

---

**ECONOMIC AND LAW ISSUES**

---

**Nº11 (137)  
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](mailto: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 15.01.2020

Format 60x84/8

Printed signatures 6.05

300 copies

Printed by “24 Print” Ltd

## CONTENTS

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

<b>Bortnikov S.P.</b> Prospects and danger of crowdfunding .....	49
<b>Loshkarev A.V., Kirillova A.A.</b> Topical problems of the implementation of electronic justice in Russia .....	49
<b>Medentseva E.V., Gibadullin R.S.</b> Liability of the director in corporate relations .....	50
<b>Pavlushina A.A., Loshkarev A.V., Shlinkov A.A.</b> The Future of law: sustainability of system or change of quality .....	51
<b>Finogentova O.E., Voronina G.A.</b> Criminal responsibility for criminal bearing in the Russian empire in the XVIII – the first half of the XIX century .....	51

### ECONOMIC THEORY

<b>Keleinova M.E.</b> Intellectual capital in conditions of modern development of companies .....	52
<b>Levchenko L.V., Karpenko O.A.</b> Human capital and current trends in its development .....	52



---

**STATE AND LAW. LEGAL SCIENCE**

---

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

---

**PROSPECTS AND DANGER OF CROWDFUNDING**

© 2019 **Bortnikov Sergey Petrovich**

Doctor of Law, Director of the Institute of Law  
Samara State Economic University, Samara, Russia  
E-mail: serg-bortnikov@yandex.ru

The article considers the peculiarities of the legal regulation of crowdfunding in Russia, as well as in the United Kingdom and the United States. The Institute is investigated in the variety of contracting practices: for example, «equity» crowdfunders invest in shares, while «incentive» crowdfunders receive production products in advance. The author draws attention to the fact that crowdfunding takes a position between the existing regimes of securities legislation and consumer contracts legislation. It is noted that the Consumer Protection Act in the UK (but not in the US) imposes mandatory conditions that prevent risk sharing in crowdfunding rewards, while the US Securities Act prescribes costly disclosure. The article suggests that crowdfunding, with the relative ease of raising funds of an unlimited number of persons, creates real risks for investors, and classical methods of regulation of the market and issue of securities and approaches of consumer law in the investigated relations are ineffective.

*Keywords: crowdfunding, emission, investor, consumer*

**TOPICAL PROBLEMS OF THE IMPLEMENTATION  
OF ELECTRONIC JUSTICE IN RUSSIA**

© 2019 **Loshkarev Andrey Viktorovich**

Associate professor  
Samara State University of Economics, Samara, Russia  
E-mail: Yarmoluik@mail.ru

© 2019 **Kirillova Alina Alisherovna**

Undergraduate student  
Samara State University of Economics, Samara, Russia  
E-mail: alina.kirillova.96@bk.ru

In connection with the development of information technologies in the Russian state, their modernization, one of the most significant today is the problem of implementing electronic justice. The article highlights the peculiarities of the administration of justice in Russia using information technologies, and also analyzes the foreign experience in the application of legislation on this issue. In the aggregate, the positive and negative aspects of the implementation of e-justice are determined, an analysis of the reform of the Russian judicial system through the introduction of digital technologies is carried out, which allows citizens to access justice.

*Keywords: electronic justice, civil procedure, judicial power, informatization of courts, audio recording, information technologies.*

## LIABILITY OF THE DIRECTOR IN CORPORATE RELATIONS

© 2019 **Medentseva Evgeniya Vladimirovna**

candidate of law, docent, head of Department of Legal Support of Economic Activity  
Samara State University of Economics, Samara, Russia  
E-mail: medentsevae@mail.ru

© 2019 **Gibadullin Ravil Sagitovich**

graduate student of the Department of Legal Support of Economic Activity  
Samara State University of Economics, Samara, Russia  
E-mail: gib-rav@yandex.ru

The article is devoted to the problems of bringing to corporate liability the head of a legal entity (director) for violation of the obligation to act reasonably and in good faith with respect to the legal entity itself, as well as with respect to creditors of the legal entity. It is noted that recently in judicial practice the total number of claims for holding the director to liability has been steadily growing, while on completely different and sometimes very controversial grounds, which requires a deep rethinking of the existing rules, primarily in terms of specifying the grounds for such liability.

*Keywords: sole executive body, director, corporate liability, good faith, reasonableness, damages, subsidiary liability.*

### References

1. *Yukhnin A. V.* Protsedury bankrotstva: statistika Fedresursa [Bankruptcy Procedures: Fedresource Statistics]. URL: <http://download.fedresurs.ru/news/%D0%90%D0%BB%D0%B5%D0%BA%D1%81%D0%B5%D0%B9%20%D0%AE%D1%85%D0%BD%D0%B8%D0%BD%20%D0%A1%D1%82%D0%B0%D1%82%D0%B8%D1%81%D1%82%D0%B8%D0%BA%D0%B0%20%D0%95%D0%A4%D0%A0%D0%A1%D0%91%20%D0%A3%D1%80%D0%B0%D0%BB%D1%8C%D1%81%D0%BA%D0%B8%D0%B9%20%D1%84%D0%BE%D1%80%D1%83%D0%BC%202019.pdf>
2. Svedeniya o rabote po gosudarstvennoy registratsii yuridicheskikh lits po sostoyaniyu na 01.12.2019 [Information on the Work on State Registration of Legal Entities]. URL: [https://www.nalog.ru/rn77/related\\_activities/statistics\\_and\\_analytics/forms/8376083/](https://www.nalog.ru/rn77/related_activities/statistics_and_analytics/forms/8376083/)
3. Pis'mo Banka Rossii ot 10.04.2014 № 06–52/2463 «O Kodekse korporativnogo upravleniya» [Letter of the Bank of Russia dated 10.04.2014 No. 06–52 / 2463 “On the Corporate Governance Code”]. Vestnik Banka Rossii. 2014. No 40.
4. *Bortnikov S.P.* K teorii korporativnykh otnosheniy. Postanovka problem [To the theory of corporate relations. Formulation of the problem]. M.: Spark. 2010. 271 p.
5. Postanovlenie Plenuma VAS RF ot 30.07.2013 No 62 «O nekotorykh voprosakh vozmeshcheniya ubytkov litsami, vkhodyashchimi v sostav organov yuridicheskogo litsa» [Resolution of the Plenum of the Supreme Arbitration Court of the Russian Federation dated 30.07.2013 No. 62 “On Certain Issues of Compensation of Losses by Persons Included in the Bodies of a Legal Entity”]. Ekonomika i zhizn' (Bukhgalterskoe prilozhenie). No 34. 30.08.2013.
6. Postanovlenie Plenuma Verkhovnogo Suda RF ot 23.06.2015 No 25 «O primeneniі sudami nekotorykh polozeniy razdela I chasti pervoy Grazhdanskogo kodeksa Rossiyskoy Federatsii» [Resolution of the Plenum of the Supreme Court of the Russian Federation of June 23, 2015 No. 25 “On the application by courts of certain provisions of Section I of Part One of the Civil Code of the Russian Federation”]. Byulleten' Verkhovnogo Suda RF. 2015. No 8.
7. *Gutnikov O. V.* Korporativnaya otvetstvennost' v grazhdanskom prave: monografiya [Corporate Liability in Civil Law]. M.: Institut zakonodatel'stva i sravnitel'nogo pravovedeniya pri Pravitel'stve Rossiyskoy Federatsii, 2019. 488 p.
8. *Stepanov D. I., Mikhail'chuk Yu. S.* Otvetstvennost' direktora pered korporatsiey za prichinennye ey ubytki v sudebnoy praktike [Liability of the Director to the Corporation for the Losses Caused to It in Judicial Practice]. M.: Statut, 2018. 207 p.

9. Reshenie No 2–2400/2015 ot 8 sentyabrya 2015 g. po delu No 2–2400/2015 Traktorozavodskogo rayonnogo suda g. Chelyabinska (Chelyabinskaya oblast') [*Decision No. 2–2400/2015 of September 8, 2015 in case No. 2–2400/2015 of the Traktorozavodsky District Court of Chelyabinsk (Chelyabinsk Region)*]. URL: <https://sudact.ru/regular/doc/n4isKRLRE2NX/>
10. Reshenie AS Chelyabinskoy oblasti ot 20 sentyabrya 2016 g. po delu No A76–13782/2016 [Decision of the AC of the Chelyabinsk region of September 20, 2016 in the case No. A76–13782/2016]. [https://kad.arbitr.ru/Document/Pdf/3568cf56-b1b2-41d5-ae5d-e1f4dfef8038/786e5208-eb1a-414c-a686-c7ac501599f7/A76-13782-2016\\_20160920\\_Reshenija\\_i\\_postanovlenija.pdf?isAddStamp=True](https://kad.arbitr.ru/Document/Pdf/3568cf56-b1b2-41d5-ae5d-e1f4dfef8038/786e5208-eb1a-414c-a686-c7ac501599f7/A76-13782-2016_20160920_Reshenija_i_postanovlenija.pdf?isAddStamp=True)
11. Postanovlenie Plenuma Verkhovnogo Suda RF ot 21.12.2017 No 53 «O nekotorykh voprosakh, svyazannykh s privlecheniem kontroliruyushchikh dolzhnika lits k otvetstvennosti pri bankrotstve» [Decree of the Plenum of the Supreme Court of the Russian Federation dated December 21, 2017 No. 53 “On some issues related to holding persons controlling a debtor liable for bankruptcy”]. Byulleten' Verkhovnogo Suda RF. 2018. No 3.

## THE FUTURE OF LAW: SUSTAINABILITY OF SYSTEM OR CHANGE OF QUALITY

© 2019 **Pavlushina Alla Alexandrovna**

Doctor of Law, Professor

Samara State University of Economics, Samara, Russia

© 2019 **Loshkarev Andrey Viktorovich**

Candidate of Legal Sciences, Associate Professor

Samara State University of Economics, Samara, Russia

2482337@mail.ru

© 2019 **Shlinkov Arseny Anatolievich**

student

Samara State University of Economics, Samara, Russia

A transformation is per se a term, which mediates an action of the philosophical law of transition from quantity to quality. It is obvious, that in modern law systems is proceeding an active accumulation of quantitative signs, which sooner or later will call a new stage in the evolution of law into being. Which interest is more actual: ensuring of sustainability of the existing system or preparing to designated transfer the new quality and acceleration of it? As a synergetic parameter of order in our case serves the principles of law

*Keywords: transformation of law, transition from quantity to quality, principles of law, syncretic parameters of order*

## CRIMINAL RESPONSIBILITY FOR CRIMINAL BEARING IN THE RUSSIAN EMPIRE IN THE XVIII – THE FIRST HALF OF THE XIX CENTURY

© 2019 **Finogentova Olga Evgenievna**

Doctor of Law, Professor,

Professor of the Department of Theory and History of State and Law of the Law Institute

I. Kant Baltic Federal University, Kaliningrad, Russia

E-mail: finogentovaoe@mail.ru

© 2019 **Voronina Galina Alexandrovna**

Associate Professor of the Department of Humanities and English  
Caspian Institute of Sea and River Transport  
the affiliation of Volga State University of Water Transport, Astrakhan, Russia  
E-mail: gavoronina@mail.ru

In this article, the authors analyze the responsibility for the criminal fruiting in Russia in the period of the XVIII – the first half of the XIX century. Based on the analysis of various normative legal acts regulating responsibility for a given corpus delicti, the authors conclude that: in the indicated period there was no clear system of legal norms on responsibility for expelling a fetus, fetal expulsion was not considered a separate corpus delicti, but was equated to infanticide you.

*Keywords: fruit expulsion fruiting, capital punishment, qualified type of crime, penance, criminal liability, infanticide.*

---

## **ECONOMY. ECONOMIC SCIENCE**

---

### **ECONOMIC THEORY**

---

## **INTELLECTUAL CAPITAL IN CONDITIONS OF MODERN DEVELOPMENT OF COMPANIES**

© 2019 **Keleinova Maria Evgenievna**

Samara State University of Economics, Samara, Russia  
E-mail: meb\_06@mail.ru

Today, the efficiency of companies' activities directly depends on the available intangible assets. The article analyzes the aspects of the importance of intellectual capital for the development of companies, and also describes methods for assessing intellectual capital.

*Keywords: intellectual capital, assessment of intellectual capital, production activity, structure of intellectual capital, intangible assets, competitive advantages.*

## **HUMAN CAPITAL AND CURRENT TRENDS IN ITS DEVELOPMENT**

© 2019 **Levchenko Larisa Vladimirovna**

Candidate of Economics, Associate Professor  
Samara State University of Economics, Samara, Russia  
E-mail: lvls@mail.ru

© 2019 **Karpenko Olga Anatoljevna**

Candidate of Economics, leading specialist

The paper considers the General structure of human capital in accordance with a narrow approach to its definition, as well as its main subspecies: the process of their participation in the creation of value, their role in the reproduction process and the nature of the income received. Attention is paid to the problems of distribution of the specified income for each subspecies of human capital. Modern trends in the development of human capital and its subspecies are also noted.

*Keywords: human capital, intellectual capital, innovative capital, social, organizational and entrepreneurial capital, spiritual capital, profit, entrepreneurial income, rent.*