie wird nicht in allen Rechtszweigen verwendet. In meisten Rechtsbereichen ist ihre Anwendung möglich. In der bürgerlichen und zivilprozessualen Gesetzgebung ist sie verankert, aber im Bereich des Strafrechts ist solche Anwendung der Lückenfüllung nicht

¹ Tscherdanzev, A.F. Die Rechte und die Verträge. – M 2003. – 381 S.

² Belkin, A.A. Analogie im Verfassungsrecht / A.A. Belkin // Rechtswissenschaft. – 1992. – №6. – S. 12 – 14.

erlaubt, weil es dem Gesetzlichkeitsprinzip widerspricht. Das Legalitätsprinzip lautet: «Die Kriminalität der Handlung, ihre Strafbarkeit und die strafrechtlichen Folgen werden durch das Strafgesetz bestimmt. Die Strafverfolgungsbehörden müssen sich bei der Entscheidung über die strafrechtliche Verantwortung und den Strafvollzug nur nach dem Strafgesetz richten»¹.

Aber die extensive Auslegung des Rechts kann man in jedem Rechtszweig ohne Ausnahme anwenden, aber nicht unbegrenzt. Es gibt auch Fälle, wenn die extensive Auslegung unzulässig ist.

1. «Es ist nicht zulässig, die extensive Auslegung bei der erschöpfenden Auszählung zu benutzen.

2. Es gibt keine extensive Auslegung der Sanktionen.

3. Es gibt keine extensive Auslegung der Grundsätze, die eine Ausnahme aus der gemeinsamen Regel bilden. Es gibt auch keine extensive Auslegung der Rechtsnorm, die auch eine Ausnahme aus der allgemeinen Regel ist.

Man glaubt, dass die erste Fassung mehr genauer ist. Bei den bestimmten Begehungungen kann man einige inhaltsreiche Elemente der Ausschließungsnorm extensiv auslegen. Aber das Normelement kann nicht extensiv auslegen, wenn es seine Ausnahme ist.

4. Man kann die Begriffe, die durch die legale Definition bestimmt extensiv sind, nicht auslegen»².

Die extensive Auslegung, die Rechts- und Gesetzanalogie haben eine bestimmte äußere Formähnlichkeit, aber man muss sie unterscheiden. Die Analogie meint die rechtliche Abwesenheit von der entsprechenden Rechtsnorm, wobei die bestimmten Fakten nicht nur durch den Text, als auch die gesellschaftlichen Beziehungen gekennzeichnet sind. Bei der extensiven Auslegung werden solche Fakten durch den Gesetzgebungssinn bestimmt.

So sind die extensive Auslegung, die Gesetz- und Rechtsanalogie zwei selbstständige Erscheinungen, die eine Stellung in den bestimmten gleichartigen Situationen haben.

ATTORNEY-CLIENT PRIVILEGE

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¹ Petrushev, A. Auslegung des Rechts. Die Monografie / Petrushev A. – Irkutsk: das Justizministerium Russlands, 2008. – S. 260.

² Aleksejs, S.S. Allgemeine Theorie des Rechts / S.S. Aleksej. – M: die juristische Literatur, 1982. – T. 2. – S 360.

"A client's conversation with a lawyer should remain completely private"
[E.F. Mollo, 1842]

It is known that trust is an important point in relations between a lawyer and his client. The degree of client trust to his lawyer is concerned directly with the lawyer's duty to keep attorney-client privilege. The attorney-client privilege is a rule that preserves the confidentiality of communication between lawyers and clients. Under that rule, attorneys may not divulge their clients' secrets, nor may others force them to. The purpose of the privilege is to encourage clients to openly share information with their lawyers and to let lawyers provide effective representation¹. The trust relationship between the lawyer and the client does not allow the lawyer to use any confidential information envisaged by ethics, for their own benefit, other people or to the detriment of the principal.

A lawyer who has received a client's confidences cannot repeat them to anyone outside the legal team without the client's consent. In that sense, the privilege is the client's, not the lawyer's — the client can decide to forfeit the privilege but the lawyer cannot.

It is necessary to note that the question of the attorney-client privilege has always attracted a lot of attention. This is one of the eternal questions of advocacy, which is considered to be problematic. Such scientists as A.F. Koni 1897, A.L. Tsipkin 1947, I.Y. Fointsky 1888, K. Arseniev 1871, D.P. Whatman 1978 and others researched the topic under consideration.

Guarantees of keeping attorney-client privilege are enshrined in Art. 6 of the Federal Law "About the Advocacy and the Legal Profession in the Russian Federation" which forbids the lawyer to disseminate information received from the client, without his permission².

The attorney-client privilege is not only a legal norm which defines the rights and duties of procedural activity, but it also has profound moral-ethical content. This makes it one of the most important principles of legal ethics. The client shall be absolutely sure that the lawyer does not divulge or use it to harm trusted secrets and other information. Otherwise, citizens will not apply for legal aid in the legal profession. The latter would lead to a decrease in the level of the rule of law in the country and weakening the guarantees of individual rights. Without the legal profession you can't

¹ The Attorney-Client Privilege: [Электронный ресурс] // Legal encyclopedia. URL: <http://www.nolo.com/legal-encyclopedia/lawyers-lawfirms/attorney-client-privilege.html> (Дата обращения: 20.09.2016)

² Federal Law 31.05.2002 N 63-FZ (13.07.2015) "About the Advocacy and the Legal Profession in the Russian Federation" 31.05.2002 N 63-FZ (13.07.2015)

seriously talk about law enforcement. Where is the advocacy there is the attorney-client privilege.

Kucherena A.G. thought that the attorney-client privilege is a necessary condition for the existence of the legal profession and at the same time the procedural guarantee of completeness, objectivity and adversarial of the criminal proceedings¹. And this is true because the state is involved by providing to a defendant the right to protection, that he trusts the advocate and discloses all secrets about the action and tells him everything without fear. Therefore, the state protects citizens who apply to a lawyer for help, against a dictatorial interference in their personal lives by law enforcement officials.

Today in Russia there is no denying of a need for the institute of attorney-client privilege. Indeed, with all the diversity of opinions about the concept of attorney-client privilege, they all have some similarities, but they differentiate in the content and limits of its concept being completely opposite sometimes. There are serious discussions about the content of this concept. The code of professional lawyer's ethics prescribes that the rules of protection of attorney-client privilege apply to: the fact of an application to a lawyer, including the names of clients; all the evidence and the evidence gathered during the preparation of the lawyer for the case; information received by lawyer from the client; information about a client that becomes known by a lawyer in the course of providing legal assistance; legal advice to the client; all Law proceedings; the agreement about a legal assistance and payments; any other information related to the provision of legal assistance from a lawyer².

The privilege stays in effect even after the attorney-client relationship ends, and even after the client dies. In other words, the lawyer can never divulge the client's secrets without the client's permission, unless some kind of exception. The basic moral and ethical challenge for advocates is the possibility of the disclosure of information about the impending grave or especially grave crime.

According to the professional ethics, only one case is set when the lawyer can clue up. This is the case when the lawyer justifies his position in a civil dispute between him and his client or does it for his defense in case of disciplinary or criminal proceedings initiated against him. Tsipkin A.L. supposed that attorney-client privilege can't be absolute, and proved it in the following way: "... crimes can be different and we can face such gravest crimes, with the most dangerous criminals in which attorney-client privilege may not be common". He believes that only the legislator should decide in which cases it is inadmissible to keep the attorney-client

¹ Kucherena A. G. Attorney client privilege // Legality, 2003. № 2. p. 47.

² Code of professional lawyer's ethics (adopted by the All-Russian Congress of Attorneys 31.01.2003). Vestnik FPA RF. 2005. № 2

privilege.”¹. According to Petruchin I.L., the disclosure of attorney-client privilege is permissible when the client informs the lawyer about the impending crime which commitment is still possible to prevent. In this case, the lawyer must immediately inform the investigative authorities or the prosecutor's office².

The absolute nature of the attorney-client privilege is declared in the regulations of several leading countries of Europe and America. In the trend of in-depth and comprehensive study of the Institute of attorney client privilege dictated by the law enforcement practice, in some countries the exception to ascertain the presence of a legitimate character happens to be. However, according to the norms of attorney-client privilege, there are some exceptional cases when it can be broken. "Legal advice obtained from a professional legal adviser, acting as a professional legal adviser, is protected from disclosure of its contents as a trustee, and legal counsel, except in cases where the privilege can be canceled"³. In countries such as France, the Netherlands, Sweden, England, USA, Canada the same law is observed. Only Russia is an exception as it is fixed at the level of the federal law. According to which, the disclosure of information is the subject of attorney-client privilege and is permissible to "consent of the client". For example, the Art. 273 of the Criminal Code of the Netherlands as well as in sec.2 ch.4 of the code of professional conduct for Canadian lawyers states that a person who believes in good faith and is disclosed of confidential information performed in the public interest is not subjected to criminal liability.⁴ Though in the American Bar there is no answer to the question whether any exception can be made to the guarantee to preserve the attorney-client privilege. The Chief Justice William Renkvist noted in the "New York Times": "With bitterness we have to state the absence of empirical research showing the impact may be exceptions to the privilege to preserve attorney-client privilege."⁵

The advocacy established in the public interest can't compromise these interests. This interest of the society and the state is needed to ensure the security of the citizens, and to take the necessary steps about the increase in terrorist activities. This case is a conflict between the duty of every lawyer to perform their duties, to preserve attorney-client privilege and the moral duty of every person. The

¹ Tcipkin A.L. Attorney-client privilege // Advocacy issues, 2001, № 2 (30). p. 62.

² Petruhin I. L. Personal secrets (People and power). M., 1998. p. 151.

³ Dodek Adam. Le privilege du secret professionnel entre l'avocat et son client Defis pour le XXIe siecle. Universite d'Ottawa, fevrier 2011.

⁴ Code of Professional Conduct: [Электронный ресурс] // URL: www. cba. Org (Дата обращения: 10.08.2016)

⁵ Labaton Stephen. Supreme Court Hears Case on Ex-White House Counsel's Notes // The New York Times. 1998.

Russian legislation has not been able to develop the appropriate detailed question of the attorney-client privilege disclosure.

On the one hand, the statute of the law refers to the impossibility of disclosing privileged information, and on the other hand the moral norms can't afford not to take measures (up to the disclosure of information about the planned crime) for the prevention of crime. It enables us to draw a conclusion that the advocacy can't exist without the attorney-client privilege. The conclusion that can be drawn that advocacy can't exist without the attorney-client privilege. It is a mandatory and essential condition for advocacy as a trusting relationship with a client cannot be formed without it.

A client trusting his secrets to a lawyer must be confident that the lawyer does not make it public or use it to harm trusted secrets and other information reported to him. The importance of attorney-client privilege is indisputable. However, we cannot draw a clear distinction between the legal and the moral side of the attorney-client privilege. Certainly, there are some conditions under which the confidentiality of attorney-client privilege is contrary to morality and ethics. Everyone should be aware of the consequences which may occur due to such situations. Attorney secrets are a contradictory notion. Of course, primarily attorney defends the interests of his client, but never forgets that we cannot allow the possibility of committing new crimes. In most of countries, the regulation of attorney-client privilege is different. But the legislator in this matter has to work yet to reduce in the future potential choice between the legal norm and morality. That's why we have to remember that the law primarily should protect human rights.

POLITICAL DIVERSITY IN THE CONSTITUTIONAL FORM OF GOVERNMENT OF THE RUSSIAN FEDERATION

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Political participation of citizens is an integral part of political life of society. Each citizen can have impact on political process in the country. A main goal of political participation of citizens is getting a possibility of influence on realization and adoption of the state decisions as well as on choice of representatives in the state institutes of the power. According to official data, in the Altai Region, the voter turnout at elections of deputies to the State Duma makes 40,7%. It is a rather low indicator which shows lack of interest of citizens not only in political life, but also in their own life. Thus, the aim of the given article is not only to analyze positive and

negative aspects of political variety, but also inform the reader of importance of political participation.

To understand this subject it is necessary to give the definition of a concept of political diversity. It is the constitutional principle proclaiming freedom of political opinions and actions, a legal possibility of creation of political opposition. The democratic state admits that political parties express interests for the main social groups of the population. Political parties present to voters alternative options of solutions to problems of social development¹.

The formation of party diversity in Russia can be referred to the beginning of the 20th century. But this period lasted not long, till October socialist revolution of 1917 and the Bolsheviks who came to the power aimed at forming of the one-party government. Further the long period of one-party membership followed. The process of revival and further development of multi-party system began in the 90th of the 20th century when ideological basis of the state reached utter chaos and after so many years of monopoly of one batch, it became possible publicly to express various opinions and beliefs on any questions. Time "came ... to create the atmosphere at first of the constitutional, and then and real equality of one and all associations, including also the Communist Party"².

The development of multi-party system in modern Russia can be broken into several main stages. The I stage – since March, 1990 – a gradual adoption of the constitution of the USSR and RSFSR becoming to play the leading role of the CPSU. Moreover, the provision "to political parties of equal legal opportunities to participate in management of public affairs".

The II stage is connected with adoption of the Law "About public associations" of the USSR. According to this law, political parties weren't allocated as independent objects of legal regulation and they didn't differ from public associations in their legal status. The next stage of development of multi-party system is connected with adoption of the Constitution of the Russian Federation of 1993. In Article 13 of the Constitution the regulations on establishing the principle of ideological and political variety, multi-party system are fixed. The Constitution of the Russian Federation neither gave definition of political party nor divided political parties and public associations in the legal status. Thus, the specification of the status of political parties in the current legislation was required, which led to adoption of the Federal Law of 2001 "On political parties".

¹ Constitution of the Russian Federation: [Электронный ресурс] // URL: <http://www.constitution.ru/en/10003000-01.htm> (Дата обращения: 10.08.2016)

² Baglay M.V. Constitutional Law of the Russian Federation. – Moscow: NORMA, 2001. 784p.

In the democratic countries there are various party systems — two-party, multi-party which depends on activities of citizens, condition of their political consciousness. The Constitution of Russian Federation abolishes one-party membership, and any attempts to liquidate pluralism in favor of one "leading and directing" forces are considered as unconstitutional revolution. The state can't regulate quantity of parties, but it is interested in creation of viable political system. Thus, in Parliaments the parties having a majority can express interests of a general population whom they represent. Freedom of creation of political parties shall not serve as the tool for any kind of extremist and criminal activity. All parties, as well as other public associations, are equal before the law.

In conclusion, it is important to mention that implementation of the principle of political pluralism leads to the formation of special type of legal culture - tolerant and compromising. In Russia there is a set of political parties, social and political organizations and movements. People, social communities have an opportunity to freely choose the political organizations which correspond to their values, views, orientations, being equitable to their interests. Political pluralism is inseparably linked with ideological one. Political pluralism reflects a variety of the ideas and opinions which provoke dispute, dialogue and solution of political problems.

DIE MIGRATIONSKRISE IN EUROPA

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Die Europäische Union erlebt heute die großzügigste Migrationskrise von der Zeiten des Zweiten Weltkriegs. Mehr haben Millionen Migranten und der Flüchtlinge die Grenzen Europas in 2015 Jahre überquert, ein Grund der Krise in einer Reihe von den Ländern wurde, die sich unfähigen zurechtkommen mit solchem Andrang der Menschen erwiesen.

«In 2015 Jahrestes laut den gegebenen Jewrostata in Europa 1,25 Mio. Flüchtlinge angekommen. Danebenistes 35 % des Stroms zu Deutschland gerichtet»¹.

Die Gründe der Migrationskrise in der BRD:

1. Der bewaffnete Konflikt in Syrischer Arabischer Republik – der Hauptgrund der Massenflucht der Menschen.

¹Krawtschenko L. I. Die Migrationskrise in Europa.[die Elektronische Ressource]:rusrand.ruURL: [http://rusrand.ru/analytics/migracionnyy-krizis-v-evrope\(das](http://rusrand.ru/analytics/migracionnyy-krizis-v-evrope(das)
Datum der Anrede 20.11. 2016)

«Die regierungsfeindlichen Aktionen haben zu den Massenunruhen in verschiedenen Städten Syriens in März 2011Jahre gebracht, und schon zum Sommer des selben Jahres haben in den bewaffneten Konflikt überholt. Die pluralendiplomatischen Versuche, die syrische Krise zu beenden, brachten, den Erfolg nicht. Die Zahl der Opfer des Militärkonfliktes übertritt 330 Tausend Menschen»¹.

Und ist eswirklich, der Hauptbestand der Flüchtlinge sind Syrer (29 %), wobei die Hälfte von ihnen die Zuflucht gerade in Deutschland gebeten hat, 14 % aller Flüchtlinge in Europa sind Bewohner Afghanistans, 10 % — die Iraker.

2. Die einfache Weise, in die europäischen Länder zugeraten.

Innerhalb der Europäischen Union existierte die Grenzkontrolle auf den inneren Grenzen, laut dem Schengener Abkommen nicht. Von anderen Wörtern, es war in ein beliebiges EU-Land genugzugeraten, damit dann frei durch die Europäischen Union den Platz zu wechseln.

3. Die Wirtschafts- und Finanzmöglichkeiten der BRD;

Im 2013 Jahre hat das deutsche Verfassungsgericht verfügt, die Flüchtlinge mit den Arbeitslosen rechtlich gleichzustellen. Die Person, die Zuflucht in Deutschland bekommt die Unterstützung in Höhe von etwa 400 Euro im Monat. Außerdem werden ihm die Fahrt im öffentlichen Verkehr, die medizinische Versicherung und die kommunalen Kosten, der Dienstleistung des Übersetzers bezahlt. Deshalb zieht Deutschland so die Flüchtlinge heran.

4. «Alternativlos» die Migrationspolitik der Regierung Angela Merkel, die erklärte, dass das Recht auf der Zuflucht «die obere Grenzen nicht hat».

«In 2014 Jahre war es in der BRD mehr 200 Tausend Erklärungen auf die Überlassung des politischen Asyls gereicht. Im Sommer handelte es sich 2015 schon um 800 Tausend, und Ende Herbst hat die Regierung anerkannt, dass die Zahl der Flüchtlinge im Land 1 Mio., in diesem Jahr übertreten wird»².

Die Folgen der Migrationskrise für die BRD

1. Die Verschärfung der politischen Lage innerhalb Deutschlands. Die Mehrheit der deutschen Bürger (81 %) meint, dass die Behörden ihres Landes mit der Migrationskrise nicht zureckkommen. Die Popularität des konservativen politischen Blocks der Christen-demokratischen und

¹Wolf A.E. Die europäische Migrationskrise unter den Bedingungen der Ineffektivität der politischen Institute.[die Elektronische Ressource]:human.snauka.ru URL: <http://human.snauka.ru/2015/12/13423> (das Datum der Anrede 20.11. 2016)

²Radugin E. Der Ausgang aus der Migrationskrise für die BRD.[die Elektronische Ressource]:news-front.info URL:<http://news-front.info/2016/08/16/zhyostkij-vykhod-iz-migracionnogo-krizisa-dlya-germanii-evgenij-radugin/>(das Datum der Anrede 20.11. 2016)

Christiansko-sozialen Bündnisse, den die KanzlerDeutschlands Angela Merkel leitet, zum ersten Mal ist es in der Geschichte auf 30 % niedriger.

2. Das föderale Amt der kriminellen PolizeiDeutschlands hat mitgeteilt, dass in sechs ersten Monate die im 2016 Jahre Flüchtlinge aus den Ländern Afrikas und Nahen Ostens mehr 142 Tausend Verbrechenbegangen haben, das heißt begehen durchschnittlich dieMigranten auf 780 Verbrechen pro Tag.

3. Die Migrationskrise trägt zur Steigerung in der deutschen Gesellschaft der xenophoben Stimmungen bei.

Wenn man den Umfragen der öffentlichen Meinung zu glauben, unterstützen von 15 bis zu 20 % die Befragten die Ideologie des rechten Extremismus. Es haben sich die Brandstiftungen der Lager und die Fälle des Mordes der Flüchtlinge beschleunigt.

4. Die großzügigen Migrationsströme zu Europa können zu solchen schweren Folgen, wie der Massenvertrieb der Tuberkulose und der Leberentzündungen, sowie zum Risiko des Vertriebes verschiedener Erkrankungen, fremd für die Ortsbewohner bringen.

Die Lösung der Migrationskrise

Wen über die Perspektiven der Lösung der Migrationskrise sag, so werden sie vielen Politikern und den Experten pessimistisch vorgestellt. Wie der Ministerpräsident Frankreichs Manuel Walzer bemerkt hat, muss Europa die eiligen Maßnahmenergreifen, um die äußerlichen Grenzen zu kontrollieren. «Wenn Europa nicht fähig ist, die Grenzen zu schützen, wird das die Idee Europas unter den Zweifel» gestellt sein. Manuel Walzer hat berichtet, das nicht Europa, und «das europäische Projekt», die europäischen Werte, die Konzeptionseinheitlichen Europas umkommen wird. Seinen Worten nach kann Europa alle Flüchtlinge nicht übernehmen, die sich von den schrecklichen Kriegen im Irako der Syriensretten»¹. Anderfalls wird unsere Gesellschaft vollständig destabilisiert sein. Manuel Walzer hat "die Tapferkeit" des KanzlersDeutschlands Angela Merkel in der Frage der Flüchtlinge bemerkt, aber hat erklärt, dass Sie ihre Politik "kommen, Sie werden» übernehmen kann zu den riesigen Veränderungen in der EU bringen.

Zur Zeit hat die Europäische Union keine konkrete Lösungen des Migrationsproblems, und erklährt sich mit seiner Unfähigkeit in vieler Hinsicht, die Diskussion von den Tiefgründe der Krise und sein enmöglichen Folgen zu führen.

¹Gasanow R.M. Die Migrationskrise in Europa: die Gründe, die Folge, der Perspektive der Lösung. [die Elektronische Ressource]:CyberLeninka.ru URL: [333](http://cyberleninka.ru/article/n/migrationsnyy-krizis-v-evrope-prichiny-posledstviya-perspektivy-razresheniya(das Datum der Anrede 20.11. 2016)</p></div><div data-bbox=)

THE ANALYSIS OF POLITICAL AND LEGAL TENDENCIES IN THE RUSSIAN FEDERATION

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In the recent years many specialists are considering the evolution of Russian society's democratic values and institutions of different forms of political and public participation in the context of the changes that were and are taking place in the country. Special attention is given to perspectives of the development of democracy in the country. For example, sociologists and lawyers stress the necessity to develop various forms of civil initiatives and of citizens' self-organization as the basis for the formation of an institutional sphere. However, in this process there were many questions. First of all, the stumbling stone was the form of state in Russia.

Foremost, the form of state includes some parts: the political regime, the form of the state territorial system and the form of government. Different specialists (A. S. Ivanov, N. Baranov) state that the political regime in the Russian Federation can be democratic or authoritarian. Democracy, or democratic government, is "a system of government in which all the people of a state or polity are involved in making decisions about its affairs, typically by voting to elect representatives to a parliament or similar assembly," as defined by the Law Dictionary¹.

Also democracy is "a system of government in which people vote in elections to choose the people who will govern them"².

It is quite vivid that these definitions are very similar but many specialists consider the idea of democracy around the world. For example, Alexander Ivanov underlines that everyone understands that "clear democracy" does not exist anywhere in the world today. However, there has been a strong growth in anti-democratic tendencies within the state in Russia. He believes that we can trace it through some of the facts.

One of them can be V.V. Putin's approval rating. This indicator is very high. According to A. Ivanov, we can affirm that about 89 percent of the population support him (the pollster WCIOM estimated 90 percent of Russians supported V.V. Putin while later that same month independent pollster Levada Center estimated the figure at 88 percent). It is impossible for a society to fiction where political forces struggle for power. It means that many political people try to win the elections and other "political competitions". For example, the debates are of great importance in a civil society. Also A. Ivanov makes the conclusion about the Russian Federation

¹ The Academic Dictionary [Электронный ресурс] // URL: <http://translate.enacademic.com/> (Дата обращения: 11.09.2016)

² Ivanov A.S. The Executive Power of Modern Russia: Democratic and Antidemocratic Tendencies. – Ufa: Bashkir State University, 2004. – 173 p.

underlying its long-term sustainable development of authoritarian political regime.

Popular sociologist Olga Simonova has the same opinion. She notes some facts, among them, for example, is the creation of the National Guard. The author further points out this state body is a mixed factor in the system of the public security forces. Thus, Vladimir Putin claimed during "question-and-answer session" that the main aim of this organization is gun control. However, A. Ivanov and O. Simonova believe that V.V. Putin wants to have the National Guard for suppression of possible mass riots during elections. They think that the National Guard is a step to authoritarianism.

The popular political scientist Nikolay Baranov writes about different political relations and political processes in modern Russia. According to N. A. Baranov, this federal service can help V.V. Putin to rule because the President may intervene in all public meetings¹.

He, however, thinks that the authoritarianism is not a bad decision. The current political conditions force our government to take such measures.

In conclusion, we want to say that these trends are inhomogeneous. On the one hand, our state deviates from the political and legal course set by the Constitution of 1993. This is not a good thing because it has the capacity to destroy the political system. Our Constitution is a programmatic document, because many of the provisions were not reflected in practice.

On the other hand, these changes can be seen as a response to negative events in the world. The government is trying to protect people against different threats. The global political process does not leave Russia aside. Therefore, our state is forced to recognize authoritarian political sphere for sustainable development of our state.

ELECTIONS IN THE USA: LEGAL VISION

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The Electoral College in the USA has no analogy in the world. The latest Presidential elections in the USA involve the world society in the hot discussion. The research seems more urgent because of its purpose, which consists of removing an ambiguity in the process of the US President Elections of 2016.

The goal of the research is to analyze the results of the US Presidential Elections of 2016.

¹ Baranov N.A. Political Relations and Political Process in Modern Russia // Social Sciences and Humanities: Scientific Magazine. - SPb., 2007. №8 (35). pp. 54 - 64.

There are three main tasks:

1. To find the constitutional principles of the Presidential Elections in the US;
2. To stress the method of formation, features and functions of the Electoral College in the US;
3. To survey the advantages and disadvantages of the Electoral College in the US.

Research object is the electoral system of the US.

The USA is a country, which plays a significant role on the international stage. That's why, these elections were waited by the world's community for a long time. It should be noticed that elections' results lead to contradictory consequences. Since November, 9 numerous protest actions have been held in large cities of the United States, for instance, in New York. They demand of outlawry the results of Elections. "This President is not mine" – something just like this was reflected in the protester's speech. In this way it seems important to understand, why electorate has been disappointed in its choice.

The Electoral College in the US is a complicated system. The main features of the Presidential Elections in the US are vested in its Constitution (1787, article 2, section 1). Following the law, "the executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice-President chosen for the same Term"¹. The document also determines significant requirements for the candidate. Firstly, a person should be a natural born citizen or the citizen of the US at the Constitution adoption time. Secondly, a person shall have attained to the age of thirty-five years and been fourteen years a resident within the US.

There are two main political parties in the US: the Democratic Party and the Republican Party. Particularly, the fierce election race breaks out between them. Other political "directions" were also presented during the election campaign, but their role was limited and didn't suppose the success, therefore, they were named as third parties: the Libertarian party (Gary Johnson), the Green Party (Jill Stein).

The US President is elected via indirect elections, which consist of two stages. It turns out that the Electoral College makes a direct choice. At that moment there are totally 538 electors, corresponding to the 435 Representatives, 100 Senators and three electors from the District of Columbia as provided in the 23 Amendment of the US Constitution. Each state appoints the certain amount of electors (this amount should be equal with the number of its US senators and representatives), who will represent the interests of its state. All states except Maine and Nebraska have chosen

¹The Constitution of the United States. – URL: <http://constitutionus.com/>

electors on “winner-takes-all” system. It means that the state's electors are awarded to the candidate with the most votes in that state.

During the research project the statistical results of the US Presidential elections of 2016 are reflected in the table. The list below presents such figures: the percent of citizens' voices, which determines the winner in each state, and the amount of electoral vote from each state.

Using this statistical information, it seems possible to analyze these elections without some prejudgment.

Firstly, the elections' forecast in the majority of states is evident for experts. Furthermore, the research shows that it really coincides with the results. Specialists say that candidates from conservative Republican Party can predict easy victory in the south states, such as Texas, Mississippi, Alabama, and South Carolina. Easily or not, but D. Trump really has become a winner in these states. On the other hand, they say that the Republican Party should wait a fiasco in such liberal states of “New England” as Vermont, Massachusetts, Connecticut and Rhode Island. The list of results below confirms this forecast. There are always exceptions. Such an exclusion experts name as “swing states”, in which no one party has the sustained support from electors, therefore, intensive fight is held for its electoral votes. As for the US Presidential Elections of 2016, key races were connected with such battleground states as North Carolina (D. Trump, only 50 %), New Hampshire (H. Clinton, only 47 %), Florida (D. Trump, only 49%). In general, the US elections history gives a chance to forecast the results. Some states will always be for one party, others – for another. Only battleground states show promise. However, the number of swing states is decreasing.

Secondly, the experts, analyzing the US Presidential Elections of 2016, distinguish 14 key races (including swing states), where the winner has no the majority of votes (Arizona, Colorado, Florida, Georgia, Iowa, Michigan, Nevada, New Hampshire, North Caroline, Ohio, Pennsylvania, Utah, Virginia, Wisconsin). D. Trump becomes a winner in the 10 from 14 key races. Totally he gets there 147 electoral votes. However, in these 10 states no more than a half of population wanted to see him as a President.

Thirdly, the value of each electoral vote is much more different. For example, in Alaska D. Trump gets 3 electoral votes, i.e. 130,415 (52,9%) votes. In the District of Columbia H. Clinton gets also 3 electoral votes, but these three electoral votes correspond to 260,223 votes (92,8%). It allows to make a conclusion that one vote sometimes has different significance in the United States.

Nº	The State	Clinton	Trump
1	Idaho		4(59,2%)
2	Iowa		6(51,8%)
3	Alabama		9(62,9%)
4	Alaska		3(52,9%)
5	Arizona		11(49,5%)
6	Arkansas		6(60,4%)
7	Wyoming		3(70,1%)
8	Washington	12(54,4%)	
9	Vermont	3(61,1%)	
10	Virginia	13(49,9%)	
11	Wisconsin		10(47,9%)
12	Hawai`i	4(62,2%)	
13	Delaware	3(53,4%)	
14	Georgia		16(51,3%)
15	West Virginia		5(68,7%)
16	Illinois	20(55,4%)	
17	Indiana		11(57,2%)
18	California	55(61,6%)	
19	Kansas		6(57,2%)
20	Kentucky		8(62,5%)
21	Colorado	9(47,3%)	
22	Connecticut	7(54,5%)	
23	Louisiana		8(58,1%)
24	Massachusetts	11(60,8%)	
25	Minnesota	10(46,9%)	
26	Mississippi		6(58,5%)
27	Missouri		10(57,1%)
28	Michigan		16(47,6%)
29	Montana		3(56,5%)
30	Maine	electoral vote breakdown: 3 for Clinton and 1 for Trump	
31	Maryland	10(60,5%)	
32	Nebraska		5(60,3%)
33	Nevada	6(47,5%)	
34	New Hampshire	4(47,6%)	
35	New Jersey	14(65%)	
36	New York	29(58,8%)	
37	New Mexico	5(48,3%)	
38	Ohio		18(52,1%)
39	Oklahoma		7(65,3%)

40	Oregon	7(51,7%)	
41	Pennsylvania		20(48,8%)
42	Rhode Island	4(55,4%)	
43	North Dakota		3(64,1%)
44	North Carolina		15(50,5%)
45	Tennessee		11(61,1%)
46	Texas		38(52,6%)
47	Florida		29(49,1%)
48	South Dakota		3(61,5%)
49	South Carolina		9(54,9%)
50	Utah		6(45,9%)
	Dist. of Columbia	3(92,8%)	
	Total	232	306

The number of states, where D. Trump becomes a winner, is more. The number of electoral votes for D. Trump is also more than for H. Clinton to 74 votes. To become a winner it's enough to have more than 270 votes. These facts guaranteed a victory to D. Trump. In general, the population indicator is quite different. 46% votes are for D. Trump, 47% votes are for H. Clinton, the difference is about one million votes. The statistical analysis shows that each vote has different value. The nonsense appears (and this is not a single case in the US history) that American population has chosen H. Clinton, but the "system" has chosen D. Trump. In this way members of the Democratic Party tend to change the results of the US Presidential Elections of 2016, which officially will be pronounced by the Electoral College on the 19th of December 2016.

The electors have a duty to give the voice for the winner in their states, that's why changing the situation seems impossible. This research project isn't devoted to confirm frustrated the US Presidential Elections of 2016, because such situations have an analogy in the US history. It is important to show that the country, which positions itself as the most democratic state in the world, uses much more imperfect electoral system. Nevertheless, the elections are the main principle of democracy.

The new tendency, which is created by the Democratic Party, is to change the electoral system of the US. The bill about the direct elections has already been brought to the US Senate. The hope for the adoption is naïve a bit. However, it's worth thinking about democratic-senator from California Barbara Boxer's words: "This is the only office in the land, where you can get more votes and still lose the presidency". ¹ May be, Electoral College

¹ Amid popular vote gap, California senator Barbara Boxer takes aim at Electoral College. – URL: <http://www.japantimes.co.jp/news/2016/11/16/world/politics-diplomacy-world/amid-popular-vote-gap-california-senator-barbara-boxer-takes-aim-at-electoral-college/>

has come to the historical past. The bill, devoted to direct elections, looks like that it partially confirms this conclusion.

VERGLEICHSANALSE DER VERFASSUNGEN VON RUSSLAND UND DEUTCHLAND

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Die Verfassung — das Grundgesetz des Staates.

Am 25. Mai 1949 trat das Grundgesetz der BRD in Kraft. Das Grundgesetz regelt die rechtliche und politische Grundordnung der Bundesrepublik Deutschland. Es besteht aus 11 Abschnitten. An erster Stelle des Grundgesetzes steht das Grundrechtskatalog.

Die Verfassung der Russischen Föderation von 1993 trat am 12. Dezember in Kraft. Die Verfassung besteht aus einer Präambel und 137 Artikeln. Der grundlegende Verfassungstext gliedert sich in 2 Abschnitte. Der erste Abschnitt umfasst 9 Kapitel. Der 2. Abschnitt enthält die Schlussung der Übergangsbestimmungen.

Mein Bericht widmet sich dem Problem der verfassungsmäßigen Rechte und Freiheiten des Menschen und Bürger in der Russischen Verfassung und im Grundgesetz der Bundesrepublik Deutschlands (rechtsvergleichende Analyse).

Grundlegende Prinzip der Gesetzgebung der Russischen Föderation und der Gesetzgebung der Bundesrepublik Deutschlands anerkannt Einhaltung der Rechte und Freiheiten des Menschen: der Mensch, seine Rechte und Freiheiten bilden die höchsten Werte. Zurzeit wird der Umfang der Rechte und Freiheiten der Persönlichkeit nicht nur durch die spezifischen Merkmale eines bestimmten Gesellschafts, sondern auch die Entwicklung der menschlichen Werte und Kultur, und dem Grad der Interaktion der internationalen Gemeinschaft bestimmt. Angesichts der entstandene Notwendigkeit in der Schaffung von universellten völkerrechtlichen Normen auf dem Bereich der Menschenrechte stellt relativ-rechtliche Forschung auf diesem Bereich zweifellos berechtigtes Interesse vor.

Die Grundrechte sind die fundamentalen, die bereits in der Verfassung (Grundgesetz) des Staates und der wichtigsten internationalen Instrumenten für Menschenrechte, außerdem sind Sie die rechtliche Basis für Derivate, aber nicht weniger wichtige Rechte. Davon ausgehend, soll

vergleichende Analyse durchgeführt werden , gestützt auf die Bestimmungen der Gesetze der untersuchten Staaten - die Verfassung der Russischen Föderation und des Grundgesetzes der Bundesrepublik Deutschlands.

Vergleicht man die Verfassung der Russischen Föderation und Grundgesetz in Deutschland allgemein ist anzumerken, dass in Ihnen viel gemeinsam. Erstens, die grundlegenden staatlichen Gesetze verabschiedet wurden vor kurzem (im Jahr 1993 und im Jahr 1949 beziehungsweise), und zweitens, Schiedssprüchen markiert den Übergang vom Staatsautoritärtotalitären System zur Demokratie, vom Reich zum modernen föderativen Staat. Die grundlegende Akte Russlands und der BRD an die neuen Werte, auf denen war, die Gesellschaft zu vereinen, im Gegensatz zu anderen europäischen Staaten, die Universelle Werte entsprechend Ihrer nationalen Geschichte, und in Russland und in Deutschland sind Sie im Gegensatz zu Ihr¹.

Im System der Rechte und Freiheiten der Persönlichkeit unterscheiden zwei große Gruppen Rechte: Verfassungs - (Haupt -) und Branchen, die in der aktuellen Gesetzgebung. Unter der Verfassungs (Grund -) Rechte des Menschen bezieht sich auf die Rechte in der Verfassung des Staates, die in der Entwicklung völkerrechtlicher Menschenrechtsinstrumente angenommen werden. Die verfassungsmäßigen Rechte und Freiheiten des Menschen, verankert in der Verfassung (Grundgesetz), sondern die rechtliche Stellung der Persönlichkeit im Staat, Sie bilden die rechtliche Basis für die abgeleiteten sektoralen Rechte, die in der sektoralen Gesetzgebung. Dieser Umstand ist darauf zurückzuführen, dass die verfassungsmäßigen Rechte und Freiheiten die ganze Vielfalt der sozialen Beziehungen nicht erfassen können, Industrie-und Rechte zu berufen, Sie zu konkretisieren. Zusammen bilden Sie den rechtlichen Status der Persönlichkeit - die Gesamtheit der Rechte und Freiheiten, Pflichten und die berechtigten Interessen des einzelnen, anerkannten und garantierten dem Staat².

Im Grundgesetz der Bundesrepublik Deutschlands widmet sich der Abschnitt den grundlegenden Menschenrechten und Freiheiten, enthält das erste Kapitel, was die Bedeutung Ihrer Beachtung im modernen Deutschland unterstreicht. unantastbar, unveräußerlichen Menschenrechte anerkannt die Grundlage aller menschlichen Gesellschaft und der

¹ Spilew D. A. Garantien der Sozialen Sicherheit in den gesetzlichen Systemen Russlands und Deutschlands. N. Nowgorod, 2009.

² Korelsky V. M., Perewalow V. D. Theorie des Staates und des Rechtes. M.: Izd-vo "INFRA-M", 2003.

Gerechtigkeit in der Welt (Artikel 1 des Grundgesetzes der Bundesrepublik Deutschlands). Man garantiert: des Gewissens, der Religion, der Meinungen, der Presse und der Zugang zu Informationen, Vereins- und Versammlungsrecht, Freizügigkeit und die Wahl der Berufe.

Wichtige Verfassungs-Klausel ist eine Klausel, die besagt, dass Demokratische Rechte und Freiheiten dürfen nicht für den Kampf gegen die freiheitliche Demokratische Ordnung (Artikel 18 des Grundgesetzes der Bundesrepublik Deutschland), die Möglichkeit des Entzugs der wichtigsten politischen Rechte nicht benutzen können, sowie die Gewährleistung der Vertraulichkeit des Schriftverkehrs wird durch eine spezielle Institutionen der verfassungskontrolle bestimmt. Darüber hinaus, die Grundrechte und Freiheiten haben allgemeinere Bedeutung erworben: Sie verknüpft alle Zweige der Regierung - Legislative, Exekutive und Judikative.

Und im Grundgesetz der Bundesrepublik Deutschland und in der Verfassung der Russischen Föderation ist das wichtigste Demokratische Prinzip verankert, das die Aktion einer erheblichen Anzahl der Rechte und Freiheiten, - das Prinzip der Gleichheit vor dem Gesetz und dem Gericht bedingt. Die Bestimmungen, die in Artikel 3 des Grundgesetzes der Bundesrepublik Deutschland und nach Artikel 19 der Verfassung der Russischen Föderation, in vielerlei Hinsicht ähnlich sind: die Gleichheit aller Bürger vor dem Gesetz, die Gleichheit der Rechte und Freiheiten von Männern und Frauen, Verbot der Diskriminierung aufgrund von Geschlecht, Abstammung, Rasse, Sprache, Ort der Geburt und Verwandtschaft, Konfession, religiösen und politischen Ansichten. Aber in der Verfassung auch eine Garantie der Gleichheit der Rechte und Freiheiten, unabhängig von Vermögensverhältnissen und Amtsstellung, sowie der Zugehörigkeit zu gesellschaftlichen Vereinigungen. Wir glauben, dass diese Kriterien separat in Kraft zugeteilt wurden, die historischen Veränderungen des Russischen Staates und des Rechtes. Der Weg zum Aufbau eines demokratischen Rechtsstaates nach dem Zusammenbruch der Sowjetunion direkt beabsichtigte Verzicht auf die Prinzipien des totalitären Sowjetsystems. Präferenzen und Privilegien der sowjetischen Bürokratie und Partefunktionäre, eines der wichtigsten Merkmale des sowjetischen Systems, stehen im Widerspruch zu den Grundsätzen des Demokratismus. Wir glauben, dass der Grund, deshalb ist diese Bestimmung in der Verfassung festgeschrieben¹.

¹ Asarow A., Reuter V., Menschenrechte. Internationale und russische Schutzmechanismen: die Moskauer Schule für Menschenrechte, 2003.

Die Verfassung der Russischen Föderation, und wie das Grundgesetz der Bundesrepublik Deutschland, stellt die unmittelbare Wirkung der Rechte und Freiheiten. Dadurch wird festgestellt, dass die Rechte und Freiheiten anerkannt, geschützt und den Sinn der Tätigkeit der Organe der Staatsmacht und der lokalen Selbstverwaltung bestimmen. Beide Verfassungen festigen das Recht auf Leben, stellen fest, dass der Eingriff in dieses Recht ist nur möglich auf der Grundlage des Gesetzes möglich ist.

Die Verfassung der Russischen Föderation verankert die Freiheit des Gewissens und die Freiheit der Religion, und mit Ihnen, und das Recht, Überzeugungen zu haben und zu verbreiten und nach Ihnen zu handeln (Artikel 28). Dieses Recht wird im Grundgesetz der Bundesrepublik Deutschland (Teil 1 des Artikels 4 festgelegt), jedoch installiert ist, Garantier der reibungslose Durchführung religiöser Veranstaltungen wird gestattet (Teil 2 des Artikels 4).

Die Meinungsfreiheit ist mit einigen Unterschieden bestimmt, so in Artikel 5 des Grundgesetzes der Bundesrepublik Deutschland finden die folgenden Bestimmungen: das Recht, die Meinung frei zu äußern und zu verbreiten mündlich, schriftlich und durch Bilder; die Freiheit von Presse, Rundfunk und Kino; das Verbot der Zensur; die Beschränkung dieser Rechte nur durch Gesetz. In der Verfassung der Russischen Föderation und auch fast wörtlich dargelegt Regelungen zur Freiheit des Wortes, zusammen mit dem wird es im Teil 2 des Artikels 29 festgeschrieben: "unzulässig sind Propaganda und Agitation, die zu sozialem, rassenbedingtem, nationalem oder religiösem Haß und Feindschaft aufstacheln. Verboten ist das Propagieren sozialer, rassenbedingter, nationaler, religiöser oder sprachlicher Überlegenheit".

Das Recht auf Vereinigung ist eines der grundlegendsten Rechte in den Arbeitsbeziehungen, wird im Grundgesetz der Bundesrepublik Deutschland erheblich starker verankert und hat eine viel stärkere Garantie, als in der Verfassung der Russischen Föderation. Das Grundgesetz der Bundesrepublik Deutschland ist nicht nur das Recht auf freie Eintritt in öffentliche Vereinigungen, sondern auch ein Verbot der Tätigkeit von illegalen Vereinigungen, sondern auch die wichtigste Garantie – Verbot der Maßnahmen zur Beschränkung der Aktivitäten von Gewerkschaften. Der Inhalt im Grundgesetz der Bundesrepublik Deutschland bestimmt die Gewerkschaft als Organ des Schutzes der Interessen der Arbeitnehmer. Bis zur Stirn über das Arbeitsverhältnis, beachten Sie, dass es in beiden Verfassungen ist das Recht zu wählen, Beruf, Arbeitsplatz gibt. Allerdings gibt es einen wichtigen Unterschied - die Verfassung Russlands gibt es ein Verbot der Zwangsarbeit, während das Grundgesetz der Bundesrepublik

Deutschland räumt Zwangsarbeit bei der Beraubung der Freiheit. Diese Tatsache zeigt die Unterschiede der Systeme von Strafen Russland und Deutschland.

Nahezu identisch in den Verfassungen ist das Recht auf Unverletzlichkeit der Wohnung, Eigentum und Erbrecht, das Recht auf Privateigentum an Land, das Recht auf Bewegungsfreiheit auf dem ganzen Territorium des Staates verankert, das Recht sich persönlich anwenden und leiten die Behandlung in die zuständigen staatlichen Organe, Organe der örtlichen Selbstverwaltung und die Organe der Volksvertretung, das Recht auf Briefgeheimnis. Doch im Grundgesetz der Bundesrepublik Deutschlands liegt Imperativ Norm, hat keine Entsprechung in der Verfassung, nämlich Artikel 18 des Grundgesetzes für die Bundesrepublik Deutschland erfasst: "Jeder, der die Freiheit der Meinungsäußerung, insbesondere die Pressefreiheit (Artikel 5 Absatz 1), die Freiheit der Lehre (Absatz 3 Artikel 5), Versammlungsfreiheit (Artikel 8), die Vereinigungsfreiheit (Artikel 9), das Geheimnis der Korrespondenz, Post, Telegraph und andere Telekommunikation (Artikel 10), das Eigentum (Artikel 14) oder das Asylrecht (Artikel 16-a) für den Kampf gegen die Grundlagen freiheitliche Demokratische Grundordnung, verliert diese Grundrechte. Die Tatsache und das Ausmass des Verlustes dieser Rechte durch die Entscheidung des Bundesverfassungsgerichts". Es scheint, dass eine Einschränkung der Rechte und Freiheiten mit einer historischen Periode verbunden ist¹.

Zusammenfassend relativ kurzen-rechtlichen Analyse der verfassungsmäßigen Rechte und Freiheiten des Menschen und Bürgers, die in der Verfassung der Russischen Föderation und im Grundgesetz der Bundesrepublik Deutschland, verankert hanen, müssen wir feststellen, dass die in der grundlegenden Akten Russland und Deutschland Rechte und Freiheiten des Menschen und Bürgers in der Regel im Einklang mit internationalen Standards garantierten. Bestimmte Zusatzinformationen, die auf die Entwicklung der internationalen Standards im Bereich der Gewährleistung der Rechte und Freiheiten, die in den grundlegenden Rechtsakten der Russischen Föderation und der Bundesrepublik Deutschland, nur präzisieren und konkretisieren internationalen Standards.

¹ Sigalow E. K. International-rechtliche Aspekte des Mediums, die Rechte und das Recht des Menschen // die Geschichte des Staates und des Rechtes. 2008. N 1. S. 67 - 71.

THE TERTIARY SECTOR AS ROAD TO ECONOMIC GROWTH OF GREAT BRITAIN

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There is no denying the fact that the United Kingdom of Great Britain and Northern Ireland is one of the world's leading industrialized nations. Nowadays the economy of the United Kingdom is the fifth-largest national economy in the world. A growing service sector is a sign of increased living standards. Service sector is an indicator of social development. It has always attracted much attention of the researchers. The knowledge of its composition and value is important for an understanding of development of the economy, political and social issues. The purpose of this article is to study the composition of the UK tertiary sector, its level of development and its impact on employment growth. The main objectives are to search, process and analyze statistical data, to collect the necessary information and to compare the share of the UK tertiary sector indices for several time periods.

First it is worth saying that the economic history of the United Kingdom deals with the economic history of England and Great Britain from 1500 to the early 21st century. In the early Middle Ages most people were employed in the primary sector. Many people worked on the land and made their living from agriculture and related products. During the industrial revolution, more people were needed to build ships, work in steel making and with textiles. All of these jobs are found in the secondary sector. By 1900 over half of the workers in the UK were employed in secondary industries. Britain has long had a great success in the industry. But mechanisation changed the situation. It meant that less people were required to work on the land and in industry, as machines could carry out most of the work that people previously did. At the end of the Victorian era, the service sector (banking, insurance and shipping, for example) began to gain prominence at the expense of manufacturing. The UK experienced rapid growth of the service sector in the late 19th century. Employment in the service sector outnumbered that in primary and secondary sectors¹. For the last 100 years, there has been a substantial shift from the primary and secondary sectors to the tertiary sector. This shift is called tertiarisation. Economies tend to follow a developmental progression that takes them from

¹ James Denman; Paul McDonald (1996). "Unemployment statistics from 1881 to the present day". *Labour Market Trends*. The Government Statistical Office. 104 (15–18).

a heavy reliance on agriculture and mining, toward the development of manufacturing (e.g. automobiles, textiles, shipbuilding, steel) and finally toward a more service-based structure. The United Kingdom was the first economy to follow this path in the modern world¹.

What is the service sector? Let's investigate this term. There are numerous definitions of service sector. They all have more similarities than differences. Service sector can be defined as "the set of industries that provide services to the population, the scope of services made to include culture, education, health, consumer services, passenger transport and communication, recreation facilities, catering"². "The service sector is the part of a country's economy that is made up of businesses that provide services"³.

Currently in the UK services sector is the largest component of the economy. Now the percentage of employment in the services sector in the UK has reached 80⁴. In the UK, the main scope of services includes:

- Retail industry
- Computer and I.T. services
- Hotels and tourism services
- Restaurants and cafes
- Transport – rail, bus, air, sea
- Communication
- Banking services
- Insurance services
- Pension services
- Food and beverage services
- Postal services

The services sector is the real powerhouse of the UK economy, accounting for almost 80 per cent of GDP. In 2015 the UK tertiary output was 2.248 billions USD⁵. The major share (about 40%)

¹ Raizberg BA, LS Lozovsky, EB Starodubtsev. Modern Dictionary of Economics. - 2nd ed.. M.: INFRA-M. 479 to 1999.

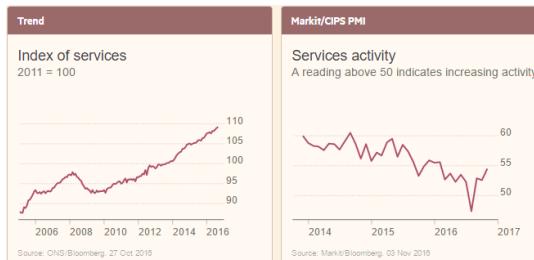
² https://en.wikipedia.org/wiki/Tertiary_sector_of_the_economy

³ <http://dictionary.cambridge.org/dictionary/english/service-sector?fallbackFrom=english-russian>.

⁴ The Financial Times Limited 2016 <https://www.ft.com/content/2ce78f36-ed2e-11e5-888e-2eadd5fbc4a4>

⁵ Савлов М.Е. Формирование отраслевой структуры третичного сектора хозяйства стран мира. / Автореф. дис. ... канд. филол. наук. – Москва, 2016.

belongs to business and financial services. The share of public services is 35%, trade 19%. Hotel services occupy 5% of the entire market¹.



Graph 1

Graph 2

The first graph shows that in UK's economy in the period from 2006 to 2016 services suffered in the downturn like the rest of the economy but on official measures the sector had regained its previous peak by the end of 2011, well ahead of the rest of the economy. It continues to expand at a healthy rate.

The second graph represents that the closely watched survey of purchasing managers fell sharply in the aftermath of the vote to leave the EU but has since recovered.



Graph 3

The third graph shows the current balance of goods and services in the UK. While the service sector continues to deliver a healthy return, with exports far exceeding imports, the picture is the reverse for goods, dragging down the UK's trading position with the rest of the world².

¹ <https://www.gov.uk/government/publications/summer-budget-2015/summer-budget-2015>

² <https://ig.ft.com/sites/numbers/economies/uk>

The study of the tertiary sector found some concerns. One of them deals with the characteristic of services. They are intangible. It means that potential customers don't know what they will receive and what value it will hold for them.

The next problem is that the quality of most services depends largely on the quality of the individuals providing the services. Whereas a manufacturer may use technology, simplification, and other techniques to lower the cost of goods sold, the service provider often has high costs of services.

Product differentiation is often difficult. Customers face obstacles choosing a service provider. They often seem to provide identical services.

The services are fluctuating in nature. They may depend on the season for example (tourism).

A huge potential problem of the service sector is that often it is hard to export the service sector industries. A country with a large service sector may run a current account deficit - importing manufacturing goods and financing the deficit through attracting capital flows. This has often been the case for the UK. However, there is no guarantee that a growing service sector will lead to a current account deficit. Increased globalization has also enabled more services to be traded, for example, cross border I.T. support is much easier with the internet¹.

It is worth saying that the UK economy is based on tertiarisation. Therefore any economic crisis is a potential threat for its services sector.

The following conclusions can be drawn from the present study:

- The UK tertiary sector plays a huge role in the economy of the state and society as a whole. The level of development of the tertiary sector often acts as an indicator of the level of economic development of the country.
- More than two-thirds of the UK population are employed in the service sector.
- The UK services sector accounts for almost 80 per cent of GDP.
- The UK was the first country that went on tertiarisation way.
- Tertiarisation has both advantages and disadvantages.

¹ <http://www.economicshelp.org/tertiary-service-sector/>

- It includes all kinds of commercial services required to meet the material and spiritual needs. It is impossible to imagine a modern economy without service sector.

Научное издание

«ПРАВОВАЯ РЕФОРМА В РОССИИ»
Материалы XII ежегодной научной конференции
молодых ученых и студентов

Подписано в печать 29.11.2016
Бумага офсетная. Усл. п.л. 20,88
Тираж 75 экз. Заказ № 418

Отпечатано в Типографии «Си-пресс»
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