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ANCIENT SLAVIC SQUADS IN THE SYSTEM OF EARLY MEDIEVAL STATE ADMINISTRATION: HISTORICAL AND LEGAL ANALYSIS OF THE LEGAL STATUS OF THE NASCENT SERVICE CLASS (THE END V — THE MIDDLE OF THE XI CENTURIES)

Abstract. It is difficult to overestimate the role of the military organization in the history of mankind. In fact, the transition from savagery to barbarism, and from barbarism to civilization, took place under the battle cry of various tribes, hordes, and armies. This was the case in ancient Africa in the Nile Delta, in Mesopotamia, India, China, Ancient Greece and Rome, among the Scythians, Celts, Germans, various nomads, and, of course, the Slavs. Any ethnically military-friendly organization genetically contains the characteristics of the state, such as a hierarchically organized public authority, separated from the rest of the civilian population; the willingness to systematically use violence to achieve goals; the desire for class privileges guaran- teed by chieftains-commanders and Supreme rulers (princes, kings, or kings); and the existence of the collection of tribute, i.e. taxes and fees. The primary (primitive) Genesis of early medieval Slavic statehood is mainly associated with the formation of not Palace-patrimonial, but druzhinno-Palace relations in the old Slavic principalities and kingdoms. Unfortunately, despite the presence of conceptual historical and le- gal works by A.E. Presnyakov, A.A. Gorsky, V.V. The features of the formation of the ser- vice class in the context of the formation of the proto-feudal (Chieftainship rodo-tribal) political mechanism in modern Russian historical and theoretical jurisprudence are not studied in sufficient depth.

Of course, these works are useful in assessing the role of the militaristic function
of the old Slavic state, but each of them is based on one dominant methodological paradigm: cultural, class, analytical, etc. To overcome the particular view of the evolution of the initial stage of the old Slavic state, the article uses a method of comparative legal combination, designed to overcome not only epistemological monism, but also the eclectic-syncretic dissonance of methodological pluralism.

In addition, on the basis of historical and legal comparative studies, we consider the features of the structural organization, subject composition and

functional purpose of the ancient Slavic druzhinny element.

In the early middle ages (late V-mid XI centuries), the druzhinno — Palace system of government influenced the Constitution of a special legal institution, the so — called druzhinny law, which is an integral part of the archaic branch of the old Slavic system of law-the sovereign law. Then it was transformed into a Palace-patrimonial management system, becoming a transitional structure to the ministerial or com- mand systems of public administration, which predetermined the analysis of legal sources, including the high middle ages (late XI-mid XIV centuries).

Along with this, the paper proves the position that the form of the ancient Slavic States depended on various variants of the political and legal influence of the squad on the mechanism of power management. Thus, in Poland and the Czech Republic, the gentry was able to compete for not only with the magnates, but also to obtain political and legal privileges that allowed them to develop the Republican beginnings of the state system.

In Ancient Russia, Serbia and Bulgaria, on the contrary, the strong power of the ruler (Prince, Tsar or king) suppressed the aspirations of the service class to political freedoms and rights as defined by their sovereign, strengthening the monarchical principles of state government. For the future, the article outlines the purpose for a deeper study of the old Slavonic squad (military) law, for the enrichment of new knowledge legal of Slavic studies.

Keywords: ancient Slavic squads, the middle ages, state administration, service class, Principality, squads law, power law, squad-palace management system, legal Slavistics, form of government

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KORMLYA (POSSESSION FOR LIFE) AS A PROPERTY RIGHT IN NORTH-EASTERN RUS’ AND THE MUSCOVITE STATE: FROM THE 14th CENTURY TO THE BEGINNING OF THE 18th CENTURY

Abstract. *Kormlya* is a limited property right similar to usufruct in the Ancient Roman law. It was referred to in Pskov Judicial Charter and is normally associated with Pskov law of the 14th to 16th centuries. However, this law institution was also well known in North-Eastern Rus’ and in the Muscovite State where, unlike in Pskov, it never got a specific name. Sometimes it was termed as *prozhitok* similarly to the *pomest’e* (manorial) law institution but that term didn’t stick to it. It was only in the second half of the 16th century when *kormlya* became the subject of the legislative regulation in the Muscovite State, mostly existing as the customary law institution. Not least because of this specifics of *kormlya* as well as the lack of specific terminology, this law institution has been understudied.

The objects of *kormlya* were movable and immovable assets including *votchina* (estate) lands. Some types of *kholops* (bond slaves) could also be objects of this pro- perty right and since 1682 peasant serfs became an independent object of *kormlya* after it was allowed to sell them separately from lands. The *kormlya* right provided possession and use of property *do zhivota*, which means "until death". Aside from the death of the right holder *kormlya* could be terminated if property was not being used or was illegally sold, if the right holder got married or took monastic vows, if the right holder and the property owner coincided in one person or the right holder signed *kormlya* in favor of the property owner, with or without compensation.

In most cases the *kormlya* holders were widows of the *votchina* (estate) owners. However, according to the will of the property owner any person could become a *kormlya* holder including monasteries and parish churches. In the latter case *kormlya* could be held indefinitely as not terminated by death of the right holder. But monasteries and churches were not entitled to dispose of property so *kormlya* could be terminated on other grounds, for example when property was illegally sold.

Kormlya could be acquired under a testament or contracts, such as contracts of sale, exchange, donation and pledge. In the Muscovite State *kormlya*

could also be acquired by operation of the law. The laws of 1618/19, 1627 and 1632 allowed childless widows to acquire *kormlya* to the *votchina* lands granted to their husbands for the service during the siege of Moscow. Sobornoye Ulozhenie (Council Code) of 1649 and the law of 1676 provided the opportunity to acquire *kormlya* to some types of *votchinas* as well. Lastly, in 1714 Peter the Great issued the law allowing childless widows to acquire *kormlya* to any type of real property including *pomest'e* lands. However, in 1716 that rule was abolished and the *kormlya* institution temporarily passed out of sight of the legislators.

Keywords: kormlya, prozhitok, pol'zovladenie, usufruct, property law, land-ownership, Sobornoye Ulozhenie (Council Code) of 1649

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STATE POLICY ON THE MOBILIZATION OF CONVICTS DURING WORLD WAR I AND WORLD WAR II: HISTORICAL AND LEGAL ANALYSIS

Abstract. The paper on the basis of archival materials and normative legal acts, the state policy of the Russian Empire and the USSR on the mobilization of convicts during the First World War and the Second World War is analyzed for the first time in comparative-historical and historical-legal analysis. The conclusion is based on the fact that the position of the authorities during the military campaigns regarding the con- scription of persons brought to criminal responsibility into the armed forces differed significantly. If during the First world war in the decisions of the military and political elite of the Russian Empire there was a setting for the exclusion of this category of persons from the military, then during the Second world war, some of those convicted of criminal offenses received the right to "atone for their shame with blood" at the front. In the end, this difference in approach could not but affect the nature of military operations. At the beginning of the XX century from an economic point of view, the military leadership was not able to significantly save money for the maintenance and protection of prisoners, as well as to strengthen the composition of army units with additional human resources. During the Second World War, state policy changed in the opposite way and this served as one of the factors to ensure victory in the war.

Keywords: history of state and law, World War I, World War II, convicts, military mobilization, historical and legal analysis

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THE ORIGINS OF THE PHILOSOPHY OF LAW IN THE POLITICAL CONCEPTIONS OF ANCIENT GREECE

Abstract. The paper discusses a set of issues that are only slightly reflected in the richest literature on political conceptions and philosophy of the ancient period. Among these issues is the process of increasing the attention of Greek thinkers to the complex interconnection of ethics, morality, justice, and law, to the creation of conditions that are gradually moving from the field of disputes and rhetorical exercises into the field of philosophical and legal interpretation of rules of behavior, the correlation of everyday norms, private and public interests in legal mind. The thesis of the conventionality and mobility of the boundaries of philosophical, sociological, and psychological knowledge of the law in the concepts of Antiquity is substantiated. At the same time, the absence of differentiation between political and legal knowledge is established, which is explained by a single type of rationality inherent in ancient Greek philosophers.

The paper pays some attention to the systematization of the views of the sophists, Socrates, Plato, Aristotle, their followers on certain problems of legal philosophy. Among them are the class stratification of society, the system of government, the in- fluence of society on human behavior, the dialectic of morality, morality, faith, justice, and law. The process of institutionalization of the compiled parts, that is, philosophy and law, into a single concept is analyzed.

Keywords: ancient philosophy, wisdom, epistemology, sophistry, ethics, morality, justice, law

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SOCRATES ON OBEDIENCE TO LAW

Abstract. The article presents an attempt to give a consistent interpretation of two dialogues by Plato — the *Apology of Socrates* and the *Crito* — regarding the position of Socrates on the issue of obedience to law. In the *Crito*, Socrates refuses to violate the law in a situation where the latter threatens him with imminent death. In the *Apology*, on the contrary, Socrates expresses a daring determination to disobey the will of the Athenians vested with the power to punish disobedience to law if the Athenians forbid him to philosophize under penalty of death. The position of Socrates seems contradictory only if one proceeds from the assumption that he con- siders the rules introduced by the legislator of Athens to be the only law binding on himself. However, the contradiction disappears if we assume that Socrates could consider the precept to follow the Athenian law as one of the requirements of natural law. Since the views of Socrates (and Plato) were largely formed in the context of their polemics with the sophists, a study of disagreements between them and their ideological opponents concerning the nature of the obligation to respect agreements and the human nature can contribute to the clarification of the positions of the first natural law theorists. If according to the logic of the sophists, the only motive for obeying the law is the fear of potential enforcement of punishment, Socrates is convinced of the existence of a moral obligation to obey the law, and the roots of this obligation lie in the reasonable nature of the laws of the City, based on the laws of nature itself. Socrates and the sophists also take opposite positions on the issue of human nature. Sophists view man as a solely physical and biological being, whose main life goal is to survive. It is the motives of self-preservation that justify the violation of the law for sophists and in their supposed hierarchy of natural law, the value of physical security would take the highest place. Socrates contrasts this view with the idea of a man whose nature is his soul, and the occupation most congruent with its nature is caring for the soul, ethical inquiry, that is, philosophy. The requirement to devote life to philosophy, therefore, has priority in the hierarchy of natural law that Socrates could have built, in comparison with the prescriptions to comply with the laws of the City or to take care of preserving one's biological existence. Socrates, therefore, fundamentally excludes for himself the possibility of disobeying a law that he

considers natural, and the only question for him is which of the prescriptions of natural law in a particular situation is more reasonable (more consistent with nature) and, hence, requiring obedience.

Keywords: Socrates, Plato, sophists, human nature, natural law, *Apology of Socrates*, *Crito*

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THE CONCEPT OF IMPROVING RUSSIAN LEGISLATION, REGULATING THE DEVELOPMENT OF RESEARCH IN THE FIELD OF THE HUMAN GENOME

Abstract. In the author's concept of improving Russian legislation in the field of human genome research, the emphasis is on the formation of legal regimes for bio-banks, editing the human genome, manipulating the human embryo in vitro, and protecting intellectual property. The author substantiates the thesis that such a concept should be based on the law principle of formal equality, according to which hu- man rights can be limited to protect other human rights, as well as constitutional values of the common good, which are conditions for the human rights. The specificity of applying this principle to the field of genomic research is that due to the extremely high degree of vulnerability of people who carry risks to their own health and well-being in connection with participation in genomic research as an object of study, these individuals (patients-subjects and donors of biological material) need the most complete guarantees of human rights. However, this does not mean that the law approach should be replaced by moral and religious considerations, which put obstacles in the proper legal support of genomic research and technology development.

Keywords: legal regulation of human genome research, concept of legislative development, law principle of formal equality, legal regime, genome editing, human embryo, informed consent, biobanks, patentability.

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ADMINISTRATIVE REFORM IN RUSSIAN FEDERATION: SOURCES, MODERN SITUATION, PERSPECTIVES

Abstract. The author of the article analyzes the administrative reform in Russian Federation of the last fifteen years In the article are showed optimization of functions, system and structure of federal bodies of executive authorities. Administrative regulations are one of new achievement the administrative reform. On base of them functions of federal bodies of executive authorities are fulfilled and did state services. Du- ring administrative reform paid grate attention to modernization of control activity of the bodies of executive authorities. Independent part of the administrative reform is creation of inform transparency of bodies of the state authorities. There is estimation of the author of results administrative reform in conclusion of the article.

Keywords: administrative reform; functions, system and structure of federal bodies of executive authorities; administrative regulation; control activity; inform transparency of bodies of the state authorities

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LEGAL REGULATION OF MILITARY-TECHNICAL COOPERATION: LEGAL REGIMES, RELATIONSHIP OF LEGAL REGULATORS

Abstract. The regulation of public relationships has common tasks and quality criteria, but at the same time, it has specifics and therefore is differentiated. The theoretical concept "type of legal regulation" characterizes the impact of law on society in terms of the prevailing legal means. A conceptual analysis of legal requirements shows that either prohibitions (and permissions are "targeted", "exclusive") or permissions (and prohibitions in this case are local in nature) may prevail in them. Types of legal regulation are in a certain relationship with the objects of legal relations and their subject. The article discusses the features of the objects of legal relations for military-technical cooperation (MTC). Since military products are inextricably linked with the foreign policy interests of the state, relations on its turnover objectively appear in the focus of public law. It is proposed to distinguish between two legal regimes in this area. The first is essentially administrative and legal, it relates to foreign trade activities, in which certain operations require permissions from authorized entities, which include the President of the Russian Federation, the Government of the Russian Federation, and other agencies performing public authority functions. The article discusses the basic principles of this regime: exclusive presidential competence and the principle of contrassignation. The comprehension of the essence of legal relations of foreign trade activities in the field of MTC and the objectivity of the existence of a legal regime of permissive profile is also required for adequate understanding of the limits of autonomy of the will of the subjects of these legal relations and the application of the norms of various branches of law, mainly civil and administrative. The second legal regime relates to foreign trade transactions and refers to civil law. It is distinguished by a multilayered legal regulation, a complex system of restrictions and prohibitions that mediate civil law relations in the field of export of military products. As a result, the subject of military-technical cooperation needs accurate knowledge of current regulators in the field of specific legal relations to ensure the legitimacy of their actions in the implementation of foreign trade transactions in the field of military-technical

cooperation.

Keywords: military technical cooperation (MTC), military products, foreign trade, foreign trade operation, civil law regime, authorization, legal regulation, general prohibitions, general permissions, private prohibitions

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DIGITAL RIGHTS IN THE RUSSIAN CIVIL CODE: IMMEDIATE CONSEQUENCES AND REMOTE PROSPECT

Abstract. The paper analyzes the theoretical and practical consequences of the entry into force of the new version of articles 128 and 141.1 of the Russian Federation Civil code, which supplemented the list of objects of civil rights with digital rights. The author generalizes and compares the points of view of domestic lawyers on the legal nature of crypto-currencies and tokens, identifies the criteria for their separation from other known objects of civil rights, such as things, electronic money, uncertified securities and other types of objects. Separately, the information nature of digital rights, the admissibility of their attribution to one of the types of information is analyzed. Also analyzed possible conceptual approaches to solving the problems of legal regulation of the issue and economic turnover of crypto-currencies and tokens are considered, including, with due regard to the experience of foreign laws, Russian and foreign judicial practices. The conceptual apparatus of civil and information legislation in terms of definitions of terms having information (digital) nature is compared. The article also analyzes the basic concepts of Federal law No. 259-FZ "On attracting investments using investment platforms and on amendments to certain legislative acts of the Russian Federation", effective as of January 1, 2020 and the draft of Federal law "On digital financial assets", which is under consideration by the State Duma of the Federal Assembly of the Russian Federation.

Due to the informational nature of digital rights, this category is considered from the standpoint of harmonization of civil and information legislation, including in the context of assessing the exclusion of information from the list of objects of civil rights. In this regard, various scenarios of such harmonization are formed, their advantages and disadvantages are highlighted, and the thesis about the need for a systematic approach to the legal regulation of economic turnover of digital rights is substantiated. The concept of digital economic turnover as a special sphere of legal relations parallel to the usual economic

turnover is analyzed.

The key properties of cyberspace as a unique sphere of digital rights economic turnover, which directly affects the content of the legal relations under consideration, are given. In this regard, the possible approaches to solving the problem of cross-border (transjurisdictional) cyberspace are analyzed, and the impact of the factor of cyberspace anonymity on the legal relations on the turnover of digital rights is assessed. In conclusion, the article draws an analogy of the development of legal regulation of digital rights with the legal evolution of intellectual property objects, which at the dawn of their appearance were also among the known types of civil rights objects until it became obvious that they should be referred to the number of *sui generis* objects.

Keywords: civil law, legal theory, digital rights, Internet, crypto-currencies, tokens, digital financial assets, Russian Civil code, cyberspace law

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GLOBAL INFORMATION SOCIETY IN THE CONTEXT OF DIGITALIZATION AND NEW CHALLENGES: LEGAL ISSUES AND RESEARCH

Abstract. The authors reviewed the round table "Global information society in the context of digitalization and new challenges: legal problems and research" held on may 15, 2020 by the information law and international information security sector of the Institute of state and law of the Russian Academy of Sciences in the video for- mat. The organization and conduct of this scientific event by the sector was timed to coincide with the celebration of world telecommunication and information society day on May 17, proclaimed by the UN General Assembly on March 27, 2006.

In this regard, the organizers proposed to discuss current conditions of development of the Global information society and new challenges: the use of digital technologies in countering the COVID-19 coronavirus; ensuring confidentiality and protection of personal data in the context of pandemics and infodemics; regulation of telemedicine and telemedicine services; reliability of information; development of the digital economy; legal support of information security; trends in legislative activities in this area in Russia and abroad; vectors of scientific research in the field of information law and information security.

Keyword: information society, information security, digital economy, digital technologies, artificial intelligence

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