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STATE AND LAW. LEGAL SCIENCE

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

**DOES THE PRISONER'S DILEMMA DETERMINE THE REGULATORY
FUNCTION OF LAW?**

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This article proves the need to regulate public relations by law. The methodology of game theory is used. The theoretical significance of the article is that despite the presence of a significant number of English-language works, for the Russian legal science the question raised is relatively new. The relevance of the article and its practical significance is determined by the possibilities for identifying optimal solutions in the framework of lawmaking and law enforcement.

Keywords: Game Theory, Prisoner's Dilemma, Game, Operations Research, Regulatory Function of Law, T.Hobbes.

References

1. *Gobbs, T.* Soch.: v 2 t. [Works: in 2 volumes] M., 1989–1991. T. 2. M.: Mysl' — 731 s.
2. *Maksimova, N.N.* Teoriya igr: uchebno-metodicheskoye posobiye [Game theory: teaching aid] / N.N.Maksimova. — Blagoveshchensk: Izd-vo AmGU, 2015. — 94 s.
3. *Nemytina, M.V.* Interesy v pravovom izmerenii. [Interests in Legal Dimension] / V sbornike: «Interesy v prave. Zhidkovskiy chteniya», pod obshch. red. d.yu.n., prof. M.V.Nemytinoy. 2017. S. 5–13.
4. *Sigalov, K.Ye.* Istoricheskiye osnovaniya igr, immanentnykh pravu. [Historical Foundations of Games Inherent to Law] / V sbornike: «Pravo — yavleniye tsivilizatsii i kul'tury», pod obshch. red. d.yu.n., prof. M.V.Nemytinoy. Vypusk I. 2019. S. 45–52.
5. *Shavkunova, I.S.* Instituty i ikh rol' v zhizni obshchestva: ucheb. posobiye dlya studentov, magistrantov [Institutions and Their Role in Society: Textbook] / I.S.Shavkunova. — Irkutsk: Izd-vo BGUEP, 2015. — 72 s.
6. *Akerlof, G.A.* The Market for «Lemons»: Quality Uncertainty and the Market Mechanism. In: *Estrin S., Marin A.* (eds) Essential Readings in Economics. 1995. Palgrave, London. P. 175–188.
7. *McAdams, R.H.* Beyond the Prisoner's Dilemma: Coordination, Game Theory and the Law. (*John M. Olin Program in Law and Economics Working Paper No. 437, 2008*). — 56 p.

THE PROBLEM OF «STATEHOOD» IN THEORIES OF POLITICAL GENESIS

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The article reveals the existing lack of tools in the field of research of political and legal phenomena. The author formulates his own model of organizing disparate ideas about the formation of «statehood» as a social phenomenon. The proposed concept is based on the idea of dichotomous opposition of the civilizational age to global politics (images of statehood with a long and short genealogy). The central idea of such a conceptualization is based on the generalization of the variety of interpretations of «statehood» in their relation to the phenomenon of politogenesis. The article shows the substantial difference between the political communities of modern institutions.

Keywords: polity, chiefdoms, statehood with a short and long genealogy, modern, political genesis.

References

1. *Anderson P.* Genealogy of the absolutist state / per. from English Ivan Kurilla. — M.: Territory of the future, 2010. — 510, [1] p. — (University Library of Alexander Pogorelsky).
2. *Berlin I.* Philosophy of Freedom. Europe / Preface by A. Etkind. — M.: New literary review, 2001. — 448 p.
3. *Bourdieu P.* On the state: a course of lectures at the College de France (1989–1992) / per. with fr. D. Kralachkin and I. Kushnareva. — Moscow: Publishing house «Delo» RANEPa, 2016. — 720 p.
4. *Burckhardt J.* Culture of the Renaissance in Italy. — M.: Jurist, 1996. — 592 p. — (Faces of culture).
5. *Wallerstein I.* The World-System of Modernity. Volume II. Mercantilism and the consolidation of the European world-economy, 1600–1750 [2nd edition] / Per. from English, lit. ed., comm. N. Protsenko. — Moscow: Dmitry Pozharsky University: Russian Foundation for the Promotion of Education and Science, 2016. — 493 p.
6. *Vlasov V. G.* Chizhevsky's pendulum, or how history kills geniuses. Additions to the theory of progressive cyclical development by F. I. Shmita // Architecton: news of universities. 2015. No. 49, p. 10
7. *Girke O. f.* Natural law and German law // *Savigny F. K.* background. The system of modern Roman law. T. I / Per. with him. G. Zhigulina; Ed. O. Kutateladze, V. Zubar. — M.: Statut, 2011. 510 p.
8. State as a work of art: 150th anniversary of the concept / Ed. ed. A. A. Huseynov. — M.: Letny sad, 2011. — 288 p.
9. *B. de Jouvenel.* Power. Natural history of its growth / per. with fr. [AND. V. Mateshuk, V. P. Gaidamak]. — Moscow: IRISEN: Mysl, 2010. — 544 — (Series: «Political Science»).
10. *Zavadsky S.* «The State of Welfare». Doctrine and Practice. / per. from Polish B. T. Chelyapova, A. A. Yakushev, ed. G. Kh. Shakhnazarov. — M.: Progress, 1966. — 376 p.
11. History of mankind: In 8 volumes. Vol. 1: Prehistoric times and beginnings of civilization / Ed. Z. Ya. De Laata [et al.]; [Resp. ed. E. A. Manushin]. — M.: UNESCO: Publishing house. House Magistr-Press, 2003. — 681 p.
12. *E. Kh. Kantorovich* Two bodies of the king. A Study on Medieval Political Theology. Ed. second, revised / Per. from English M. A. Boytsova, A. Yu. Seregina. — Moscow: Gaidar Institute Publishing House, 2014. — 752 p.
13. *Mann M.* Autonomous power of the state: origins, mechanisms and results // Emergency reserve. 2018. No. 2 (118). S. 3–33.
14. *Martyanov V. S.* Political Project of Modernity: from World Economy to World Politics: Russia's Strategy in the Globalizing World / V. S. Martyanov. — M.: ROSSPEN, 2010. — 357 [1] p.
15. *Muromtsev S.* Definition and basic division of law. — M.: Printing house A. I. Mamontova and Co, 1879. — 240 p.
16. *Pelipenko A. A.* Counter-evolution. — M.: Publishing house «Knowledge», 2016. — 240 p.
17. Early state, its alternatives and analogues / Ed. L. E. Grinina, D. M. Bondarenko, N. N. Kradina, A. V. Korotaeva. — Volgograd: Uchitel, 2006. — 558 p.
18. *Repin E. N.* Boundary theory of law. The beginnings of terminomy. [2020]. S. 17, 19, 37–40, etc.
19. *Skinner K.* The origins of modern political thought. In 2 volumes. Vol. 1: The Renaissance / translation from English by Andrey Oleinikov. — M.: Delo, 2018. — 461 p.
20. Dictionary of basic historical concepts: Selected articles in 2 volumes. Vol. 1 / Per. from German K. Levinson; comp. Yu. Zaretsky, K. Levinson, I. Schirle; scientific. ed. translated by Y. Arnautov. — M.: New literary review, 2014. — 736 p.
21. *Sorokin P. A.* Social and cultural dynamics / Per. from English, in entry st. and comments. V. V. Sapova. — M.: Academic project, 2017. — 964 p. — (Theories of society).
22. Theory and methods in modern political science: the first attempt at theoretical synthesis: [collection of articles by Norwegian political scientists] / ed. Stein Ugelvik Larsen; [trans. from English E. A. Zhukova]. — M.: ROSSPEN, 2009 (Ulyanovsk: Ulyanovsk Press House). — 750, [1] p.
23. *Wax R.* Philosophy of Law. Brief introduction / trans. from English S. Moiseeva. — M., 2020. — 176 p.
24. *Febvre L.* Battles for history. — M.: Nauka, 1991. — 630 p. — (Monuments of historical thought)
25. *Shatsky E.* History of sociological thought. Volume 1 / Per. from Polish Barzova E., Vasiliev A., Vertyachikh N., Muradyan G., Urazbekova A., Fedorova V., *Chekhova O.* — M.: New Literary Review, 2018. — 720 p. — (Series: Intellectual History).
26. *Perini L.* Lucien febvre et la renaissance de jules Michelet // Revue européenne des sciences sociales. 1994. T. 32. No. 98. La rationalité reconstruite et les sciences du salmigondis historique. 177 p.
27. *Skinner Q.* A genealogy of the modern state // Proceedings of the British Academy. 2009. P. 325–370.
28. *Watson A.* Legal Transplants: An Approach to Comparative Law. Front Cover. University Press of Virginia, 1974. 106 p.

INTERNATIONAL STATE AND LEGAL INSTITUTIONS AND THEIR FUNCTIONING SPECIFICITY IN CONDITIONS OF GLOBALIZATION

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This article proposes to consider the specifics of the formation and functioning of state and legal institutions at the international level in the context of globalization. The author gives interpretations of the institution and presents a scheme of the formation of the considered social institutions, associated with external and internal reasons and having three basic bases. The logic of reasoning does not bypass the essential characteristics of international relations. It is shown what types of state and legal institutions are widespread in the modern globalizing world. In addition, the article highlights the principles of functioning of international state-legal institutions that affect national systems of legal norms.

Keywords: state and legal institutions, globalization, law, state, politics, society, international organizations, norms.

LEGAL NATURE OF INFORMATION RIGHTS

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The development process of a modern state is characterized by the introduction of the latest information technologies, a significant acceleration of the process of obtaining, processing, analyzing information. Legal relations in the field of access to public information are directly related to the implementation of constitutional provisions regarding the observance and proper implementation of human and civil rights and freedoms. Ensuring information rights is associated with the general problems of reforming the state apparatus and the importance of adapting information legislation to create modern forms of public administration of information relations.

Ensuring information rights, including through administrative and legal means, is one of the topics that often becomes the subject of special attention of domestic legal scholars. The studies of these scientists covered issues related, in particular, to the definition of the administrative and legal status of a person, the mechanism for ensuring the rights and freedoms of man and citizen, the activities of state authorities in this area.

At the same time, special scientific studies on public legal provision of information rights confirm the need for a deep study of the mechanism of administrative and legal provision by public authorities of the right to free access to public information and indicate the relevance of the chosen topic.

Keywords: information rights, the right to information, legal regulation, public law support, subjective rights, information society, information technology, information relations, information infrastructure relations, public relations.

«MY VOICE (STUDY)» AS A COMPUTER PROGRAM - AN ONLINE SIMULATOR OF ELECTRONIC VOTING IN ELECTIONS: THE DEVELOPMENT OF NTI AND GAMENET

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The subject of this article is the study of new directions of the National Technology Initiative; consideration of the legal regulation of the problems of the modern electoral system, the introduction of electronic voting. The topic of the article reflects the development of educational products obtained in the process of carrying out interdisciplinary humanitarian and technical research from the point of view of the formation of an innovative digital infrastructure of Russian universities. The purpose of this article is to present a computer program «My Voice (STUDY)» in the format of an online simulator of electronic voting in elections. The methodology of this work was made up of comparative, formal legal, analytical methods. The results of the work are the formulation of the features and significance of applied educational electronic technologies for legal education. The scope of application of the results of work includes the system of public administration and education.

Keywords: electoral system, national technology initiative, electronic voting, online simulator

References

1. *Belsky, L.* (2019), « How technology will change higher education», available at: <https://www.vedomosti.ru/management/articles/2019/12/11/818499-tehnologii-izmenyat> (accessed 11 December 2019)
2. *Kolomytseva, O., Pavlovska, A.* (2020), «The role of Universities in the National Innovation System», *Baltic Journal of Economic Studies*, Vol. 6, No. 1, pp. 51–58.

3. *Zabajkalov A. P.* Primenenie cifrovyyh tekhnologiy v processe golosova-niya // Gosudarstvo, obshchestvo, biznes v usloviyah cifrovizacii: sbornik na-uchnyh trudov po materialam Vserossijskoj nauchno-prakticheskoy konfe-rencii. Saratov, 2020. S. 36–40.

FORMS AND METHODS OF ADMINISTRATIVE AND LEGAL REGULATION IN THE SOCIO-ECONOMIC SPHERE

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The subject of this article is the study of new forms and methods of implementation of public administration in the socio – economic sphere, including consideration of modern legal regulation. The topic of the article reflects the issues of transformation of forms and methods of public administration in the socio-economic sphere from the point of view of the formation of an innovative infrastructure for strategic development in the Russian Federation. The purpose of this article is to identify a new system of forms and methods of public administration in the socio-economic sphere at the present stage of management, the place and role of the state in this process. The methodology of this work was compiled by comparative, formal-legal, analytical methods. The results of the work are the formulation of the features of methods and forms of management in the socio-economic sphere. The scope of application of the results of work includes the public administration system.

Keywords: public administration in the social and economic sphere, forms and methods of management

References

1. Nauchnye osnovy gosudarstvennogo upravleniya v SSSR. M.: Izdatel'-stvo «Nauka», 1968. S. 219
2. Tam zhe.
3. Tam zhe.
4. Nauchnye osnovy gosudarstvennogo upravleniya v SSSR. M.: Izdatel'-stvo «Nauka», 1968. S. 215.
5. *Shchukina T. V.* Pravovoe regulirovanie programmno-celevogo podhoda v sisteme gosudarstvennogo upravleniya v usloviyah strategicheskogo razvitiya Rossijskoj Federacii // Voprosy ekonomiki i prava. 2018. № 10 (124). S. 8–10
6. *Vasil'ev A.I., Prokof'ev S.E.* Organizaciya proektnogo upravleniya v organah gosudarstvennoj vlasti // Gosudarstvennoe i municipal'noe upravlenie. 2016. № 4. S. 46.
7. Pravovoe regulirovanie novyh strategij publichnogo upravleniya v Rossijskoj Federacii: uchebnik dlya magistratury / T.V. SHCHukina. — Voro-nezh: IPC «Nauchnaya kniga», 2018. S. 131–157.
8. Tam zhe.
9. Tam zhe.