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**STATE AND LAW. LEGAL SCIENCE**

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

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**LEGAL COLLISION OF THE FEDERAL LAW «ON EDUCATION»  
AND THE CONSTITUTION OF RUSSIAN FEDERATION**

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In this article, the author studies education as an integral process of education and training. The necessity of regulating educational activities on the basis of the Federal Law «On Education in the Russian Federation» and the Constitution of the Russian Federation is considered.

The final part of this study focuses on the fact that obtaining basic and general education in the territory of the Russian Federation cannot contradict the norms of the Constitution of the Russian Federation and bringing the Federal Law “On Education in the Russian Federation” in accordance with the Constitution of the Russian Federation.

*Keywords: conflict, education, Constitution of the Russian Federation, Federal Law “On Education in the Russian Federation”.*

**QUALIFICATION OF CRIMES RELATED TO ILLEGAL ACTIONS IN BANKRUPTCY**

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This article deals with the issues of qualification of crimes connected with illegal actions in bankruptcy. The General statistics of crimes in the sphere of bankruptcy are given. A detailed analysis of each part of article 195 of the criminal code is carried out. Problems are identified and solutions are proposed.

*Keywords: bankruptcy, criminal law, liability, wrongful actions, debtor.*

## THE CONCEPT OF CHARITABLE WORK AND ITS DEVELOPMENT IN RUSSIA

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The article examines one of the topical problems for Russian society – the development of charity, the identification of the main problems and the search for their solutions. The historical aspects of the emergence of charitable activities are traced. Shows the legal aspects of the work of organizations involved in charity.

*Keywords: charity, assistance, civil society, statehood.*

## THE CONCEPT OF A GENERAL JURISDICTION COURT OF CASSATION: PURPOSE, POWERS AND ROLE IN THE SYSTEM OF COURTS OF THE RUSSIAN FEDERATION

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The article discloses the content of the general jurisdiction court of cassation, shows some differences of this procedural institution in civil and arbitration proceedings. Some historical features of the formation of this organ have been explicated. Particular attention is paid to the cassation in civil proceedings, in which, according to the current procedural legislation of the Russian Federation, the cassation courts of general jurisdiction form the third judicial instance, after the courts of general jurisdiction.

*Keywords: civil process, arbitration process, cassation court, jurisdiction, law.*

**INTERNATIONAL LAW; EUROPEAN LAW****MINISTRY OF JUSTICE OF THE RUSSIAN FEDERATION  
IN THE PROCESS OF CONCLUDING TREATIES**© 2020 **Kurashvili Avtandil Yurievich**

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The article deals with the participation of the Ministry of Justice of the Russian Federation in treaty-making process. At the federal law level, the Ministry has broad rights in the sphere of treaties. The powers given to the Ministry of Justice allow it to resolve many legal problems, including international ones that is a particularly important aspect for the full implementation of treaty obligations accepted by the state. However, by-laws adopted to specify and develop these rights do not fully cope with such a task. As a result, some conflicts of law arise, which further shall be settled in accordance with the general rules for resolution of legal conflicts. The author dissects procedural issues on the stated topic and identifies main problems. The publication may be of interest to persons engaged in the law of treaties, procedure for conclusion of treaties, as well as the powers of the ministries and departments of the Russian Federation on the above issue.

*Keywords: Ministry of Justice, treaties, conclusion of treaties, conflicts of law, international interagency agreements.*

**References**

1. *Ageshkina N.A.* Nauchno-prakticheskii kommentarii k Federal'nomu zakonu ot 15 iyulya 1995 g. № 101-FZ «O mezhdunarodnykh dogovorakh Rossiiskoi Federatsii» / IPS Konsul'tant+.
2. Venskaya konventsiiya o prave mezhdunarodnykh dogovorov 1969 g. // Vedomosti Verkhovnogo Soveta SSSR. 10 sentyabrya 1986 g. № 37.
3. Dogovor mezhdru Rossiiskoi Federatsiei i Turetskoi Respublikoi o vzaimnoi pravovoi pomoshchi po ugovolnym delam i vydache. Ankara. 2014 // Sobranie zakonodatel'stva Rossiiskoi Federatsii. 14 avgusta 2014. № 33.
4. Konventsiiya mezhdru Rossiiskoi Federatsiei i Alzhirskoi Narodnoi Demokraticheskoi Respublikoi o vzaimnoi pravovoi pomoshchi po ugovolnym delam. Alzhir. 2017 // Sobranie zakonodatel'stva Rossiiskoi Federatsii. 17 iyunya 2019. № 24.
5. *Lukashuk I.I.* Sovremennoe pravo mezhdunarodnykh dogovorov. V 2 t. Zaklyuchenie mezhdunarodnykh dogovorov. M., 2004. T. 1.
6. Prikaz Ministerstva yustitsii Rossiiskoi Federatsii ot 27 yanvarya 2010 № 8 (red. ot 29.05.2018) «Ob utverzhdenii Reglamenta Ministerstva yustitsii Rossiiskoi Federatsii» // Byulleten' normativnykh aktov federal'nykh organov ispolnitel'noi vlasti. 29 marta 2010. № 13.
7. Soglashenie mezhdru Ministerstvom yustitsii Rossiiskoi Federatsii i Ministerstvom yustitsii Respubliki Pol'sha o poryadke snoshenii po grazhdanskim delam v ramkakh Dogovora mezhdru Rossiiskoi Federatsiei i Respublikoi Pol'sha o pravovoi pomoshchi i pravovykh otnosheniyakh po grazhdanskim i ugovolnym delam ot 16 sentyabrya 1996 g. Sankt-Peterburg. 2012 / IPS Konsul'tant+.
8. Soglashenie o sotrudnichestve mezhdru ministerstvami yustitsii gosudarstv-chlenov Shankhaiskoi organizatsii sotrudnichestva. Dushanbe. 2015 god / IPS Konsul'tant+.
9. Soglashenie o sotrudnichestve mezhdru Ministerstvom yustitsii Rossiiskoi Federatsii i Ministerstvom yustitsii Laoskoi Narodno-Demokraticheskoi Respubliki. Moskva. 2011 god / IPS Konsul'tant+.
10. Soglashenie o sotrudnichestve ministerstv yustitsii gosudarstv-chlenov Evraziiskogo ekonomicheskogo soobshchestva. Almaty. 2003 god / IPS Konsul'tant+.
11. *Tiunov O. I., Manov B.G.* Printsip soblyudeniya mezhdunarodnykh dogovorov: kollizii mezhdunarodnogo i natsional'nogo prava // Zhurnal rossiiskogo prava. 2008. № 6.
12. Ukaz Prezidenta Rossiiskoi Federatsii ot 02 avgusta 1999 № 954 (red. ot 30.09.2003) «Voprosy Ministerstva yustitsii Rossiiskoi Federatsii» // Sobranie zakonodatel'stva Rossiiskoi Federatsii. 09 avgusta 1999. № 32.

13. Ukaz Prezidenta Rossiiskoi Federatsii ot 13 oktyabrya 2004 № 1313 (red. ot 06.08.2020) «Voprosy Ministerstva yustitsii Rossiiskoi Federatsii» // Sobranie zakonodatel'stva Rossiiskoi Federatsii. 18 oktyabrya 2004. № 42.
14. Federal'nyi zakon Rossiiskoi Federatsii ot 15 iyulya 1995. № 101-FZ (red. ot 12.03.2014) «O mezhdunarodnykh dogovorakh Rossiiskoi Federatsii» // Sobranie zakonodatel'stva RF. 17 iyulya 1995. № 29.

## CHANGE AND TERMINATION OF CONTRACTS DUE TO SIGNIFICANT CHANGES IN CIRCUMSTANCES IN THE FIELD OF INTERNATIONAL SALE OF GOODS

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The relevance of research.

Modern law develops in the context of various objectively determined factors, which reflect the patterns of development of civil law turnover.

Civil law turnover, like living matter, is in constant development, which is influenced by its participants, through the manifestation of their interests, and in the context of the latter, the exercise of their rights.

In the context of such development, approaches to the legal regulation of private law relations are also changing. Thus, one of the fundamental principles of private law — *pacta sunt servanda*, which is not only the basis for ensuring and guaranteeing contractual discipline, but also acts as a kind of guarantor of the stability of economic relations, was supplanted. Participation in the civil turnover is associated with various risks, including the risks of changing circumstances that the participants in the civil law turnover could not foresee at the time of the conclusion of the contract.

These circumstances led to the need for a new doctrine, the teachings of which formed the basis of the principle of *clausula rebus sic stantibus*, which, along with *pacta sunt servanda*, was the guarantor of stability due to the prevention of violation of one of the fundamental principles of private law, namely, equality of the parties, expressed in in this case, maintaining the balance of property interests.

The degree of research development.

In the science of private international law, there are no works devoted to the study of *clausula rebus sic stantibus* in the contract for the international sale of goods.

Object and subject of research.

The object of this research is legal relations arising in connection with the change or termination of the contract for the international sale of goods due to a significant change in circumstances.

The subject of the research is the norms of law, as well as the provisions of the civil doctrine related to the institution of a significant change in circumstances related to the determination of its legal nature, as well as the change and termination of a civil law contract as the legal consequences of a significant change in circumstances in European codes of private law.

Theoretical, methodological and practical significance of the topic.

The results of the research can be useful for the judiciary, as well as law faculties of higher educational institutions for teaching appropriate civil courses.

*Keywords: agreement, international agreement, international sale and purchase agreement, liability, amendment of the agreement, termination of the agreement, impossibility of performance, losses, significant change in circumstances.*



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## THE UNITED NATIONS IS 75 YEARS OLD

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The article examines certain issues of the UN since its inception, analyzes problematic aspects and makes some proposals in the context of reforming the organization.

*Keywords: General Assembly, A. Gutierrez, International Law Commission, International Court of Justice, V. Nebenzya, Security Council, UN, Secretariat, Trusteeship Council, UN Charter, ECOSOC, UN anniversary, UNCITRAL.*