
ECONOMIC AND LAW ISSUES

**Nº6 (132)
2019**

Editorial Council

A.P. Torshin — Candidate of Law, Deputy Chairman — State Secretary of the Bank of Russia, Chairman of the Editorial Board of the Journal “Economic and Law Issues”

E.M. Ashmarina — Doctor of Law, Professor, Head of the Department of Legal Support of Economic Activity of the Russian State University of Justice, Editor-in-Chief of the Journal “Economic and Law Issues”

A.G. Lisitsyn-Svetlanov — Doctor of Law, Professor, Academician of the Russian Academy of Sciences, Institute of State and Law of the Russian Academy of Sciences

V.N. Viktorov — Doctor of Economics, Professor, Head of the Center for Special Programs at St. Petersburg Mining University

Yu.V. Golik — Doctor of Law, Professor of the Department of Criminal Law and Criminology of the Moscow Academy of the Investigative Committee of the Russian Federation

S.N. Silvestrov — Doctor of Economics, Professor, Academician of the Russian Academy of Natural Sciences, Director of the Economic Policy Institute and the problems of economic security, Professor of the Department of World Economy and World Finance of the Financial University under the Government of the Russian Federation

A.A. Liverovsky — Doctor of Law, Professor at the Department of Constitutional and Administrative Law of the National Research University Higher School of Economics in St. Petersburg

Editor-in-Chief

E.M. Ashmarina — Doctor of Law, Professor

The journal is included in the list of the Higher Accreditation Committee of The Ministry of Education and Science of Russia of the leading scientific journals and publications issued in the Russian Federation, where the main scientific results of the scientific theses for the degrees of Doctor and Candidate of Science can be found

Founder: LLC “Economic Sciences”

Address: 125057, Moscow, Chapaevskii per., 3-775

E-mail: info@law-journal.ru

WWW: <http://law-journal.ru>

The Certificate of registration of mass media

ПИ №ФЦ 77-31419 from 06.03.2008

Subscription index 70180 (Agency “Rospechat”)

ISSN 2072-5574

Editorial Board

E.M. Ashmarina — Doctor of Law, Professor, Head of the Department of Legal Support of Economic Activity of the Russian State University of Justice, Editor-in-Chief of the Journal “Economic and Law Issues”

O.Yu. Bakaeva — Doctor of Law, Professor of the Department of Financial, Banking and Customs Law of the Saratov State Law Academy

V.V. Bolgova — Doctor of Law, Professor, First Vice-Recto for Academic and Educational Work, Head of the Department of Theory and Philosophy of Law, Samara State University of Economics

A.A. Pavlushina — Doctor of Law, Professor, Director of the Institute of Law of Samara State University of Economics

S.A. Makhosheva — Doctor of Economics, Professor, Head of the Department “Regional Management” of the Institute of Informatics and the problems of regional management of the Kabardino-Balkarian Scientific Center of the Russian Academy of Sciences

A.M. Mikhailov — Doctor of Economics, Professor of Samara State University of Economics

V.V. Simonov — Doctor of Economics, Professor, Head of the Department of Church History, Moscow State University named after M. Lomonosov

I.A. Shulyatyev — PhD in Law, Senior Lecturer at the Department of International and European Law, Institute of Legislation and Comparative Law under the Government of the Russian Federation

A.A. Alekseev — Doctor of Economics, Professor, Director of the Center for Innovative Development, Professor of the Department of Enterprise Economics and Production Management, St. Petersburg State University of Economics

V.P. Ponka — Doctor of Law, Professor of the Department of Civil Law, Process and Private International Law of the Peoples’ Friendship University of Russia

A.G. Zeldner — Doctor of Economics, Professor of the Institute of Economics of the Russian Academy of Sciences

M.F. Gus’kova — Doctor of Economics, Professor at the Institute of Paths, Construction and Structures of the Russian University of Transport (MIIT)

P.V. Pavlov — Doctor of Economics, Doctor of Law, Associate Professor, Director of the Institute of Management in Economic, Ecological and Social Systems of the Southern Federal University

R.I. Khansevyarov — Doctor of Economics, Professor of Samara State University of Economics

Issue date 30.06.2019

Format 60x84/8

Printed signatures 7.09

500 copies

Printed by “24 Print” Ltd

CONTENTS

THEORY AND HISTORY OF STATE AND LAW; HISTORY OF DOCTRINES ABOUT LAW AND STATE

- Valiullina D.A., Gizatullin L.R.** Termination of the compulsory right to land in hereditary succession: some issues of law enforcement 57
- Kurmaeva N.A., Galimova L.R.** Foreign experience of family mediation 58
- Kurmaeva N.A., Kulagina M.N.** Advantages and disadvantages of family mediation in Russia .. 58

FINANCIAL LAW; TAX LAW; FISCAL LAW

- Eremina E.A.** National project «Culture» as an instrument of financial and legal policy in the field of activity of state cultural institutions 59
- Matvienko G.V.** Prevention of customs and legal disputes involving individuals 59
- Shaipova S.A., Tremaskin I.E.** Estoppel in tax law 60

INTERNATIONAL LAW; EUROPEAN LAW

- Shulyatyev I.A.** The conceptualization of international legal regulation of scientific-technical cooperation 60

ECONOMY. ECONOMIC SCIENCE; ECONOMICS AND MANAGEMENT OF NATIONAL ECONOMY

- Magomadov E.M** Features of the development of small and medium-sized enterprises in the Republic of Ingushetia 61
- .

STATE AND LAW. LEGAL SCIENCE**THEORY AND HISTORY OF STATE AND LAW;
HISTORY OF DOCTRINES ABOUT LAW AND STATE****TERMINATION OF THE COMPULSORY RIGHT TO LAND IN HEREDITARY
SUCCESSION: SOME ISSUES OF LAW ENFORCEMENT**© 2019 **Valiullina Dinara Anvarovna**

PhD, Associate Professor

Chelny Institute of Kazan Federal University, Naberezhnye Chelny, Republic of Tatarstan

E-mail: MusabirovaDinara@mail.ru

© 2019 **Gizatullin Lenar Raisovich**

3rd year undergraduate

Chelny Institute of Kazan Federal University, Naberezhnye Chelny, Republic of Tatarstan

This article is devoted to the study of some features of the order of acquisition of the right to a special object transferred in the order of universal succession, the right to lease a land plot. Marked difficulties in interpretation of lease rights as closely associated with the personality, which entails termination of the right of rent of the object being studied, not transfer it by inheritance. On the basis of the analysis of judicial practice the conclusion about features of judicial interpretation of the category of «personal qualities» of the testator at providing a site for rent is made.

Keywords: lease of land, inheritance, termination of relations.

References

1. Apellyacionnoe opredelenie Verhovnogo suda Respubliki Tatarstan ot 18 yanvarya 2016 g. po delu № 33–860/2016 // SPS «Konsul'tantPlyus».
2. Apellyacionnoe opredelenie Leningradskogo oblastnogo suda ot 26 aprelya 2018 g. po delu № 33–1760/2018 // SPS «Konsul'tantPlyus».
3. Apellyacionnoe opredelenie Sudebnoj kollegii po grazhdanskim delam Krasnodarskogo kraevogo suda № 33–8791/2014 ot 6 maya 2014 g. po delu № 33–8791/2014 // SPS «Konsul'tantPlyus».
4. *Asmolov A. G.* Psihologiya lichnosti [Personality psychology]. M.: MGU, 1990. 367 s.
5. *Voronina E. I.* Grazhdansko-pravovye obyazatel'stva, svyazannye s lichnost'yu ih storon [Civil obligations related to the identity of their parties]: avtoref. diss. ... k.yu.n. M., 2014. 26 s.
6. *Kostyleva N., Kostylev V. M.* K voprosu ob opredelenii ponyatiya nasledstva [On the definition of inheritance] // Byulleten' notarial'noj praktiki. 2008. № 2. S. 38–42.
7. Opredelenie Konstitucionnogo Suda RF ot 20 noyabrya 2003 g. № 438-O // SPS «Konsul'tantPlyus».
8. Pis'mo FAS Rossii ot 12 dekabrya 2013 g. № AD/50427/13 «Ob okazanii metodicheskoy pomoshchi» // SPS «Konsul'tantPlyus».
9. Reshenie Bogucharskogo rajonnogo suda Voronezhskoj oblasti № 2–211/2016 ot 16 marta 2016 g. po delu № 2–211/2016 // SPS «Konsul'tantPlyus».
10. Reshenie Kotlasskogo gorodskogo suda Arhangel'skoj oblasti ot 22 aprelya 2019 g. po delu № 2–632/2019-M-365/2019 // SPS «Konsul'tantPlyus».
11. Reshenie Kurtamyshskogo rajonnogo suda Kurganskoj oblasti № 2–473/2017 ot 20 iyulya 2017 g. po delu № 2–473/2017 // SPS «Konsul'tantPlyus».
12. Reshenie Orenburgskogo rajonnogo suda Orenburgskoj oblasti № 2–2818/2016 ot 14 sentyabrya 2016 g. po delu № 2–2818/2016 // SPS «Konsul'tantPlyus».
13. Reshenie Pavlovskogo rajonnogo suda Voronezhskoj oblasti № 2-V281/2014 ot 30 sentyabrya 2014 g. // SPS «Konsul'tantPlyus».

14. Reshenie Starominskogo rajonnogo suda Krasnodarskogo kraja № 2–20/2018 ot 18 maya 2018 g. po delu № 2–20/2018 // SPS «Konsul'tantPlyus».
15. Federal'nyj zakon ot 8 avgusta 2001 g. № 129-FZ «O gosudarstvennoj registracii yuridicheskikh lic i individual'nyh predprinimatelej» // Sobranie zakonodatel'stva RF. 2001. № 33. St. 3431.
16. Filosofskij enciklopedicheskij slovar' [Philosophical encyclopedic dictionary]. M., 1989. 814 s.

FOREIGN EXPERIENCE OF FAMILY MEDIATION

© 2019 **Kurmaeva Natalia Anatolievna**

Docent, Candidate of Juridical Sciences, Docent of Department of Legal Disciplines
National Research Ogarev Mordovia State University, Saransk, Russia
E-mail: kurmaeva_n@mail.ru

© 2019 **Galimova Linara Rafisovna**

Magister of Department of Legal Disciplines
National Research Ogarev Mordovia State University, Saransk, Russia

The authors analyzed the foreign experience of mediation in family disputes and made suggestions regarding the widespread adoption of mediation technologies in resolving family law conflicts in Russia. At the same time, an active role in the conduct of the mediation procedure should belong to a psychologist specializing in the field of family and age psychology. A suggestion was made about the need to create Services of forensic psychologists in the constituent entities of the Russian Federation, one of the activities of which will be the mediation of family disputes.

Keywords: alternative dispute resolution, mediation, mediator, mediation agreement, family, family mediation, family dispute, psychologist.

ADVANTAGES AND DISADVANTAGES OF FAMILY MEDIATION IN RUSSIA

© 2019 **Kurmaeva Natalia Anatolievna**

Docent, Candidate of Juridical Sciences, Docent of Department of Legal Disciplines
National Research Ogarev Mordovia State University», Saransk, Russia
E-mail: kurmaeva_n@mail.ru

© 2019 **Kulagina Maria Nikolaevna**

magister of Department of Legal Disciplines
National Research Ogarev Mordovia State University, Saransk, Russia

Mediation is the most preferred form of family dispute resolution. Among its main advantages should be attributed to the painlessness of conflict resolution for all its participants, taking into account the interests of each party, including minor children, maintaining friendly relations between spouses during divorce. This is especially important in family relationships, since the separation of parents negatively affects the psyche of children. At the same time, despite many positive aspects, family mediation is not widely used in our country, and therefore, the authors made recommendations on promising areas of application of this procedure as an alternative way to resolve family disputes. It is proposed to involve a psychologist in carrying out this procedure, which will increase its effectiveness and ensure maximum psychological comfort for the persons participating in it.

Keywords: mediation, family mediation, mediation procedure, mediator, family dispute, family relations, conflict, parties to the conflict, mediation agreement.

FINANCIAL LAW; TAX LAW; FISCAL LAW

NATIONAL PROJECT «CULTURE» AS AN INSTRUMENT OF FINANCIAL AND LEGAL POLICY IN THE FIELD OF ACTIVITY OF STATE CULTURAL INSTITUTIONS© 2019 **Eremina Elizaveta Anatolevna**

Graduate student of the Department of legal support of economic activity
Saratov Socio-Economic Institute (branch) REU named after G.V. Plekhanov, Saratov, Russia
E-mail: lizavetaeremina@gmail.com

State support for culture is a prerequisite for the sustainable development of Russian society. The most important instruments of state policy in the area of financial support of cultural institutions are the measures taken in the framework of the implementation of the National project «Culture». One of the main problems in implementing these areas is the uncertainty of the legal status of The National projects in the system of strategic planning documents of the Russian Federation

Keywords: culture, national project, strategic planning, financial legal policy, cultural institutions.

References

1. *Buchwald E.M.* Nacionalnye proekty v sisteme strategicheskogo planirovaniya [National projects in the strategic planning system in the Russian Federation] // *Teoriya i praktika obshchestvennogo razvitiya*. 2019.№ 2 p. 54–58
2. *Buchwald E. M., Ivanov O.B.* Nacionalnye proekty Rosii: regionalnoe izmerenie. [National projects of Russia: a regional dimension.] // *Etap: Ekonomicheskaya teoriya, analys, praktika*, 2019. № . 1. P. 37–53
3. *Eremina E.A.* Osnovy finansovo-pravovoy politiki Rossiyskoy Federacii v sfere kultury [Fundamentals of the financial and legal policy of the Russian Federation in the field of culture] // *Legal Culture*. 2018. No1 P. 131–135
4. *Malko A. V.* Theory of legal policy. M.: Yurlitinform, 2012.328 s.
5. Message from the President of the Russian Federation to the Federal Assembly of the Russian Federation in 2018 <http://kremlin.ru/events/president/news/56957>
6. Presentation materials of the Ministry of Finance of the Russian Federation: basic principles for the implementation of projects of the Ministry of Finance of Russia <https://www.minfin.ru/ru/ismf/eb-np/> (accessed: August 15, 2019)

PREVENTION OF CUSTOMS AND LEGAL DISPUTES INVOLVING INDIVIDUALS© 2019 **Matvienko Galina Vladimirovna**

PhD, Docent, Associate Professor of the Economic Chair
Russian State University of Justice, Moscow, Russia
E-mail: galina7772005@yandex.ru

The customs and legal dispute is considered within the framework of the traditional theory of conflict for legal science; the views of scientists on the prevention of conflicts of different etymologies are analyzed; the causes of customs and legal disputes involving individuals are revealed, the original classification of measures of prevention of such disputes are provided, regardless of the material legal relations that served as the ground for their origin.

Keywords: conflict, legal dispute, customs law dispute, custom authority, individuals, causes of disputes, measures to prevent customs and legal disputes involving individuals.

ESTOPPEL IN TAX LAW

© 2019 **Shaipova Svetlana Anatolievna**

PhD in Economics, Associate Professor, Lawyer of The Bar Chambers Of Moscow Region, Moscow, Russia
E-mail: shaipovasvetlana@yandex.ru

© 2019 **Tremaskin Igor Eduardovich**

PhD student of the 3rd year
All-Russian State University Of Justice (RPA of the Ministry of justice of Russia), Moscow, Russia

This article discusses the estoppel principle and its applicability to Russian tax law. Based on the analysis of judicial practice, it is concluded that it is already used and is able to protect taxpayers.

Keywords: Estoppel, good faith, taxes, tax law, contradictory behavior, fairness, the theory of reasonable certainty.

INTERNATIONAL LAW; EUROPEAN LAW

THE CONCEPTUALIZATION OF INTERNATIONAL LEGAL REGULATION OF SCIENTIFIC-TECHNICAL COOPERATION

© 2019 **Shulyatyev Igor Aleksandrovich**

PhD, the senior lecturer of the international and European law chair
The Institute of Legislation and Comparative Law under the Government of the Russian Federation,
Moscow, Russia
E-mail: iash7@mail.ru

The article was prepared as part of the RFBR grant for the implementation of the scientific project No. 18-29-15005 «The research of the legal regulation of international scientific and scientific-technical cooperation, international integration in the field of scientific research and technological development, and the design of a legal model for Russia's participation in these processes, including the use of means and methods of scientific diplomacy».

The solving problems of scientific and technological development has become part of the global development agenda. The complication of the chain «science – innovation – industry» increases the role of legal regulation and the importance of international law. In this article the author considers the general requirements for the modern international legal regulation of scientific and technical cooperation, which can be used to develop a legal model of practical interaction in the field of science and technology at the international level.

Keywords: science, international law, international legal regulation, scientific diplomacy, academic freedom, sovereignty, Eurasian Patent Convention

ECONOMY. ECONOMIC SCIENCE

ECONOMICS AND MANAGEMENT OF NATIONAL ECONOMY

**FEATURES OF THE DEVELOPMENT OF SMALL AND MEDIUM-SIZED
ENTERPRISES IN THE REPUBLIC OF INGUSHETIA**

© 2019 **Magomadov Emin Muhadinovich**

Chechen State University

E-mail: chgu@yandex.ru

The article deals with the features of the development of small and medium-sized businesses in the Republic of Ingushetia, identified as a result of the analysis of demographic trends of organizations.

The author proposes measures capable of solving the problems of small and medium-sized businesses development not only in the Republic of Ingushetia, but also to improve the economic climate in Russia as a whole.

Keywords: Small and medium business, demographics of organizations, development trends.