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EDITORIAL:

A missão da Revista Gênero e Direito (G&D) destina-se a informar a comunidade acadêmica sobre os desafios e perspectivas que revestem a discussão interdisciplinar do gênero. O objetivo da G&D é estimular o debate e produção científica com o propósito de produzir conhecimentos e atuar como transformador social e instrumento de reflexão para uma isonomia entre os indivíduos. O público-alvo de nossa revista é pós-doutores, doutores, mestres e estudantes de pós-graduação. Dessa maneira os autores devem possuir alguma titulação citada ou cursar algum curso de pós-graduação. Além disso, a G&D aceitará a participação em coautoria. A Revista possui um conjunto de Seções para recebimento de trabalhos científicos, como:

➢ **Seção Livre:** Seção interdisciplinar que recebem trabalhos de língua inglesa ou francesa produzidos através de pesquisas ou reflexões acadêmicas, podendo os temas abordarem ou não a temática do gênero e dos direitos humanos.

➢ **Ensaios:** Recebe relatórios de pesquisas em andamento ou concluídas.

➢ **Gênero, Sexualidade e Feminismo**: Trata com a discussão de gênero referente a gênero x sexo, discurso sexual, contrato sexual, identidade de gênero, existencialismo x naturalismo, filosofia social, teorias feministas e feministas do direito, diversidade sexual e efetividade de direitos sexuais.

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➢ **Movimento feminista, história da dominação e gênero**: Feminismo, história dos direitos de gênero, história da dominação, história dos movimentos feministas, lutas por emancipação, América Latina, discurso social e conquistas sociais.

➢ **Sexualidades, Subjetivações e Práticas Psi**: Sexualidade, identidade social, processo de identificação, grupos sociais, práticas psi, gênero x sexo, violência de gênero e vulnerabilidade.

➢ **Saúde, Gênero e Direito**: Saúde da mulher, integridade física e sexual, saúde pública, avanços tecnológicos, mudança de sexo, intersexualidade, aborto, gravidez na adolescência, sexualidade e prevenção sexual.

➢ **América Latina, União européia, gênero, feminismo:** violência de gênero, cultura latina, cultura européia, direitos sociais, políticas públicas, lutas sociais, movimento feminista, movimento LGBTTI, patriarcalismo, sexualidade, AIDS, direitos sexuais e reprodutivos.

➢ **Multiculturalismo, religião, gênero:** direitos sexuais e reprodutivos, religião e filosofia, estruturas sociais, choque cultural, etnocentrismo, feminismo, direitos homoafetivos, violência de gênero, relativismo cultural e direitos humanos.

➢ **Aborígene, gênero, inclusão social:** discriminação, cultura aborígene, políticas públicas, feminismo, infanticídio, práticas nômades, patriarcalismo e identidade.

➢ **Imigração, Emigração, gênero:** problemas sociais, zonas migratórias, tráfico de pessoas, exploração sexual, guerras, ditadura, deportação, expulsão, vulnerabilidade social e feminismo.

➢ **Gênero, história, Espanha:** movimento feminista, direitos civis e políticos, história da dominação, micro história, discurso social, reformas políticas

SUMÁRIO:

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CROSS-COUNTRY ANALYSIS OF THE EFFECTIVENESS OF HEALTH SYSTEMS

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Abstract: Assessing the effectiveness of health systems is a relevant issue due to the recognition of health as the main human value, as well as the evidence of the impact of public health indicators on the socio-economic development of a state or region. Annually, analysts compile inter-country health ratings. The Most Efficient Health Care (Bloomberg financial and economic information agency), the countries ranking according to the level of medicine by the Health Care Index for Country (Numbeo) and the Euro Health Consumer Index (Health Consumer Powerhouse) are among the most respected countries in the world. Bloomberg Agency also compiles a rating of the healthiest countries (Global Health Index): in our opinion, this rating is the result of all ratings of health system performance, because the main goal of any country in the field of health is to maintain public health. According to The Most Efficient Health Care rating in 2018, Hong Kong, Singapore, Spain, Italy, and South Korea were in the top 5. Russia ranked 53rd of 56 in this ranking. Taiwan, South Korea, and Japan are the leaders in the latest published Health Care Index for Country ranking. Russia is on the 60th place out of 84. The leaders in 2019 according to the ranking of the healthiest countries (Global Health Index) are Spain, Italy, Iceland, Japan; Russia ranks 95th (of 169 countries). According to the Euro Health Consumer Index (EHCI), the leaders of 2018 are Switzerland, the Netherlands, Norway, Denmark (the rating does not include Russia). The methodology of each of the health system performance ratings is different, however, each rating is a guideline and subject of analysis for countries in order to adjust the

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implementation of state health policy. For this reason, the study and analysis of rating calculation methods and the assessment of the dynamics of countries' positions in them is an urgent task of modern scientific research, which as a result should contribute to improving the efficiency of the health system in individual countries.

Keywords: healthcare, healthcare system efficiency, intercountry ratings, Bloomberg, Numbeo, life expectancy.

1 Introduction

Health care is the activity to ensure, maintain, and enhance the health of all categories of citizens, carried out by state, regional and local authorities, specialized organizations, their leaders and citizens [1].

Health care is one of the key factors in the formation of the socio-economic potential of the region, and therefore, improving the quality of life of its population. Health is a basic factor in the development of human capital, strengthening the competitiveness and national security of the region and the country as a whole [2].

There are three types of effectiveness in health care: medical, social, and economic. Medical effectiveness is the resultant indicators of the health status of the population, diagnostics of the treatment of various pathologies and preventive measures. Social performance reflects how the population is satisfied with the quality and accessibility of their medical care. Economic efficiency is an assessment of the impact that indicators of public health have on macroeconomic indicators (GRP, economic growth, national income, social development, etc.) [3].

The objective of this study is to study the calculation methods for the four intercountry ratings for assessing healthcare (the effectiveness of healthcare systems and the level of population health) and to analyze the positions of countries (including Russia) in each of them.

2 Methods

The methodological base of the study is represented by a comparative method, which includes a qualitative and quantitative comparison of the considered ratings of the effectiveness of health systems.

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3 Results and discussion

Bloomberg's The Most Efficient Health Care rating is based on data from WHO, the United Nations, and the World Bank and on three indicators:

1) average life expectancy at birth;

2) public spending on health (% of GDP per capita);

3) the cost of medical services in terms of per capita [4].

The ranking includes countries with a population of more than 5 million people, GDP per capita is over $ 5,000, and life expectancy exceeds 70 years: all this already speaks of a good healthcare system in these countries. In 2018, there were only 56 such countries - this is 23% of all countries in the world.

According to the results of the rating, the country with the highest life expectancy and the lowest health financing is the highest score. That is, efficiency means the ability to achieve better results for less - focusing on this principle, the effectiveness of regional health systems is calculated in Russia [5].

Calculation of the rating neglects many factors such as corruption, the salaries of doctors, etc. but, nevertheless, it is objective, recognized in the world and clearly shows the price / quality ratio of medical services.

Let us analyze the indicators of the leaders of the 2018 rating [4]:

Table 1: The leaders of *The Most Efficient Health Care* rating, 2018

No.	Country	Efficiency	Life Span Relative	Relative Cost (%)	Absolute Cost ($)
1	Hong Kong	87,3	84.3	5.7	2,222
2	Singapore	85.6	82.1	4.3	2,280
3	Spain	69.3	82.8	9.2	2,354
4	Italy	67.6	82.5	9.0	2,700

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No.	Country	Efficiency	Life Span Relative	Relative Cost (%)	Absolute Cost ($)
5	South Korea	67.4	82.0	7.4	2,013

In Spain, which ranked third in the final ranking, life expectancy is 83 years, the share of health spending is 9.03% of GDP. Close attention is paid to training specialists and affordable medicine. The Spanish doctor has been studying for 10 years, passes the world's most difficult MIR medicine exam and undergoes extensive practice. Spain is one of the three countries with the lowest death rates from cardiovascular diseases in the world.

In Singapore, life expectancy is 82 years, the share of health care expenditures is 4.92% of GDP, and medicine is high-tech. Here, citizens must transfer 10% of their salary to a personal special account, used to pay then for medical services. The state subsidizes up to 80% of medical services to poor citizens.

The leader is Hong Kong, where life expectancy is 84 years, the cost of medical services per capita is estimated at $ 2,022, the share of health care costs is also high - 5.7% of GDP. Health care costs are tightly controlled by the state. Officials are responsible for the health of citizens. For example, after the spread of the SARS virus, the head of the Hong Kong administration was forced to resign. The state pays up to 90% of the cost of medical services for each citizen.

We shall consider the rating of 2016. The leaders of this rating were the same countries that are leading today with the following ratings: Hong Kong - 88.9, Singapore - 84.2, Spain - 72.2.

In 2013, Singapore was also the leader of the rating but in 2014 it briefly gave the first place to Hong Kong. The third place in 2013 was occupied by Japan, which ranked 5th in 2016, and only 7th in 2018. In 2014, Italy moved up to third place, for comparison - in 2016 it was sixth, and in 2018 - fourth. Quantitative data shall be represented as follows:

Table 2:The leaders of *The Most Efficient Health Care* rating, 2013-2014

2014	**2013**	**Country**	**Assessment**	**No.1**	**No.2**	**No.3**
1	2	Singapore	78.6	82.1	4.5.	2,426
2	1	Hong Kong	77.5	83.5	5.3	1,944
3	6	Italy	76.3	82.9	9.0	3,032
4	3	Japan	68.1	83.1	10.2.	4,752

As for the outsider countries, in 2013 it was Brazil, Serbia, the USA, in 2014 - Azerbaijan, Brazil, Russia (while Russia in 2013 was not included in this rating, and the USA slightly improved its performance). In 2016, the same countries as in 2014 became outsiders: Azerbaijan, Brazil, Russia (the United States was not represented in the 2013 ranking).

As a result of the 2018 rating, the last were Russia, Azerbaijan, the USA, and Bulgaria, which worsened its performance compared to previous years. Here are the data of the 2018 rating:

Table 3: The outsiders of *The Most Efficient Health Care* rating, 2018

No.	Country	Efficiency	Life Span Relative	Relative Cost (%)	Absolute Cost ($)
53	Russia	31.3	71,.2	5.6	524
54	Azerbaijan	29.6	71.9	6.7	368
55	USA	29.6	78.7	16.8	9,536

56	Bulgaria	29.4	74.6	8.2	572

We shall consider the rating of countries in terms of the Health care index for country, which is compiled by the largest database of cities and countries in the world - Numbeo.

In this rating, experts evaluate the overall quality of healthcare systems, equipping hospitals with necessary equipment, the professionalism of medical personnel, and the cost of services in medical institutions. The key point here is the fact that information is collected on the basis of a survey of the population of large cities of the respective countries. Questions are answered in the range of grades +2 and -2. The rating takes into account the following factors:

– skills and competencies of medical personnel;

– speed of filling out reports (paper documentation);

– the availability of equipment for diagnosis and treatment;

– accuracy and completeness of filling out reports;

– friendliness and courtesy of staff;

– satisfaction with waiting times in medical institutions;

– satisfaction with the cost of medical services;

– convenience of the location of the medical facility.

The survey data is calculated on a 100-point scale, that is, the country with the highest rating has a coefficient of 100 and the lowest - 0. Let us present the results of calculating the 2019 rating [6]:

Table 4:Health care index for country rating, 2019

No.		Index
1	Country	86.2
2	Taiwan	84.51

No.		Index
3	South Korea	80.40
…….		
82	Venezuela	41.24
83	Bangladesh	40.33
84	Morocco	36.87

We shall compare the positions of leaders and outsiders of The Most Efficient Health Care rating with this rating. Hong Kong took only 37th place, gaining 67.35 points, Singapore - 27th place with 70.30 points, and Spain - 10th place with 77.77.

Bulgaria took 70th place with 54.04 points, Azerbaijan was not represented in the rating, the United States took 29th place with 69.41 points, Russia - 60th place with 57.63.

All this indicates the inconsistency of the data of the two ratings, which is explained by the fact that The Most efficient health care rating is compiled on the basis of statistics, and the Health care index for country is based on a survey.

The key results in assessing the effectiveness of the healthcare system are changes in the state of public health [7]. In this regard, we consider the Bloomberg's ranking of the healthiest countries (Global Health Index). The rating includes 169 countries and is based on official data from WHO, the United Nations Population Division, and the World Bank - factors that affect the overall health of these countries are evaluated. This takes into account indicators such as life expectancy, measures to combat smoking, alcoholism, obesity and high blood pressure, environmental indicators, access to clean water and medicine, etc.

The leaders of the 2019 rating are Spain (the highest life expectancy at birth among the countries of the European Union, and it is second only to Japan and Switzerland in the world), Italy, Iceland, Japan, Switzerland,

Sweden, Australia, Singapore, Norway and Israel. Of the closing list of 30 countries, 27 are located in sub-Saharan Africa, the remaining three are Haiti, Afghanistan and Yemen.

The next rating of global healthcare systems is the Euro Health Consumer Index (EHCI). This rating ranks health systems on the basis of 46 indicators, mainly indicators of patient rights, prevention of their health, patient access to information (including in electronic form), as well as electronic document management in the health system as a whole. It is compiled annually by the Health Consumer Powerhouse based on an analysis of 35 countries. The leaders of the 2018 rating were Switzerland, the Netherlands, Norway, Denmark, Belgium, Finland, Luxembourg, Sweden, Austria, and Iceland. Outsiders were Poland, Hungary, Romania, and Albania [8].

We shall consider the position of the Russian Federation in the above ratings.

Russia entered The Most Efficient Health Care rating for the first time in 2014. This is because until that time, the average life expectancy of the Russian population was less than 69 years. Based on the ratings of 2014 and 2016. she took the last place in the rating: 51th place with a score of 22.5 points in 2014, and the last 55th place with a score of 24.3 points in 2016th. In the ranking of 2018, Russia with 31.3 points took only 53 place - with indicators of average life expectancy of the population of 71.2 years, the cost of medical services per capita of $ 524 US, the share of government spending on health care 5.6% of GDP. This indicates that Russia in terms of financing the health sector is clearly lagging behind East Asian and West European countries [9].

the 60th place of 84 in the Numbeo rating, no doubt, does not characterize Russia as a country with affordable and high-quality medicine.

In the rating of the healthiest countries in the world, the Global Health Index-2019, Russia took 95th place, which reflects the low level of population health.

4 Summary

Of course, Russia's current indicators in these ratings characterize it as a country with an ineffective health care system, which indicates the need to adjust public health policy. The

adjustment should be aimed at taking into account the differentiation of regions according to socio-economic development, increasing financing of the state healthcare system to at least 5% of GDP, increasing the level of healthcare organizations and organizers, increasing the share of the population leading a healthy lifestyle, and improving preventive health promotion measures.

The result of this policy should be the improvement of health indicators, the main of which is an increase in life expectancy - all this should have a positive effect on Russia's position in intercountry ratings.

5 Conclusion

The need for cross-country ratings of the effectiveness of health systems and the level of health of the population is out of doubts: the difference in the methods of their assessment should facilitate a comprehensive review by countries of this crucial aspect of state development. The calculation of ratings based on quantitative and polling methods also stimulates public authorities to take a diversified approach to achieving the main goals in the field of health - strengthening public health and increasing life expectancy. However, we should note the impossibility of creating any unified approach to building an effective health care system: it is more related to the existing medical care system and the socio-economic conditions for the implementation of public health policy than to the implementation of specific management methods [10] . In other words, countries, when adjusting their health policy, must take into account the particular functioning of the national health system, using all its advantages and opportunities, taking into account existing negative trends and eliminating existing threats.

Russia, which lags behind in all the ratings considered in the study, needs to adjust the current public health policy, which is the object of further research.

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FEATURES OF THE RELATIONSHIP OF JUDGES AND CHAIRMAN OF COURTS IN THE RUSSIAN FEDERATION

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Abstract: The issue of ensuring the real independence of the court is a multidimensional one, and perhaps this is really an area, in which it is impossible to solve all problems at once, by adopting one single (albeit very thoughtful) law. This is an area in which translational movement is a necessary component of success. In any case, it is difficult to argue with the fact that the quality of the judicial system at the moment and its gradual development in the future is an important milestone in the development of the state and society [1].The purpose of this work is as follows: consideration of the current legislative provisions governing the legal status of the presiding judge, identification of interaction areas between ordinary judges and presiding judges, analysis of proposed changes to the legislation governing the activities of court leaders and assessment of the possible consequences of the adoption of these provisions of the law. Based on the review results, it is concluded that the most optimal way to ensure the independence of the judiciary in the Russian Federation is the real irremovability of judges when they are appointed without limiting the term of office, provided that a high-quality, effective and transparent system for evaluating their work is developed, with a clear establishment of the level and procedure for bringing to justice, up to the possibility of deprivation of the corresponding position or status.

Keywords: judicial system of the Russian Federation, independence of the court, presiding judge, judge, irremovability.

Introduction

Summarizing the current legislation governing the independence of the court and the judicial system and

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some clarifications of the Constitutional Court of the Russian Federation, the following most general provision can be deduced:

A) **on the justice system in the Russian Federation:** justice in the Russian Federation is carried out only by a court that independently exercises judicial power in the country at the expense of the federal budget, regardless of any will, ensuring the implementation of the principle of power separation and guided by the goal of ensuring complete and independent justice in accordance with the federal law.

B) **on judges:** judges are independent, irremovable, inviolable, and obey only the Constitution of the Russian Federation and the federal law as the representatives of the judiciary.

C) **on activities for the administration of justice:** in their activities, judges are not accountable to anyone, independent of attachments and extraneous influences, cases are considered in the conditions that exclude extraneous influence on them, under the threat of bringing those responsible to justice under the laws of the Russian Federation.

D) **on guarantees of independence:** independence is ensured by measures of legal protection, material and social security, safety provision, presence of a system of judicial community bodies and provision of its activities, procedure for administering justice stipulated by law, special requirements for candidates in their selection and appointment, establishment of a procedure for suspending and terminating the powers of a judge, and right of a judge to resign.

Everything looks quite optimistic according to the law, but in reality it turns out that the real picture is far from rosy. Let us review how these provisions are refracted in the relationship between the presiding judges and “ordinary” judges.

Methods

The following methods of scientific knowledge were used as the main ones in the work:

1) Analysis. The problematic aspects of the relationship between the presiding judges and ordinary judges are established, taking into account the provisions of the current legislation, the problem blocks of the study are

identified. At the same time, the statements of current practitioners of the judicial system and the public position openly expressed in the media were also analyzed.

2) Forecasting was used to track whether the introduced or proposed changes to the current legislation are able to really resolve the shortcomings identified in the study subject.

3) Generalization. A generalization of the entire set of problematic aspects of the relationship between the presiding judges and ordinary judges was carried out and general proposals were made to resolve these shortcomings.

4) Systemic research method. The specific features of the relationship between the presiding judges and judges within the specific blocks of the study of their relations are identified: appointment of a judge to the respective court, distribution of cases between judges, disciplinary responsibility of judges, career development of judges, promotion of judges, organizational issues.

5) Methods of deduction and induction. Using these methods of scientific knowledge, specific findings of the study were indicated.

Results and discussion

Given the stated research topic, we will identify the areas of direct interaction between presiding judges and "ordinary" judges, in which there is a threat of appropriate pressure:

1) Appointment of a judge of the relevant court. The presiding judge is the person, who represents the qualification collegium of judges with a profile of a pretending judge or a deputy presiding judge. If a judge, who has shortcomings in his/her job, pretends to the position, the presiding judge can insist that they do not indicate low qualification of the applicant and are not an obstacle to his/her appointment.

It is difficult to overestimate the role of profile prepared by the presiding judge; it is the starting point for deciding on the issue of his/her appointment. Thus, the former deputy chairman of the Arbitration Court of the Astrakhan Region, Sergey Spiridonov, appeared to be in a dubious situation. In the spring of 2012, when deciding on the improvement of the qualification class, he received a profile from the presiding

judge Aleksandr Egorov stating that Spiridonov "carefully" prepares the processes, "is attentive and objective," professionally and competently organizes the activities of his collegium at the proper level. However, already in December of the same year, when the indicated judge submitted documents together with Egorov for the post of the presiding judge of the Arbitration Court, his profile was changed significantly: "In the presence of complex cases and cases with a wide public resonance, [Spiridonov] went on sick leave, avoiding responsibility, being afraid of making serious decision". According to Egorov, Spiridonov was not respected in the team. [2] And, unfortunately, these is not an isolated case. Of course, profile of the presiding judge does not preclude the appointment of the corresponding candidate for the post of judge; however, his opinion is reputable and, as the materials of the cases examined show, is almost always taken into account by the qualification collegium.

In addition, in accordance with clause 10 of Art. 5 of the Federal Law "On the Status of Judges in the Russian Federation", the presiding judge has the right to disagree with the decision of the qualification collegium of judges on the candidate recommendation for the position of judge. Such disagreement is an obstacle to the appointment and requires adoption of a second decision by the qualification collegium of judges, in which two-thirds of the collegium members shall vote for the appointment of the respective candidate. Moreover, it should be noted that the presiding judges exercised this right 53 times for the period from 2012-2016. [3] Some scientists see in this state of affairs a violation of the principle of the independence of judges, because these provisions of the law allow the presiding judges forming a team "convenient" for the management from the very beginning.

It should be noted that from September 1, 2019, this provision of the law will be amended and the presiding judges will be deprived of the right to disagree with the decision of the qualification collegium of judges.

2) Distribution of cases among judges. From September 1, 2019, the existing legislation is amended. According to these amendments, the automated information system will become the main form of distribution of

cases between judges and the court composition will be formed in a different order only if it is impossible to use it. When forming the composition of the court, the new system will take into account the work schedule of judges of the judicial compositions, the workload reduction ratio, the complexity of cases, as well as the number of cases in the proceedings of each judge. At the same time, it is obvious that it is difficult to "separate" the presiding judge from the distribution of cases, since there may be cases of a sudden illness of someone judge, his/her withdrawal or self-rejection, when manual distribution of cases is necessary.

According to the general idea of the amendments introduced, no one will be able to make the case to be transferred to a specific judge. However, the introduced system is also not without a human face. As long as there is a possibility of manual intervention, it continues to remain open. Thus, there are precedents when the employees of the court apparatus transferred the case to the "right" hands in the mass media. For example, there are cases of real prosecution of judges for such interference in the distribution of cases in Ukraine [4]. The practicing lawyers note that despite the numerous composition of the judges, the cases are often transferred to the same ones, which indicates that there are certain system settings that allow this state of affairs. [5]

Moreover, the process participants try to circumvent the system by themselves. By the way, such a mechanism was represented by filing identical claims.

3) Disciplinary responsibility of judges. Despite the fact that the legislative decision to bring a judge to disciplinary liability is an advantage of the qualification collegium, the role of the presiding judge in this matter is very significant, his/her presentation is the reason for the disciplinary proceedings. The ambiguity of practice, when a judicial error is the basis for bringing to justice and characterizes the judge's work as a whole, forcing him/her to measure his/her understanding of the law and justice with the position of the management and the higher court, has long been recognized as vicious and requires a qualitative change. Even foreign sources note in this regard that the Russian judicial system has long

paralyzed itself. It does not need experienced lawyers, but needs effective employees, who can follow orders. [6]

Long-term scoring of the indicated problem had some of its results. Thus, in accordance with the Federal Law "On Amending the Law of the Russian Federation "On the Status of Judges in the Russian Federation" and the Federal Law "On the Judicial Community in the Russian Federation" No. 243-FZ dated July 29, 2018, the right of the presiding judge to initiate disciplinary proceedings will be excluded, the qualification collegium of judges will consider this issue independently from September 1, 2019.

4) Career growth of a judge. It is clear that work is not limited to an appointment to the corresponding position for a person; the possibility of career growth is a priority of his/her development. This is the satisfaction of his/her personal ambitions and material well-being. The possibility of promoting a judge in the service is related to passing qualification certification of judges. A significant place in this procedure is given to the presiding judges of the respective courts. These persons direct the idea of conducting qualification certification, thus initiating the possibility of career advancement. Despite the fact that the judge has the right to independently apply to the appropriate collegium of judges with a statement on the conduct of his/her qualification certification, in any case, the qualification collegium asks the necessary documents from the presiding jedge, including profile, containing an assessment of the judge's professional activities, business and moral qualities.

In addition, it establishes the right of the presiding judge to participate in a meeting of the qualification collegium of judges, which, of course, may expresses his/her reputable opinion about some fears of awarding the appropriate qualification class to a particular judge just in case.

An analysis of the current legislation showed that in addition to regulating the terms during which appropriate certification shall be carried out, there are no other provisions governing the criteria for evaluating the activities of judges. The above makes subjective discretion possible when considering the relevant candidate, all the more so as the results of judicial

activity and the moral qualities of a judge are subject to evaluation.

5) Encouragement of judges (allowances and bonuses, financial assistance). A significant part of the judge's salary is made up of bonuses and allowances, which can be removed by the decision of the presiding judge in some cases.

When awarding judges based on their work results for a certain period, a number of criteria are taken into account, some of which are blurred and are often interpreted by the presiding judge as convenient. One can fit anything he/she want, promoting or pushing away the respective applicant, under such indicators as "fulfillment of particularly important and complex tasks" or "introduction of progressive forms of judicial activity", "quality of work performed".

6) organizational issues - vacation schedule, technical equipment of the workplace, number and qualification of assistant judges, regularity and level of professional development. Another way to influence the activities of judges is the ability of the presiding judge to influence a significant number of issues related to the organization of the activities of judges. There are no documents clearly indicating the boundaries of such actions by the presiding judges. This state of affairs makes it possible for a "disagreeable" judge to work with enormous load on complex cases without an assistant and regular training, when another one will consider cases of little complexity in the best working conditions and with qualified personnel. Of course, we understand that it is very difficult to regulate the indicated activity of the presiding judges, since these issues directly constitute the organizational powers of the presiding judge. We only note that there are often cases of complaints about the unequal attitude of the presiding judge to the judges in the practice of the qualification collegiums of judges. Thus, in one case, the basis for initiating proceedings on bringing a judge to disciplinary liability was the appeal of the presiding judge on untimely execution and presentation of the protocol of the court session. The analysis of indicators of the quality of judicial work, judicial load of this judge in comparison with other judges of this court, showed that the delay in drawing up the protocol of the court session was

associated with the excessive workload of this judge. There were 34.5 cases per month in his consideration, against the average monthly load of other judges of this court in the amount of 20.9 cases. Over the 14 years of service, he has never received a class promotion and he had the lowest class rank. [7; 138]

In our opinion, the problems of independence of judges arising in connection with the interaction of the latter with the presiding judges of the respective courts can be divided into two types, the content of which dictates the methods of their settlement: 1) problems that have arisen in view of the provision of "excessive" powers to the presiding judges; 2) problems, the legislative regulation of which is difficult or impractical in view of the fact that dependence relations of judges are mediated by the personality of the presiding judge: his/her moral and business qualities.

The first of these types of problems is easily resolved at the legislative level. Part of this work has already been done. The presiding judges are deprived of the right to disagree with the decision of the qualification collegium of judges when appointing a judge, the right to appeal for early termination of the judge's powers in connection with a disciplinary offense, the possibility of checking the materials of appeal in connection with the disciplinary case considered by the qualification collegium. It is established a rule for the automated distribution of cases between judges. However, it is also necessary to resolve the following issues at the legislative level: 1) on the certification procedure of judges with specific criteria for evaluating the work and responsibility of presiding jecges for the late initiation of such certification and the provision of false information; 2) the right of the presiding judge to participate in the meeting of the relevant collegium on the issue of awarding the qualification class to judges shall be excluded; 3) development of clear criteria for evaluating the activities of judges to ensure transparency in the distribution of incentive payments by the judicial department, without participation of the presiding judge.

As for resolving the second type of problem, the situation here is much more complicated, since it arises not so much in connection with the lack of legislative regulation, but in view of the

depravity of the presiding judge selection system, when a person with dubious moral qualities, who pursues other interests besides ensuring fair justice and normal organization of the court, gets to the top of the tree.

Conclusions

Personality in history is a philosophical category, but as part of our issue consideration, the role of personality of the presiding judge is generally obvious for the stability of the judiciary system. The central idea of improving legislation shall be represented by provision of the appointment of "worthy" person to the position of the presiding judge. Thus, the whole set of problems of the second kind will be automatically resolved. Now these problems are as follows: providing an objective profile of the presiding judge when deciding on the appointment of a judge and lowering or upgrading his/her qualification class, fair distribution or redistribution of cases between judges in the presence of normal economic and organizational support for the judges. The appointment procedure of the presiding judge is not transparent. The law is limited to indicating the most general requirements for the candidates for judges, but not for the presiding judges. This raises a number of questions, since it is obvious that the provision of additional powers objectively requires the presence of additional requirements, the list of which shall be legally defined and specific. In addition, we discuss the term of office of the presiding judges in the literature. Today, presiding judges are elected for a six-year term, if there is a positive opinion of the respective qualification collegiums of judges of the subjects of the Russian Federation, and the same person can be appointed no more than two times in a row to the indicated position in the same court. In our opinion, the issue of the term of office of the presiding judge is secondary, another issue of reappointment is more significant.

Summary

The procedure for the re-election of judges in itself and the current mechanism for such re-election, led by the President of the Russian Federation, or rather his apparatus, is the lever on the part of the current government that impedes the development of

independence of the judiciary system. It should be noted that back in 2014, the report of the mission of the international commission of lawyers noted that the selection and appointment system for judges lacks transparency, strict selection criteria and rules, and accountability, which inevitably leads to arbitrariness and abuse [8]. In fact, the term for which the presiding judge is appointed (especially if this person is worthy) is not so important; it is important what he/she thinks and what he/she shall take into account in order to stay at this place. The irremovability of judges and presiding judges, in particular, without limiting their term of office, provided that a high-quality, effective, and most importantly transparent system for evaluating their work is developed, with a clear establishment of the level and procedure for holding them accountable, up to and including the possibility of depriving them of their respective posts or status, is the most short way to ensuring the independence of the judiciary system in the Russian Federation. The principle of independence of the judiciary system shall be based on the principle of fair and impartial court, and not politics, ideology or special interest [9], which is difficult to exclude in view of the existing reassignment system. We affirm once again that the judicial system in the Russian Federation suffers from the power centralization process [10; 190], which was also found within the framework of this study.

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DIGITALIZATION OF LABOR LAW: TRENDS AND IMPLICATIONS

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Abstract: The article discusses some aspects of the digitalization impact on labor relations. It is concluded that the digital economy could not but affect the labor legislation, since it is economic relations and the nature of labor organization that largely determine the content and specific nature of labor legislation. It is noted that many scientific materials on this issue affect only certain aspects of the digitalization of labor relations. This is largely due to the fact that the digital economy development process in Russia began somewhat later, and therefore the first works appeared only at the beginning of XX century. However, there is already a reason to conduct a comprehensive study of the problem at the moment. The authors offer to start by highlighting some trends in the development of labor law that are caused by the digital economy. It seems that further work shall be carried out with the definition of trends to identify the risks of digital changes and develop the most optimal proposals for legislation. Based on the trend consideration results, their positive or negative impact on labor relations is noted. It is noted that digitalization opens up new opportunities for the organization of labor and employment, but it carries a huge number of threats to the stability of labor relations at the same time.

Keywords: digital economy, labor law, digital unions, atypical labor relations

Introduction

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At the end of XX - beginning of XXI centuries, the world has entered a period of deep transformation, which philosophers, sociologists, political scientists, economists call differently: “post-industrial society”, “information society”, “second era of machines”, “fourth scientific and technological revolution”, “fourth industrial revolution” [1-4], etc. Its symbols are computers, the Internet, robots, and gadgets. The consequence of such changes was the formation of a new type of economy - the digital economy. This term was proposed by the American scientist N. Negroponte in 1995 [5]. In its most general form, the digital economy is the economic activity of society using electronic means.

Law and economics are in a complex interaction [6]. One of the most important points of their contact is the field of labor relations: it is obvious that the economic relations and the nature of labour organization largely determine the content and specific nature of labor legislation. Accordingly, changes in the economy could not but affect the development of labor law.

It is obvious that the digital economy involves a significant degree of transformation of the industrial (traditional) employment model [7]. The number of people employed in the “digital space” is growing by tens of percent annually, and Russia, where this indicator reaches 40%, is no exception [8]. This allows talking about gradual digitalization of labor law, which is a consequence of the development of digital economy.

This phenomenon is recognized by Russian researchers. Thus, according to the certificate on information and bibliographic resources of the Office of Library Funds (Parliamentary Library) prepared in January 2018, more than 40 publications, mainly scientific articles, were published in Russia on this subject [9]. However, the materials presented are fragmentary and affect certain aspects of the digitalization of labor relations for the most part. In our opinion, the interaction of labor law and the digital economy is already so strong that digitalization is not just a “trend”, but already serves as a source of new changes. There is reason to conduct a comprehensive fundamental study of the identified problem. This issue is especially important due to the fact that many digital solutions will require large-

scale changes in labor legislation, and the task of modern science is to be able to identify risks and offer the most optimal and painless version of the changes.

At the moment, we have attempted to identify the main trends in the development of labor law caused by the digital economy, as well as highlight the positive and negative consequences of such an impact. We think that the definition of trends shall start further work to comprehend the events that are taking place.

Methods

We used the system-structural method to consider the interaction of the problems of digital economy and labor law, identify the channels of their mutual influence and determine the transformation of labor relations in the context of organizational and technological innovations.

The comparative legal method was used to compare trends inherent in the economically developed countries and Russia in terms of understanding the trends in the development of labor law in the era of digital economy.

Results and Discussion

Almost all researchers identify three main features of the current changes associated with the digital economy, which leave their mark on the field of labor relations:

1. The speed and ever-increasing pace of digitalization of all fields of public life. Thus, for example, the volume of electronic commerce doubled almost every year from 2011 to 2014, and the volume of electronic commerce in retail trade exceeded 10% in some countries (for example, Great Britain and Germany) [10]. Employment is no exception. Today, more and more labor activities are performed with the help of computers and computer programs, and the employee is required not so much to use physical force as his/her knowledge, skills and digital competencies.

2. Depth and scope of changes. Currently, the question is not just about changes, but, to a significant extent, about a change in approaches to technical and social processes, about the transition to a new scientific paradigm. Some sociologists are currently writing about the fact that information flows form a new structure of political and

economic power and even about the power of communications [11]. The changes taking place at the moment in the field of employment also require a rethinking of the goals, objectives and principles of labor law.

3. The complexity of changes. The interconnection of social and technical processes leads to the fact that shifts in one sphere lead to an avalanche-like process not in centuries or decades ("butterfly effect"), but in a short time or directly in real time. Thus, computer technology has changed not only the nature of information transmission, but also the working conditions. In this regard, the digital economy provides a chance for an increase in the number of quality jobs, overcoming poverty and social inequality [12].

At the same time, the development of digital economy in Russia has its own features, which cannot be ignored:

1. The digital economy development process in Russia began somewhat later in the economically developed countries. This is due both to objective factors (the collapse of the Soviet Union, etc.), and some errors in the economic policy (reliance on the raw materials sector of the economy, etc.).

2. In turn, this led to the fact that this problem began to be actively studied only at the beginning of XX century in the Russian science of labor law [13-15]. For comparison: the studies of the impact of transformation processes in the economy on labor law were carried out already in the early 90's [16], and these changes have already become a paradigm at the beginning of XX century in the West [17].

3. Russian scientists initially focused on problems such as electronic document management, remote work and use of technical means, primarily computers. Meanwhile, the labor law issues of the digital economy are much wider and deeper.

Our further task includes a brief overview of the most relevant trends, taking into account the identified features of trends, requiring further scientific understanding and legal regulation.

Summary

The reason lays not only in the fact that digitalization, as already noted, is changing the traditional signs of labor relations. Remote workers, who can perform a labor function outside the employer's location, are one of the most striking examples of workers in the digital era.

The problem lyes in the fact that new forms of employment appear that are outside the legal framework and the very nature of which remains debatable. Let remote labor relations are atypical, but they are in the field of legal regulation. Remote workers enter into employment contracts, they are guaranteed wages, vacation, social benefits. And new forms of employment are deprived of such state guarantees.

For example, crowdfunding has become quite widespread, i.e. the work, which is organized using online Internet platforms, which allow establishing contact between an indefinite number of people, regardless of their territorial remoteness. In this case, either all or part of the work represented as a result is transmitted through information and telecommunication networks, including via the Internet [18-19].

The work on demand through applications is increasingly developed. This work, which is organized using mobile applications, is geographically limited, is carried out realistically and relates to traditional types of services, such as transportation services, cleaning, delivery, accountant, lawyer, designer. Even frightening conclusions are made that the new economy of joint consumption, developed with the help of mobile applications, will lead to the end of our usual forms of employment [20].

The list of such non-traditional labor relations can be continued. It is no accident that the question was raised not only about the organizational and (or) financial dependence of the employee on the employer, but also about “information dependence” as criteria for labor relations already in the 90s.

Of course, new forms of employment have their positive aspects, primarily for the modern economy, the engine of which is represented by the work for the mass consumer. Also, online services and applications allow being employed to those categories of citizens, who have difficulties in finding a “standard” job — for disabled people, youth, single mothers. At the same time,

such work is devoid of the most important sign of traditional employment - stability. New forms of labor that are not included in the field of labor law deprive citizens of the most important guarantees related to work. In this regard, it is important to bring new forms of employment from the informal sector and provide citizens with the possibility of legal employment, for which it is now necessary to talk about amending the law.

2. The issue of copyright on the labor results (inventions, prototypes, etc.) under an employment contract is exacerbated.

Creativity cannot be paused, and getting work results in and out of the office becomes quite relative for the digital economy. This requires a more extensive "copyright section" in the employment contract and more detailed legal regulation. The same applies to the obligations of the parties to the employment contract not to disclose certain information, the "non-competition pact", etc.

It is noted that one of the possible scenarios for the development of labor law is to expand the scope of its legal regulation and include, in addition to the issues of health or social protection that are traditionally important for employees, a block for the protection of intellectual property [21].

3. The use of new production means raises the question of labor safety on a new plane.

In particular, this include provision of the information security (and not just protecting the personal data of an employee), prevention of "information pressure" or a kind of virtual mobbing. In addition, the use of multiple gadgets can have a negative cumulative effect, while they do not pose a threat individually. This brings a kind of informational protection of labor and mental health of the employees to the agenda.

4. Personnel records can and shall become digital over time

The use of blockchain technology, electronic keys and signatures shall minimize the search and provision of information, references, etc. The first step can be recognized as Russia's refusal to issue paper work books for the employees entering work

since 2020. This will facilitate not only the registration of labor relations and documentary checks, but also allow Russian personnel officers becoming modern personnel managers. In addition, this will facilitate the provision of evidence in case of dispute about law, in establishing facts of legal significance, etc. It will become virtual to bring local regulatory legal acts and other orders of the employer to the employees, etc.

5. Individualization of employment in the digital economy can be contrasted with the so-called digital unions

The activities of such trade unions based on blockchain technologies can be largely carried out and are carried out on the Internet, starting from the entry and registration of membership to holding general meetings, election of representatives, discussion of draft local and collective contractual acts, etc. This puts on the agenda the issue of electronic protocols, signatures, confirmation of authority and identification of union members, etc. Perhaps the whole institution of social partnership will become more digital in terms of information interaction. According to some experts, the digital form of trade union activity will not only save, but also increase the number of its members, objectively and independently represent the collective voice of trade union members on the labor market [22].

6. The process of production robotics will require solving not only technical problems, but also labor, legal and even ethical problems

We are talking about the use of information after machine processing, the results of robotic programming, the use of bots for working with clients, etc. This will require, perhaps, more stringent rules and even a ban on making personnel and other decisions only on the basis of information processing without human intervention.

7. Payment of wages, other payments, as well as compensation for harm may take place not only in electronic form, which in fact has been happening for quite some time, but also in digital currency

This refers not only to bitcoins, but also to other forms of digital settlements. Probably, this will require not only legislative, but also collective contractual regulation.

Threats

The digital economy, in addition to the obvious positive aspects, carries many hidden and open threats to the stability of labor relations. And this is not only an increase in the number of flexible (atypical) labor contracts, atypical employment [23] and precarization [24]. Researchers write about a possible “digital concentration camp,” and for workers - “digital aquarium”, when all the information about the employee will be available, which opens the way for pressure and manipulation. Total control may be not only over the labor process, but also the personal life of the employee (personal correspondence, location under a mobile phone, preferences in purchases with a salary card, etc.). The risk of cyberthreats, third-party interference in the labor process with negative consequences for the employee, access to personal data of the employee of third parties, etc. are also associated with this. Robotization and replacement of typical labor is fraught with unemployment, the possible scale of which is still difficult to predict, and which will raise the question of ensuring everyone a guaranteed minimum. Social and property inequality in the digital economy may not decrease, or even increase, depending on the education level of employees, place in the hierarchy, access to information, etc. (the so-called "digital divide").

Conclusions

Digital economy is an objective reality, a kind of challenge to the science of labor law, which requires an adequate response. At present, it is obvious that the digital economy opens up new opportunities for organizing labor and employment, rationalizing their legal regulation, and this is both in the interests of workers and employers, as well as of the whole society. However, one shall take into account potential threats associated with the “erosion” of the subject of labor law, a decrease in the level of guarantees of labor rights in connection with the spread of atypical labor relations, and the emergence of new types of informational dependence of the employee on the employer.

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GOVERNMENT CONFLICT MANAGEMENT: RUSSIAN AND INTERNATIONAL EXPERIENCE

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Abstract: Conflict management in public authorities is a system of management measures for the diagnosis, prevention, overcoming and neutralization of crisis situations and manifestations, as well as their causes in various government structures. Such an activity involves prediction of the degree of danger of crisis manifestations in public authorities, study of its symptoms, as well as measures to reduce the negative effects of the crisis and usage of its features for subsequent development. Each management to a certain extent has a place to be anti-crisis or begins to become so in degree of entry of the organization into the period of crisis development. Neglect of such a situation entails rather negative consequences, while its consideration contributes to an effective way out of different crisis situations [1].The research methodology involves a thorough analysis of crisis management, as well as the conflict essence in government structures. The article attempts to distinguish between the concepts of “crisis” and “conflict”, “management” and “settlement”. The theory of conflict acts as a methodological basis. Crisis management in government bodies has an impact subject represented by crisis factors, that is, all factors of exacerbation of contradictions, causing the risk of its extreme manifestation, the onset of a serious crisis. The paramount importance and priority of crisis management in various state bodies reflects the need for any organization and person to overcome, resolve and setlle crisis situations, to make possible mitigation of its consequences, and to use its potential. Understanding of crisis and conflict as a natural and inevitable

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phenomenon in the process of development of the organization determines the relevance of constant research, creation, improvement of crisis management mechanisms.

Keywords: Crisis management, conflict, crisis, government agencies, conflict management, anti-crisis policy, public administration.

1 Introduction

The problem of differentiation of the concepts of “conflict” and “crisis” has not found a final solution at the present stage. In this work, a conflict is understood as a type of social interaction caused by clash of opinions, interests, values of subjects and accompanied by a sense of threat to at least one of the parties. Crisis is an acute non-standard manifestation of a conflict, threatening priority goals and characterized by dysfunctionality and disorganization of the system. In the well-known classic work, Charles Hermann identifies three defining features of the crisis: surprise, threat, lack of time for reaction [2]. The first feature does not look as unambiguous as the following two: a crisis can be preceded by a long latent period, at the same time, the crisis can be spontaneous (which often happens when an organization collides with non-standard natural or technogenic factors). Thus, the threat in the crisis can come not only from the social subject, which in turn determines the specific nature of crisis management. “Conflict resolution” is the introduction of norms and rules governing conflict interactions, limiting the escalation and forms of force interactions. Conflict management is conscious impact on all elements of the conflict at any stage of the conflict with a view to its development in the most desirable direction. Thus, crisis management is a specific conflict management that takes into account the features of the subjects and the lack of time.

Crisis management is a type of management within which controlled processes of anticipating crisis situations, mitigating their negative consequences and using crisis factors for the subsequent development of a public authority take place.

Crisis management covers a wide area of the body of knowledge and the analysis results of practical experience aimed at optimizing the

factors of system regulation, detecting hidden mechanisms, developing potential at a complex development stage [3]. A feature of crisis management is directly related to the need for complex management decisions in uncertain dilemmas that are at risk in time-constrained situations.

The specific nature of crisis management in the state structures and government bodies is primarily determined by the human factor, the prospect of active and decisive activity of a person in a crisis situation, his/her interest in resolving the crisis, the ability to determine the factors and nature of the crisis, as well as its patterns [4]. Initiative actions of a person make it possible to search and find ways out of the most difficult crisis situations, focus efforts on resolving the most acute problems, use the experience gained in overcoming crisis phenomena, and adapt to newly arising difficult situations.

Crisis situations are diverse; in this regard, their management can also be very different. This diversity is revealed in the control system and processes, and especially in the control mechanism. Not all the possibilities of exposure can give the necessary effect in a pre-crisis or crisis phenomenon [1].

2 Methods

When studying this topic, we used a general scientific dialectical approach, as well as methods of analysis and synthesis, a comparative analysis method and a structural-functional method. The theory of conflict allows considering conflict as a natural process that has both positive and negative manifestations. We analyzed crisis management of conflicts in the government structures, as well as studied a variety of information sources.

3 Results And Discussion

Conflict lies in the very nature of state power, which is designed to coordinate and agree different interests of people, determine specific tactical and strategic goals, and deal with the distribution of scarce values and benefits [5]. That implies the significance of conflicts in public administration. The hierarchical structure of managerial roles and statuses, which lays down the contradictions between managers and subordinates and generates the principle of inequality at the time of power

distribution among the participants of management itself, contributes to the inevitability of conflict manifestations.

Conflicts in the state and administrative spheres have various causes, manifestations and functions, both destructive and constructive. This is manifested in signaling conflicts of power and society about the existing contradictions that need to be resolved, about the disagreement of the opinions of citizens, about all the existing differing positions; force the authorities to revise their goals, decisions, course as a whole; encourage actions that can put the situation under tight control and overcome existing difficulties in the management process [6]. They also contribute to the search for the latest tools and forces that update the state system and its administrative apparatus, eliminating the outdated and obsolete and, thus, contributing to the development and adaptation of its mechanism to the latest, changing conditions.

One of the sources of state-administrative conflicts is the non-specific organization of the power mechanism and, accordingly, the non-specific separation of powers of various state structures and civil servants. The problem of the lack of rotation system for existing personnel or their qualitative development and growth along the career ladder can also affect the emergence of serious friction, as well as the absence of arbitration or appeal bodies, procedures for clarifying different positions in opinions and approaches, as a result of which a conflict situation may get further aggravation [7]. Another source of conflict development is also highlighted - different opinions and positions of civil servants in determining basic values and political ideals, in assessing existing phenomena and events.

Communication is the most important factor in a crisis and at the same time an effective way out of it. The role of communication in a crisis has attracted the attention of many researchers [8]. It is worth noting that the Russian experience of effective communication in a crisis is not great and needs both theoretical understanding and practical modernization.

The public administration system, with all appearance of integrity as a structure, is characterized by functional fragmentation [9]. This is

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determined by the fact that different state bodies, as well as different departments and administrations, fulfill a wide variety of goals and tasks, fulfilling their mission and being engaged in specific activities, which diverge as the competence and responsibility of the relevant entity.

The theory of conflict allows understanding the crisis as a natural, inevitable phenomenon, with its own internal dynamics and consequences. As a rule, in everyday consciousness, a crisis is associated only with negative consequences (losses, losses, etc.). Positive functions such as development, improvement of organizational norms and relations, integration and socialization, signal function are more often actualized in the scientific community. Mayres and Holoush highlight the following potential positive consequences of the crisis: birth of heroes, acceleration of changes, identification of hidden problems, changing people, development of new strategies, development of early warning systems, emergence of new competitive advantages [10].

The following seven steps can be distinguished in the structure of crisis management:

1 - continuous monitoring of the external and internal environment for the registration of the emergence of crisis manifestations. Monitoring of the state of key indicators makes the crisis potentially avoidable, reduces the degree of surprise and gives additional time for making effective management decisions. It is important that the key indicators are clearly developed taking into account the specific nature of the organization and experience;

2 - continuous implementation and improvement of preventive measures. The implementation of anti-crisis values, which include openness, trust, cooperation, positive leadership, responsibility. Preparing for a possible crisis, modeling a crisis, training personnel in crisis behavior. Stimulation of various informators;

3 - development of possible measures to overcome crisis emergencies (preparation of anti-crisis script);

4 - selection and correction of measures from the script in accordance

with the situation, adding new solutions not stipulated by the script (if any);

5 - implementation of measures to overcome the crisis (in case of its occurrence);

6 - quality control of the implementation of anti-crisis measures and changes due to the introduction of measures;

7 - correction of anti-crisis measures (if necessary) based on the analysis of data obtained at the previous stage;

7 - consolidation of positive practices, rejection of outdated and ineffective measures.

Crisis management in the government structures has features in the field of its technologies: reactivity and dynamism in interacting with resources; implementation of program-targeted approaches in the aspects of development and implementation of management decisions; high sensitivity to the time resource in leadership processes; increased attention to preliminary and subsequent evaluations of managerial decisions and choice of different approaches to behavior and actions. Anti-crisis communication of public authorities with the public and staff shall be in constant focus. Here, a huge role belongs to the leader; he/she shall be the source of communication, the guarantor of trust, openness, cooperation and responsibility. It is the leader, manager, and not the press secretary, deputies, department heads, who have a decisive role in establishing effective communication.

In crisis management, it is recommended to pay special attention to the method of rationalizing the system of norms and legal regulators that improve the quality of the organization and remove the likely fire "spots" of a regulatory and institutional nature [11]. The primary role here is played by the cultural and political features of different countries.

4 Summary

The issue of finding ways to resolve conflict situations in the public administration has not always been of particular importance, although the state acts as a guarantor of stability and a symbol of order. The peculiarity of this search has always been within the framework of universal strategies of consensus and cooperation. Recently, the Institute of Public Administration has

devoted considerable efforts to technologies for monitoring and preventing the emergence of conflict situations, when the main emphasis is on preventive measures associated with the identification of conflict factors, their analysis and attempts to prevent the development of a potential conflict to a state of activity and openness [12].

The crisis management system in the state structures shall have special features: flexibility and adaptability, which are often inherent in the matrix management systems; desire to increase informal leadership; reduction of centralism to ensure timely regulation of the situation on emerging issues; strengthening of the unification processes [13].

In the public administration sphere, the conflict appears in a specific form of mutual interaction between institutions, organizations and social groups. The hierarchical structure of the state apparatus as a system, difference in managerial roles, differentiation of statuses and interests, as well as sociocultural, value and other disagreements of leadership subjects and objects inevitably give rise to conflict situations, predetermining the corresponding feature of human behavior [14].

A significant source of conflict can also be found in management communication technologies, for example, in the lack or incorrectness of information or in the deliberate manipulation of it. Each distortion of information may well give rise to a conflict in the process of describing a typology of conflicts in the field of public administration. The highest state level uses great material opportunities, from here the most acute contradictions are created, disguised or not open to public opinion. Communication based on trust and cooperation, open and responsible leadership are necessary conditions for the effective functioning of government bodies both in a crisis period and before and after it.

5 Conclusions

In the process of resolving intra-organizational conflicts in the government structures, the rationalization method shall be paramount.

Intra-organizational conflicts in the government bodies do not have ambiguous differences from similar

conflicts in the private sector institutions by their nature. The main thing is as follows: a specific division of responsibilities and opportunities is inherent for the state structures in accordance with the norms and rules fixing a specific hierarchy of power. In this regard, the organization's activities are coordinated and foreseen. The possibility of structural rules drowns out and weakens the emerging source of stress. A large number of conflicts in the government organizations is rational. Since each structural department is always created for a specific purpose, often the goals and objectives of the created units (departments, administrations) can become opposite or even competing, since an objective opposition of goals may well lead to positional conflicts [15]. These are conflicts between various departments, which, in turn, are further divided into conflicts between representatives of the administration and specialists for increasing the possibility of influence in the organization, conflict situations between directly competing departments for the possibility of significant influence on the leadership, increasing their importance and status. And, therefore, there are conflicts over methods and controls.

The tasks and goals of crisis management in the state structures are as follows: forecasting the crisis and appropriate preparation for it; obstruction of serious crisis factors; regulation of the crisis dynamics; implementation of the life and work of the organization in a crisis state; working with the factors and consequences of the crisis for the subsequent development of the organization.

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DIGITAL CONFIDENCE ENVIRONMENT IN PROCEDURE RELATIONSHIPS

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Abstract: The implementation of the legally proclaimed ideas and principles is ensured by the mechanism of intersectoral regulators which, being in constant relationship contribute to the solution of tasks set. But the mechanism established at the level of legal regulators cannot be isolated from the environment in which certain rules of conduct should be guided. This is due to the possible “artificiality” of the rules of behaviour, which can be expressed either in the fact that the rule exists, but there are no really existing social relations that can fall under the regulatory influence in this sector, or statutory regulators no longer meet the needs of social development due to their inability to regulate actually existing relations. All this determines the importance of studying the environment in which the system of statutory regulators will be created to achieve a specific goal and task. The strategy for the development of the information society in the Russian Federation for 2017 - 2030 defines the development of the information society as the goal and objective of the application of information and communication technologies. The construction of the information society, which will exist within the framework of the "electronic state", involves the "digitalization" of all sections of public relations, including such an important area as the administration of justice. Thus, the digital environment should also organically include procedural relationships that make it possible to exist.

Keywords: digital environment; e-justice; information society; procedural relations; right to judicial protection.

1. Introduction

Decree of the President of the Russian Federation dated 09.05.2017

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No. 203 has approved the information society development strategy in the Russian Federation for 2017 - 2030 [1]. It defines goals and objectives in the field of application of information and communication technologies aimed at the development of the information society. At the same time, an information society is referred by a strategy as a society in which information, the level of its application and accessibility fundamentally affect the economic and sociocultural living conditions of citizens.

Building an information society presupposes availability of a digital environment that provides equal opportunities for participants in the implementation of legal relations of their rights and obligations, taking into account the capabilities of modern information and communication technologies. These technologies create a stable connection between participants in legal relations and contribute to a more open and expeditious achievement of a certain result, mutually beneficial for participants in legal relations.

The digital environment as a comfortable environment in which data in digital form can be easily converted to all spheres of public relations has already gone beyond the definition given in GOST R 52292-2004 “National Standard of the Russian Federation. Information technology. Electronic exchange of information. Terms and definitions "[2]. In the standard, the digital environment is defined as the environment of logical objects used to describe (simulate) other environments (in particular, electronic and social) based on mathematical laws. This is already an environment that allows participants in relations to exercise their rights not only within the framework of substantive legal relations based on the equality of participants in relations, but also in procedural (subordinate) legal relations. They have a court as a mandatory subject on the basis of a system of normative regulators that take into account, on the one hand, technical regulations and standards, and on the other hand, the availability of technical capabilities to exercise rights in digital form [3,4,5,6,7].

2. Methods

The methodological basis of the study was the general provisions of the procedural sciences: constitutional law,

civil procedural law, administrative procedural law, criminal procedural law. In the study, the following methods of scientific knowledge were used: interdisciplinary, dialectical, sociological method.

3. Results

As a result of the study, tools were established that are aimed at building a digital environment of trust in procedural relations, taking into account the need to comply with legal guarantees for the implementation of the constitutional right to judicial protection. A system of legal prerequisites has also been established to ensure the viability of the digital environment in procedural relations.

4. Discussion

The strategy for the development of the information society in the Russian Federation for 2017 - 2030 establishes and states that information and communication technologies have become part of modern management systems in all sectors of the economy, in the fields of public administration, national defence, state security and law enforcement. The tasks include the application of new technologies in government bodies of the Russian Federation that ensure the use of e-government infrastructure for the provision of state-owned, as well as commercial and non-commercial services that are in demand by citizens.

Creating a digital environment that will contribute to the realization of rights, obligations and powers in digital form is impossible without human rights mechanisms to ensure its viability. An "informational" society functions in an environment where information becomes an important resource that can influence changes in living conditions. At the same time, the key issue is access to justice in the digital economy and the availability of trust in institutions in the digital environment.

The use of information and communication technologies has become a part of modern legal proceedings, and the task of a phased transition of state bodies to the use of the information infrastructure of the Russian Federation is being fixed at the regulatory level. A certain analysis of Russian justice should be carried out at the present stage of "creating an

ecosystem of the digital economy of the Russian Federation".

From the point of view of the development of a digital confidence environment in procedural relations, two elements are of paramount importance: 1) the existence of a system of statutory regulators and 2) the availability of infrastructure that ensures the functioning of the digital confidence environment.

As noted by a number of authors, the main goal of the area related to statutory regulation is the formation of a new regulatory environment. This environment should provide a favourable legal regime for the emergence and development of modern technologies, as well as for the implementation of economic activities related to their use in the digital economy. All this will require not only point changes in individual regulatory legal acts, but primarily systemic amendments to the basic industry laws [8]. The system of statutory regulators, laying the possibility of the existence of a digital confidence environment in procedural relations, can now be represented in the following form. Federal Law dated June 23, 2016 No. 220-FZ "On Amending Certain Legislative Acts of the Russian Federation Regarding the Use of Electronic Documents in the Activities of the Judiciary" [9] introduced a whole block of procedural rules aimed at "digitalizing" of procedural relations in four sources of law: Code of Civil Procedure of the Russian Federation [10], Code of Criminal Procedure of the Russian Federation [11], Arbitration Procedure Code of the Russian Federation [12], Administrative Procedure Code of the Russian Federation [13]. However, the introduction of these legislative norms removed only the key legal restrictions on the "digitalization" of the procedural branches of law aimed at realizing the constitutional right to judicial protection. At the same time, the definition of priority basic legal concepts and institutions necessary for the development of the digital economy in the procedural branches of law, for some reason, did not happen in the branch procedural sources, but only at the level of by-laws.

By order of the Judicial Department under the Supreme Court of the Russian Federation dated December

27, 2016 No. 251 “On approval of the Procedure for submitting documents to the federal courts of general jurisdiction in electronic form, including in the form of an electronic document” (hereinafter - Order No. 251) [14] the terminological apparatus applicable in civil, criminal and administrative proceedings within the framework of electronic justice has been developed and disclosed. In particular, the following categories are indicated: electronic document; electronic image of the document; electronic signature; electronic signature key; USIA (Unified system of identification and authentication); appeal to court; person filing documents with the court (user); information system "State Automated System - Justice"; Personal Area. Of course, these terms are not new, but it is important that these terms are disclosed precisely from the point of view of their procedural understanding and content.

However, the regulation of entire procedural institutions at the level of by-laws raises questions, in particular, on the procedure for filing an appeal to the court in electronic form and the subsequent procedure for the adoption of these appeals by the court. This, in our opinion, does not comply with the provisions of Art. 1, the Code of Civil Procedure of the Russian Federation, according to which the procedure for civil proceedings in federal courts of general jurisdiction is determined by federal laws.

For the development of a digital confidence environment in procedural relations, it is important to regulate legal issues related to the use of robotics and artificial intelligence tools. The legal doctrine actively discusses the issues of robotization of legal processes [15]. The issues of legal significance of digital data obtained in legal proceedings, including with respect to documents on paper, are also of fundamental importance.

From the point of view of the infrastructure that ensures the functioning of the digital confidence environment, the operation of remote resources that affect the initiation of proceedings in a court is indicative. So, at present, documents in electronic form can be submitted through the user's personal account, through the Internet portal of the State Automated System "Justice" (www.sudrf.ru) in the information and telecommunication network "Internet". At the same time,

access to a personal account is carried out through identification and authentication in one of two possible ways: using a verified USIA (Unified system of identification and authentication) individual account or using an enhanced qualified electronic signature that a user has. In addition, judicial authorities can create procedural documents in digital form. So, for example, according to Article 199, the Code of Civil Procedure of the Russian Federation, when fulfilling the operative part of the decision in the form of an electronic document, an additional copy of this resolutive part of the decision is made on paper, which is also attached to the case.

An important step in the infrastructural support of the digital confidence environment will be executing the functions of monitoring and managing the data storage and processing infrastructure by the situational centre organization, as well as organizing by it the interaction in the process of eliminating threats to its operability and security. The Judicial Department under the Supreme Court of the Russian Federation, which currently solves a number of issues related to the implementation of certain elements of e-justice at the level of its own orders, could be considered as such a situation centre.

5. Conclusions

It can be concluded that the digital confidence environment is now at the initial stage of its formation in all four forms of administration of justice. The digital confidence environment in procedural relations can be described as the relationship between the court and the participants in the trial. It manifests itself in the possibility of exercising the procedural rights and obligations of participants in legal relations in digital form so that these actions have legal consequences and, on the other hand, in the activities of the court as an authority, which, by virtue of the powers it has, can influence the development of procedural relations in digital form.

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INSTITUTIONALIZING OF PROPERTY RELATIONS IN THE SYSTEM OF NETWORK COORDINATION NEXUS

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Abstract: There is an active development and use of the principles and research tools of the institutional approach in modern economic science. It allows establishing the relationships that exist between the economic, political and social elements of the system, expanding the boundaries of economic life. The institutional environment determines the goals, functions and dynamics of interaction in property relations. Thus, it appears the effectiveness of functioning of its various forms, which will depend on the institutional structure of management as a system of norms and rules that determine the configuration of property rights, together with coercive instruments. The article considers the approach from the theory of constructivism, which describes the structural features of property relations, taking as a basis the system of network coordination of relations. Formation of a network structure and a new, non-hierarchical way of coordinating ties reflects new economic realities associated with the strong interdependence of property subjects. Formation of a knowledge economy, development of globalization, integration of property subjects have led to the accelerated development of innovations, to a new quality of property relations. Innovations are supported by a huge agglomeration of social, innovative, intellectual and financial capital, which forms the emergence of "innovations in innovations" and determines the relevance of studying the

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system of network coordination of relations.

Keywords: property, property relations, institutional structure, network structure, triple helix, property relations, innovation system

1. Introduction

The main feature of the network system is the network logic of using the property, which gives the appropriation relations special qualities and functions. This means that the situation of continuous updates of property relations is associated with a certain institutional environment, where horizontal-network communications predominate between property subjects. It is in such an environment that the constructivism of property relations, designed to generate innovations, is most clearly manifested. The dynamics of "innovations in innovations" is the driving force for the formation of constructivism of property relations in the system of network coordination of relations. The theory of constructivism of property relations allows not only checking the mechanisms of relations between property subjects for strength, but also adjusting them to develop such a partnership that would lead to a hybrid socio-economic structure that has the advantages of linking the spiral structures of property subjects and increased adaptability to changes in the external environment. There is a transformation in the behavior of all economic agents. The use of the triple helix model is focused on institutional processes leading to the definition of new "rules of the game" in the network space, identifies the main generating source of economic and social development, which in turn makes it possible to take to a new level the interaction of participants in the innovation process. In the 2000s, the partnership construction of property subjects began to be introduced into economic practice as the basis for the formation of network structures and the generation of innovations [3], as a model for organizing new property relations. It also quite often began to appear in the scientific conferences as a new approach to the processes of integration of various property subjects and the creation of a single knowledge market.

We reflected the constructivism of property relations in the analysis of the triple helix, in the analysis of regional

institutional formations and in substantiating the theory of the evolution of property relations in the coordination system of ties [1] [7], which made it possible to propose a new mechanism for constructing property relations capable of ensuring self-development of complex network systems. Configured for a dynamic innovation environment, the constructivism of property relations harmonizes at all levels of economic interaction of property subjects.

The development of the theory of constructivism of property relations is explained by the transition of economic systems to a network structure. This civilizational shift is caused by a weighty dynamism of the environment, an increased level of interdependence of property subjects and a constantly high level of uncertainty. Continuous changes, often perceived as the “tyranny of the moment”, led to the transition of property relations to a new, super-plastic construction and to a new way of coordinating relations between subjects. An innovative economy forces property owners to be flexible, adapt to a changing world, and act adequately in order to survive.

2. Methods

To enhance innovation, such a structure of property relations is necessary that is highly adaptable to establishing coordination relations with all participants in the innovation sphere. In this regard, the transition of economic systems to a network structure is necessary, in which coordination of relations will be most effective. Today it is already obvious that it is impossible to predict and construct property relations exclusively from the position of rational knowledge of the industrial system. Here we need non-rational cognitive mechanisms that allow expanding the criteria for the scientific nature of property relations and going beyond their canonical interpretation.

The network way of coordinating relations between the property subjects changes the usual structure of assignment relations to a network one, being much more plastic than the hierarchy model.

The practice of market contracts of property owners goes online, based not on price signals, but on direct cooperation between owners, producers and consumers. Large owners, creating a new economic environment, develop

coordinating platforms, on which the economic networks grow [10]. The level of innovation activity of the property subjects is changing, the coordination of relations between owners in the fields of science, education, production, as well as at the levels of the system of scientific personnel reproduction, the organizational support of the chain "applied research - experimental development - production" are being increased. Property relations evade any hierarchical closed-loop structures and vertical subordination. They line up on horizontal ties and collaboration principle. Collaboration is understood as such a mechanism of interaction between owners, when the cooperation subjects constantly exchange knowledge, mutually using their potential, and coordinate their decisions. In the literature, this mechanism is called "coordination of communication without hierarchy" [6], or "colloborative governance" [2].

The process of involving owners in the network is accompanied by the pooling of resources, ideas, coordination of action plans to create an innovative product. Property relations become a smooth system-forming element of the network economy system. Active interaction of the property subjects lies in their activities to ensure the most complete, comprehensive and effective use of the capabilities of the network economy in their interests. This approach is updated within the framework of the evolutionary theory of the activity of property relations and leads to the creation of the advantages of network interaction of property subjects: high degree of adaptation to changing environmental conditions; absence of territorial restrictions, focus of property subjects on the development of their core competencies and elimination of duplication of functions; attraction of competent partners with the necessary resource potential to the network; possibility of forming an association of entities for the implementation of complex projects with many participants; high level of innovative activity.

Since the network economy is based on the principle of collaboration and innovation, which change the activity of property subjects, they are characterized by a conscious interest of owners in cooperative ties; in the selection of property subjects according

to established criteria; in the formalization of competencies; in assessing the resource potential; in ensuring the convergence of competencies and complementarity of resources based on highlighting the strengths and weaknesses of property subjects in the network economy; in the design of integration education, taking into account the common goals and strategic directions of development; in determining indicators for assessing the effectiveness of owner interaction; in the formation of internal and external culture of owner interaction within the framework of a network based on the collaboration principles.

On the basis of coordination of relations in the network interaction of property subjects, a new model of the structure of property relations arises, transforming traditional ideas about the nature of appropriation relations. Network coordination of relations between property subjects is a fairly stable design based on a balance of interests of its participants, a system of internal norms and rules, a unified network culture of property relations. Showing a certain kind of interest and initiative in innovative activity, the property subject develops directions for coordinating relations closely related to innovations that can generate new knowledge, technologies, and production methods. The owners form a toolkit for coordinating relationships to create a single interaction environment.

Coordination of relations between the property subjects can have almost any area of activity of the owners as its object:

- scientific and technical activities;
- innovation activity;
- formation and development of relationships, knowledge, abilities associated with the development and production of high-tech products with unique consumer properties;
- effective use of intellectual potential;
- intellectual property management system.

Constructivism of property relations in the process of forming the coordination relations between subjects is based on two initial criteria: 1) the main forms that coordination agreements can take; 2) various owners involved in coordination.

Four coordination forms of information exchange between owners can be distinguished:

1. creation of joint R&D units;
2. specialization;
3. license sharing;
4. creation of a joint venture.

When analyzing the various owners involved in the coordination, those types of competencies of the owner that can benefit the network organization are identified If such actions are aimed at compensating for the owner's weaknesses, then they can be called compensators, if to strengthen competencies - amplifiers. As coordination relationships develop, competencies are ranked by their ability to maximize compensating or amplifying effects.

It is much more difficult to identify the owner's potential with a double effect. Opportunities of the owner in a network organization, which compensate for shortcomings and at the same time strengthen its advantages, are of fundamental importance for a successful innovation process. ,

Communication coordination between property partners in a network structure dramatically reduces the cost of analyzing random opportunities. The developed coordination links in the networks contain a quantitative assessment of how these potential opportunities for creating an innovative product correspond to them. They are ranked according to the degree of possibility, which allows determining the risk and make an assessment. As David Thiis notes [11], an understanding of the potential of relationships and a focus on value creation lead to radical changes in property relations.

3. Results And Discussion

One of the main benefits of coordinating network relationships between owners is to prevent catastrophic decisions made in the hustle and bustle of using random methods to evaluate the potential capabilities of appropriation entities. The solution to the problem is the “wheel of opportunity” - a method of creating a strategy for the production of an innovative product in stages. This method is formed in the process of searching for answers to the following fundamental questions:

- What are the strengths and weaknesses of ownership entities included in the network structure to create an innovative product?
- What alternative opportunities for partnership of property owners do we have?
- What are the owners' priorities for increasing strengths and eliminating weaknesses?
- How do the potential capabilities of the property subjects meet the criteria of network organization in an innovative economy?

The process of building the "wheel of opportunities" begins after a decision is made on the horizontal coordination of connections in the network education; change in the institutional activity of legislators, holders of rights and carriers of duties [9]; reducing uncertainty and responding to complex situations through risk sharing [5]; redistribution of property rights [4].

Reduction of the period between invention and implementation requires a new structure of property relations and new incentives. The partner owners are developing a coordinated plan for the development of the innovation process, which provides for the transfer of potential opportunities to the "wheel of opportunities". Then, criteria are developed for selecting future alternatives based on an analysis of the strengths and weaknesses of the property subjects to match their innovative economy. After comparing alternative options for concentrating ownership on the "wheel of opportunities" using the innovation criterion, priority areas of innovation are identified. This is a very sensitive area of property relations - sometimes partners in coordinating relations in the network structure spend years developing their competencies for an innovative economy and can react negatively, if the opportunities they offer are unceremoniously rejected without proper analysis of the suitability of the innovative economy. The business relationship of the partner owners can be defined as an ongoing process, within which strong social, economic, and technical ties are formed to reduce costs and increase value, thereby achieving mutual benefits [3]. As noted by A. Mitchell [8]: "In real life, the exchange between people is much richer than a market deal. There is an exchange and

sharing not only material, but also moral values in the communication process...".

4. Summary

Constructivism of property relations in the network education gives rise to a coherent, interconnected and mutually agreed world. The constructing owner and the appropriation relationships constructed by it constitute procedural unity. Construction means that the owner assumes the entire burden of responsibility for the implementation of property relations in the field of innovative production. The responsibility principle is at the forefront. The owner constructs an appropriation relationship from the perspective of an innovative economy and synergistic effect. Constructivism determines the owner's role, attitudes of his/her consciousness and his/her value preferences in the choice of possible ways of developing an innovative economy in a state of instability of the national innovation system. The owner constantly discovers completely new situations that could not even have imagined previously. Entering the network allows the owner understanding how one can achieve a certain goal and choose certain means of achieving it using horizontal coordination of connections. At the same time, he/she simultaneously refuses the opportunity to implement other goals that he/she values less, but believes that he/she could achieve them with less risk to his/her property. The value that the owner refuses is its costs, which are a purely subjective assessment.

5. Conclusions

The backbone nature of property relations determines the significance of their changes in the innovative development of the economic system as a whole. The qualitative transformation of property relations as a system-forming element has activated political, sociocultural, spiritual, moral and other institutions that shape the external environment of the economic system, violating intrasystemic ties and civilizational integrity. As a rule, in network education, the owners act, because they subjectively assess the value of innovative goals higher than the costs they plan to incur, hoping to get a higher income from the property.

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IMPROVING FINANCIAL LITERACY OF THE CHILDREN AND TEENAGERS IN THE RUSSIAN FEDERATION

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Abstract: The issues of improving the financial literacy of the population are currently receiving a lot of attention both at the international and national levels. Of particular relevance are financial literacy issues for the Russian Federation. Due to the peculiarities of the country's historical development, for most citizens of Russia, issues of personal financial planning, the principles of the functioning of financial markets, the possibility of investing savings remain obscure, as a result of this, the population can not fully use modern financial products and services, does not know their rights in the financial market and unable to protect them in accordance with the law. It should be noted that the problem of a low level of financial literacy of citizens is a problem at the national level, since a low level of financial literacy negatively affects the personal well-being of citizens, their financial potential, and accordingly prevents the development of the financial market, inhibiting investment processes in the economy. Under these conditions, increased interest in issues of financial education and financial literacy of citizens of the Russian Federation is logical and, since 2011, the World Bank and the Ministry of Finance of the Russian Federation have actively implemented a project "Promoting Improving the Level of Financial Literacy of the Population and Development of Financial Education in the Russian Federation". One of the most

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important areas of the project is to increase the financial literacy of children and youth. Since the start of the project, a range of training materials has been developed in this area, professional development of school teachers, teachers of orphanages, college teachers is provided, and weeks of financial literacy are held. The result of the events was a significant increase in the level of financial literacy of Russian schoolchildren. In this regard, the experience of the Russian Federation in improving financial literacy of children and youth is of great interest**.**

Keywords: Russian Federation, financial literacy of the population, educational programs in the field of financial literacy of children and youth

1. Introduction

In the modern world, the financial aspect is the most important in the life of any person. The ability to ensure their livelihoods, to form financial reserves, to save them, to effectively and safely invest in financial instruments are the basic skills of citizens whose development is given increased attention in developed and developing countries. Since 2003, in the world practice, the Organization for Economic Cooperation and Development (OECD) has been dealing with issues of financial education of citizens. The main reasons for increasing attention to the financial education of the population were named:

1) uncertainty and complexity in the work of the financial sector of the economy;

2) low level of financial literacy of citizens in all countries;

3) increasing the financial risks of citizens in connection with an increase in their income and investment in financial instruments, increasing their individual responsibility for actions in the financial market.

Subsequently, the need to improve the financial literacy of citizens was noted by other international organizations.

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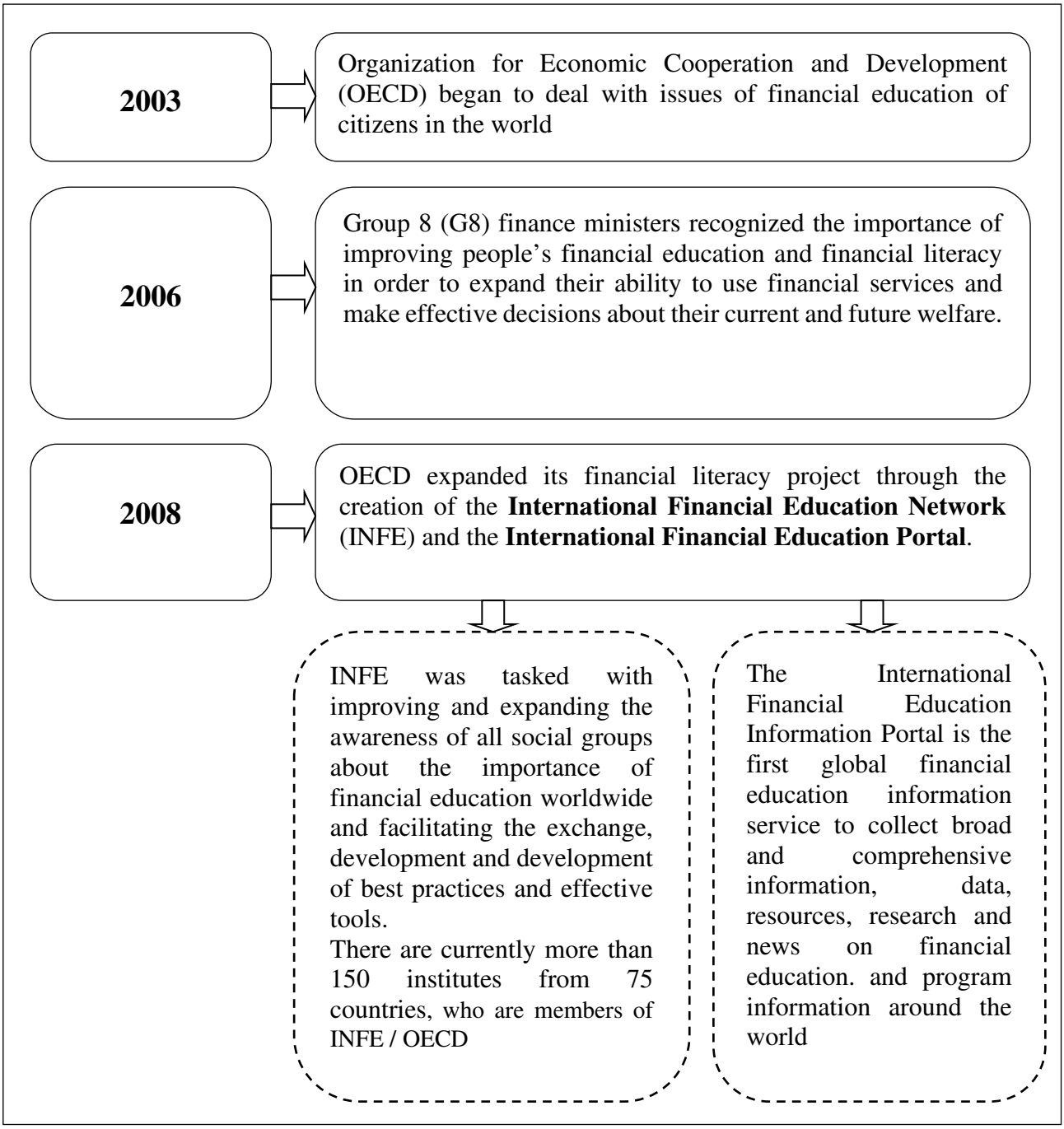

Figure 1. Development of projects aimed at improving the financial literacy of the population at the international level

Currently, issues of improving the financial literacy of citizens are an element of state policy in many countries - the USA, Canada, Australia, Great Britain, France, Poland, etc.

In 2009, the Government of the Russian Federation approved the Concept of the National Program for increasing the level of financial literacy of the population of the Russian Federation, which outlined the need to increase the level of financial literacy of Russian citizens, due to:

- the inability of the population to make a balanced decision based on the analysis of all available information regarding the use of certain financial products or services;

- the inability of the population to adequately assess risks in the financial markets;

- insufficient awareness of citizens about the possibilities of investing and conducting operations in the financial markets;

- lack of knowledge in the field of consumer protection in the financial markets;

- Inaccessibility for most citizens of professional financial advice.

In order to implement the Concept in 2011, the World Bank and the Ministry of Finance of the Russian Federation signed a loan agreement in the amount of $ 113 million for the implementation of the joint project "Promoting the level of financial literacy of the population and the development of financial education in the Russian Federation", which laid the foundations measures aimed at improving the financial literacy of citizens.

Project activities focus on four categories of citizens:

1) schoolchildren;

2) students studying in non-economic specialties;

3) adult population;

4) pensioners.

Particular attention is paid to improving the financial literacy of children and youth, since this helps to form financially literate citizens who are freely oriented in the financial market.

2. Methods

Based on empirical research methods, the article describes and evaluates the implementation of a project in Russia aimed at improving the financial literacy of children and youth. The information base for writing the article was data from the Ministry of Finance of the Russian Federation, National Research University Higher School of Economics, Kazan Federal University.

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3. Results And Discussion

Improving the financial literacy of children and youth has become one of the most important areas of the project "Promoting the improvement of the level of financial literacy of the population and the development of financial education in the Russian Federation". The main idea of this direction of the project is the training of teachers of educational organizations in order to further educate children in the educational process. It should be noted that individual lessons in financial literacy are not provided for by curricula; in this regard, elements of financial literacy are included in various disciplines, mainly social studies and mathematics. Much attention is paid to teaching financial literacy in the lower grades.

In order to implement the project in terms of improving the financial literacy of children, the Federal Methodological Center was created at the National Research University Higher School of Economics, the purpose of which is to increase the financial literacy of school teachers, orphanage teachers and college teachers. To ensure the achievement of this goal, the Federal Methodological Center:

1) financial literacy training materials developed

2) 11 interregional methodological centers have been created to improve the skills of teachers in schools and colleges.

Before developing training materials on financial literacy, specialists from the Ministry of Finance of the Russian Federation and the Federal Methodological Center studied international experience and determined the competencies that schoolchildren should have. Based on this, the materials were published on the website of the Federal Methodological Center, which everyone can use for free. The set of training materials includes more than 80 books for different target groups of students:

- students in grades 2-4 (7-10 years);
- students in grades 5-9 (11-15 years);
- students of grades 10-11 (16-18 years);
- college students;
- Pupils of orphanages.

In addition, thematic modules on the most interesting topics of financial literacy were prepared: "Banks",

"Insurance", "Financial Security", "Stock Market", "Own Business", etc.

Each set of training materials includes several manuals:

- materials for students;

- guidelines for teachers of financial literacy;

- materials for parents, which provide recommendations on the financial education of children in the family.

The peculiarity of training materials on financial literacy is that the training is based on the study of practical situations: planning personal income and expenses, the correct investment of savings, assessing the need to obtain a loan, choosing the right financial product, protecting the right if they are violated in the financial market, etc.

Published financial literacy training materials will be distributed in Russian regions with a total circulation of over 8 million copies.

Interregional methodological centers created to implement the project in terms of improving the financial literacy of children provide continuing education for school teachers, orphanage teachers and college teachers in more than 40 regions of the Russian Federation under the program "Content and Methods of Teaching Financial Literacy to Various Categories of Students". The teacher development program includes consideration of the following aspects:

1) features and methods of teaching financial literacy to children of different age groups, the possibility of including elements of financial literacy in various disciplines;

2) basics of financial literacy:

- personal finances and savings;

- issues of taxation of citizens;

- state and non-state pension provision;

- lending;

- investment products;

- insurance;

- business basics

- consumer rights Protection;

- financial fraud and others.

For 2016-2019, 13 240 teachers of educational institutions of Russia were trained by the Interregional Methodological Centers, of which 3069 were teachers of grades 2-4, 5343 were teachers of grades 5-9, 3162 were teachers of grades 10-11, 250 were teachers of orphanages, 1416 - college teachers.

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The general scheme for organizing the implementation of the project "Promoting Improving the Level of Financial Literacy of the Population and Developing Financial Education in the Russian Federation" in terms of improving the financial literacy of children is presented in Figure 2.

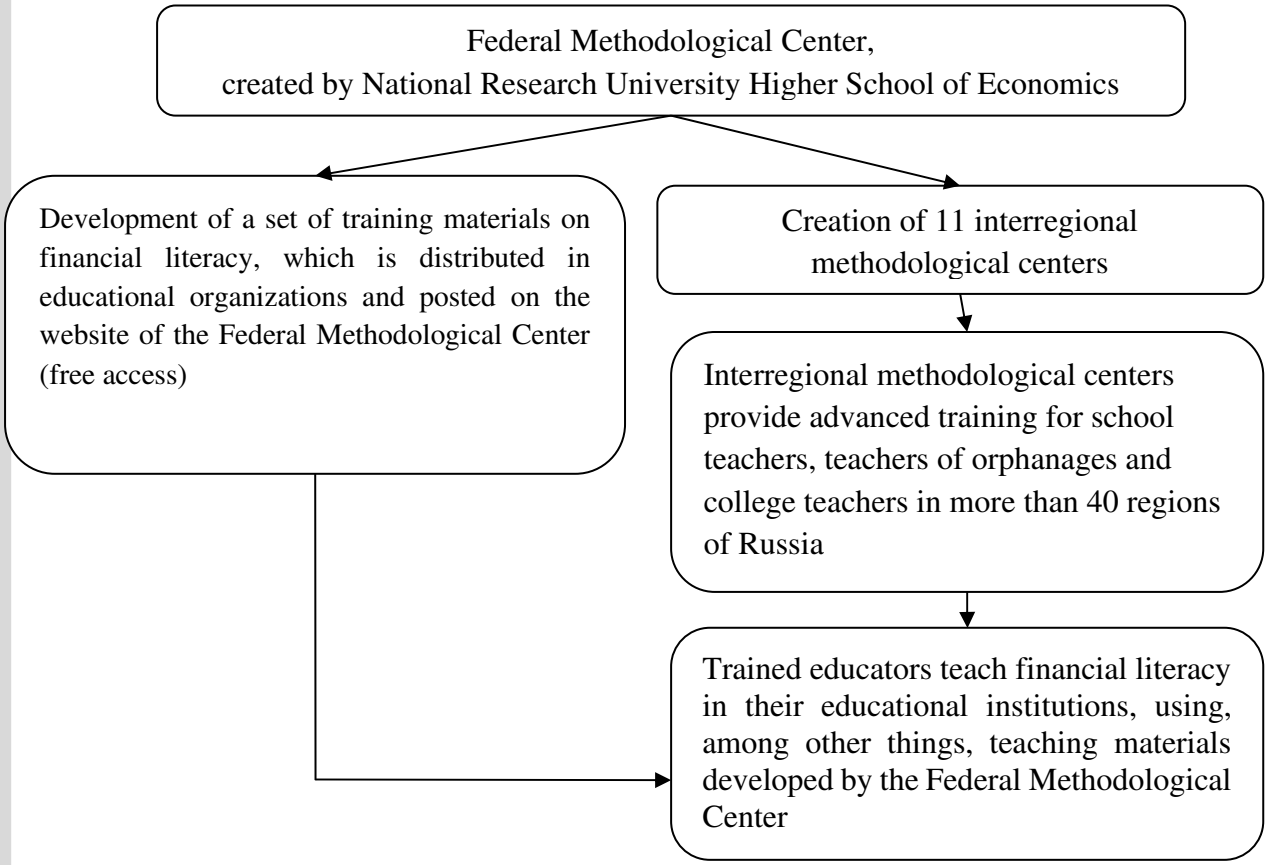

Figure 2. Organization chart for the implementation of the project "Promoting the level of financial literacy of the population and the development of financial education in the Russian Federation" in terms of improving the financial literacy of children.

In addition to classes held in educational institutions, children and adolescents to increase their financial literacy can use:

1) resources posted on a specially created portal "Your Finance", on which there are specially developed materials in the form of booklets, comics, videos, articles;

2) events held annually weeks of financial literacy for children and youth. Over 4 years, the total number of participants in the week of financial literacy in Russia exceeded 5 million people.

4. Summary

The system of increasing the financial literacy of children and youth in the Russian Federation was created taking into account international experience and the special organization of the educational process. The uniqueness and importance of the ongoing project is that:

1) one-time training of teachers gives a long-term effect, since teachers repeatedly bring information to students and, importantly, to different generations of students;

2) teachers working in orphanages are practically the only way to ensure financial education for the most vulnerable categories - orphans and children left without parental care;

3) with the help of teachers, you can increase the financial literacy of parents by inviting them to open lessons and devoting time to specific topics at parent meetings.

The result of the events was an increase in the level of financial literacy of Russian schoolchildren. According to an international study by the Organization for Economic Cooperation and Development within the framework of the International Program for the Assessment of Educational Achievements of Students (PISA-2015), Russian 15-year-old students took 4th place in financial literacy, significantly improving performance in 2012, rising from 10th place.

5. Conclusions

Thus, within the framework of the Project, a large number of various educational and methodological materials have been created for teaching schoolchildren and students of financial literacy colleges. Educational organizations have the opportunity to choose the most suitable forms and means of introducing financial literacy into the educational program: to train

schoolchildren or students only within the framework of compulsory subjects or through additional education at school and college. However, the results achieved are not grounds for paying less attention to issues of increasing the financial literacy of citizens. The need for further implementation of the project "Promoting the level of financial literacy of the population and the development of financial education in the Russian Federation" is not in doubt, since the experience already existing in Russia of the implementation of this project confirms its importance and significance.

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INDICATIVE APPROACH IN THE EVALUATION OF THE IMPLEMENTATION OF THE CONSTITUTIONAL RIGHT TO JUDICIAL PROTECTION IN THE STATE LANGUAGES OF THE RF SUBJECTS

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Anas G. Nuriev[2]
Rafael V. Shakirjanov[3]

Abstract: The implementation of the constitutional right to judicial protection is an important guarantee for participants in legal relations in case of violation of the rights of one of the parties or a threat of violation of the rights of participants in legal relations. Judicial protection is of particular relevance for the participants in legal relations, who do not speak the languages in which the administration of justice is carried out. Within the framework of this article, the authors analyze indicators that are designed to, on the one hand, signal on the current state and existing possibilities of implementing the constitutional right to judicial protection in the state languages of the subject of the Russian Federation (statistical function), and, on the other hand, determine growth drivers that can provide language guarantees for the territory of our state, which is defined as a democratic federal legal state according to Art. 1 of the Constitution of the Russian Federation. Within the framework of this article, three indicators are highlighted and analyzed: 1) existing legal potential for the implementation of the constitutional right to judicial protection in civil cases in the state languages of the republics within the Russian Federation; 2) analysis of the practical implementation of the opportunities currently available for the implementation of the constitutional right to judicial protection in civil cases in the state languages of the republics within the Russian Federation; 3) determination of growth points in the implementation of the constitutional

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right to judicial protection in civil cases in the state languages of the republics within the Russian Federation.

Key words: federal legal state; official language; state language of the subject of the Russian Federation; judicial defense; administration of justice in the state language of the subject of the Russian Federation.

1. Introduction

Functioning of the language expressed in the possibilities that the language gives its carrier determine the place of language as a means of achieving the desired result. A language deprived of its law enforcement potential obviously gives way to the main communication channel for the language represented at all transformation stages of public relations.

Language, being the main communication means, provides its native speaker with a wide range of possibilities for the implementation of his subjective rights and the performance of duties. In particular, the emergence, change, termination of existing legal relations is carried out through the appropriate actions of a person concerned or the actions of a person mediated by communication means, in particular, oral or written form of the transaction.

Language may function in two development stages of social relations: (1) material and regulatory; and (2) controversial and procedural. The stage of occurrence, change, termination of regulatory material relations is characterized by the absence of a dispute about law. Within the framework of this stage, the parties shall implement the rights and obligations stipulated by the agreement. However, if a dispute arises about the law, it becomes necessary to protect the subjective law of one of the parties, as part of the controversial procedural stage [1, 2, 3, 4, 5].

2. Methods

The methodological basis of the study was the general provisions of the science of civil procedural law. In the study, the following methods of scientific knowledge were used: interdisciplinary, dialectical, sociological method.

3. Results

As a result of the study, we determined the indicators, whose analysis allows establishing the current state and prospects for the development of the implementation of the constitutional right to judicial protection in civil cases in the state languages of the subjects of the Russian Federation with an aim of identifying the potential of the state language of the subject of the Russian Federation in law enforcement using the example of civil proceedings.

4. Discussion

The implementation of the constitutional right to judicial protection in civil cases in the state languages of the subjects of the Russian Federation is a manifestation of "language guarantees" established by the current legislation, provides for a set of measures aimed at developing the languages of the subjects of the Russian Federation. In particular, Part 2 of Article 26 of the Constitution of the Russian Federation [6] determines that everyone has the right to use their native language, to freely choose the language of communication, education, training and creativity.

However, the actual implementation of "language guarantees" and the availability of development prospects can be established on the basis of a set of assessment activities, which we will designate as "indicators". An assessment of the possibilities of the state language of the subject of the Russian Federation not only as communication means in regulatory material relations, but also as protection means in controversial procedural relations, allowed distinguishing three blocks of indicators.

The first indicator of the assessment of the implementation of the constitutional right to judicial protection in the state language of the subject of the Russian Federation in civil matters is the analysis of the existing legal potential for the implementation of the constitutional right to judicial protection in civil cases in the state languages of the republics of the Russian Federation. The current federal legislation provides for a set of measures aimed at developing the languages of the subjects of the Russian Federation: administration of justice in the state language of the subject of the Russian Federation (Article 9 of the Civil Procedure Code of the Russian

Federation [7], Article 12 of the Administrative Procedure Code of the Russian Federation [8], Article 18 of the Criminal Procedure Code of the Russian Federation [9]) ; using the services of a translator (Article 33 of the Federal Law on the Constitutional Court of the Russian Federation [10], Article 9 of the Civil Procedure Code of the Russian Federation, Article 12 of the Arbitration Procedure Code of the Russian Federation [11], Article 12 of the Administrative Procedure Code of the Russian Federation, Article 18 of the Criminal Procedure Code of the Russian Federation).

At the same time, the fixed "language guarantees" in the field of civil proceedings can be designated as guarantees of "general orientation", since there are questions regarding the regulaotry certainty of particular procedural actions, the author's conclusions on which are contained in the third block "determining growth points in the issue under consideration":

- possibility of making the decision text in the state language of the subject of the Russian Federation in civil proceedings. In our opinion, the preparation of judicial acts in civil cases in the case of proceedings in the state language of the subject of the Russian Federation shall be carried out by analogy with Article 12 of the Administrative Procedure Code of the Russian Federation. That is, the decision text in a civil case shall be set forth in Russian, and it is translated into the language used during the trial at the request of the parties. At the same time, in our opinion, this rule shall also be interpreted broadly, that is, the very fact of expressing a desire to consider a civil case in the state language of the subject of the Russian Federation shall be regarded as a request of the party to translate the text of the court decision into the state language of the subject of the Russian Federation.

-possibility to compile and use procedural documents in the state language of the subject of the Russian Federation. Analysis of the relevant norms of the Civil Procedure Code (Articles 3, 13, 35, 48, 53, 67, 71, etc.) shows the absence of special normative regulation regarding compilation and use of procedural documents in the state language of the subject of the Russian Federation. Thus, for example, Part 2 of Article 71 of the Civil Procedure Code of

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the Russian Federation establishes that written evidence is presented in the original form or in the form of a duly certified copy.

At the same time, special regulation with regard to "language" guarantees is available only for documents produced in a foreign language. In particular, according to Part 2 of Article 408 of the Civil Procedure Code of the Russian Federation, documents drawn up in a foreign language shall be submitted to the courts in the Russian Federation with a duly certified translation into Russian. In accordance with Article 417.4 of the Civil Procedure Code of the Russian Federation , the statement of claim in a dispute with a foreign state shall be supplemented with a duly certified translation of the statement of claim and the documents attached to it into the official language or one of the official languages of the foreign state involved in the case. A similar procedure is established in the Administrative Procedure Code of the Russian Federation (Article 70) and the Criminal Procedure Code of the Russian Federation (Article 453).

Thus, special normative regulation has not been established in the Civil Procedure Code of the Russian Federation in relation to the procedural documents made in the state language of the subject of the Russian Federation and used at various stages of civil proceedings. A systematic analysis of the Civil Procedure Code of the Russian Federation, the Criminal Procedure Code of the Russian Federation, Administrative Procedure Code of the Russian Federation allows making a conclusion that there is only one legislative restriction regarding the use of the state language of the subject of the Russian Federation in the preparation of procedural documents. It relates to a court decision in administrative proceedings, and for the rest it is possible to draw up procedural documents both by the participants in the process and by the judicial authority in the state language of the subject of the Russian Federation when administering justice in the court of first instance and appeal court, if it is located on the territory of the republic.

It seems that the fact of applying to court in the state language of the subject of the Russian Federation,

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guaranteed by the Constitution of the Russian Federation, does not mean the will to send civil proceedings in the state language of the subject of the Russian Federation, since it is necessary to establish the possibility of a judicial authority to exercise the right to judicial protection in the state language of the subject of the Russian Federation. As a rule, this circumstance can only be established at a preliminary hearing. In addition, it is required to establish the position of the other side in this case; however, it should be noted that the position of the other side cannot impede the consideration of the case in the state language of the subject of the Russian Federation, since the constitutional guarantees determine that everyone has the right to use their own language, to freely choose a language of communication, education, training and creativity. In this case, the court, having the opportunity to consider the case in the state language of the subject of the Russian Federation, shall provide the defendant with a translation of the procedural documents.

Practice shows that often the courts refuse to consider civil cases in the state language of the subject of the Russian Federation for no apparent reason. It seems that the possibility of appealing against a court ruling on refusal to consider a case in the state language of the subject of the Russian Federation shall find its regulatory fixation. This norm, being universal, would make it possible for people, applying to the court, to appeal other decisions of the court of first instance that impede the implementation of the fundamental rights and freedoms of a citizen established by the Constitution of the Russian Federation.

- determination of the legal status of an interpreter in civil proceedings. Despite the importance of the procedural function implemented by the interpreter in the Civil Procedure Code of the Russian Federation, there is no legal definition of the interpreter as a participant in procedural relations. The most complete is the definition of the interpreter given in Article 52 of the Administrative Procedure Code of the Russian Federation as a person fluent in the language in which administrative proceedings are conducted, and in another language, knowledge of which is necessary for translation from one language to another, or a person fluent in

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the communication technique with the deaf, dumb, deaf and dumb. In all procedural sources, the main criterion characterizing the interpreter is fluency in the language of the proceedings and the language, whose knowledge is necessary for the translation. At the same time, the legislation does not provide for determining the level of free language proficiency through the establishment of minimum requirements for the interpreter. Moreover, there are no additional requirements, for example, related to the presence of special education or membership in a self-regulatory organization of judicial interpreters.

The second indicator of the assessment of the implementation of the constitutional right to judicial protection in the state language of the subject of the Russian Federation in civil cases is the analysis of practical implementation of the available opportunities at present.

The third indicator for assessing the implementation of the constitutional right to judicial protection in the state language of the subject of the Russian Federation in civil matters is the determination of growth points in the matter under consideration.

Growth points are determined taking into account the conclusion about the effect of “language guarantees” in two planes: implementation of the administration of justice in the state language of the subject of the Russian Federation and the possibility of using the services of the interpreter. Regarding the implementation of the administration of justice in the state language of the subject of the Russian Federation, when setting out the text of a court decision in the state language of the subject of the Russian Federation, the norm shall be interpreted broadly, that is, the very fact of expressing a desire to consider a civil case in the state language of the subject of the Russian Federation shall be regarded as a request of the party to translate the text of the court decision into the state language of the subject of the Russian Federation.

An analysis of the legislative provisions formulated in the Civil Procedure Code of the Russian Federation, and in case of their absence, borrowed by analogy of the law (Part 4 of Article 1 of the Civil Procedure Code of the Russian Federation) in related procedural sources allows identifying the following criteria that a person acting

in the civil process as the interpreter shall meet. As the first criterion, one can single out fluency in the language in which the proceedings are being conducted and the language, whose knowledge is necessary for translation. Due to the fact that the judge is entrusted with the obligation to resolve the issue of involving the interpreter in the process in accordance with Article 150 of the Civil Procedure Code of the Russian Federation, he/she shall establish the level of fluency in the language. At the same time, a judge who involves an interpreter in the process due to his/her lack of special knowledge cannot guarantee the level of fluency in the language, taking into account the specific nature of a particular civil case. In this case, the level of language proficiency is established during the consideration of the case, taking into account the opinions of persons participating in the case and contributing to the administration of justice. The second criterion is the mandatory procedural legitimization of a person, who is fluent in the languages necessary for the administration of justice.

Accordingly, subject to the above two criteria, a person can be involved in the case as the interpreter and the result of his/her activities will be presumed to be appropriate. This means that proof of the fact of correct and undistorted translation is not required. However, in this case we are talking about relative presumption, since the case can be reconsidered due to newly discovered circumstances, if a deliberately incorrect interpretation is established by an effective court verdict (court order). At the same time, in the absence of intent in the interpreter's actions, who, due to the specific nature of the civil case under consideration, has distorted the facts needing to be investigated, the court applies sanction provided for by Article 330 of the Civil Procedure Code of the Russian Federation - review of the case on unconditional procedural grounds in the court of appeal.

5. Conclusions

Based on the study, it can be concluded that the selected indicators reveal the law enforcement potential and practical implementation of the state language of the subject of the Russian Federation as a means of protecting violated substantive law. The applied

value is expressed in the fact that it is proposed to prepare recommendations on the use of the state language of the subject of the Russian Federation in legal proceedings on the basis of the study.

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INTERNATIONAL CONTROL IN FIGHT AGAINST DOPING IN SPORTS

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Abstract: This article explores the mechanisms of international control in the field of fight against doping. International legal control is one of the means of ensuring the fulfillment by the states of their obligations and is important in achieving the effectiveness of the implementation of legal norms. The paper analyzes the relevant provisions of two international legal acts that constitute the legal basis in anti-doping activities: The Anti-Doping Convention of the Council of Europe and the International Convention against Doping in Sport. In accordance with the provisions of international legal acts, special monitoring bodies are established to monitor the implementation by the states of their obligations through online questionnaires. The focus is on the activities of these specialized agencies. At the same time, the nature of international legal control is not limited only to checking the behavior of states, but also is expressed in the prevention of violations of the international law. In this regard, it is needed an element that establishes the responsibility of states for failure to fulfill their international obligations. Such a mechanism would be the document Operational Guidelines and System of Consequences for Non-Compliance with the Regulations Adopted as Annex to the International Convention against Doping in Sport.

Keywords: doping, sport, international law, international control, World Anti-Doping Agency, Council of Europe, UNESCO.

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Introduction

The active development of sports and, as a consequence, the increased importance of sports victories became a catalyst for the emergence of some problems in this area. Since the early 1960s, the use of doping substances by athletes has attracted the attention of the international community. Doping not only undermines the values of sports, but also causes irreparable harm to health. As a result, the fight against doping requires equal participation of both the sports movement and the states. In addition to the Olympic Movement, anti-doping activities are carried out by the Council of Europe, UNESCO, WHO, Interpol and others. Within the framework of the Council of Europe and UNESCO, the international legal acts (the Anti-Doping Convention and the International Convention against Doping in Sport) have been developed and adopted, which constitute the legal basis in this area.

The study examined the main provisions of these Conventions related to the obligations of member states, and the authors pay special attention to the international control mechanism in the fight against doping, expressed in the verification of compliance by the states with their contractual obligations by special bodies.

Among Russian international scientists, the international control issues were addressed in the works of R.M. Valeev, I.I. Lukashuk, A.N. Talalaev, B.R. Tuzmukhamedov, O.N. Khlestov et al. [1-5]. However, there is no study of international control in the fight against doping in the domestic scientific literature at present. The results of this work can be used to conduct a subsequent analysis of control mechanisms in the international sports law.

Methods

In carrying out this study, we used general scientific and private scientific methods, such as formal legal, problem theoretical, logical, etc.

Results and discussion

The development of international legal regulation of the fight against doping in sports has led to the conclusion of two multilateral treaties

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and the adoption of numerous acts by the intergovernmental organizations in the form of resolutions, recommendations and action programs. The Council of Europe was the first intergovernmental organization to create a special committee to combat doping in 1963, as well as to adopt a resolution on doping in 1967[4]. The resolution emphasized that doping jeopardizes the health and dignity of those who use it, as well as offends the spirit of fair play, which is important for all sports. At the same time, it was recommended to the member states of the Council of Europe to condemn the use of doping and apply measures, if sports federations do not act effectively, as well as do not apply sanctions to violators for three years.

Over the following years, the Council of Europe pursued an active anti-doping policy: adopted recommendations, interacted with the International Olympic Committee, developed and approved the European Anti-Doping Charter in 1984[5]. The Charter was not a legally binding document, but served as a reference text for the intergovernmental organizations, including the Commission of the European Communities, the World Health Organization and UNESCO[6]. The measures taken gave rise to the development and adoption of the Anti-Doping Convention (hereinafter - the European Convention) on November 16, 1989.[7] Despite the fact that the Convention is regional in nature, it is open for signature by the non-member states of the Council of Europe. Currently, 52 states are parties to the Convention, including Australia, Belarus, Canada and Tunisia. It should be noted that the adoption of this Convention was a major breakthrough and showed the willingness of the states to commit themselves to the fight against doping in sports.

The European Convention consists of the Preamble and 19 articles that define doping and establish

[4] Resolution No. (67) 12 on the "Doping of Athletes", 29 June 1967.
[5] Recommendation No. R (84) 19 of the Committee of Ministers to members states on the "European Anti-Doping Charter for Sport".
[6] Explanatory Report to the Anti-Doping Convention // European Treaty Series – No. 135. Strasbourg, 16. XI. 1989.
[7] Anti-Doping Convention ETS N 135 (Strasbourg, November 16, 1989) // GARANT System.

obligations for the states. These obligations can be divided into 2 groups:

1) directly taken measures to coordinate anti-doping policy (including legislative, informative, educational and administrative measures to limit the availability of drugs prohibited in sports and their use) and international cooperation;

2) measures aimed at encouraging national sports organizations to take actions to fight against doping in sports, in particular, to develop anti-doping rules, lists of substances and methods prohibited in sports; to carry out disciplinary procedures and to apply sanctions against managers, doctors, trainers and other accomplices of violations of anti-doping rules by athletes; to carry out doping control not only during competition, but also without warning at any convenient time, etc.

To ensure proper implementation by the parties to the Convention of their obligations, it was created an Action Review Group (hereinafter - the Monitoring Group, the Group), consisting of representatives of the member states. The group is entrusted with monitoring functions, which include monitoring the provisions of the Convention, preparing reports on the implementation of the Convention, and organizing advisory and evaluation visits to the states. It is worth noting that consultation visits are organized to assist the states in implementing the policies and programs necessary to comply with the provisions of the Convention. There are also study visits organized, as a result of which the evaluation reports are published. At the same time, the Group makes recommendations on measures to implement the Convention and consults with the relevant sports organizations. In turn, each member state submits an annual report to the Monitoring Group through an online questionnaire on the steps it is taking to implement the provisions of the Convention.

The Monitoring Group is convened by the Secretary General of the Council of Europe and meets twice a year. To address issues related to its various fields of competence, the Group has specialized advisory groups for

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compliance with the Convention, education, legal issues and science[8].

In 1999, with the active participation of the Council of Europe, the World Anti-Doping Agency (WADA) was created. In this regard, at the 9th Conference of European Ministers Responsible for Sport, held in May 2000, the Committee of Ministers was recommended to ensure the participation of the Council of Europe and the Monitoring Group in the WADA's work and to support the Group for effective cooperation with the Agency[9]. As a result of changes that arose, it was necessary to amend the Convention aimed at creating a mandatory mechanism for doping control and mutual recognition of doping control in other countries. As a result, the Additional Protocol to the Convention was developed and adopted on September 12, 2002[10].

According to the provisions of the Protocol, the Parties mutually recognize the competence of sports or national anti-doping organizations in matters of doping control on their territory of athletes arriving from other member states to the Convention. At the same time, the participants shall recognize the competence of WADA, as well as other doping control organizations operating under its leadership, to carry out inspections of their athletes outside of competitions on their territory. The Additional Protocol entered into force on April 1, 2004, but did not receive much attention from the states[11]. The reason was the World Anti-Doping Code (hereinafter - the WADA Code), which entered into force the same year and regulates the doping control procedure[12].

During the 14th European Conference of Ministers Responsible for

[8] The Monitoring Group of the Anti-Doping Convention URL: http://www.coe.int/t/dg4/sport/Doping/tdomg_en.asp#TopOfPage (date of application: 03.06.2019).

[9] Resolution No. 1/2000 on the fight against doping URL: http://www.coe.int/t/dg4/sport/Resources/texts/spres00.1_en.asp#TopOfPage (date of application: 02.06.2019).

[10] Additional Protocol ETS N 188 (Warsaw, September 12, 2002) // GARANT System.

[11] The additional protocol was ratified by 26 states (including Tunisia), and signed by 10 states (including Belarus and Canada). The Russian Federation has not signed the Additional Protocol.

[12] World Anti-Doping Code 2003 URL: https://wada-main-prod.s3.amazonaws.com/resources/files/wa

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Sport, held in November 2016, participants asked the Monitoring Group to study the feasibility of revising the Convention and making appropriate recommendations. Due to the fact that the Convention was adopted in 1989, before the creation of WADA, some of its provisions are outdated, in our opinion. For example, the Convention defines doping as the introduction to athletes or use of doping drugs and doping methods by them, while doping is understood much more broadly and includes refusal to take a test, falsification, distribution, prohibited cooperation, etc. At the time preparing this article, the question of amending the Convention remains open and is subject to discussion by the member states.

A review of the activities of the Monitoring Group allows making a conclusion that its control functions are not limited only to monitoring the provisions of the Convention and verifying compliance of the states' actions concerning fulfillment of the obligations assumed, but are also expressed in the relevant requirements for eliminating violations, as well as providing advisory services and recommendations.

Another multilateral treaty forms the international legal framework for the fight against doping in sport. During the 33rd session of the General Conference of UNESCO on October 19, 2005, the International Convention against Doping in Sport (hereinafter - the UNESCO Convention) was adopted. [13] This Convention entered into force on February 1, 2007, and the number of states that acceded to it have reached 188 at the time of writing this study. Such a number of member states to the UNESCO Convention shows the enormous importance of the problem, and the desire of these states to take obligations to eliminate it. The UNESCO Convention provides for the implementation by the states of anti-doping measures at the national level, international cooperation, activities in the field of education, training and research. However, the Convention

da_code_2003_en.pdf (date of application: 03.06.2019).

[13] International Convention against Doping in Sport (Paris, October 19, 2005) // Official Gazette of the Russian Federation. - 2007. - No. 24. - Art. 2835.

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supports the implementation of the Code and the international standards developed by WADA[14].

The states are taking measures to limit the availability of prohibited substances and methods, in particular to combat the proliferation of prohibited substances and methods, and to control their production, movement, import, distribution and sale. The states shall also encourage manufacturers of food additives to label products appropriately, including information on the chemical composition of their products and quality assurance. In addition, the states shall financially support testing or doping control programs, and provide assistance to WADA and other anti-doping organizations. Doping control procedures, sports sanctions applied by any anti-doping organization in accordance with the WADA Code are recognized on a reciprocal basis. Certain provisions of the Convention enshrine the states' obligation to develop educational programs and facilitate anti-doping research.

It should also be noted another objective of the UNESCO Convention, namely the support of the WADA Code. This is expressed in the fact that the states shall to take appropriate measures at the national and international levels that are consistent with the principles of the WADA Code. These principles form the basis for government action in the area of regulatory, policy or administrative practice.

The supreme body of the UNESCO Convention is the Conference of the Parties, whose sessions are held every 2 years. The Conference of the Parties reviews the reports of the member states on measures they have taken to fulfill their obligations, as well as the results of monitoring compliance with the Convention. At the same time, it determines the directions and mechanisms of cooperation between the member states and WADA, requests a report from WADA to study how the provisions of the Code are implemented. To monitor national reports, a special Anti-Doping Logic system (hereinafter -

[14] Paul Marriott-Lloyd International Convention against Doping in Sport URL: http://unesdoc.unesco.org/images/0018/001884/188405r.pdf (access date: 02.06.2019).

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the ADLogic) and its online questionnaire are used.

The state has its own benchmark for each issue. If the state has not reached the minimum value of the benchmark, then it is considered that it does not comply or does not fully comply with the relevant provision of the UNESCO Convention. As a result of monitoring, it turned out that there is a lack of clear understanding among the states of how to integrate the WADA Code with the Convention, who shall be involved in the fight against doping and how to use the skills of various stakeholders to implement the provisions of the Convention; and there are also no opportunities within the government.[15] In 2017, at the sixth session of the Conference of the Parties, it was decided to develop operational guidelines for the Convention and a system of sanctions for non-compliance with the provisions of the Convention.[16] In this regard, a working group was established to develop the draft Operational Guidelines and the System of Consequences for Non-Compliance with the Regulations Adopted as Annex to the International Convention against Doping in Sport[17]. This project clarifies the provisions of the UNESCO Convention, explains the role of the main participants, describes the monitoring process of the Convention, using the ADLogic system, the consequences for the states failed to reach the implementation level of the essential articles of the Convention. The draft Operational Guidelines and the System of Consequences for Non-Compliance with the Provisions of the International Convention against Doping in Sport are to be finalized and will be submitted for approval to the Seventh Session of the Conference of the Parties in 2019.

Summary

The international legal control in the fight against doping in sport is carried out

[15] Evaluation of UNESCO's International Convention against Doping in Sport / IOS/EVS/PI/161.REV.2. 2017, p. 21.

[16] Resolution 6CP/5 URL: https://unesdoc.unesco.org/ark:/48223/pf0000259298_rus (application date 03.06.2019).

[17] First meeting of the Working Group for the development of Operational Guidelines and a framework of consequences for non-compliance with the International Convention against Doping in Sport URL: http://unesdoc.unesco.org/images/0026/002627/262712E.pdf (date of application 03.06.2019).

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by special bodies created by the states to verify compliance with obligations under the Conventions. Thus, the Anti-Doping Convention of the Council of Europe provides for the establishment of an Action Review Group, and the International Convention against Doping in Sport regularly convenes representatives of the member states in the form of the Conference of the Parties These two monitoring bodies are composed of representatives of the states and are convened by the Secretary General of the intergovernmental organization (Council of Europe, UNESCO). Each member state submits a report to the supervisory authority through a dedicated online questionnaire on the measures it is taking to implement the provisions of the Conventions. In addition, the Conference of the Parties develops the system of consequences for the states failed to reach the implementation level of the substantive articles of the International Convention against Doping in Sport.

Conclusions

As practice shows, the problem of doping in sport is so acute that its solution requires joint efforts of the states and the development of a unified policy. In this regard, the international legal agreements on the fight against doping have been developed and adopted within the framework of the intergovernmental organizations; for example, the 1989 Anti-Doping Convention adopted by the Council of Europe, and the 2005 International Convention against Doping in Sports (UNESCO). However, the prohibition of doping in sports by the international legal acts as such is only one element of the control mechanism in this area. That is why it was especially important to create and implement such control elements as WADA, the WADA Code in the future, as well as the special ADLogic system for monitoring the reports of the member states in the field of compliance with the obligations undertaken.

In our opinion, the control mechanism in this area shall consist not only of the regulatory legal acts and regulatory bodies. It is needed an element that establishes the responsibility of states for failure to fulfill their international obligations. This will be (after approval and adoption) the Draft Operational

Guidelines and the System of Consequences for Non-Compliance with the Provisions of the International Convention against Doping in Sport. It can be assumed that the international mechanism for doping control in sports will be the most effective in this form.

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INTEGRATED ASSESSMENT OF THE RUSSIAN ECONOMY COMPETITIVENESS

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Abstract: In the context of the modern economic processes development at the regional level, such an aspect as regional competitiveness plays an extremely important role. To quantify the competitiveness of the regions of the Russian Federation, 10 subjects were taken. A comparative analysis was carried out on the basis of 35 indicators divided into 7 blocks depending on factor affiliation. The result of the analysis is the ranking of the considered regions of the Russian Federation in terms of competitiveness.The quantitative analysis carried out in conjunction with a qualitative assessment based on the SWOT analysis allows us to create a relatively clear picture of the competitiveness ratio of individual Russian regions, the main characteristic of which is their rather strong differentiation, due to the geoeconomic features already mentioned above. One can use the successful experience of countries such as Canada, China and Ireland in the formation of directions considered in this paper for increasing the competitiveness of regions.

Keywords: competitiveness, regions of Russia, BRICS

1. Introduction

The regions of the state are inalienable elements of the market economic system; in this regard, it is the competitive advantages of the regions that determine the formation of favourable conditions for the efficient operation of most business entities. Thus, through pursuing a policy of

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increasing regional competitiveness, such important state functions as sustainable social and economic development of the country and improving the well-being of citizens are realized. [3, P. 575]. In the work of Singatullina G. et al., the impact of the investment climate on the competitiveness and infrastructure performance in the context of a region [7, P. 546] are analysed. Mishra A.K. et al. consider the transport and institutional infrastructure of European countries [4, P. 131], Montalbano P. et al. focus on investment and technological infrastructure using the method of model building [5, P. 790]; Charles V. et al. focus on the energy infrastructure [2, P. 261]. In a study by Zhang K.H. et al. the component analysis method is used to build a composite index of infrastructure development, which indicates the validity of further use of this method [10, P. 531].

2. Methods

The aim of the study is to identify factors that influence competitiveness. The data for 7 years for the regions of the Russian economy are taken as a sample. To assess the competitiveness of the regions of the Russian Federation, ten subjects were taken. The selection of these entities was based on the competitiveness rating of the regions of the Russian Federation. This rating was chosen as the initial one due to the fact that it provides the opportunity to use the results of assessing the competitiveness of Russian regions in the framework of international comparisons with the Global Competitiveness Index of the World Economic Forum. The main research methods are the index method, and SWOT-analysis of the regional competitiveness factors.

The use of only quantitative indicators in assessing the competitiveness of regions narrows to a certain extent the reliability of information about the situation in a particular region. Based on this, the analysis also used qualitative indicators (for example, availability of strategies, programs for socio-economic development, etc.).

As mentioned above, the integral level of competitiveness of a region is a relative indicator, and therefore should not depend on the size of the territory or the population of the

region. Therefore, all the particular signs of competitiveness are included in the calculation of integral (summary) values with units of measure expressed in relative quantities - per capita, volumetric, share.

In the final part of the analysis, the regions were ranked by comparative characteristics of the obtained integral indices, taking into account the weight coefficients of each block of indicators. A competitiveness analysis for the regions of the Russian Federation under consideration will be carried out in two stages: analysis of the integral indices in each block and analysis of the final integral index.

The initial element of a qualitative competitiveness assessment within the framework of this work is the analysis of strategic documents of the territories for the content and essence of the general goal, priority directions, as well as the format for developing these documents as regards the participation of public representatives in this process.

The methodology for the SWOT analysis of regional competitiveness factors was chosen as the basis for the next stage of the qualitative competitiveness assessment for the individual Russian Federation regions, when an analysis of the strengths, opportunities, and threats within the framework of this assessment format makes it possible to formulate recommendations for the constituent entities of the Russian Federation regarding management and increasing their competitiveness. Evaluation of each of the parameters separately was made in a comparative section of all 10 subjects, which allows us to compare the strengths and weaknesses of the territories, as well as their capabilities and threats, to highlight the general and different aspects of their competitiveness.

The work involved 35 different quantitative indicators, divided into five groups: legal acts, general indicators, indicators of infrastructure development, innovative potential, indicators of foreign economic relations of the region, indicators of business development and basic investment indicators.

When calculating the integral indices for each indicator, the method of relative differences was chosen. It involves obtaining estimates of particular indicators using

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standardization according to the formulas:

1) $$t_{ij} = \frac{x_{ij} - x_{j\,min}}{x_{j\,max} - x_{j\,min}}$$ *

2) $$t_{ij} = \frac{x_{j\,max} - x_{ij}}{x_{j\,max} - x_{j\,min}}$$ **

* For situations when the larger values of the indicator reflect the best positions of the region

** For situations when the lower values of the indicator reflect the best positions in the region.

When calculating the integral index for each block of indicators, the arithmetic mean method was selected from partial coefficients, which is based on the formula:

$$T_i = \frac{\sum_{j=1}^{n} t_{ij}}{n}$$

The coefficient values will belong to the region [0; 1]. = 1 can be achieved only if the i-th region has the best values for all particular indicators.

The weights of each block were determined using the hierarchy analysis method. In turn, the total integral index for all indicators as a whole (based on arithmetic mean values for each block) is calculated by the arithmetic mean method weighted by the weighted indices of each of the indicator blocks.

3. Results And Discussion

As a result of the calculations made, the results for the integral index were obtained (Fig. 1).

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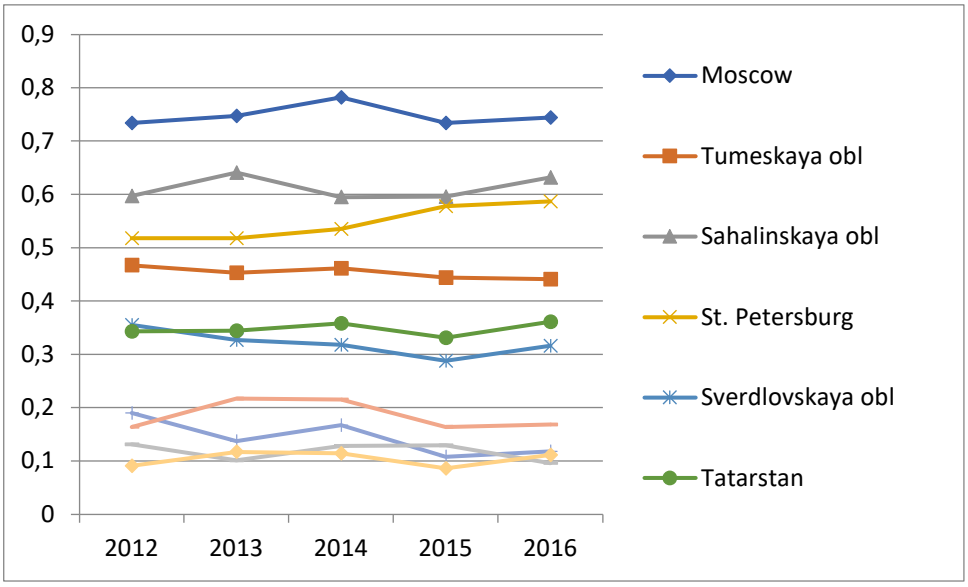

Fig 1. Integral index

As we can observe, the only region with a relatively high level of competitiveness is the city of Moscow, with a final index of more than 0.7 throughout the entire period. Thus, the range of values for the capital of Russia varies from 0.734 to 0.782, reflecting a large gap from other regions. This phenomenon is due to the high level of socio-economic development of the city, high investment and innovative potential, as well as the most powerful potential for business development. Moscow's closest competitor is the Sakhalin Oblast which integral index is higher than that of the third-ranking city St. Petersburg almost throughout the entire period. Moreover, throughout the entire period under review, the integral index for St. Petersburg varies from 0.518 to 0.587, showing steady growth (if compared with Moscow as of 2014, the St. Petersburg index is slightly more than a quarter lower than the same in the Russian capital).

The fourth position is taken by the Tyumen region, followed by the Republic of Tatarstan. The Sverdlovsk region is behind them; it could well stand on a par with the Republic of Tatarstan, if not for the negative trend in the dynamics of the integral index, in particular, the dynamics in 2012-2013.

At the same time, the Republic of Tyva, the Karachay-Cherkess Republic, the Republic of Ingushetia and the Chechen Republic, in turn, are uncompetitive regions; this naturally proceeds from the fact that all four regions occupy the places with the

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lowest competitiveness rating on the basis of which the objects of research were selected.

Thus, the regions were ranked according to the level of competitiveness as of 2014, and the growth and average values of the integral indices within the framework of the period under consideration were also indicated (table 1).

Table 1 - Total Integrated Indices for 2008-2016

	The increase in integral indices in the period under review (%)	The average value of integral indices	Place in the ranking of these subjects (2016)
Moscow	5.2	0.734	1
Tumenskaya obl. (region)	-1.6	0.448	4
Sahalinskaya obl. (region)	25.1	0.593	2
St. Petersburg	21.0	0.532	3
Sverdlovskaya obl. (region)	-4.0	0.320	6
Republic of Tatarstan	15.0	0.336	5
Republic of Tyva	-20.8	0.146	8
Karachay-Cherkess Republic	2,4	0.167	7
Republic of Ingushetia	47.7	0,098	10
Chechen Republic	101.8	0,092	9

However, it is important to emphasize here that this classification is primarily relative, and therefore such a critical situation in the regions under consideration in terms of their competitiveness is largely determined by the large margin between the "reference region" (on the basis of its maximum performance calculation of integral indices), which status in most of the analysed indicators was held by Moscow, and other subjects of the Russian Federation. Despite the relativity of the competitiveness assessment, the socio-economic situation in the Republic of Tyva, the Karachay-Cherkess Republic, the Republic of Ingushetia and the Chechen Republic definitely reflects their extremely low level of competitiveness in absolute terms.

The next stage of the study was a SWOT analysis for regional competitiveness factors in a format for comparing all ten entities in terms of their strengths and weaknesses, as well as opportunities and threats.

The strengths of the regions were divided into three categories - geographical and geopolitical location, economic potential and additional advantages - each of which reflects qualitatively different competitive advantages.

The geographic and geopolitical location, as well as the resource potential of a region represent the initial positions of the territories, that is, the conditions under which the entities operate and the initial resources that they possess. These are the most "tough" competitive factors. Strengths of this category are present in all of the subjects presented; however, the quality of this advantage is heterogeneous for each of them. Cities of federal significance are expected to have the greatest geopolitical influence in comparison with other regions: the implementation of a number of international and state functions sets them apart from other entities that do not have such a large administrative resource at their disposal. This definitely affects, albeit to a greater extent indirectly, on the competitiveness of both capitals, compensating for the absence of large mineral deposits or any other natural resources. In turn, the rich in their mineral deposits Tyumen, Sakhalin and

Sverdlovsk regions, as well as the Republic of Tatarstan determine their own development areas, by and large, based on the mining and manufacturing industries, especially the first two regions. While the Sverdlovsk region and the Republic of Tatarstan are characterized by a more diversified economy, and the question of geographical location in terms of involvement in the transport network is more relevant for them. The regions of the North-Caucasian Federal District are distinguished by the presence of favourable climatic conditions that determine a fairly developed subsistence economy and the agro-industrial complex; however, it is not entirely correct to compare these entities with the Tyumen region: such a volume of fossil resources is not found in any other subjects of the country, besides the southern regions.

From the point of view of economic potential, the main leader is the city of Moscow. The Russian capital has almost everything necessary to be the best region of the country, and even more: a high innovative potential is provided by a highly developed business environment and an overconcentration of a large number of medium and large enterprises; the huge investment flow reflects the leading role of the capital in the process of entry and exit of foreign and domestic investment flows; large volumes of labour resources are able to provide the regional economy for a long time, especially due to the constant influx of more and more qualified personnel. In turn, the Sverdlovsk region is characterized as one of the leading industrial centres of Russia. The Tyumen and Sakhalin regions are characterized by a high growth rate of investment flows into the regions, mainly in the raw materials industry.

On the contrary, the republics of the North Caucasus Federal District and the Republic of Tyva do not have such significant economic potential that would allow them to provide any kind of self-sufficiency both financially and in production, which determines their main problem – subsidisation of their economy.

However, along with the strengths, the following shortcomings in the development of the regions under consideration can be noted, which determine their lack of competitiveness of one nature or another.

A number of regions are distinguished by a common sensitivity to fluctuations in market conditions, in prices for hydrocarbon raw materials (Tyumen region) and other main articles of Russian exports and imports, including changes in financial markets (the city of Moscow). Also widespread is the problem of low transport infrastructure equipment status (Republic of Tyva, Sakhalin region), as a result of the inaccessibility of a larger area of these territories, or an excessive load on the roadway (the cities of Moscow and St. Petersburg) as a consequence of the high population density and concentration of the main infrastructure facilities both in the city itself and in their agglomerations as a whole.

The problem of labour resources availability is also quite relevant, and for all regions in general; the difference is only in the degree of need for them. The exception is the city of Moscow, accumulating the best cadres of the country. Moreover, in neighbouring St. Petersburg, the question of the need for qualified personnel is quite acute.

Problems of low innovation and investment development are characteristic of the republics of the North-Caucasian Federal District, as well as the Republic of Tyva. Also, these regions are characterized by relatively low incomes of the population (as a result, low consumer demand in the domestic regional market), the absence of large industrial enterprises, the instability of the financial system (these regions are subsidised), a high share of the “shadow” sector of the economy, and the aforementioned problems of low level of transport and infrastructure equipment status and an acute shortage of personnel.

The possibilities of each of the regions differ to a greater extent. If for the republics of the North Caucasus Federal District, they, by and large, consist in the realisation and maximum use of the tourist and recreational potential that the regions possess, as well as the development of the production of building materials, then for the city of Moscow, potential is qualitatively different. If anyone from the Russian regions is capable of becoming a global financial centre, then this is definitely the Russian capital. However, the

availability of a number of structural problems in the economy also determines such areas for increasing competitiveness as the rational spatial distribution of economic infrastructure, the development of post-industrial clusters and the weakening of administrative barriers. Relatively similar opportunities are presented in St. Petersburg, where in addition there is the question of improving the transport infrastructure of the city. The analysis of the "threat" parameter allows us to look at the regions under consideration through the prism of a pessimistic forecast of the external environment development.

One of the main threats to resource regions, mainly represented by the Tyumen and Sakhalin regions, is fluctuations in energy prices, which is determined by the high level of dependence on investment flows and international exports. The Republic of Ingushetia, Tyva, the Chechen and Karachay-Cherkess Republics are also characterized by threats from the increase in their lagging behind other subjects of Russia in terms of basic socio-economic indicators, which can be facilitated by such trends as the migration of economically active people, a decrease in the competitiveness of regional enterprises, and a decrease in budgetary volumes. transfers and, accordingly, the risk of budgetary tension.

4. Summary

The analysis allows us to compile a relatively clear picture concerning the correlation of the competitiveness of individual Russian regions; the main characteristic of their comparison is their fairly strong differentiation, due to the already mentioned national characteristics.

5. Conclusions

The analysis shows that, despite the variety of resources in qualitative and quantitative terms, the presence or absence of a certain type of infrastructure and many other factors, the most competitive are regions with a diversified economic structure that can attract effective domestic and foreign investment resources.

Among the possible directions of increasing the competitiveness of the region are the following: increasing the innovative potential of the region; an

active policy of regional authorities aimed at accelerating the growth of the high-tech sector of the economy; intensification of innovative activities using public-private partnership mechanisms, including forms of venture financing. An important tool for such a policy can be the creation of new and expansion of the existing educational clusters.

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MAJOR TRENDS IN EUROPEAN MEDIA COVERAGE OF THE MIGRATION CRISIS 2015-2016

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Abstract: This article is devoted to the problem of the migration crisis of 2015-2016. in Europe and the reflection of this problem in media texts. The current stage of development of society is characterized by the increasing influence of journalism on all spheres of life and human activity. The greatest influence in this context is television, which for many Russian citizens is the most accessible source of information. Analyzing the state of the participants of the modern migration crisis according to reports in the Russian media, we came to the conclusion that it is necessary to turn to the works of European researchers who see the situation from the inside. We studied media stereotypes about migrants and refugees, presented in a report by the international group of researchers from the Department of Media and Communications of the London School of Economics and Political Science and published in 2017 the report "The European migration crisis and the media. A cross-European press content analysis". Migrants and refugees are a vulnerable minority that can easily suffer from the internal problems of the host country.

Keywords: media stereotype, Europe, migration crisis, refugees.

1. Introduction

Gabriela Giacomella, in her study Media and Migration, emphasizes that every media outlet, to varying degrees, is "a victim of the temptation to fan the news and portray a sensational, simplified version of the story." In this way, information is provided to the audience that begins with resonant negative messages, and the stereotypical image of migrants is identified with disturbing concepts such as emergency, segregation, and cultural differences. Moreover, it is important not so much a

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complete listing and disclosure of the content of all existing stereotypes as the context and direction of the development of stereotyping of images of migrants and refugees in European media reality. There is an obvious need to study the degree to which the topic is represented in the works of direct witnesses of the events, how the topic of migration processes developed in the European media. Thus, we can answer the question whether the representation of the topic of the European migration crisis in the Russian media is a continuation of the European discourse, or is this topic developing independently in the domestic media space. Perhaps the Russian media oppose the European.

2. Methods

The problem of the representation of migration processes in the media is receiving much attention in Europe. In 2016, a symposium entitled "Refugees and Migrants, the inconvenient truths - Journalism against bias and stereotypes" ("Refugees and Migrants, Uncomfortable Truths: Journalism Against Bias and Stereotypes") was held, dedicated to the work of various media in sanctifying the European migration crisis. In November of the same year, a roundtable was held on Europe's Migration and Security Nexus: The Role Of The EU And The UN (Migration in Europe and Security: the Role of the EU and the UN). And discussions, attempts to solve the problems arising in connection with migration processes in Europe did not stop. 2017 Forum "Towards a Global Social Contract on Migration and Development" ("Towards a Global Social Compact on Migration and Development") and the round table "The European Migration, Border and Security Roundtable 2018" of borders and security in Europe - 2018") are also devoted to the topics of adaptation of migrants. Mention of such events is really a lot.

A special approach of Europeans to the problem of migrants is reflected in a large number of studies devoted to this problem.

We turned to the original texts of two foreign reports on the results of monitoring European media for 2015-2016. An international group of researchers from the Department of Media and Communications of the London School of Economics and

Political Science published a report in 2017, "The European migration crisis and the media. A cross-European press content analysis" ("European Migration Crisis and the Media. Cross-European Press Content Analysis").

In their work, Lily Chuliaraki, Miria Gheorghiu, Rafal Zaborovsky conclude that high-quality European media played an important role in framing the problem and in assessing the causes and consequences of the "migration crisis". The same group of scientists prepared an interim report entitled "Council of Europe report: Media coverage of the "refugee crisis": A cross-European perspective" ("Council of Europe report: media coverage of the "refugee crisis: a cross-European perspective"), made for the Council of Europe and containing specific recommendations on working with the media.

The most significant drawback of these works is the choice of the empirical base, which is represented only by the press. Television was not covered in the report. At the same time, the authors themselves note that the quality of publications in print media is affected by high competition with electronic media and social networks. This, however, does not diminish the conclusions drawn by this group of scientists.

3. Results And Discussion

Among the European public, there is a perception that the media are dominated by weak vocabulary, political bias, incitement to hatred, stereotypes and social exclusion of refugees and migrants, which leads to an atmosphere of intolerance, xenophobia and racism. That is why, in our opinion, migrants and refugees are perceived as a vulnerable minority. And this group of people can easily suffer from the problems of the host society: social and economic decline, crime and unemployment, pressure on social security services and insecurity.

In our opinion, the special attitude to the responsibility of the media to society that has developed in European society is revealed precisely in the way politicians and public figures in the European Union seek to attract the press, radio, television and online publications to adapt refugees and create their positive image. In 2015, journalists recorded the largest movement of people

across borders, publishing many articles about it daily. The events, which soon became widely called the European "refugee crisis" or the European "migration crisis", required attention and action on the part of governments, politicians and the European public.

We emphasize that in the European consciousness, television, radio and the press are still key and reliable sources of information for officials and the public, allowing them to stay up to date and take action promptly. It seems to us that in this case their role was even more important than usual. First, the scale and speed of events in the second half of 2015 meant that the public and policy makers relied on indirect information to understand local events. Secondly, the lack of acquaintance with the new arrivals, their history and the reasons for their difficult situation meant that many Europeans depended exclusively on the media to understand what was happening.

And this means that the activities of journalists can and should contribute to the construction of positive stereotypes about migrants in Europe. The work of Western media scholars also highlights the problem of the dissemination of stereotypes about migrants, refugees and other minorities in the media, which can lead to prejudice and discrimination of certain representatives of such groups and the rejection of cultural diversity in general. European politicians and media regulators are also concerned about this issue. Our attention was especially drawn to the fact that in the European Union the practice of creating recommendations for journalists on how and in which case it is necessary to act, how and how to cover a particular problem is widespread. For example, the Office of the United Nations High Commissioner for Refugees, in a report based on collaboration with the National Union of Journalists of Great Britain and the Irish Refugee Council, provides practical guidelines for interviewing and interviewing refugees and asylum seekers, and a glossary with appropriate terminology for reliable reporting.

One of the first cases that attracted significant public and transnational political and media attention was related to the so-called "Leveson Report" - a judicial public investigation of the culture, practice and ethics of the British press after the News

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International telephone hacking scandal, chaired by Lord Justice Leveson . During 2011, a series of public hearings was held. Inquiry published the Leveson Report in November 2012, which examined the general culture and ethics of the British media, and made recommendations for the creation of a new independent body to replace the existing Press Complaints Commission. In his report, Lord Leveson noted that "some newspapers have always clear ideas about the harm caused by migrants and / or asylum seekers (often mixing them up), tailoring the facts to their vision." Note that the Commission on complaints about the press after this was dissolved.

We have studied the recommendations of the European Commission against racism and intolerance. The recommendations state that inciting hatred involves advocating, encouraging, or inciting libel, hatred, or insulting a person or group of people, as well as any harassment, insult, negative stereotyping, stigmatization or threat to such a person or persons, as well as any justification for all these forms of expression based on personal characteristics or status, which include race, color, language, religion or belief, citizenship or nationality or ethnic origin, and pedigree, age, and disability, gender, gender, gender identity and sexual orientation. "

This naturally raised our question: how sensitive is journalistic practice in covering the refugee crisis to these forms of discrimination? To what discursive model of representation of migratory processes are European journalists contacting? The answer to these questions was the appeal to the indicated materials.

4. Summary

A report by Lily Chuliaraki, Miriya Gheorghiu and Rafale Zaborowski offers a cross-European perspective. It mainly relies on an analysis of European influential press in eight Council of Europe member states, as well as two major Arabic newspapers. The report consists of three main sections: politics and the media context of media coverage; key elements of press coverage in Europe in eight countries (Czech Republic, France, Germany, Greece, Hungary, Ireland, Serbia and the

United Kingdom); problems of media practice and recommendations.

The authors note that the press, when covering migration processes, was biased. Firstly, the fact that in the early periods of the crisis, when causal relationships could not be established between the plight of migrants and the well-being of European countries, most journalistic stories about refugees mentioned possible risks for European societies, which is well demonstrated by the general narrative. built by the European press: anxiety about undesirable consequences.

Secondly, the negative consequences formulated in the press rarely emphasized moral justification and were mainly geopolitical, economic or cultural in nature. On the other hand, when positive consequences were mentioned, they were formulated primarily as a moral imperative of empathy or even solidarity. Thus, the direction of the story connects the negative consequences with real, tangible events in European countries, while very few positive aspects are presented in the materials on the moral component of assistance to refugees.

Thirdly, specific types of negative consequences show fluctuations in the narrative of Europeans throughout 2015. This means the European press is moving toward securitization discourses after the Paris attacks: refugees are shown in the context of the geopolitical dangers that they bring with them.

Fourth, the geographical location of countries is strongly correlated with the types of narratives in the local press.

Another conclusion drawn by European studies concerns the image of the refugees themselves. Although the European press talks a lot about refugees and migrants, their descriptions are very limited. In the press, refugees were mostly called citizens of a certain country (62% of the articles in the sample). Only 35% of the articles distinguish between men and women among refugees and less than a third of the articles mention refugees as people of a certain age group, only 16% of the materials mention the names of refugees, and 7% include their professions.

Thus, refugees appear in these materials as an anonymous unqualified group. They are “different” to the

intended audience, and this limited characterization creates discourse around the refugee crisis for both the European audience and stakeholders. In an indirect narrative, without individual characteristics, it is understood that refugees are unsuitable for European countries, cause little sympathy and arouse suspicion.

In all countries analyzed by a group of European researchers, interviews by representatives of national governments, other governments, or European politicians were featured in articles significantly more often than the voices of asylum seekers. Moreover, the opinions of European citizens are presented even less than the opinions of refugees. Finally, refugee women are virtually invisible to European journalists. Women are rarely quoted, and descriptions of arriving men and children dominate.

In our opinion, the conclusions made by researchers from the Department of Media and Communications of the London School of Economics and Political Science indicate a gradually increasing representation of the problematic narrative of the events of the migration crisis in the media, which is also confirmed by other researchers. The report pays a lot of attention to refugees and the reasons for seeking asylum in Europe. However, the authors of the report themselves note that the European press has focused on the negative consequences of the arrival of refugees.

In accordance with the growing militaristic structure of media discourse, the peak of the migrant crisis led to a gradual change in narratives in the media - from an emotional, humane narrative to an insensitive, protective frame. L. Chuliaraki, M. Georgiou, and R. Zaborowski note that these results differ in different countries, and that there is a west-east structure: the largest gap between the emphasis on the feelings of one's own citizens compared to the feelings of refugees was found in western countries (France, Ireland, Czech Republic, Germany), and in eastern countries (Greece, Serbia, as well as the Arabic-language press), media texts were more balanced.

Although geographical proximity to the borders of Southeastern Europe is becoming an important factor in the report, the correlation is not direct. We noted for ourselves the existence of

significant differences between the "countries of the first contact", since there are differences between the countries of Europe. For a more complete understanding of these complex relations, it is necessary to take into account a number of additional factors, which include not only the socio-economic and political context of the country in question, but also the culture of the press, legal regulation of the media, an ideological approach, orientation of the press, media literacy of the population and the degree of freedom of the media in each country.

In our opinion, the choice of L. Chuliaraki, M. Georgiou, and R. Zaborowski of the press of only eight countries of the European Union for a study that claims to reflect the cross-European perspective of representing a problematic topic is quite controversial. Despite the processes of globalization, the lack of tight borders within the European Union, European identity and worldview are not monolithic. Perhaps a more global study is proposed by this group of scientists in the future, although this is not obvious from the report.

An analysis of German federal print media and their online versions by German scholars also notes other features of the local media. The pages of the Spiegel magazine feature photo reports from rallies in large German cities (Berlin, Hamburg, Munich, Stuttgart, etc.). Dissatisfied German citizens become radicals. On one of the posters of the demonstration in Berlin - the inscription "Shut your throat, Merkel." What is this if not "hostile language"? Doubts about the correctness of the chancellor's policy regarding the migration issue in Germany are demonstrated by the interrogative cover of the Fokus magazine with a parody of the chancellor's famous quote: "Will she cope?" ("Schaft sie das?").

Another European study by M. Berry, I. Garcia-Blanco and C. Moore notes that the media in Sweden and Germany overwhelmingly use the term "refugee" and, to a lesser extent, "asylum seeker" and "migrant". In Swedish newspapers, there was a large concentration of attention on rescue operations, mortality statistics, political debates and the role of smugglers in migration processes, and humanitarian issues and the plight of refugees and migrants were discussed. M. Berry, I. Garcia-Blanco, and C. Moore also

propose dividing the migration crisis into national and transnational problems.

5. Conclusions

Thus, the European media is one of the parties, it is a participant in modern migration processes in Europe. In our work, we turned to the cross-European analysis carried out by L. Chuliaraki, M. Georgiou and R. Zaborowski, and also provide extracts from the research of M. Berry, I. Garcia-Blanco and K. Mura. Their work serves as an excellent guide for our research. However, we noted some features of the study of L. Chuliaraki, M. Georgiu and R. Zaborovsky, which we consider to be shortcomings. This appeal is only to the press as an empirical basis, despite the fact that the study was initially presented as media monitoring and the researchers themselves note the strong competition of the press with electronic media. Scientists also turned to the press in 8 countries, while their work involves a cross-European approach. Moreover, the choice of countries is not justified.

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LEGAL PROTECT OF COMPETITION IN THE SPHERE OF HOUSING AND COMMUNAL SERVICES

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Sergei A. Baryshev[2]

Abstract: The paper is devoted to the analysis of legal problems of ensuring competition in the field of housing and communal services. The paper studies the features of business relations in the market of housing and communal services. The Russian and foreign experience of law enforcement of competition is investigated. The authors propose ways to build an effective mechanism for the legal regulation of business activities in the field of housing and communal services. R.R. Izmailov believes that the presence of competition is a prerequisite for the effective functioning of the legal regulation mechanism for entrepreneurial activity in the field of housing and communal services. The authors conclude that the problems of improving the legal support of competition in the housing and communal services sector are due to a high level of historically established economic concentration in certain commodity markets, as well as a significant proportion of natural monopoly entities. It is noted that monopolistic activity in the sphere of housing and communal services can manifest itself in the form of abuse by an economic entity of its dominant position, as well as in the form of agreements and concerted actions. According to S.A. Baryshev, unfair competition as a type of activity prohibited by law can manifest itself in the field of housing and communal services in various forms. It is proposed to attract concessionaires as one of the ways to develop competition in the housing and communal services sector, including by transferring communal facilities to the management of private operators on the basis of concession agreements, as well as improving the procedure for determining tariff regulation in the housing sector.

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Keywords: protection of the competition, housing and communal services, management of apartment houses, suppliers of communal resources, business law, legal problems.

1. Introduction

Legal regulation of housing and communal services sector is complex. Entrepreneurial relations in this area are governed by the norms of various branches of law. The combination of imperative and discretionary principles in the regulation of entrepreneurial activity in the sphere of housing and communal services is due to the specifics of this activity and the focus of its results on providing services to end users which are individuals. Various actors operate in the sphere of housing and communal services, carrying out business and economic activities aimed at ensuring comfortable and safe residence conditions for citizens. Effective activities in this area are impossible without the presence of competition between economic entities. In accordance with the above, it seems necessary to explore the peculiarities of the legal regulation of business relations in this area, to identify the main problems of the legal support of competition and possible ways to protect competition.

2. Methods

The methodological basis of the work is a set of scientific techniques and methods for studying phenomena and processes, including analysis and synthesis methods, comparative law, and the formal legal method. The use of the proposed methods seems appropriate for several reasons. The formal legal method allows the conceptual apparatus applicable in the study to form based on legislative norms, to identify the features and characteristics of the institution under consideration. Comparative legal method occupies a significant place in the work and allows authors to explore the possibility of implementing foreign experience in legal regulation.

3. Results and discussion

Competition protection issues in Russia are regulated by a whole group of legal instruments, in particular, the “Law on Protection of Competition” dated 2006, the Law on Natural Monopolies dated 1995, the Law on Competition and Restriction of

Monopolistic Activity in Commodity Markets dated 1991, as well as by-laws and departmental acts. The central place in matters of ensuring competition in the field of housing and communal services is given to the Law on Protection of Competition [1, P. 103] The said law defines the organizational and legal framework for the protection of competition, including the prevention and suppression of monopolistic activity and unfair competition, as well as, restrictions and elimination of competition by public authorities. Such a model of competition legislation [2, P. 212-214] in Russia includes features inherent in both the American [3] and European [4, P. 14-32] legal regulation models and takes into account the historical features of the development of the latter [5 P. 2-13]. The provisions of the Law on Protection of Competition are not applicable in practice without taking into account special housing legislation, in particular, the Housing Code of the Russian Federation. The Federal Antimonopoly Service of Russia (FAS) is the main regulator [6, p. 481] which performs the functions of adopting regulatory legal acts, monitoring and supervising compliance with competition legislation.

There are both competitive and naturally monopolistic areas of activity in the housing and communal services market [7, p. 89-90]. Natural monopoly, in particular, includes services for the transmission of electrical energy; heat transfer services; water supply and water disposal using centralized and municipal infrastructure systems. Legal regulation of entrepreneurial activity in the field of housing and communal services combines various methods [8, p. 119] in establishing the principles for introducing public power tools into the market and competitive environment. The presence of healthy market competition is a prerequisite for the effective functioning of the business activity legal regulation mechanism in the field of housing and communal services.

Chapter 2 of the Law on Protection of Competition contains provisions prohibiting the monopolistic activity. Article 10 of the Law on Protection of Competition establishes a ban on the abuse by an economic entity of its dominant position. To qualify the actions of an economic entity as a

monopolistic under Article 10 of the Law on Protection of Competition, it is necessary for it to occupy a dominant position in the relevant product market, to commit an action (inaction) characterized as abuse of this position, and that actions have led (created a threat) to limiting competition or to restraints of interests of other persons (economic entities) in the field of entrepreneurial activity or to an indefinite number of consumers. An example of these actions is the Administration of the Federal Antimonopoly Service decision in the Komi Republic dated February 22, 2019, No. A06-05 / 18, in which the municipal public enterprise Ukhtaspetsavtodor is considered to hold a dominant position in the market for services on disposal of solid municipal (household) waste in Ukhta. The dominant position was reflected in the application by the enterprise in settlements with consumers of a tariff exceeding those established by municipal orders, which led to a violation of the pricing procedure established by regulatory legal acts and to infringe upon the interests of consumers in the field of entrepreneurial activity.

The Law on Protection of Competition in Articles 11 and 11.1 prohibits agreements restricting competition and coordinated actions of economic entities. Exploring the judicial and administrative practice in this area, we can distinguish several groups of agreements and concerted actions: “horizontal” agreements and concerted actions, “vertical” agreements and concerted actions, agreements (concerted actions) of economic entities and authorities.

An example of a “horizontal” agreement in this area is case No. 435 dated June 10, 2014, considered by the AFAS in the Republic of Mordovia. As established by the antimonopoly body, an agreement was reached on dividing the multi-apartment management service market on a territorial basis between management companies that are not in the same group of entities and are competitors. The actual implementation of the agreement had a negative effect on the state of the competitive environment in the market of services for the management of apartment buildings because 14 economic entities have been eliminated from the market since the beginning of the implementation of the

agreement between management companies.

In practice, examples of concluding "vertical" agreements in the sphere of housing and communal services are also widely presented. The most common violation is the conclusion of an agreement with the participation of a managing organization, a resource supplying organization and a settlement centre. Such a violation is associated with the establishment of a recipient of payments for utility services from the public in violation of the law or the terms of the management contract. In connection with a large number of such cases, the FAS of Russia prepared Letter No. IA / 58547/16 dated August 25, 2016, explaining that the mere conclusion of a contract for servicing with a managing organization on settlements with owners does not indicate the existence of a monopoly agreement. A formal indication of a change in the conditions of circulation of goods in a market cannot be used to justify the negative impact of the actions of economic entities on the competition. An example is a decision made in the case No. 37-11K AFAS in the Voronezh Region on May 15, 2015, about an agreement between the management organization and the clearing centre that all payments collected from consumers for services are credited to the clearing centre. It was found that between several management organizations and the settlement centre an agency agreement was concluded for the complex servicing of a management organization for settlements with owners and suppliers of a communal resource. Under the contract, the centre delivers monthly payment documents to consumers, a provider of services for which the management organization is. When paying, the funds are credited to the settlement account of the settlement centre. The antimonopoly authority indicated that, based on the provisions of the law, the owners of the premises in an apartment building should pay utility bills to the provider of these services. Since payment agents or bank payment agents are not a party to the contractual relationship for the provision of services, such agents are not entitled to require the transfer of funds to their settlement account. These actions unilaterally determined the general conditions for the circulation of services in the market for the management of apartment houses,

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which, in accordance with paragraph 17 of Art.4 of the Law on Protection of Competition is a sign of restriction of competition.

Agreements (concerted actions) of economic entities and authorities are also limiting competition in the housing and communal services sector. The most common practice is the granting by local authorities to an economic entity the authority to manage an apartment building in violation of the open competition procedure for the selection of management organizations, as well as the conclusion of a commodity market division agreement between the government authorities and economic entities. For example, the Resolution of the FAS in the Republic of Khakassia dated 30.03.2015 No. 91-A-14 found that in violation of Part 2, Art.163 of the Housing Code of the Russian Federation, local government did not hold tenders for the selection of a management company in respect of apartment buildings, and transferred these houses in economic management to the municipal public enterprise which actually performed the managing organization functions in respect of these houses.

In the practice of antitrust authorities, there are cases of concluding other agreements (committing other concerted actions) that cannot be attributed to the groups considered earlier. For example, in the FAS Resolutions for the Yaroslavl Region fated February 28, 2014, in cases No. 07-07 / 04-14, and 07-07 / 05-14, the managing organization and the entity which carried out the construction of the apartment building were brought to administrative responsibility, because they interfered with a management company newly elected on a competitive basis to start managing this house in due time. These actions were expressed in evasion of the transfer of technical documentation on the apartment building; the documentation was necessary for the management company to exercise its powers. The antimonopoly authority concluded that the said actions would limit competition in the form of reducing the number of business entities operating in the commodity market for managing apartment buildings.

In addition to the above varieties of monopolistic activities in the field of housing and communal services, one can also identify various unfair

competition actions. In Russia, a list of unfair competition action kinds is contained in Chapter 2.1 of the Law on Protection of Competition. It is necessary to distinguish the abuse of dominant position having signs of anti-competitive action which is illegal, from unfair competition as a kind of illegal action [9, p. 34]. As noted by S.A. Baryshev, the actions of economic entities representing unfair competition can be classified as illegal for various reasons. The most relevant of them is the classification depending on the nature of the object of civil rights, in respect of which actions that constitute unfair competition, were performed [10, p. 108]. Unfair competition as a type of activity prohibited by law may manifest itself in relations connected with the housing and communal services sector in various forms [11, P. 49]. The most widely used form of unfair competition in the field of housing and communal services is the misinformation of owners and tenants of residential premises. Misinformation of consumers in the housing and communal services market can manifest itself both in relation to a company providing housing and communal services and in relation to prices and tariffs for those services. Separately, it is necessary to single out other forms of unfair competition, expressed, for example, in the failure to provide the competitors with technical documentation on the serviced premises.

The case No. RSh107-12 / 16 considered by the AFAS of Russia in the Komi Republic dd. February 17, 2017, can serve as a vivid example of this violation of competition law. It follows from the case file that an LLC "U" had an obligation to transfer the technical documentation for the apartment building and other documents related to the management of this house to the newly selected management company TA LLC on the basis of Article 162 of the Housing Code. This obligation was not fulfilled within the prescribed period. Wrongful failure to transfer by the LLC "U" to the LLC "TA" technical documentation is contrary to the requirements of Art.14.8 of the Russian Law on the Protection of Competition, the Paris Convention for the Protection of Industrial Property, Business Practices, Requirements of Integrity, Reasonableness and Justice, and is aimed at obtaining unlawful advantages in business activities.

Another interesting question is the placement of signs and / or advertising structures on the facades (external walls) of apartment buildings. According to Part 2, Article 36 of the Housing Code of the Russian Federation, common property in a municipal public house belongs to the owners of the premises in the house on the right of common ownership, while the owners own, use and manage such property. The position of the FAS of Russia in letters dated 08.04.2010 No. AK / 9921 and dated 03/15/2010 No. AK / 6745 comes down to the fact that an owner or tenant of non-residential premises has the right to place a sign on the facade of this house containing data that should be communicated to buyers by law, without the consent of the owners of the premises in the house. However, if the sign (e structure) is advertising, then its placement on the facade of the house is legitimate only if there is a positive decision accepted by the general meeting of the owners of the premises in the municipal public house. In this case, the placement and operation of advertising structures may be charged. Today, in arbitration practice, there has not been a uniform approach to distinguishing signboards and advertising structures, and when assessing the circumstances, courts are guided by the indication of the name of a legal entity or its type of activity, as well as the technical characteristics of such a structure.

4. Conclusions

Our study of theoretical problems and administrative practices in the Russian Federation on the issues of ensuring competition in the housing and communal services sector allows us to highlight the following conclusions:

1. The presence of competition is a prerequisite for the effective functioning of the business activity legal regulation mechanism in the field of housing and communal services.

2 Problems of improving the legal support of competition in the sphere of housing and communal services are due to the high level of historically established economic concentration in certain commodity markets, as well as a significant proportion of natural monopolies

3. Monopolistic activity in the sphere of housing and communal services can manifest itself in the form of abuse by an economic entity of its

dominant position, as well as in the form of agreements and concerted actions.

5. There are several groups of agreements and concerted actions in this area: 1) "horizontal" agreements and concerted actions; 2) “vertical” agreements and concerted actions; 3) agreements (concerted actions) of economic entities and authorities; 4) other agreements (performance of other concerted actions).

5. Unfair competition as a type of activity prohibited by law in the sphere of housing and communal services can manifest itself in various forms. The most common form of unfair competition in practice is to misinform residential owners and tenants about prices and tariffs for housing and communal services, as well as about the organization that provides housing services. In addition, other forms of unfair competition under Article 14.8 of the Law on Protection of Competition, as well as the Law on Advertising are also possible.

6. The development of competition in the housing and communal services sector is possible by attracting concessionaires, including by transferring to the management of private operators on the basis of concession agreements utility facilities, as well as improving the procedure for determining tariff regulation in the housing and communal services sector.

Our study allows us to systematize knowledge regarding competition in the housing and communal services sector and to work out ways to improve the effectiveness of preventing these actions.

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MANAGEMENT OF ACCOUNTS RECEIVABLE OF COMPANIES IN ORDER TO IMPROVE FINANCIAL SUSTAINABILITY

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Abstract: In modern conditions, due to the rapid development of economic turnover, the obligation has become the most common form of civil relations. Without obligations, it is impossible to imagine the normal functioning of the economy of the state as a whole, and at the level of individual individuals and legal entities. A special place in the life of modern society is held by debt obligations. The main types of debt are receivables and payables. In an unstable market economy, the risk of non-payment or late payment of bills increases, this leads to the appearance of the main types of debt obligations: receivables and payables. In order to manage accounts receivable, an enterprise needs to have complete information about a potential buyer, evaluate its business reputation, analyze the financial condition of each potential customer, determine possible loan amounts and loan terms for customers, etc.The article under consideration contains a description of the objects of assessment, the factual information we have collected, the stages of the analysis, the justification of the results obtained, as well as the restrictive conditions and assumptions made.

Keywords: accounts receivable, credit policy, economic analysis of the company, financial results, company management, commodity credit

Introduction

Accounts receivable significantly affect the financial position of the company, the use of cash in circulation, the amount of profit actually received in the reporting period. Since the formation of market relations in the

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Russian Federation is accompanied for many business entities by falling into the zone of economic uncertainty and increased risk. This requires an objective assessment of the financial condition, solvency and reliability of its business partners. You can have potentially good financial results from the sale of goods and services, but much to lose with the growth of receivables. A study of the effect of the amount and number of days on accounts receivable on the financial stability of a company is considered in detail in the scientific literature of scientists from different countries (Leila Schwab et.al, Mark Edmonds et.al), issues of corporate social responsibility and the provision of trade credit (Cheung, A.W., Pok, W.C.; Edmonds, M., Miller, T., Savage, A. Meric, G., Guner, B., Chung, S., Meric, I.). Considerable attention is paid to working capital management issues and its impact on profitability: an example of small and medium-sized enterprises (Wichitsathian, S.), client risk component assessment and corporate financial policy (Liu, LX, Mao, MQ, Nini, G.; Yao, H., Deng, Y.).

Accounts receivable can be considered in three senses:

- on the one hand for the debtor - it is a source of free funds;

- on the other hand, for the lender - this is an opportunity to increase the distribution area of its products, increase the market for the distribution of works and services;

- an aspect that is not usually advertised is a way of deferring tax payments under the “mutual debts” scheme.

In monitoring receivables, economic analysis is one of the main functions. The main tasks of economic analysis are: a qualitative assessment of the accumulated receivables and the identification of reserves for optimizing the size, structure and quality of receivables.

Methodology

We will consider in more detail the aspects of accounting for receivables for settlements with external contractors using the example of the Yamashneft Oil and Gas Production Unit. This enterprise was established in 1969 as an experimental enterprise for conducting pilot industrial development of small fields in the Republic of Tatarstan with

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hard-to-recover reserves of heavy and highly viscous oils.

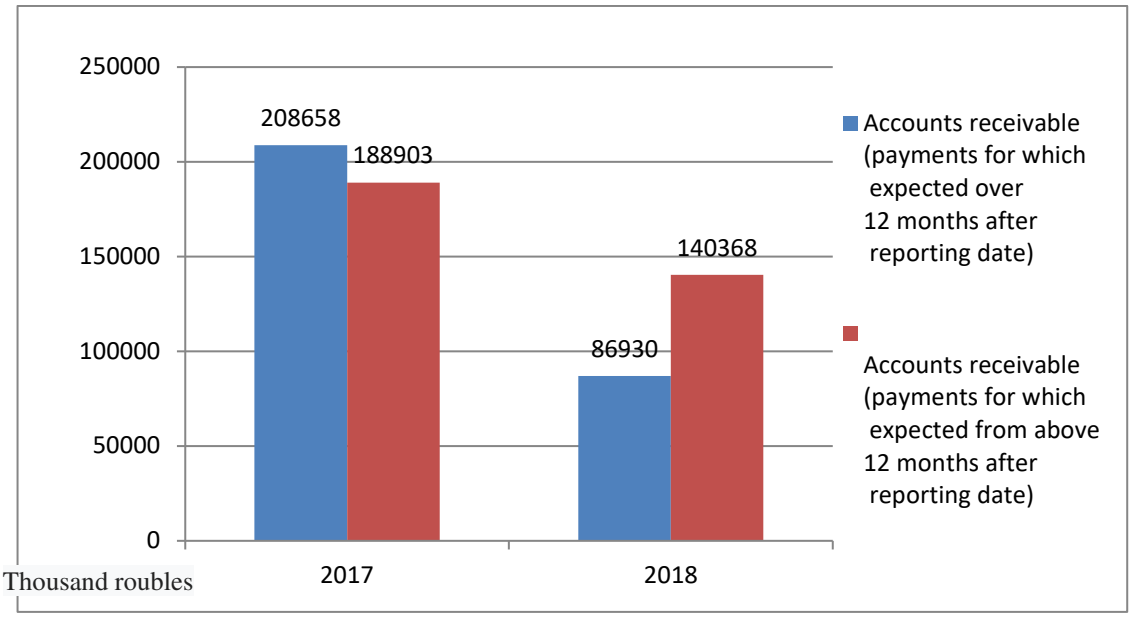

Fig. 1. Accounts receivable structure for 2017-2018 in NGDU "Yamashneft"

The share of long-term receivables in total debt in 2018 compared to 2017 decreased by 14%. The share of short-term receivables in total debt in 2018 increased by 14%. The reason for such structural changes lies in the change in the volume of activity, a decrease in the number of economic ties.

Table 1:The level of receivables at NGDU Yamashneft for the period 2016-2018

Year	Quarter No.	Quarter in order	Accounts receivable (T.RUB.)
2016	1	1	186719
	2	2	163690
	3	3	186921
	4	4	170372

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2017	1	5	136710
	2	6	134293
	3	7	153573
	4	8	161888
2018	1	9	98993
	2	10	76645
	3	11	87354
	4	12	104674

According to Figure 2, based on the construction of the trend, the dynamics of a decrease in the amount of receivables is observed.

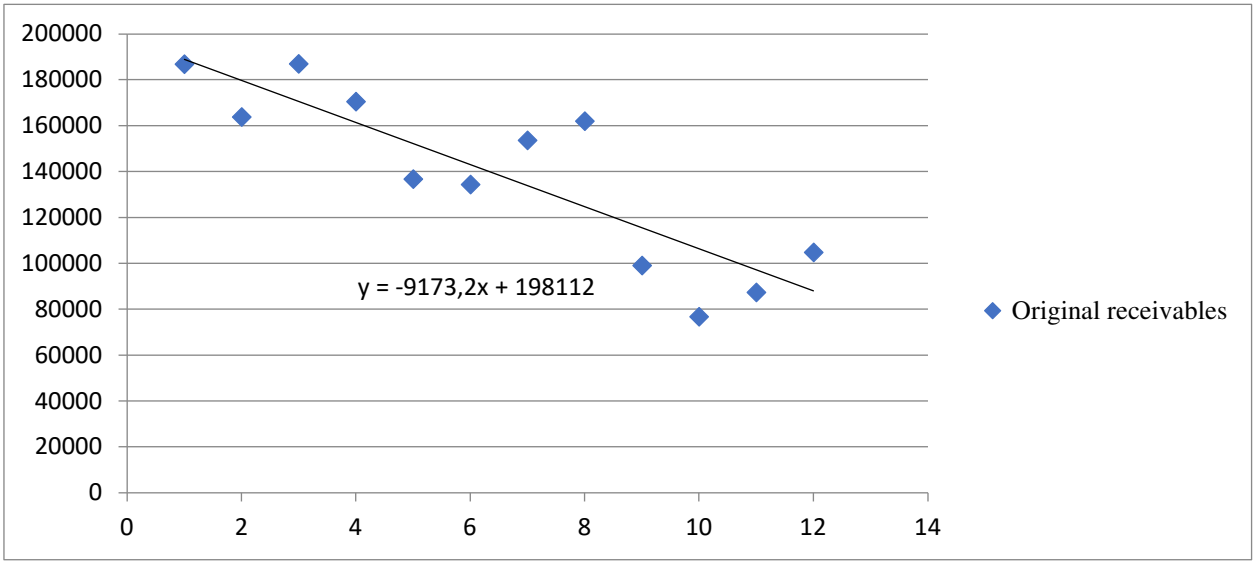

Fig. 2. The graph of the trend line and the original receivables

The amount of receivables decreases, and accordingly, the receivables turnover ratio will increase. This situation has a positive effect on the financial condition of the enterprise and the structure of its assets.

Analysis of the impact of receivables on the financial performance of a business entity should take into account the availability of available funds in circulation, which can be expressed by the inequality:

$P_{ld} * C_{od} > P_{lc} * C_{ok}$, (1)

where P_{ld} is the sum of one payment of debtors,

P_{lc} - the amount of one payment to creditors,

C_{od} - the number of full revolutions of receivables,

C_{ok} - the number of full turns of accounts payable.

It is necessary to apply the condition for the availability of available funds in the turnover of the Oil and Gas Production Company Yamashneft for 2018. For example, on 360 day:

$C_{od} = 360/151 = 2$, and $C_{ok} = 360/366 = 0.984$

Therefore, for 360 days, the condition of inequality is met:

202 107.2 * 2> 403494 * 0.984

The amount of available funds in circulation is

202 107.2 * 2 - 403494 * 0.984 = 7176.3

A similar calculation on 365 day gives a different result:

$C_{od} = 365/151 = 2$, and $C_{ok} = 365/366 = 0.997$

202 107.2 * 2> 403494 * 0.997

202 107.2 * 2 - 403494 * 0.997 = 1931.4

It is necessary to find out what affected the change in financial condition. From a comparison of the numerical inequalities corresponding to 360 and 365 days, it can be seen that the number of turns of receivables and payables remained unchanged. This suggests that the state of receivables and payables did not affect the financial result of the Yamashneft Oil and Gas Production Unit.

In practice, NGDU "Yamashneft" use a well-known rating system using liquidity ratios to evaluate buyers' credit ratings: absolute liquidity ratio (K1); critical liquidity ratio (K2); current liquidity ratio (K3), ratio of equity to borrowed funds (K4); return on sales ratio (K5), each of which has a standard value, depending on the categories of debtors:

1) first-class, the creditworthiness of which is not in doubt;

2) second-class, whose creditworthiness requires a balanced approach;

3) third-class - their creditworthiness is associated with increased risk.

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Depending on the actual values, the indicators are divided into categories, as presented in the Table 1.

Table 1:Categories of borrower credit rating indicators

Rates	First	Second	Third category
K 1	0,2 and	0,15-0,2	less 0,15
K 2	0,8 and	0,5-0,8	less 0,5
K 3	2,0 and	1,0-2,0	less 1,0
K 4	1,0 and	0,7-1,0	less 0,7
K 5	0,15 and	less 0,15	unprofitable

This method of assessing creditworthiness is simple and described in detail in the literature, however, often the statements of Russian companies are significantly distorted and do not reflect the real situation, which complicates the assessment of their solvency based on financial ratios. Often, enterprises use an expert assessment technique. The company can draw information about the counterparty from any available and reliable sources of information. Employees of the company can go to a potential buyer (sometimes incognito) and evaluate the level of its prices, product range, etc. The result is the occurrence of overdue and uncollectible receivables, a slowdown in sales growth, and liquidity problems. In order to avoid these problems, it is recommended that Yamashneft Oil and Gas Company use the assessment of a credit rating using the method assuming that the counterparty's credit rating depends on the factors presented in the Table 2.

Table 2:Buyer Credit Ratings

Factors	Criterion weight, %	Indicators used to measure credit rating
Legal risk	30	Indicators used to measure credit rating Form of incorporation

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		The period of existence of the legal entity (debtor) The period of cooperation under the contract
Operational risk	40	Validity of the current contract Customer Market Share Availability of debtor strategy and its transparency
Financial risk (probability of bankruptcy)	30	Effective management Debtor's overdue accounts receivable level for the last reporting year The ratio of current assets and liabilities, leverage, interest coverage on loans from profit

The weight of risk factors in assessing the credit rating of debtors should be determined by experts. The problems of receivables management faced by enterprises are quite typical:

- there is no reliable information on the maturities of obligations of companies by debtors;

- work with overdue receivables is not regulated;

- there is no data on the increase in costs associated with an increase in the size of receivables and the time of its turnover;

- no assessment of the creditworthiness of buyers and the effectiveness of commercial lending;

- the functions of collecting funds, analyzing receivables and making decisions on granting loans are distributed between different departments. Moreover, there are no regulations for interaction and, as a result, there are no responsible for each stage.

Results

The impact on the activities of the studied business entity is provided by

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debtors for whom there is an overdue debt. Determine their credit rating (Table 3).

Table 3: Credit rating of debtors of NGDU Yamashneftм

Company name	Delay period, days	Sales amount for the year, thousand rubles	Group
LLC UK “Tatneft-Energoservice”	50	10496	C
LLC UK "System-Service"	90	2180	E
LLC Tatintek	45	113681	C
LLC UK “TMS-Group”	30	337882	B
LLC “TNG-Group”	90	1954	E

Based on the data in Table 3, we will calculate the penalties for overdue receivables for debtor groups “B” and “C”, and for group “E” we will stipulate a condition - 100% prepayment. The calculation results are presented in the Table 4.

Table 4:Calculation of Penalties

Debtor group	Calculation	Value, thousand rubles

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S - LLC UK "Tatneft-Energoservice"	30days*1800 t.rub.*0,02% +20days*1800t.rub.*0,03%	21,6
S - Tatintek LLC	30days*3942 t.rub.*0,02% +15days*3942 t.rub.*0,03%	41,39
B - LLC Asset Management Company "TMS-Group"	30days*9514 t.rub.*0,01%	28,5
Total	-	91,49

Thus, the calculations show that for the failure to fulfill their contractual obligations, debtors will have to pay fines in the amount of 91.49 thousand rubles. In order to avoid additional obligations arising from the terms of the contracts, the debtors will be forced to pay ahead of schedule or in due time for the services rendered to them.

We determine the effect of the proposed measures in the form of calculating the turnover of receivables in case of early repayment and its impact on the release of funds as a result of accelerating the turnover of receivables. The calculation results are presented in the Table 5.

Table 5: Calculation of the effect of the proposed activities

Indicator	Before the offer	After the offer	Rejection (gr. 3-gr. 2)
Overdue receivables, thousand rubles	15426	-	-15426
The amount of penalties, thousand rubles	91,49	-	-91,49

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Total receivables at the end of 2018, thousand rubles	227298	211872	-15426
The average value of receivables for 2018, thousand rubles	312475,2	304716,5	-10775,87
Revenue for 2018, thousand rubles	408794	408794	-
Accounts receivable turnover, turnover	1,3	1,34	0,04
The duration of one turnover of receivables, days	277	268	-9
Amount of funds released as a result of acceleration of receivables turnover, thousand rubles		10220	+10220

As can be seen from table 5, as a result of the implementation of the simulation model of receivables management at NGDU Yamashneft, overdue receivables in the amount of 15426 thousand rubles will be fully repaid, given the fact that enterprises will not want to pay penalties for each day of delay. As a result of this, the total annual accounts receivable turnover ratio will increase by 0.04 and the duration of one turnover of receivables will decrease by 9 days. This fact, in turn, will affect the increase in revenue from the provision of services by 10,220 thousand rubles. due

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to the acceleration of receivables turnover.

Conclusion

A detailed analysis of accounts receivable showed that financial stability indicators tend to increase due to an increase in retained earnings, the source of which is the amount of additional revenue released as a result of the acceleration of receivables turnover.

The final step in assessing a company's receivables is to evaluate the financial ratios that affect the financial position of the Yamashneft Oil and Gas Production Unit before and after the proposed measures for managing receivables, the results of which are presented in the Table 6.

Table 6:Evaluation of the effectiveness of the implementation of the proposed activities in NGDU "Yamashneft"

Indicator	Units rev.	Before the offer	After the offer	Rejection (gr. 3-gr. 2)
Accounts receivable turnover	turnover	1,3	1,34	0,04
Duration of one turnover of receivables	days	277	268	-9
Loss of core business	%	29	27	-2
Ratio of borrowed and own funds	odds	13,86	13,88	+0,02

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Coefficient of financial dependence	odds	0,06	0,05	-0,01
Equity maneuverability ratio	odds	0,28	0,29	+0,01

According to the results of the calculations, financial stability indicators tend to grow due to an increase in retained earnings, the source of which is the amount of additional revenue released as a result of the acceleration of receivables turnover. According to the financial results report, NGDU Yamashneft for 2018 received a loss from its main activities in the amount of 169232 thousand rubles. As a result of the proposed measures, the company will be able to reduce the loss of operations by 2% points, which indicates the effectiveness of the implementation of the receivables management system at NGDU Yamashneft.

Thus, the timely receipt of revenue from sales of products (works, services) is a guarantee of stable financing of economic activities of enterprises. Working capital at the stage of circulation, represented by receivables, significantly complicate the economic processes at the enterprise, lead to temporary or chronic insolvency caused by the lack of funds in the accounts of the business entity.

An important aspect of working capital management at a timely stage is the search for effective mechanisms for their collection in cash, that is, a clear organization of the system of settlements with partners.

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MODERN DIGITAL TECHNOLOGIES IN JURISPRUDENCE

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Abstract: Digital technologies are actively entering into social relations, including well-established state legal institutions. At present, digitalization has deeply penetrated into the field of legislative and law enforcement practice. The analysis of the main development directions of digital technologies and the areas of their "penetration" into jurisprudence using general scientific and special methods allowed the authors to identify the main directions and prospects for the implementation of the main digital concepts in legal practice. The authors of the paper take into account the interdisciplinary nature of the problems posed, which determined the bilateral nature of the study. The results of the study can be used in the field of conducting both general theoretical and informational research. They can also be applied as part of legal education programs.

Keywords: digital technologies, legal regulation, law enforcement, realization of law, artificial intelligence, blockchain, Internet of things, legal regulation, post-industrial society

1. Introduction

The intensive development of the information technology area determines the regulation of public relations not only with the help of law, but also with the help of these technologies. In addition, the role of digital technology as an instrument of legal regulation will increase. This circumstance determines the coexistence in the legal regime of the content of not only the norms of regulatory legal acts and court decisions, but also the technical capabilities and practice of applying technologies. The development of digital technology in jurisprudence

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allows regulating and optimizing a number of legal procedures and even eliminating the violation of law. There is a need for the admissibility and legitimacy of the adaptation of digital technologies to jurisprudence and their compliance with the needs of the modern material world. [1]

2. Methods

The purpose, objectives and research methodology involve the use of various ways and methods of scientific knowledge. Analysis, synthesis and analogy make it possible to study the structure and content of information technologies, and their implementation in jurisprudence. Their complex interaction is carried out in the framework of the implementation of the structural-functional method. When carrying out the research, the authors used a complex of methods, including the evolutionary and dialectic research method, the target-oriented, systemic methods, the comparison method, analysis and synthesis, induction and deduction. General methodological principles are the principles of historicism, scientific character and objectivity. Private research methods are determined by the foundations of the principle of consistency applied by the authors.

3. Results And Discussion

Modern processes, in particular, legal regulation, seem almost impossible without the widespread adoption and use of modern digital technologies, which allow us to implement many diverse tasks in a short time.

Artificial intelligence, blockchain, virtual assistants, neural networks, virtual reality and the Internet of things stand out among the main theses regarding the development of future digital technologies,.

In the definition of **artificial intelligence** as an achievement of technical progress, there is some fuzziness of concepts, since it includes the results of technical developments in various fields, such as robotics, recognition of phenomena, and algorithmization of processes. The problem of the lack of a legal definition for the term “artificial intelligence” is noted in the literature, while in science there are about fifteen of its natural-scientific definitions.

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At present, the acute problem is the almost complete absence of statutory regulation and technical regulation concerning the basics of the artificial intelligence use. At the same time, approaches to legal regulation depend on how to understand artificial intelligence: as an object of legal relations or as a subject of legal relations.

Currently, artificial intelligence systems constitute a specific object of legal relations, since they are an anthropogenic product and cannot be anything more than a property of people.

Among the possible prospects for the legal regulation of artificial intelligence, the possibility of creating a special legal regime applicable to such systems and the allocation of a special "electronic subject" of legal relations is justified. This is due to the fact that artificial intelligence is actively used in various legal relations related to transport, educational, medical, financial services, which gives rise to certain legal consequences. In addition, there is likelihood that the actions of artificial intelligence can cause damage and be unlawful. So, in Tampa (Arizona, USA), an unmanned vehicle hit a pedestrian during the tests. Quite justifiably, the question arises of who or what will be punished in this case and in what form. Currently, developers of artificial intelligence are responsible for the harm caused by its bearer; however, this postulate is increasingly debatable.

In some countries (Saudi Arabia, Belgium) precedents exist for giving artificial intelligence the status of a subject of law and even citizenship.

At the same time, artificial intelligence has great potential and prospects for application in all spheres of human life, including in the field of legal process and legal regulation. [2]

The blockchain is a dispersed database (a chain of blocks), the storage devices of which are not connected to a common server, with each element containing a temporary clue and a link to the previous block. [3]

The use of this technology has caused an active development of smart contracts, the execution of which is carried out automatically subject to all conditions. The big advantage of these contracts is their efficiency and data reliability [4].

In addition, they highlight the prospects for using this technology in distributed ledgers for property rights.

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Thus, the register of rights to real estate will allow us to create and implement a chain of "legal life" of property. A similar system is possible with the regulation and protection of intellectual property rights. Information will be in the public domain, which will track any changes and all recorded documents.

Virtual assistants help to significantly reduce staff costs and optimize supporting routine processes. Virtual assistants are engaged in sending messages and letters at certain stages of legal procedures (notification of the readiness of documents, notification of the stages of the trial) [5]. In addition, virtual assistants are actively used in the “E-justice” and “Public services” systems actively used in Russia by analysing downloaded documents and prompting further actions to participants in the legal process at all its stages.

We can distinguish the Intraspexion system also, which analyses the business correspondence of participants in legal relations, suggests the desired language and thereby prevents, as its creators claim, potential litigation.

The Legal Robot system is able to analyse any contract for compliance with regulatory legal acts and codes stored in its memory using statistical techniques and machine learning.

In addition, it is worth highlighting the development of robot programs that analyse incoming information from users and transmit a will in cases when a person gives his/her consent in advance, that is, all incoming letters with an offer to conclude a contract for all possible letters with offers to conclude a contract or acceptance of public offer agreements. Robot programs automatically change the seller’s offer to sell goods on the seller’s website, adjusting them in real time taking into account the availability of goods in the warehouse, currency exchange, and make it possible to quickly correct errors.

Neural networks are increasingly demonstrating all their benefits in jurisprudence. So, for example, currently there are technologies that allow us to calculate the time duration of a trial and predict its outcome, while the system includes judicial decisions on similar and analogues cases.

Neural networks are active assistants during the trial [6]. For

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example, until recently, in the course of litigation on copyright infringement on a musical work, the conclusion of a musicologist was required. Currently, the analysis of musical works in the event of a dispute regarding their similarity is sufficient to carry out using the technology of the Shazam system. In addition, it should be noted and the development of the Dare network, which will recognize false testimony based on facial expressions, voices and gestures of the suspect and witnesses.

Big data is a technology that allows us to simultaneously process new incoming data, work with them, including structuring them in accordance with various aspects. These services are actively used in modern jurisprudence, existing in the form of legal reference systems, services for the search and analysis of court cases, as well as in electronic document management systems, including for interagency interaction [7].

In addition, the Big Data algorithm is planned to be introduced into legal practice to automate the search for legal conflicts and legal gaps in a large array of state laws. In common law countries, such a system already exists. In addition, the ROSS system which analyses the existing array of judicial practice and legislation, as well as the Lex-Machina system, which analyses the judicial practice of different states and offers lawyers the most "convenient" jurisdiction to resolve the dispute, should be highlighted.

The Internet of things (IoT - Internet of Things) is a network for computing objects of "things" equipped with this technology for interacting objects with each other or with the external environment capable of building social processes without human intervention [8].

This concept is manifested in projects such as automated parking, unmanned vehicles, as well as payment of fines and state fees via the Internet, participation in the municipal survey through the portal of state municipal services and others.

In addition, the Internet of Things is involved in "video analytics" and real-time image processing. For example, face recognition technology is actively used in a number of countries (for example, in China) to search for persons who have committed an offense. Cameras installed in public places, for a

couple of seconds, check the appearance of all passers-by with the information of the police database and, if a match is found, signals this to the law enforcement officer.

A relevant area for IoT technologies application is the Smart City system. In particular, the "Smart City" is used to improve relations between urban residents and the state, to optimize and improve the quality of municipal and state services and the work of law enforcement agencies and public organizations [9].

4. Summary

Thus, information technology, actively penetrating into public life, is increasingly being introduced into legal practice. Information technology will inevitably penetrate the field of law enforcement and legal regulation. In addition, the digitalization of law affects legal practice as a whole, determining the tendency to automate certain legal functions [10].

Already today, in a number of states the so-called technological unemployment is being discovered. It is necessary to resolve these issues by introducing new legislation related to digital legal relations, in particular, regulating the status of artificial intelligence.

Thus, the formation of mechanisms in the field of artificial intelligence, the emergence of new areas of methods and structures in the field of legal regulation, its digitalization should be noted as the most important areas in the field of law.

Responsibilities of artificial intelligence and virtual assistants require the search for legislative solutions. As a result of their failure, the actions of malicious programs, a power surge, the behaviour of a digital subject with a given algorithm is likely to diverge, which can lead to adverse consequences and violations of the rights and freedoms of people around, which justifiably raises the question of responsibility for such an act.

5. Conclusions

The rapid development of digital technology did not go unnoticed in jurisprudence and legal practice. There is an increasing need for a legal settlement and determination of the status of artificial intelligence as a participant in legal relations; there is a

need to introduce blockchain technologies into the legal life to create open and transparent registries. The role of virtual assistants in the mechanisms of law enforcement and administration of the law is also growing, there is an active introduction of neural networks and a big data system in legal practice; the Internet of things is being actively used to ensure open and operational interaction between citizens and the state.

It is important to note that the problems of regulating relations concerning information technology are devoid of industry affiliation and require a systemic intersectoral and interdisciplinary approach.

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MODERN APPROACHES OF ESTIMATION OF RISK FACTORS INTERMITTENT INFLUENCE

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Abstract: We studied the quality of three environmental objects of the population living in a large industrial city (atmospheric air, soil and drinking water). We also determined the content and quantity of chemicals in the habitat of the population living near large industrial enterprises. We presented the results of the calculations of hazard indexes (HI), on the basis of which we derived the risk features of the development of non-carcinogenic effects of exposure to the body of chemical compounds (with combined and complex exposure). Non-carcinogenic risk is defined as an indicator of the expected increase in the incidence of the population due to the toxic properties of foreign chemicals in the studied environmental objects. The main objective of our socio-hygienic study was to identify chemical factors in the environment that are potentially hazardous to the life and health of children and adults living within a radius of 4,800 meters from an industrial enterprise in a large industrial city when received in different ways (combined)

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and assess the risk of violations in human health of varying severity when exposed to non-carcinogenic chemicals.

Keywords: questioning, interviewing, pollution degree, water quality, non-carcinogenic risk, hazard index, toxicity.

Introduction

In recent years, many authors have noted a sharp deterioration in the quality of tap water consumed by the population and the presence of extraneous irritating odors in the air [1, 2, 3, 4]. At the same time, it is also noted that the quality of tap water almost does not reach the minimum standards for compliance with the purity of consumed water in many large cities. The consumption of low-quality water and the presence of extraneous annoying odors in the air leads in turn to a significant deterioration in well-being, poor health and sharp increase in the incidence among the population (the risk of infectious diseases, the risk of exacerbation of chronic diseases and the risk of cancer among the population increase significantly) [2, 3.4].

At the second UN conference on environment and development (Rio de Janeiro, June 1992), it was noted that humanity is on the verge of a possible environmental disaster [Koptyug, 1993].

We conducted a socio-hygienic study in order to identify the effects of atmospheric air, tap water and soil of varying degrees of pollution on children and adults living in the region where industrial enterprises of large industrial cities operate (within a radius of 4,800 meters from a large chemical enterprise). To conduct research, we chose the region most saturated with various industrial enterprises (with a predominance of chemical enterprises) [5].

When conducting the analytical part of the study, such facts as the age of respondents, gender, length of stay in the research area, migration during the year (time of absence in the living area during the year and duration of absence in the living area during the day) were taken into account. We also took into account the contact time with soil and water (seasonally adjusted), time spent indoors, time spent outdoors.

Depending on the remoteness and geographic location of the largest chemical plant in the city, the region under study in a radius of 4,800 meters was conditionally divided into 5 areas.

The area closest to the enterprise is located to the north-eastern part of the investigated area.

Methods

Our study amounts 1,400 children and adults living in a large industrial city in the area of a radius of 4,800 meters from the industrial enterprise. During technical part of the study, we used questionnaires and special forms developed for this study (specialized for children and adults). Data was collected in 3 objects of the population's environment (in atmospheric air, soil and tap water) concerning chemicals that could be potentially dangerous or negatively affect the health of children and adults living in the research area. Laboratory studies were conducted of samples taken in the research area for the content of chemicals. Based on the results of comparing the statistical processing of the data obtained by questioning and interviewing the children (in the presence of parents or guardians) and the adult population with the results of laboratory data on the content of chemicals in the atmospheric air, soil and tap water, we carried out an assessment of the risk to the health of the population living in the research area. We evaluated the carcinogenic and non-carcinogenic risk of the chemicals found in the household drinking water, soil and atmospheric air of the research area.

We carried out a statistical analysis of the hazard for children and adults, taking into account the concentration of chemicals in the environment. We prepared a list of priority chemical compounds subject to regular monitoring [6].

We also made an assessment of the risk of exposure to public health of potentially hazardous chemicals (taking into account toxic properties) found in the study. Risk assessments were carried out taking into account the degree of concentration of chemicals in the air, tap water and soil. We took into account the ways of exposure to humans of the detected toxic chemicals and their migration in the studied environmental objects.

In our study, risk is considered as the probability of the development of consequences of technogenic pollution of the studied three environmental objects for the health of the population living in the research area.

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In this study, we characterized the risk of developing non-carcinogenic effects for the individual substances according to the formula:

HQ = AD / RfD or HQ = AC / RfC,

where HQ – hazard factor; AD – average dose, mg/kg; RfD – reference (safe) dose, mg/kg; AC – average concentration, mg/m3; RfC – reference (safe) concentration, mg/m3 [7].

For the conditions of the simultaneous entry into the human body of several toxic substances from the environment in the same way, the hazard index was calculated by the formula:

$HI = \Sigma HQ_i$[7].

Under the condition of a complex supply of a chemical at the same time in several ways, the risk criterion is the total hazard index, which was calculated by the formula:

$THI = \Sigma HQ_j$ (as well as multi-media and multi-route impact) [7].

When conducting a risk assessment (calculation of hazard indices) for non-carcinogenic effects, we considered the risk additivity (summation) approach to be the most preferable [7].

Results

An assessment of the non-carcinogenic risk for chronic inhalation of chemicals in this study was carried out for 40 substances found in emissions from the main industrial site. It also relates to chemicals contained in the emissions of the base stock SUS and priority ones for the impact on public health identified by ranking results at the stage of “Hazard identification”.

The leading place in the formation of individual non-carcinogenic risks in the residential area is occupied by ethylene (contribution from 80.42 to 85.06%, depending on the distance from the industrial enterprise). The second place is occupied by a mixture of hydrocarbons C1-C5 for pentane (contribution from 51.89 to 56.61%). The study showed that the inhalation route is preferable for the area number one of the research areas. The total non-carcinogenic risk from atmospheric air for benzene, epoxyethane, chromium VI and divinyl was 6.69 * 10-5.

The analysis results of the assessment of chronic non-carcinogenic risk when using MAC (maximum allowable concentrations) were lower

than when using RfC. the following values were obtained When assessing chronic non-carcinogenic risk: from exposure of chloroform (HQ = 5.87*10-3), ammonia (HQ = 2.19*10-4), lead (HQ = 2.69*10-5) , cadmium (HQ = 1.78*10-5), zinc (HQ = 1.58*10-6), fluorides (HQ = 3.09*10-3), copper (HQ = 1.53*10- 5), aluminum (HQ = 7.69*10-5). The values obtained with the transdermal intake of these chemicals are significantly lower than acceptable levels.

It was not possible to calculate the risks for priority compounds (calcium, iron, residual bound chlorine, nitrites, nitrates and oil products) during skin exposure due to the lack of the octanol/water distribution coefficient (Kow), and therefore we were unable to calculate the average daily dose of the indicated chemical substances for cutaneous intake of water for household and drinking purposes.

The values of non-carcinogenic risks associated with oral administration of drinking water to water obtained by our study were significantly lower than acceptable (acceptable is 1.0). The values are as follows: for chloroform (HQ = 0.149), ammonia (HQ = 0.019), lead (HQ = 0.009), cadmium (HQ = 0.005), zinc (HQ = 0.0003), fluorides (HQ = 0.34), copper (HQ = 0.01), aluminum (HQ = 0.007), oil products (HQ = 0.009), residual bound chlorine (HQ = 0.209), nitrites (HQ = 0.028), calcium (HQ = 0.058), iron (HQ = 0.009).

The assessment results of chronic non-carcinogenic risk when using MAC show that the values of hazard coefficient (HQ) values for priority compounds are at an acceptable level throughout the residential area of the region under study, taking into account the background. Moreover, the analysis of results showed that the risks are lower than when using RfC. The results of the distribution of concentrations of chemicals obtained during the study in the residential area allow making a conclusion that their values do not exceed the corresponding MAC.

Discussion

Studies have shown that the total non-carcinogenic risk with multi-media exposure corresponds to the upper limit of acceptable risk. The level of

indicators obtained during the study is subject to constant monitoring.

An assessment of chronic non-carcinogenic risk showed that the hazard coefficient (HQ) values for priority compounds are at an acceptable level throughout the study area, taking into account the background.

The non-carcinogenic risk for ethylene is HQ = 1.0 at the border of 4,800 meters, therefore the non-carcinogenic risk for ethylene approaches the reference concentration (HQ = 0.88), in the research area closest to the industrial enterprise.

Calculations of hazard indices (HI) indicate the likelihood of chronic effects from the cardiovascular system (HI up to 1.59 - taking into account the background, up to 1.54 - without taking into account the background), blood system (HI up to 1.47 - taking into account the background, up to 1.43 - without taking into account the background), immune system (HI up to 1.31 - taking into account the background, up to 1.23 - without taking into account the background), respiratory organs (HI up to 1.33) and central nervous system (HI to 1.14) respiratory organs - due to a mixture of hydrocarbons C1-C5 for pentane (contribution - 24.36%), CNS - due to benzene (contribution - 46.28).

Along with this, the calculations of hazard indexes (HI) indicate the admissible probability of the development of chronic effects from the reproductive system (HI to 0.69), the body development processes (HI to 0.53).

The likelihood of developing chronic effects from the liver (HI to 0.22), kidneys (HI to 0.17), eyes (HI to 0.07), hormonal system (HI to 0.0002).

The research results showed that the hazard coefficients (HQ) and the total risk (HI) in the residential area are at an acceptable level due to emissions from the enterprise.

The likelihood of chronic pathological effects from the bone system, teeth, blood system, kidneys, mucous membranes, central nervous system, hormonal system, liver, biochemical changes in the body, nervous system, developmental processes, reproductive, immune systems, as well as from the gastrointestinal tract (GIT), when the population of the study area uses

drinking water, does not exceed the maximum permissible risk levels.

Summary

The analysis results of our study showed that the concentration of chemicals in the studied environmental objects decreases depending on the distance from the industrial enterprise. In atmospheric air, the concentration of chemicals also depends on the wind direction. These indicators give reason to assert that our study reliably proves that the petrochemical plant is the source of priority pollutants in the study area.

The risk of developing a non-carcinogenic effect in the study area (taking into account background pollution of the atmosphere) is formed by 17 priority pollutants.

Ethylene occupies the leading place among airborne pollutants forming an individual non-carcinogenic risk in the study area.

In the region under study, the total non-carcinogenic risk from atmospheric air for ethylene corresponds to the upper limit of the acceptable risk and is subject to constant monitoring.

The level of carcinogenic risks associated with the oral intake of cadmium, chloroform, lead with tap water corresponds to the second range of the system of criteria for risk acceptance, which corresponds to the maximum permissible risk (upper limit of acceptable risk) and is subject to constant monitoring.

The results of our assessment of chronic non-carcinogenic risk when using MAC showed that the hazard coefficient (HQ) values for priority compounds (taking into account the background) do not exceed the permissible level throughout the research area.

Conclusions

In recent years, many authors note in their works a significant increase in the incidence of children and adults living in areas located near large industrial enterprises (with harmful emissions into the atmospheric air and water bodies). The presence of heavy metals in soil and water consumed by the population has become an environmental problem in large cities with industrial enterprises [8]. To reduce the risk of developing a non-carcinogenic effect, it is first of all necessary to strictly control

and regulate the emissions of pollutants into the atmospheric air [9].

To reduce the risk of developing the non-carcinogenic effects of children and adults living within a radius of 4,800 meters from large industrial enterprises associated with the content of harmful chemicals in drinking water, it is recommended to use bottled water and use high-purity filters and biofilters to purify household drinking water [10].

To reduce the risk of developing non-carcinogenic effects of heavy metals from the soil by the cutaneous route, it is recommended to limit contact with the soil and the departure of children and adults to ecologically safe areas.

It is necessary to regularly monitor the concentration of chemicals in environmental objects (atmospheric air, soil, tap water) and not exceed the permissible level (indicators shall be at an acceptable level or lower than RfCi).

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MODERNIZATION OF THE POLITICAL SYSTEM OF RUSSIA: TARGETS AND PRIORITY DIRECTIONS

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Abstract: The article examines the issue of modernization of the political system of Russia. Formation of a democratic political system is an integral part of Russia's modernization strategy. The relevance and objective need to develop an innovative strategy for the modernization of the political sphere of life in Russian society is determined by the inefficiency of existing political institutions, outdated principles, methods, technologies of organization and management, their inconsistency with modern realities, effective resolution of internal problems and global external challenges. The objective meaning of modernization is determined by modern Russian conditions, the nature of issues and contradictions that require their urgent solution.The study purpose is to develop a strategy for the innovative development of the political system of the Russian Federation. Achievement of this goal requires consideration of the basic conditions and contradictions of the modern development of the political system of the Russian Federation, the most important areas and priorities that contribute to its modernization.As a methodological base for the study, the work includes the following approaches and methods: systemic, structural-functional approaches, sociological, logical, historical and comparative methods, as well as analysis of conditions and contradictions that need to be resolved and contribute to the modernization of the political life of modern Russia.As a research result, we came to the following conclusions:

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1. Modernization of the political system of the Russian Federation is an objectively necessary process. However, it is not the result of consensus, but a competition between innovators, conservatives and observers.

2. The strategic goal of modernizing the political system of Russian society is to make Russia one of the leading sovereign powers, with a republican democratic form of government, in which a person lives freely and comfortably.

3. Modernization of the political system shall cover the institutional (state, parties), communicative, regulatory and spiritual and ideological subsystems of Russia.

4. The result of democratic modernization of the political system shall be the formation of political institutions that really reflect and express the interests of social groups and strata and contribute to the formation of solidary community.

5. Creation of a system of ideas and values understandable to the majority of the population, and capable of uniting various layers and groups to carry out modernization.

6. As a result of modernization of the political system as a system of determining goals and priorities, the innovative mechanism becomes an inherent attribute of the development of Russian society. This is the strategic goal of modernization in Russia.

Keywords: modernization, political system, innovation development strategy, civil society, democratic rule of law.

Introduction

The model of socio-political, economic and spiritual development of Russian society that has developed in the post-Soviet era shows its weak efficiency: reforms are often replaced by counter-reforms and do not produce the necessary results, the stability that remains in society does not contribute to the formation of conditions and prerequisites for the country's modernization.

According to the World Bank, Russia's GDP has grown on average by 0.4% per year - which is 8 times slower than the global economy as a whole (31.2%) - over the past 10 years. The lag behind the US GDP was 4 times

(16.2%), and the Chinese economy grew by (101%), writes Finanz.ru [1]. All this indicates the lack of an effective coherent development strategy for our society. The lack of a clear and adequate answer to the challenges of globalization and internal development of Russia itself contributes to the fact that the need for renewal and radical changes in Russian society is increasingly recognized not only by scientists, but also by a significant part of business and active citizens.

Most publications on the strategy of innovative development of Russia deal with a complex of problems of social, organizational, scientific, technical and technological development of modern Russian society. A similar logic is visible in the National Development Projects of Russia until 2024, the main purpose of which is to improve the social and economic situation in the Russian Federation, improve the quality of life, and create comfortable conditions and opportunities for self-realization for all citizens of the country [2, p. 766-771; 3, p. 122-129].

However, in this form, National Projects cannot fully solve the problem of modernization, since they include neither modernization of the public administration system, nor reform of the judicial system, nor modernization of the political and legal aspects of political life, nor the problem of society's democratization. Without these crucial aspects of the life of modern society, the modernization process will not lead to a systemic change in Russian society as a whole.

In recent years, a large number of Strategies and Programs have been adopted. For example, two Strategies for the Information Development of Russia were adopted: one - in 2008, the other - in 2017. Two large-scale Development Programs of Russia were also developed - for 2020 and 2030. An analysis of these Programs indicates that the government is looking for the ways to development, but does not want to radically change anything.

Methods

Application of a systematic approach allows considering modernization of the political system of Russia holistically, in the unity of its main components, looking at the dynamics of changes. The structural and

functional approach to the study of the process of modernization of the political sphere of life helps to identify its role in the development of modern Russia. Historical and comparative methods in the study of the process of modernization of the political system in Russia allowed identifying issues and contradictions, their genesis and current status. An analysis of the trends and main directions of modernization made it possible to identify and determine the strengths and weaknesses of the modern political process in Russia.

Results And Discussion

After the start and successful completion of the Syrian campaign, Russia's sovereignty has significantly strengthened in world politics.

Developed 10 years ago, the concept of sovereign democracy also received its embodiment and implementation. However, as N.A. Baranov notes: "...sovereign democracy becomes an obstacle to the expansion of democratic freedoms and practices in society... and helps to strengthen state control over all aspects of society. ...Management mechanisms remained bureaucratic, often not transparent, and therefore not accessible for influencing decision-making by the opposition and other socio-political forces" [4, p. 22-24].

Based on the identified conditions and reasons for the need to modernize the political system of the Russian Federation, the following development directions can be distinguished:

1. **Scientific and public examination of the modernization strategy**.

Due to the weak structuredness and fragmentation in its development, modern Russian society is completely dependent on the political or ruling elite. The ruling elite itself has different views on the need to update and modernize Russian society (innovators and conservatives). The main task of the strategically minded political elite of Russia is to integrate the initiative and active part of Russian society around the modernization project with the mandatory use of modern information and communication technologies and the manifestation of the best leadership qualities.

The development of a modernization strategy itself shall undergo a scientific (Academy of Sciences of the Russian Federation, scientific and university community) and public examination (Public Chamber and public associations, including discussion on the Internet). This will contribute to the legitimization of the modernization project itself, increase public confidence in the innovative part of the political elite, as well as the formation of communicative feedback channels, ethical standards of interaction between the elite and the civil society institutions, and the public.

2. Democratization of political institutions.

The problem of democratization of Russian society is basic and fundamental, since it is aimed at forming a modern Russian nation, capable of identifying itself as the most important subject of political power, participating in governing the country and exercising its subjectivity in the preparation, adoption, execution and control of socially significant political decisions. Of course, with a variety of forms of citizen participation in the management of public and state affairs, democracy, first of all, shall promote the development of subjectivity, independence, real involvement of the population in the process of democracy (from municipal, cooperative democracy, democracy of public organizations and joint-stock companies, to the use of certain provisions, theories and practices of community democracy) [5; 6].

It is necessary to accustom people to political participation gradually. It is most accessible to do this at the place of residence. The municipal form of democratic participation contributes to the formation of responsibility for their small homeland. To do this, one can use a variety of forms: participation in meetings, gatherings, which discuss issues of improvement and environmental safety; participation in the discussion of municipal projects that determine the agenda and development prospects; and participation in local elections and referenda forms the responsibility of citizens for the decisions they make. Using these channels of citizen participation in governance forms the experience of interaction between

citizens and authorities, and shows the real possibilities of democracy.

It is necessary to use the experience of public associations that verify and control the activities of the authorities in developing direct democracy. In this regard, the work of the Federal Public Chamber deserves attention. For example, the work of the Public Chamber of the Russian Federation received the support of citizens, primarily in expert assessments of a number of bills that have gained democratic nature and become better due to amendments. Another example of the interaction of civil society and the Government is the activity of the All-Russian Popular Front. In November 2018, ARPF launched a mobile application "People's Control", available on Google Play and Apple Store, which has been downloaded by more than 30 thousand people, and which makes it possible for everyone to monitor how the "May Decree" of the head of state is implemented in the region, how the results of 12 national projects affect the quality of life of Russians, and to take a direct part in this work. However, there are not so many such positive examples of interaction between civil society and the Government.

Today, in the presence of huge financial resources, the task of their rational and effective use shall concern not only the Government and deputies of the State Duma of the Russian Federation. It is necessary to actively include the public, the scientific community in this process: RAS, university science, scientists, who are able to competently discuss the most important socially significant problems and provide an independent expert assessment of the plans and actions of Russian government.

Public policy needs an independent and disinterested arbitrator, who is able to resolve the dispute fairly in accordance with legal norms, and it shall be higher than the parties to the conflict in this respect. In addition, it shall be indifferent to the subject, which the parties have not divided. Such a function in a democratic state of law is performed by the court. Also, the arbitrator's function in public policy can be performed by independent media capable of shaping public opinion, legislative institutions in which society, through its representatives, determines

laws and norms of behavior that contribute to finding a balance of interests. Modern Russian media shall become as independent as they were in the early 90's of XX century. It is necessary to legislatively introduce restrictions on the possible interference of the owner in the editorial policy for this purpose.

The nascent civil society of Russia has great democratic potential, the activity of which shall be aimed at actively protecting the interests of citizens and their associations, forming an active civic position, as well as rejecting paternalistic ideology and generating critical analysis for the activities of the authorities.

Improvement of the existing legislation, governing the activities of the main subjects of politics, is an important aspect of democratization of the political system. The quintessence of this issue is that many of the repealed legislative norms and regulations were real steps in the actual movement of Russian society towards democracy. Their repeal cannot be explained on the basis of situationality or certain personalities. It was a process of moving away from a democratic focus. The need to remove legal barriers to democratic modernization is an urgent task for the representative power. However, the adoption of laws on non-governmental organizations and on pension reform does not contribute to the establishment of a democratic public policy. Such activity of the Russian legislators is beyond the real movement towards democracy and modernization of the political system.

In order for the existing parliament of the Russian Federation to carry out the necessary legislative work in a quality manner, it shall be independent and professionally competent. The process of forming modern representative institutions of state power does not express the prevailing diversity of political preferences of Russian citizens. Numerous violations of the free will of citizens do not contribute to the formation of representative institution, expressing the will and interests of citizens. According to the results of recent elections to the State Duma of the Russian Federation, only 47.9% of voters came to polling stations. According to a survey conducted by Levada Center, 25% of the population of

the Russian Federation expressed their confidence in the Federation Council, in the State Duma - 23%, while the distrust was 26% and 32%, respectively, in October 2018 [7].

In the absence of a stable party system, a return to a mixed majority-proportional election system in the State Duma of the Russian Federation helps to reduce the tendency to depersonalize power, its alienation and removal from ordinary citizens. However, this measure cannot solve the problem of responsible government. A transition to the formation of a government on a party basis, that is, to a parliamentary republic with a weak party system and political parties, will also not solve this problem. It would be more effective to form a presidential republic, where the head of state simultaneously performs the function of the head of executive branch, while strengthening the independence of parliament, through an appropriate system of checks and balances.

As a modernization of the existing system of separation of powers in Russia, we can propose the endowment of the legislative and judicial branches of government with greater autonomy and independence. The sovereignty and independence of our parliament can be implemented through empowering it to carry out a parliamentary investigation. In our opinion, this will contribute both to enhancing the legitimacy of its activities and to increasing the ability of the Russian parliament to exercise control over the executive and judicial branches of government. With the professional and responsible implementation of this function, parliament can turn into one of the authoritative political institutions.

An urgent problem of modernization of the political system is communication between society and authorities. The Russian political communicative process needs to create effective feedback between civil society and government. It is necessary to remove bureaucratic and administrative barriers that interfere with the interaction of the parties. Moreover, the creation of such an effective model of political communication is necessary both for society and authorities. Society is interested in the authorities, having an adequate idea of its needs and problems, since the needs and interests determine the formation of the political development strategy, the program of the

ruling political party and the political course of the government.

The authorities also cannot carry out their activities effectively without appropriate feedback channels. Of course, modern Russian authorities quite often use "manual control" methods, which have recently failed, in their work. Quite often, we are faced with a situation where inaccurate, and often belated, information cause irreparable damage to the society and the state, and the price of erroneous decisions can lead to the most dangerous consequences.

2. Formation of the system of values that are understandable, accessible, and uniting various layers and groups of society for political modernization.

It is not easy to do this, since the practice of managing and reforming the life of Russians has very often led not to improvement, but, on the contrary, to deterioration of the living conditions of the bulk of citizens [8, p. 29].

This problem can be treated much wider. One should talk about the spiritual component of the modernization process, which includes the following ideas: freedom, equality, democracy, pluralism, competition, federalism, and justice. The publicity and democracy of promoting ideas consists in the possibility of their unhindered distribution, accessibility and openness to the civil society.

And finally, political parties, regional elite, and media shall be included in the discussion on the problems of political modernization of society, in addition to developers and expert community [9; 10]. In the modern era, the problems of modernization of Russian society shall be reflected in the information space. In the practice of working with the public of state bodies, political parties, and state media, a special focus, reflecting the process of implementing modernization projects, shall be present on an ongoing basis.

Conclusions

The indicated directions and modernization of the political system of modern Russia shall ultimately lead to the formation of such political institutions that can represent the interests of all social groups and layers and contribute to the formation of a

solidarity community. Society and government shall have constant interactive communication with various institutions and associations of citizens, including opposition.

The results of modernization process shall be available to all citizens on the Internet, which will allow them monitoring and offering their options for making adjustments to the implementation of the country's modernization process.

Summary

In conclusion, it shall be said that the result of coordinated modernization work of society and authorities shall be a political system that will correspond to modern realities and contribute to the establishment of a new democratic Russia.

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NON-JURISDICTIONAL FORMS OF PATENT RIGHTS PROTECTION IN THE RUSSIAN FEDERATION

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Abstract: This article discusses the features of the implementation of non-jurisdictional forms of protection of civil rights (self-defense, claims, mediation) in relation to patent infringements in the Russian Federation. It is noted that the self-defense of patent rights by classical means in non-contractual legal relations is limited due to the peculiarities of the legal nature of the objects of patent rights, namely because of their intangible nature, the general availability of information about them, the presence of state registration, but it is possible to use special means of self-defense: software and hardware, introduction trade secrets, optimization of patenting and legal protection strategies as know-how. It is concluded that it is necessary to specify the provisions of Articles 1252 of the Civil Code of the Russian Federation and Articles 14.1. - 14.3. Federal Law on the Protection of Competition regarding the assessment of good faith / unfairness of the distribution by the patent holder of warnings about the alleged violation of his rights and apply the approach according to which: the patent holder has the right to protect his exclusive right, and also in case of threat of negative consequences from third parties, to disseminate information about the alleged , in his opinion, a violation of his rights, including against the alleged offender, as well as other persons, including buyers / p purchasers of goods, works, services of the patent holder or the alleged infringer, which in itself is not an act of unfair competition.

Keywords: protection of patent rights, non-jurisdictional forms, self-defense, claim, warning, mediation.

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1. Introduction

For patent rights, as well as for other intellectual rights [1], a complete set of forms of their protection is characteristic [2]:

- jurisdictional forms, which include judicial protection (including in arbitration courts), protection in other state and authorized bodies (industry body (Rospatent), law enforcement agencies, notary public and others),

- non-jurisdictional forms (claim, self-defense, mediation and others).

In this article, we consider the features of the implementation of non-jurisdictional forms of patent protection.

2. Methods

The methodological basis of the work was based on the application of the general principles of scientific knowledge (objectivity, comprehensiveness, completeness of research) and general scientific methods of cognition (analysis, synthesis, approach, deduction, etc.) a system of methods and techniques for studying legal phenomena. In the course of the study, special (general theory of systems) and private-scientific methods (comparative-legal, formal-legal) were applied.

3. Results And Discussion

Despite the fact that the institution of self-defense of civil rights has long been known in civil law, its definition and interpretation of this concept, as well as its application by the courts, is still not uniform. The Civil Code of the Russian Federation does not disclose this concept. The Resolution of the Plenum of the Supreme Court of the Russian Federation of June 23, 2015 N 25 “On the application by the courts of certain provisions of section I of part one of the Civil Code of the Russian Federation” although gives some examples (the impact of a person on his own or in his legal possession property, necessary defense, extreme need), but also does not provide a complete definition and an exhaustive list of cases / types [3].

In the legal literature [4] there are also the following actions that can be classified as self-defense of civil law:

- unilateral actions in the contractual relationship (unilateral termination of the contract, suspension or termination of obligations,

withholding, etc.). They are also called operational measures.

- unilateral actions aimed at preventing violation (expelling people from an immovable object, removing obstacles to using the thing on their own, including using physical force, removing and detaining other people's animals from the territory, removing harmful and dangerous objects, removing illegal advertising structures, for example, from the building of the owner, independent withdrawal of the thing by the owner, who has lost its possession, etc.). In the literature, these actions are also called "self-help".

The self-defense of patent rights due to the special legal nature of their objects, as rightly noted in the literature, is limited to a certain framework [5]. Firstly, since the emergence, termination and transfer of rights is carried out through state registration. Secondly, the objects of patent rights are intangible, and information about them is published openly.

Therefore, many of the above "classic" means of self-defense from the group of non-contractual relations are not applicable in relation to patent rights. As you know, copyright law uses technical means of copyright protection in accordance with Article 1299 of the Civil Code of the Russian Federation, which are used as "any technologies, technical devices or their components that control access to a work, prevent or limit the implementation of actions that are not authorized by the author or other copyright holder in relation to the work. "We believe that with respect to patent rights, sometimes similar technologies can also be applied. For example, those devices that are accompanied or contain certain software tools (built-in chips, positioning devices (GPS, GLONASS, etc.), communication with a cloud server and management through it, etc.), in some cases may be technically limited at the program level in use by the will of the copyright holder, and remotely. It can also serve as assistance to the copyright holder to identify the volume of product turnover on the market for subsequent filing of a claim and determining the amount of losses / compensation.

Another means of self-defense is the introduction of a trade secret regime and the exclusion of unauthorized persons from access to information about the invention until the patent is granted.

Choosing the right patenting and legal protection strategy as know-how can also be seen as a means of self-defense. It is known that many companies when patenting do not disclose all the nuances of the effective use of the invention in its formula, leaving a lot of secrets and know-how in such a way that another person could not carry out the production on their own, even if they got acquainted with the contents of the patent [6].

However, it should be noted that, despite the above rather effective measures in some cases, more often the means of self-defense in relation to patent rights objectively turn out to be inapplicable and / or ineffective.

In judicial practice, there is a broader interpretation of the concept of self-defense, referring to it and the possibility of filming in open places for a general visit while collecting evidence of a violation of patent (as well as other intellectual rights), and recognizing such actions as legal and relevant, including part 2 of article 45 of the Constitution of the Russian Federation, and the evidence collected is admissible.

Claim.

The next non-jurisdictional form of patent protection is to file a claim against the alleged infringer. For some disputes (property character) about violation of the exclusive right, including patent law, considered in the arbitration courts of the Russian Federation, article 1252 of the Civil Code establishes a mandatory pre-trial claim procedure.

A fairly common occurrence in practice is also the direction by the patent holder before or during the appeal to the court about the violation of his exclusive right of warning letters to large buyers or other partners the alleged infringer of the alleged patent infringement. Such actions cause a double assessment [7]. On the one hand, if such a warning is compiled correctly, it does not contain inaccurate information (for example, the letter sets out only information about the presence of a patent, about the existence of a litigation or just an opinion, and not an allegation, about a possible violation of patent rights, about the consequences for the addressee subsequent recognition by the court of the fact of patent infringement, withdrawal of counterfeit products from circulation, etc.), such an action, in our opinion, can be considered an element of legal self-defense.

Moreover, it is even correct and conscientious that the patent holder warned potential counterparties in advance about the possible negative consequences of the upcoming conflict for them, the dangers of acquiring counterfeit products, etc. On the other hand, it is natural that sending out even the correct such warning letters discredits the reputation, including business, of the defendant. Some of the contractors, simply out of caution, may partially or completely terminate or suspend cooperation with the alleged offender (for example, temporarily stop purchasing goods from him or ordering work / services for him) and even, with a limited number of offers on the market, start or increase purchases from patent holder who sent out such letters. In the event that in a subsequent court it is established that there are no violations of the rights of the patent holder and the groundlessness of his claims, the question arises whether such actions are an act of unfair competition?

Russian legislation on the protection of competition does not give a direct answer to this question and does not contain special provisions regarding the legal qualification of mailing warning letters about infringement of patent and other intellectual rights, but contains only general provisions of articles 14.1. (on discrediting), 14.2 (on misrepresentation), 14.3. (about incorrect comparison). However, their content and explanations do not allow us to clearly understand whether such actions are an act of unfair competition or not.

This issue has been given attention in the legal literature, but not so much [8]. In it, including foreign experience is investigated. So, it is noted that in many developed countries. A noteworthy example is the US legislation, where the usual right to send warning letters to the copyright holder, both to the alleged offender and to his customers, is legal [9]. However, if this newsletter contains an inaccurate, libelous or derogatory character, then it qualifies as a special case of “disparagement”.

In the case of objects of patent rights, the situation is more complicated than with other objects of intellectual rights, because the presence or absence of patent infringement is often non-obvious, moreover, it is controversial and difficult even for specialists in the

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relevant field of technology. In many legal disputes over violation of the exclusive right to invention, commissions, repeated and additional forensic examinations are appointed, in many countries such disputes are examined in specialized patent courts with a collegiate composition of judges with not only legal, but also special knowledge, as well as specialists.

It should be noted that the dispatch of warning letters today is a widespread and very effective, but at the same time dangerous form of patent protection, often more effective than judicial or administrative. It happens that even a victory in a court case for a patent holder does not bring such a tangible effect (due to the length of the litigation or insolvency of the defendant) as from sending letters, the reaction of buyers to which occurs almost immediately. But the same factor is sometimes used in bad faith [10].

In connection with the foregoing, we believe that there is a certain need for concretization of the provisions of Articles 1252 of the Civil Code of the Russian Federation and Articles 14.1. - 14.3. Federal Law on the Protection of Competition regarding the criteria of good faith / unfair distribution of information by the patent holder (or the holder of the exclusive right to other objects) about the alleged violation of his rights. The following approach is proposed: for the purpose of protecting his exclusive right, and also in the event of a threat of negative consequences from third parties, the patent holder is entitled to disseminate information about the alleged, in his opinion, violation of his rights, including to the alleged offender, as well as other persons, including buyers / purchasers of goods, works, services of the patent holder or the alleged infringer, which in itself is not an act of unfair competition.

Mediation.

Non-jurisdictional form of protection of civil rights can also include mediation. The Chairperson of the Intellectual Property Rights Court, Professor L.A. Novoselova, on April 25, 2018, as part of the International Forum “Intellectual 21st Century Property”, the Chamber of Commerce and Industry of Russia noted the relatively high media stability of intellectual property disputes due to the relatively high percentage of

settlement agreements concluded in such disputes (about 10%) [11].

4. Summary

Thus, based on the foregoing on non-jurisdictional forms of patent protection, the following conclusions can be drawn:

1) Patent rights can be protected in the following non-jurisdictional forms: by self-defense, by sending a complaint to the infringer, by sending warnings to other persons, through mediation.

2) When protecting patent rights, it is possible to use special means of self-defense: software and hardware, the introduction of a trade secret regime, optimization of the patenting strategy and legal protection as know-how.

3) It is proposed to specify the provisions of Articles 1252 of the Civil Code of the Russian Federation and Articles 14.1. - 14.3. Federal Law on the Protection of Competition regarding the assessment of good faith / unfairness of the distribution by the patent holder of warnings about the alleged violation of his rights and apply the approach according to which: the patent holder has the right to protect his exclusive right, and also in case of threat of negative consequences from third parties, to disseminate information about the alleged, in his opinion, a violation of his rights, including against the alleged offender, as well as other persons, including buyers / p purchasers of goods, works, services of the patent holder or the alleged infringer, which in itself is not an act of unfair competition.

5. Conclusions

As you can see, non-jurisdictional forms of protection of patent rights by classical means are limited due to the peculiarities of the legal nature of the objects of patent rights, namely because of their intangible nature, the general availability of information about them, the presence of state registration. At the same time, in those situations and conflicts where they are nevertheless applicable, they often turn out to be more effective than jurisdictional forms of protection, since more quickly and at a lower cost to the copyright holder they result in and / or settlement of the conflict.

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PARTICIPATION OF MIGRATION OF THE POPULATION IN THE SOCIO ECONOMIC DEVELOPMENT OF THE REGION (ON THE MATERIALS OF THE REPUBLIC OF TATARSTAN)

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Abstract: The article presents the main trends of migration development in Russia. The study reveals the importance of migration processes for demographic development of Russia. The emphasis is placed on the migration exchange of the Republic of Tatarstan with foreign countries. The main trends, associated with a decrease in the number of immigrants from almost all CIS countries, except Ukraine, are defined. Particular attention in the article is paid to the migration processes, and the importance of labor migration for the Republic of Tatarstan. Gender studies in modern migratory movements are presented. The main reasons why Tatarstan is an attractive territory for migrants not only from Russian regions, but also from other countries, are established. The features of the impact of foreign migrants, working in Tatarstan, on national security are disclosed.The issues, related to the influence of foreign labor migrants on the ethnic composition of the Republic of Tatarstan were defined. The State Program of the Republic of Tatarstan, promoting the sustainable social, economic and demographic development of the republic, due to the voluntary resettlement of compatriots living abroad, was analyzed.The data of the Federal Service - Territorial Body of Federal State Statistics Service in the Republic of Tatarstan, are widely used in work.

Keywords: migration, migration processes, migration gain, national

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security, labor migration, migration policy.

1. Introduction

Migration processes in the socio-economic and demographic development of Russia are of paramount importance. Among the huge number of both positive and negative consequences of migration for modern Russia, it is necessary to emphasize the compensating role of the natural population decline, which at the certain stages of country's development since the 90s, covered up to 70% of population losses, due to the low birth rates and high mortality rates.

According to statistics, over the past two decades, the migration gain in Russia is 7 million people. According to the forecast, by 2025, the number of migrants in the population of the Russian Federation may amount to more than 10 million people.

2. Methods

The methods of analysis and synthesis of scientific literature, published in Russia and abroad, were used in the work. General approaches were applied during the study.

3. Results and discussion

The analysts from the National Research University “Higher School of Economics” found, that in the period 2005-2015, some groups of CIS countries were formed, according to their participation in the migration gain of the Russian Federation. One of the main trends was the fact, that Russia began to lose the migrants from Uzbekistan, for the first time. It should be taken into account, that if the residents of Kazakhstan were the main source of migrants for Russia, then, since the collapse of the Soviet Union, the largest share of migrants in the Republic of Tatarstan was from Uzbekistan. Among other trends, the researchers of this institute called the attractiveness of Russia for older migrants. They also write about the increase of migration exchanges with China, about how international migrants polarize the space of Russia, how the membership in EAEU facilitates the employment in Russia, about the educational level of migrants, moving to the cities, and how the "western drift" devastates the territory of the Volga Federal District [1].

The specialists from the Higher School of Economics believe that the data on migration for this period are difficult to compare, due to the multiply changes in their accounting. Also among the current trends, family migration (parents with children) can be distinguished [2].

It should be noted, that in terms of the number of illegal migrants among the world countries, Russia is the second after the United States.

There are studies, aimed at identifying the countries, leading under the criterion of illegal migrants. These countries are the following: Georgia, Moldova, Azerbaijan and Uzbekistan. It turned out, that illegal workers from Belarus occurred only in exceptional cases [3].

There are significant gender differences in modern migration movements. For example, one of five women is divorced or widowed. Individual studies show that female migrants are older and more educated than male [4].

In terms of attractiveness to foreign migrants, the regions of Russia are very much different. Being one of the leading regions for sustainable social and economic development, the Republic of Tatarstan forms a positive migration balance with the vast majority of Russian regions [5].

According to the data of Territorial body of Federal state statistics service in the Republic of Tatarstan for 2016, the immigrants provided an increase in the population of the republic by 3502 people.

From the 50s of the XX century to the present day, migration processes play an important role in the demographic development of population of the Republic of Tatarstan.

According to statistical data for 2016, it turned out that the number of migrants, resettling within the republic, amounted to 53.8 thousand people [6]. Already in 2017, 266.3 thousand foreign citizens were registered at place of stay in Tatarstan (for comparison: 241 thousand people in 2016).

Geographical spread of foreign citizens, arriving in the Republic of Tatarstan, remains practically unchanged. As before, the largest share of migrants comes from Uzbekistan, Ukraine, Azerbaijan, Tajikistan, Kyrgyzstan, as well as from non-CIS countries (Turkey, China and Germany).

Peoples from these countries are labor migrants. This was stated by 39% of the total number of foreign citizens, arriving in the republic for the first time.

According to the data of Territorial body of Federal state statistics service in the Republic of Tatarstan for 2012-2016, only the population growth ensured the balance of migration. If in 2012, the migration gain in the Republic of Tatarstan amounted to 9786 people, then in 2016, it was 5880 people. This indicates a decrease in the value of indicator. The decrease is typical for both urban and rural population. Moreover, it is based on the migrants from other countries. On the contrary, migration gain, obtained due to the exchange with the regions of the Russian Federation, tends to increase.

As for Russia as a whole, and for Tatarstan, a significant decrease in the influx of migrants from Uzbekistan is characteristic. If we compare the number of immigrants from Uzbekistan and Ukraine, in 2012 the number of people from Uzbekistan was 11 times higher (Uzbekistan - 3002 people, Ukraine – 272 people); in 2016, the number of immigrants from Ukraine was 2.5 times higher than from Uzbekistan (Uzbekistan - 335 people, Ukraine – 851 people). Migrational exchange of Tatarstan with Ukraine has always been positive. During 2012-2016 it increased threefold. In recent years, the highest migration gain was in 2015 and amounted to 933 people.

In general, there is a decrease in the number of immigrants from almost all CIS countries, except Ukraine. Despite this, a positive migration gain is maintained. Baltic countries are the exception; the indicator of migration balance with them in some years was even minus, but not more (-1 people).

The issues of attraction of labor resources from other countries are important for almost all regions of our country. The Republic of Tatarstan is no exception in this process. The point is that the implementation of grandiose projects in the field of industry, agriculture, transport and culture largely depends on the availability of a sufficient number of labor resources, in the total volume of which the migrants have recently taken significant place. At the same time, the attraction of a large number of workers from abroad can significantly aggravate the problems of unemployment for the local population,

and ultimately become a threat to the national security of the Russian Federation [7].

In Russia, the struggle within the Muslim community, associated with the definition of Islam, continues [8; 9].

Migration in the modern conditions is highly dependent on living standards. In particular, this may be due to the crime situation in various regions of the Russian Federation. In many respects, the presence of a long state border of Russia with other countries and, primarily with the countries of Central Asia, contributes to this. The point is that here are the main channels of penetration into our country of weapons, drugs, low-quality consumer goods, etc. In addition, the crime rate is significantly increased due to the arrival of a large number of people from Afghanistan, Kyrgyzstan, Uzbekistan and other countries [10].

The study of migration process with other countries in the context of “city” and “village” allows to see the similar dynamics in migration gain. In the urban areas of the Republic of Tatarstan it was 3.9 times higher, than in the rural areas. For example, according to the statistics for 2010, the difference was only 2.1 times. According to the data of Tatarstanstat for 2016, the highest migration growth in the cities was provided by the people from Ukraine (744 people), and in the villages - by the people from Tajikistan (142 people).

At the same time, it is necessary to note, that the migration exchange with the non-CIS countries and the Baltic States is also declining. Since 2014, the migration gain of the population has been replaced by the migration loss (-136 people), in 2015 (-114 people), in 2016 (- 47 people).

In January-November 2017, due to the migration, there was an increase in the total population in the Republic of Tatarstan by 4.4 thousand. This is 1,500 people less compared to 2016 (it should be noted, that the same periods of different years are taken as the basis). It is due to a decrease in the number of immigrants from other regions of the Russian Federation, and an increase in the number of emigrants. The number of people, resettling within the Republic of Tatarstan, amounted to 51.4 thousand people. This is 4.6% less, compared to the same period in 2016 [11].

4. Summary

Thus, in current times, the labor migration plays a pivotal role in the socio-economic development of the territory, and is actively used as an effective tool for the regulation of modern labor market.

In the future, the number of citizens, belonging to the category of unemployed, calculated according to the methodology of the International Labor Organization, is likely to be continuously reduced. The decline in unemployment can fundamentally affect the change in demographic structure, accompanied by a significant reduction in youth, who are at risk of unemployment most of all [12].

In the Republic of Tatarstan, the opponents of immigration do not exclude the ethnic conflicts as a result of social tension. This can also be caused by migration processes, because, as evidenced by the identified cases, there may be the proponents of "non-traditional" Islam.

5. Conclusions

The Republic of Tatarstan has always placed special emphasis on the migration policy.

For example, a special project "Tatarstan is the center of population attraction in the Volga Region" has been developed. Its aim is to ensure the influx of qualified specialists into the region. It may be possible if the potential migrants from other regions of Russia show interest in Tatarstan.

In 2014, 3819 foreign citizens obtained temporary residence permits; that is 38% higher than in 2013, and 819 more than planned.

The State program of the Republic of Tatarstan was developed not only to solve the socio-economic problems, but also to improve the demographic situation in the region. To achieve the main goal, the possibilities of voluntary resettlement of compatriots, living in other countries, are considered.

According to this State program, the following tasks are the most relevant for the Republic of Tatarstan:

- firstly, the need to maintain demographic growth, despite of the unfavorable periods of "demographic waves";

- secondly, mitigation of population ageing and rapid increase in the load on the working-age population;

- thirdly, maintaining the positions of the project “Tatarstan is the center of attraction of population migration” [12].

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THE IMPACT OF THE DECISIONS OF THE COURT OF THE EAST AFRICAN COMMUNITY ON THE NATIONAL LEGISLATION OF THE MEMBER STATES OF THE EAST AFRICAN COMMUNITY

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Abstract: The subject of this article is the jurisprudence of the Court of the East African Community in cases related to the protection of human rights. The article examines in detail the jurisprudence, which, to some degree, influenced changes in legislation in some member states of the East African Community, and in some cases prevented further violations of human rights. The authors also raise the issue of the lack of jurisdiction of the East African Court to consider complaints related to human rights violations. The authors pay particular attention to the human rights situation in Burundi, Kenya, Rwanda, and Uganda, which has developed since the Court has passed decisions. The authors also raise the issue of the place and importance of the Court of the East African Community in the regional system of human rights protection in Africa, highlight the positive contribution of the Court to the human rights situation in the subregion. The article demonstrates the existence of complex, controversial problems, the further functioning of the court of the East African Community as a quasi-judicial body for the protection of human rights depends on the need to solve it. The solution to these problems depends to a large extent on whether member states can agree to sign a protocol that gives the Court jurisdiction to handle complaints related to human rights violations in the subregion.

Keywords: African Charter on Human and Peoples' Rights; East African

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Community; regional human rights system; African Court of Human and Peoples' Rights; the subregional level of human rights protection.

Introduction

States must respect human rights and fundamental freedoms for all, regardless race, gender, language, or religion. Respect for human rights is an essential factor in the peace, justice, and democracy necessary for friendly relations and cooperation between them. Particular attention is paid to the principle of respect for human rights at the regional level [1]. Speaking about the African continent, one feature should not be forgotten, namely the presence of a subregional level of protection of human rights within the courts of subregional economic communities with a mandate to protect human rights. This article will focus on the East African Community Court and the impact of its decisions on the national laws of Member States.

Methods

The research methodology is based on general scientific and private scientific methods of cognition. The following general scientific methods were applied: deduction, induction, system method, analysis, and synthesis, comparison, abstraction, analogy, modeling. Among the private scientific methods applied were technical-legal, historical-legal method, comparative-legal, formal-legal, system-structural, logical, integrated methods, and method of legal modeling.

The regulatory basis of the study is the regulatory acts of the East African Community. The empirical basis of the article was the decisions of the Court of the East African Community.

Results and Discussion

The East African Court is an international integration court aimed at resolving disputes between Member States of the East African Community. The East African Court is established in accordance with Article 9 (c) 11 of the EAC Treaty and is authorized to interpret and enforce the terms of the Treaty by Member States [3]. The court does not have the power to examine individual complaints of alleged human rights violations. However, the jurisdiction of the East African Court is secured in accordance with Art. 27 of the Treaty, which provides that "the court shall have

jurisdiction as a court of first instance, appeal, jurisdiction for human rights and other jurisdictions, which will be determined by the Council on a suitable subsequent date" [2]. Despite the lack of clear jurisdiction of the East African Court to establish and consider cases involving human rights violations, the Court has passed judgments on individual complaints [5].

One of the most high-profile and significant was the case of Peter Anyang 'Nyong'o and others v. The Attorney General of Kenya".

In the case of Anyana Nyongguo and others v. the Attorney General of Kenya, a statement was filed to prevent the assumption of office of nine Kenyan members who were "elected" to the East African Legislative Assembly in violation of the EAC Treaty [4].

At the core of this complaint was Article 50 of the EAC, which stipulates that the National Assembly of each Member State elects nine members of the East African Legislative Assembly (EALA) in accordance with the procedures to be determined in the State Party, and the elected members must be representatives of certain groups.

In accordance with this provision, the Kenya National Assembly adopted the 2001 Rules for the Establishment of the East African Community (election of members of the Assembly) (2001 Election Rules). The first nine EALA members from Kenya, whose term expired on November 29, 2006, were elected in accordance with these rules. The dispute arose after the election of Kenya's representatives to the Second Assembly in 2006, which led the applicants to appeal to the East African Court that the nomination and election process adopted by the Kenyan National Assembly was contrary to Article 50 of the EAC, since neither "Elections", nor any debate in parliament were held on this issue. The applicants claimed that the 2001 Election Rules did not permit the direct election of candidates for EALA by citizens or residents of Kenya or their elected representatives, and therefore were invalid because they contradicted the letter and spirit of the East African Community Treaty. In addition to the complaint, the claimants successfully filed an interim petition for judicial support prohibiting the oath of

candidates in Kenya until a final decision on the complaint.

The defendants, on their part, argued that only the High Court of Kenya had jurisdiction to determine questions about the legality of elections held in Kenya and that the adoption by the East African Court of jurisdiction in their favor would usurp the functions of a national court.

The court in its final decision ruled that the 2001 Election Rules did not provide for a voting procedure for the selection or selection of representatives in the EALA and, therefore, did not comply with Article 50 of the EAC Treaty. Thus, Kenya violated the provisions of Article 50 of the EAC Treaty by holding "fictitious elections instead of the true elections" [4].

The immediate effect of the decision was that since Kenyan EALA candidates could not really take office, EALA could not conduct its activities because it was not fully formed as required by the EAC Treaty. Consequently, the Kenyan parliament on May 23, 2007, adopted new rules for the nomination of candidates in the form of the Treaty establishing the East African Community (Election of Assembly Members), the 2007 Rules. According to these Rules, Parliament must discuss and approve candidates for the position of EALA members.

From the point of view of human rights, the result of compliance with the decision of the EAC court by Kenya was a legal reform in the form of developing a more representative and more democratic structure for the election of EALA members from Kenya that meets the requirements of the EAC Treaty, which, consequently, led to other rights to political participation and effective representation in the regional parliament.

However, going beyond the observance by Kenyan authorities of the adoption of new election rules, the decision had a significant impact on the Member States.

In particular, the decision of the East African Court, in this case, had an overflow effect, reflected outside of Kenya and influenced the filing of similar cases in the East African Court, contesting the EALA elections of the parties in Uganda and Tanzania, respectively. Following this decision, two cases were instituted: the Democratic Party and Mukasa Mbidde v

Secretary-General of the East African Community [6] and the Attorney-General of the Republic of Uganda and Mtikila v Attorney-General of Tanzania & Others, and similarly led to changes in domestic law regarding the election of EALA members from these member states. Thus, the decision not only affected citizens in the other two Member States to bring similar claims to the East African Court but also contributed to legal reform in their respective jurisdictions, which helped to strengthen respect for democracy and the right to participate in political life.

Further evidence of the impact of this decision at the national level is its use as a legal precedent in litigations in national courts and, in particular, in human rights cases - an example in this regard was a reference to the decision of Anyang Nyongo by the Uganda Constitutional Court in Jacob Oulanyah v Attorney-General.

Despite a negative reaction from the EAC political organs, the chain of events that followed the decision in the Anyang Nyongo case has been an incentive for various non-state actors, including the East African Law Society, lawyers, Kenyan lawmakers, and non-governmental organizations around the East African Court to protect it from negative political consequences.

The case of Plaxeda Rugumba vs the Secretary General of the EAC and the Attorney General of the Republic of Rwanda became another important and influencing the human rights situation in Rwanda.

The applicant complained to the East African Court arguing that her brother - Sevelin Rudzhan Ngabo, a lieutenant colonel in the Armed Forces of the Republic of Rwanda, was arrested on August 20, 2010, and was detained without any contact with the outside world by the Government of Rwanda, and was formally charged.

On this basis, she applied to the East African Court stating that the arrest of her brother and detention without trial were in violation of EAC Articles 6 (d) and 7 (2).

The defendant alleged that Lieutenant Colonel Ngabo was arrested on suspicion of having committed crimes against national security and that the government had since justified his detention and held him in a well-known military prison and exercised his rights, including visits to his lawyers, family,

and friends. This statement was filed on the basis of the decision of the Rwanda Military High Court, which on 28 January 2011 ruled that the detention of Ngabo from the date of his arrest until the charge was unlawful and contrary to the provisions of the Rwanda Code of Criminal Procedure.

Making its judgment, the EAC Court of First Instance concluded that the defendant had indeed violated the provisions of Articles 6 (d) and 7 (2) of the EAC Treaty by keeping the applicant's brother without communication with the outside world for five months [8]. The East African Court in its decision referred to the provisions of Article 6 of the African Charter, which protects against unlawful detention.

The defendant appealed against this decision on the grounds that the East African Court was not vested with human rights jurisdiction to satisfy the complaint [7]. Reaffirming its jurisdiction, the East African Court of Appeal recognized that although the East African Court did not yet have clear jurisdiction in human rights as provided for in Article 27 (2), the Court had jurisdiction to interpret and apply the provisions of the Treaty. Taking into account that the applicant relied on Articles 6 (d) and 7 (2) of the Treaty, the SAC Court cannot renounce its jurisdiction on interpretation only on the grounds that the claim includes allegations of violation of human rights. It can be argued that this case contributed to the promotion of human rights and respect for the rule of law by the Government of Rwanda, albeit indirectly. Based on the facts, Lieutenant Colonel Ngabo was arrested and detained without communication with the outside world on August 20, 2010. His older sister filed a complaint with the SAC Court on November 8, 2010. Only after this complaint was submitted to the SAC Court, at the same time in Rwanda, the national authorities referred the case to the High Military Court on January 21, 2011. The High Military Court ruled within a week and on January 28, 2011, declared that Lieutenant Colonel Ngabo's detention was unlawful and then ordered preventive detention, as provided for in the Rwanda Code of Criminal Procedure. The transfer of the case to the High Military Court was influenced by a complaint filed with the East African court, that is, the

Government of Rwanda voluntarily tried to stop the violation of human rights. We see a unique form of influence, where filing lawsuits may prompt states to stop ongoing violations or take positive steps to fulfill their human rights obligations, thereby guaranteeing the protection of human rights in the long run.

We will further consider the case of the Burundi Journalists Union vs the Attorney General of the Republic of Burundi and then refer to it as the Media Case.

This case concerns the Law of the Republic of Burundi 1/11 "On Media" of June 4, 2013, which amended Law 1/025 of November 27, 2003, which regulates media in Burundi. The applicants claimed that the adopted media law unjustifiably restricted freedom of the press and the right to freedom of expression, which was the cornerstone of democracy, the rule of law, responsibility, transparency, and good governance. As such, these restrictions were contrary to Burundi's obligations under Articles 6 (d) and 7 (2) of the EAC Treaty. The applicant requested the Court to make a declarative statement that the Media Law violates the right to freedom of the press and the right to freedom of expression and therefore does not comply with Burundi's contractual obligations set forth in Articles 6 (d) and 7 (2) of the Treaty. In their opinion, a free press will lead to an informed electorate that can hold its leaders accountable and thus uphold the principles of good governance and democracy.

The applicants also requested to lay the Republic of Burundi under obligation to repeal the law or amend certain provisions in order to bring them into line with the EAC Treaty. The provisions of the Media Law, indicated by applicants as incompatible with the Treaty, include provisions regarding the mandatory accreditation of journalists; restrictions on material that can be published by the media; requirements to disclose confidential sources of information; regulation of print and web media; previous censorship clauses for films offered for screening in Burundi.

The Government argued that the Media Law was consistent with the EAC Treaty, and noted that the Burundi Parliament had fulfilled its legislative mandate as a representative of the people, and its decisions could not be

replaced by the wishes of any other parties, organizations, or individuals.

In its judgment, the SAC court noted that democracy should include respect for freedom of the press and that a free press is closely linked to the principles of accountability and transparency, which are enshrined in Articles 6 (d) and 7 (2) of the EAC Treaty [10]. Accordingly, the Court declared Articles 19 (b), (g), (i) and part (j) of the Burundi Media Law as violating the principles enshrined in Articles 6 (d) and 7 (2) of the Treaty, to the extent that they unreasonably restrict the dissemination of information on currency stability; offensive articles or communications relating to public or private individuals; information that could be detrimental to state loans and the national economy; diplomacy; scientific research; and reports of the committee on state investigations. It further declared that Article 20 of the Media Law was incompatible with Articles 6 (d) and 7 (2) of the SAC Treaty to the extent that it required journalists to disclose their sources of information to the competent authorities in situations where the information concerns crimes against state security, public order, secrets of state defense and against the moral and physical integrity of one or more persons. Therefore, the Court requested the Republic of Burundi, in accordance with Article 38 (3) of the EAC Treaty, to immediately take measures to implement the decision within its domestic legal mechanisms.

The direct impact of this decision was that the Parliament of Burundi revised the Media Act and proposed new amendments to it that would eliminate the controversial provisions in accordance with the decision of the East African Court [5]. These amendments were discussed and approved by the Senate. The new media law 1/15 was adopted on May 9, 2015. At the same time, a number of laws were passed that were considered repressive in order to restrict freedom of assembly and freedom of information, and, in particular, with reference to the regulation of the use of social networks and the Internet. Thus, on the one hand, there was compliance with the decision of the EAC court, however, the general human rights situation in Burundi changed for the worse after the decision was made [6]. In this case, the decision did not have a great positive effect.

Summary

A review of several cases analyzed in the article shows that going beyond the observance of the judgments of the Court by the respective member states, one can trace the influence of the decisions of the East African Court on the discourse on human rights in the EAC member states at different levels [6]. The analysis showed that the decisions of the EAC court had an impact on the national judicial authorities in the Member States in determining disputes at the national level. Although this argument has only been documented in relation to Uganda, the references to the Anyang Nyongo case by the Ugandan Constitutional Court demonstrate the potential of the SAC court's decisions affecting the development and interpretation of national laws.

The second level of influence is found in the "wave effect" when specific decisions of the SAC court inspired supporters and non-state actors in other member states to make substantiated complaints about human rights violations in the SAC court. For example, the Anyang Nyongo case promoted the filing of similar cases in the EAC court from Uganda and Tanzania in connection with the election of representatives of these member states to the EALA.

Thirdly, although in most cases the decisions of the EAC court had a positive impact on the human rights system, the political reaction caused by its interim decision in the Anyang Nyongo case had a negative impact both in the short and long term [6]. The consequences of amendments to the SAC Treaty, and in particular with regard to the 60-day deadline for filing a complaint, deprive plaintiffs of access to justice even in cases where grave human rights violations are alleged. However, Anyang Nyongo's case has prompted activists and NGOs to create a large network that has been involved in lengthy litigation in the SAC court in the areas of governance and human rights. The decisions of the EAC court have served to deter certain violations by the Member States. Respect for human rights standards and the influence considered in this context can be expressed in refraining from actions that amount to violation of human rights in the context of the EAC Treaty.

This conclusion is closely related to a special type of influence, based not on the decision of the SAC Court itself but on the fact of filing a complaint with the Court. This was clearly evident in the Rugumba case, when the Rwandan authorities hastened to prevent the violation, having learned that a complaint had been filed with the EAC court.

Conclusion

Hence, the decisions of the East African Court had both direct and indirect influence on state and non-state actors, which led to increased protection of human rights. It is important to note that the East African Court lacks a statutory mandate to deal with complaints of human rights violations. Considering that there is no mandatory contractual obligation of member states to give the EAC Court jurisdiction in human rights, we can argue that the EAC Court will have a greater impact on national human rights practice if it can make decisions binding on the member states of the Community in the field of human rights, as provided for in its memorandum of association. In addition, the integration of the East African Community into a regional human rights system requires an appropriate and reliable structure for the promotion and protection of human rights, which includes an EAC Court with clear jurisdiction to deal with complaints of human rights violations.

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THE ORIGIN AND DEVELOPMENT OF THE PRIVATIZATION RELATIONS IN RUSSIA: THE HISTORICAL AND LEGAL RESEARCH

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Abstract: The article deals with the historical and legal study of the emergence and development of privatization relations in Russia. Specifically historical experience clearly demonstrates that the optimally chosen form of ownership largely determines the stability of the state and the effectiveness of its economic policy. The authors study the issues of the beginning of the privatization processes, the stages of privatization provides an analysis of the main regulatory legal acts regulating the privatization processes in various historical periods. The objective of the presented historical and legal research is the formation of a comprehensive scientific understanding of the emergence and development of legal regulation of privatization relations in Russia in various historical periods. This objective predetermined the choice of tasks that must be solved in the research process: to determine the moment of the beginning of the privatization processes in Russia; describe the main stages of privatization in Russia; to analyze the regulatory legal acts regulating the privatization processes at various stages; and identify trends in the legal regulation of privatization processes at the present stage. As a result of the study, the authors concluded that the privatization that took place in Russia at the end of the XX and beginning of the XXI centuries was a process of redistribution of public property in the interests of private individuals.

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Keywords: privatization, privatization relations, property right, historical stage, state and municipal unitary enterprises.

1 Introduction

The relevance of the historical and legal study of the emergence and development of privatization relations in Russia is expressed in several aspects. The socio-economic aspect lies in the fact that privatization affects equally private and public interests. It should be noted that public law entities need to replenish the budget, as well as the development of economic relations, strive to increase the competitiveness of business entities. One of the main tasks of the state is to attract private investment and free itself from the burden of maintaining property, which requires significant costs from the owner. At the same time, private owners who have privatized state or municipal property want an absolute right for its disposal. The main task of entrepreneurs and businesses, in general, is to maximize profits from the use of privatized property.

The legislative aspect consists in the need to study the history of the legal regulation of privatization relations in order to further improve legislation in this area and determine the main trends in the development of legislation. The enforcement aspect is determined by those tasks that are achieved through the privatization of state property. In particular, it is an increase in the efficiency of enterprises, reduction of government spending at the expense of taxpayers, progressive increase in budget revenues, gradual reduction of domestic and foreign debt, support to and development of competition, as well as the fight against monopolistic entities in the market, etc.

There are various definitions of the term “privatization”, however, it can be stated that the literature provides two main approaches to the interpretation of this concept. According to the first approach, privatization is understood in a broad sense as "the transfer of authority from the state to private individuals" [1]. According to A. Kaidatizis, privatization is a “transfer process from “public” to “private” [2]. The second approach is a narrow understanding of privatization. It was reflected in article 217 of the Civil Code of the Russian Federation, where privatization refers to the transfer process property owned by the state or

municipal property, into the ownership of citizens and legal entities in the manner prescribed by laws on the privatization of state and municipal property.

2 Methods

The methodological basis of this study is a set of methods for the scientific knowledge of social processes, circumstances, and facts. The research is planned to be based on the following methodological principles: objectivity, determinism, historicism, integrity, complexity, systematicity, structurality, functionality, hierarchy, pluralism of explanation and understanding of law, and comparative studies.

The study is carried out through the methods of dialectical materialism as a fundamental tool in humanitarian research. As the main research method, the dialectical method of cognition is chosen, which involves the study of legal and social phenomena in their historical and logical relationship and interdependence. The authors use the methods of historicism and scientific objectivity, through which a comprehensive analysis of factual material is made considering the specific historical situation. The stages of such a historical process as privatization are identified, the features characteristic of a particular stage of privatization are considered in conjunction with an analysis of legal norms that have been in force in different historical periods, the current political situation, economic and social factors that influence privatization processes.

3 Results And Discussion

The essence of privatization relations is rather well described in foreign literature. For example, M. Peary in his monograph notes that state-owned enterprises neither have a profit motive, nor take into account consumer requests, etc., and privatized enterprises surpass state-owned enterprises in terms of their indicators [3]. A. Bordman and A. Weining adhere to a similar position [4]. That is, the emergence of privatization relations is a natural historical stage in the development of the state economy, which is aimed at developing market relations, creating competitive relations, and increasing the efficiency of state enterprises.

We will determine the initial moment of privatization relations in

Russia. An analysis of legal literature suggests that there is no consensus on this issue. Most researchers and practitioners associate the beginning of privatization processes in Russia with the changes that have swept the country since the mid-80s of the XX century [5]. This is the so-called “creeping” and “free” privatization, that is, in fact, there were economic privatization relations in the country, but there were no legal norms regulating this phenomenon. It should be noted that legally the moment of the beginning of privatization processes in Russia is determined by the adoption of the Law of the Russian Federation No. 1531-1 of 03.07.1991 "On the privatization of state and municipal enterprises in the Russian Federation", the original text of which was published in the publication "Vedomosti SND and VS RSFSR" No. 27 of 04.07.1991 (hereinafter - the Privatization Law of 1991).

At the next stage of the study, it is necessary to consider the periodization of privatization relations, which is distinguished by various authors in the scientific literature. Periodization of privatization relations was considered by such scientists as Iu.N. Argunova, A.Kh. Trofimova, V.I. Ignatov, and others.

The opinion of Iu.N. Argunova consists in the fact that she distinguishes three stages: 1) the first stage begins with the adoption of the following regulatory legal acts: the Law "On Cooperation in the USSR" (1988), the Fundamentals of the Legislation of the USSR and the Union Republics on Lease (1989) and Regulations on joint-stock companies (1990); 2) the second stage begins with the enactment of the Law of the RSFSR “On the privatization of state and municipal enterprises in the RSFSR”; 3) the third stage begins with the State program of privatization of state and municipal enterprises for 1992 [6].

If we consider the opinions of other authors, then most economists-researchers and lawyers-researchers distinguish two stages of privatization: check (voucher) from June 1992 to 1994 and money from July 1, 1994. For example, the position of A.Kh. Trofimov is consistent with the general trend and consists in the fact that two stages of development of Russian legislation on privatization should be distinguished: 1) voucher privatization (1992-1994), which consisted in the redemption of

state enterprises and their corporatization, etc.; 2) investment tenders for the sale of privatized state-owned objects (1993-1998) [7].

A study of the regulatory legal acts regulating the privatization processes in Russia shows that the most accurate will be the allocation of four historical stages: voucher stage (1992-1994); money stage (1993-1998); point stage (stage of "individual" projects) (2000-2003); and modern stage (from 2003 to the present).

We shall consider in more detail the features of the historical stages of the development of privatization relations and their legal regulation.

1) The voucher phase (the so-called “small privatization”) is due to the adoption of such regulatory acts as the Privatization Law of 1991, the Decree of the President of the Russian Federation “On accelerating the privatization of state and municipal enterprises” of January 29, 1992, and the Decree of the President of the Russian Federation “On Introduction the system of privatization checks in the Russian Federation” of August 14, 1992. This stage is also called a check in the literature since the right of citizens to receive a share of state property was certified by special security - a check. These regulations also established the mechanism for the initial distribution of shares between labor collectives and the state through vouchers with a nominal value of 10 thousand rubles. This voucher could be disposed of at one’s choice freely: to sell in any way, or to buy shares of check investment funds.

During the implementation of the voucher phase of privatization, the following goals were set: “denationalization of the Russian economy, redistribution of private property rights; formation of a group of private owners; increase of the efficiency of Russian enterprises; development of a regulatory framework for the transfer of property rights from one entity to another; development of investment processes; and creation of competitive relations” [8].

It should be noted that during the voucher phase some implementation problems arose, they were mainly associated with the unwillingness of “immediate privatization and the high pace of privatization processes” [5]. Qualified personnel was required for carrying out privatization procedures,

thorough legal regulation of privatization procedures, and the necessary financial resources.

The end of the voucher phase dates back to the end of 1994. It should be noted that the official goals of privatization were not fully achieved, and if talking about socio-economic results, they were also negative, in particular, the political confrontation in society intensified, and internal party struggle began. In 1993, a scientific article was published by M. Boiko, A. Shleifer, R. Vaishni, which analyzed the Russian privatization program and concluded that at the moment this was the only way to achieve progress in corporate governance. Organizations should have an incentive to develop, that is, strive for efficiency in their own interests [9].

2) The monetary stage of privatization (the so-called "large privatization"). The completion of the voucher phase and the transition to the monetary one was due to the need to create a new privatization system, which was reflected in the program for 1994, approved by Decree of the President of the Russian Federation No. 1535 of July 22, 1994. The main purpose of this document was to complete previous reforms and “establish secondary market securities, the approval of all necessary structures of a normal, civilized stock market in Russia” [10]. During this historical period, there was an increase in the number of private owners, which was supposed to stabilize the economic basis of market relations. The developers of the new privatization system have retained the basic methods of privatization, as well as defined specific privatization rules for enterprises with a state share of the property of more than 25%. At this stage, investment funds began to play a special role, which could really participate in the management of joint-stock companies, as they could increase the share of one enterprise in their assets to 25%.

The investigated stage of privatization can be characterized as a market since it is precisely the market mechanisms that have become dominant in the relations of the development of forms of ownership. The signs of this historical stage in the development of privatization relations include 1) the priority of private ownership over state property; 2) the emergence of new social groups that have financial and political

influence due to their well-being. At the same stage, the Federal Law No. 123-FZ of July 21, 1997 "On the privatization of state property and the basics of the privatization of municipal property in the Russian Federation" is adopted, which was published in its original version in the "Collection of Legislation of the Russian Federation" No. 30 of July 28, 1997.

3) Point (stage of "individual" projects). Since September 9, 1999, the beginning of the point phase of privatization is being determined (adoption of Decree of the Government of the Russian Federation No. 1024 of 09.09.1999 “On the concept of state property management and privatization in the Russian Federation” and the valid Federal Law No. 178-FZ of 17.12-2001 “On the privatization of state and municipal property”, published in its original version in the “Parlamentskaia Gazeta” No. 19 of 26.01.2002). We shall define the main goal of this stage. It consisted of the creation of a sustainable system of various forms of ownership. In these regulatory legal acts, the limits of competence of various public authorities for the management and disposal of state and municipal property were designated. It should be noted that the legislation on the privatization of the stage in question is significantly different from the legislation of the previous stages due to a change in the target and conceptual attitudes.

The signs of this stage are: 1) the development of secondary privatization, in the framework of which the privatized property was transferred to the new owners; 2) privatization of state property by foreign companies bypassing legislation, and 3) the use of bankruptcy as a method of privatization.

4) The modern stage. Undoubtedly, the campaign on the privatization of the economy, carried out in the 1990s, cannot be compared with modern trends in privatization, however, legal issues are required for its successful implementation and effective state and public control over the course of the privatization campaign and its results.

It should be noted that in 2004-2008, the number of companies with a state or municipality share in capital, their participation in mergers and acquisitions increased.

The order of the Government of the Russian Federation No. 1805-r of November 30, 2009, approved a forecast

plan (program) for privatizing federal property for 2010 and the main directions for privatizing federal property for 2011 and 2012. This document contained provisions on attracting extrabudgetary investments in the development of privatized industrial companies; on expanding the list of sectors (industries) for the purpose of privatization; focus on privatization of a number of largest (budget-forming) companies. Since 2011, three-year privatization programs have been implemented: for 2011-2013, for 2014-2016, for 2017-2019. Each program is characterized by its goals and objectives that were the priority at a certain stage.

4 Summary

The conducted historical and legal research allows us to conclude the following:

1) The moment of the beginning of the privatization processes in Russia is determined by the adoption on July 3, 1991, of the law “On the privatization of state and municipal enterprises in the RSFSR”. Despite the fact that the need to change property relations arose in the 1980s, it was the 1991 privatization law that established the list and competence of state bodies authorized to carry out privatization. This law established the procedure and methods for the privatization of state and municipal enterprises: sale of enterprises by competition, at auction, sale of shares (stocks) in the capital of an enterprise, redemption of leased property, and transformation of an enterprise into a joint-stock company.

2) The development of privatization, subject modern realities, can be divided into four stages: voucher privatization (1992-1994); money stage (1993-1998); point stage (stage of "individual" projects) (2000-2003); and modern stage (from 2003 to the present). Each of these stages was accompanied by appropriate legal regulation.

3) The review of the current legislation on privatization allows us to identify trends in the legal regulation of privatization processes at the present stage: equality of rights of buyers of state and municipal property in the process of privatization; the use of competitive methods for determining buyers of state and municipal property in the privatization process; compulsory retribution of alienation of state and

municipal property in the process of privatization.

5 Conclusions

The immediate goal of privatization at the initial stage was to create an effective, socially-oriented market economy, increase the activity of business entities, develop competition, etc. Due to the fact that the privatization process was accompanied by violations, both on the part of the federal government bodies and their authorized representatives, and by the heads of the privatized enterprises, this goal was not fully achieved, and the distribution of property was carried out among a limited circle of people.

At the present stage, there is a need to adjust the current legal regulation of privatization relations, identify the current goals and objectives of privatization, the forms of its implementation, taking into account the indicated trends.

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ECONOMETRICAL MODELING OF THE STRUCTURE OF MULTIDIMENSIONAL STATISTICAL INTERRELATIONS

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Abstract: In economics, the general theory is largely descriptive, and mathematical models are not only statistical but also partial. Therefore, an economic phenomenon usually requires using partial methods and getting only private solutions limited by particular conditions - the type of activity, its place and time of implementation. The real idea of the nature of the economic phenomenon that interests us is given only by statistical data. Correlation analysis is a time-consuming and completely non-formalizable task when it is necessary to justify the relationship structure of a large number of factors. In addition, the quality and interpretation of the results of statistical analysis are predetermined by the nature of the statistical models used to obtain sample estimates of their parameters. Due to the complexity of multidimensional statistical models, general theoretical concepts are usually limited by the assumption that the sampled data does not contradict the normal multidimensional distribution law. This greatly simplifies multivariate statistical analysis and therefore it always leads to linear regression relationships, which corresponds to a trivial system of correlation relationships and is rarely observed in reality. The structure of each economic object is unique, therefore, it is proposed to refine it using a system of correlation matrices of various orders. It is shown that the generalization of large volumes of multidimensional sample data in the form of "portraits" of correlation matrices clearly represents the specific features of the object of study. Moreover, the empirical system of statistically significant relationships is transformed into the corresponding

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model of economic relationships. Prerequisites are being created for the practical use of universal systems analysis methods based on modern theoretical and software tools of information technologies.

Keywords: econometrics, correlation analysis, multivariate sampling, statistical model, relationship structure

1 Introduction

The interconnection of disciplines that study complex socio-economic phenomena and processes significantly increases the necessary amount of basic knowledge in connection with new ideas of science and the needs of the practice. The basic concepts and methods of economic statistics have evolved over the centuries as the ever-growing demands of practical activity have accumulated [1, 2]. However, at the same time, not only the statistical analysis tools were created and improved. Along with them, methods countering with modern conditions were established.

The same problems arise in the development of hardware and software for computer technology. Therefore, the role of systematic methods of organization and management is growing not only in information technology but in technical and socio-economic systems [3]. A less formal apparatus of discrete mathematics turned out to be in demand as a source of adequate mathematical representations and economic models, as well as a tool for formalizing problems.

Undoubtedly, the role of classical mathematical disciplines is also increasing. However, the generalization of mathematical and statistical methods for solving economic problems under accelerated development, which is initiated by global informatization, is largely associated with methods of system analysis and discrete mathematics [4, 5]. Thus, the effective organization and management of modern production are associated with typical facilities and industries rather than with unique enterprises. They are designed based on system representations according to design standards such as BRP or MRP [6]. Models of business processes formalize production activities, which should ensure the quality of products in accordance with ISO standards. The generally accepted,

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typical structures of interconnections that implement these standards predetermine the final choice of a certain type (class) of mathematical models corresponding to them [7].

However, the specifics of the place, time, and nature of economic activity always remain a unique characteristic of each object. This area is the subject of statistics, which, using statistical models, estimates such non-random deviations from the standards that take shape under non-deterministic conditions [8-10]. The structure of the statistical relationships of the system of economic indicators $X_1, X_2, \ldots, X_P$ is fixed by real statistics in the form of a multidimensional sample. It is predetermined by the law of the joint distribution of their probabilities $f(x_1, x_2,\ldots, x_p)$ if the indicators are considered as a system p of random variables $CpCB (X_1, X_2, \ldots, X_P)$. A classical regression analysis proceeds from theoretical ideas about the normal nature of multidimensional distribution. Moreover, each random variable also has a normal distribution law. Therefore, all its results are a direct consequence or generalization of the mathematical properties of the normal multidimensional law. In particular, a linear, additive model of multiple regression is adequate only when the distribution of the sample is close enough to the normal distribution [11-13].

2 Estimation Of The Structure Of Statistic Relationships Based On Multidimensional Sampling Data (Main Part)

An econometric analysis distinguishes explained (dependent) and explanatory (independent) variables. There can be any number of them but several explained variables lead to model representations associated with regression systems in the form of recursive or simultaneous equations. This is a separate, more general section of econometrics [8], therefore, in the future, we will to considering an explained variable only.

The following designations are accepted: Y – explained variable, and – $X_1, X_2, \ldots, X_P$ – explanatory (factorial) variables. Their total number is $p+1$. Any variable can be explained, depending on the nature of the subject area and the objectives of the study. It is

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denoted as *Y*, unlike the rest of the explanatory variables - X_i, where $1 \le i \le p$. All subsequent analysis is performed within this limitation. The analysis is repeated, if it is necessary to study the behavior of another variable in the population, due to the influence of other variables.

Statistical estimates (empirical values) of the theoretical characteristics of the joint probability distribution of the system *CB* ($Y, X_1, X_2, \ldots, X_P$) are usually obtained from *n* random measurements *(p+1)th CB*. It is believed that the general population is subordinate to the normal multidimensional distribution, and $n >> (p+1)$.

Table 1. Presentation of multidimensional sampling data

$$\begin{array}{ccccccc} Y & X_1 & X_2 & \ldots & X_i & \ldots & X_p \\ y_1 & x_{11} & x_{21} & \ldots & x_{i1} & \ldots & x_{p1} \\ y_2 & x_{12} & x_{22} & \ldots & x_{i2} & \ldots & x_{p2} \\ \ldots & \ldots & \ldots & \ldots & \ldots & \ldots & \ldots \\ y_j & x_{1j} & x_{2j} & \ldots & x_{ij} & \ldots & x_{pj} \\ \ldots & \ldots & \ldots & \ldots & \ldots & \ldots & \ldots \\ y_n & x_{1n} & x_{2n} & \ldots & x_{in} & \ldots & x_{pn} \end{array} \quad (1)$$

To refine the composition and structure of correlation relationships in the form of regression relationships, based on this initial information, which represents the real state of the studied economic phenomenon, the coefficients of partial, multiple-partial, and multiple correlations are calculated.

Estimates of the linear coefficients of pair correlation ρ_{ij} of any variables X_i and X_j are calculated according to a sample of *n* real measurements of economic factors by the formulas:

$$r_{X_i X_j} = \frac{S_{X_i X_j}}{\sqrt{S^2_{X_i}} \cdot \sqrt{S^2_{X_j}}}, \quad (2)$$

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where $S_{X_iX_j} = \frac{1}{n}\sum_{k=1}^{n}\left(x_{ik} - \overline{X_i}\right)\left(x_{jk} - \overline{X_j}\right)$, $S^2_{X_i} = \frac{1}{n}\sum_{k=1}^{n}\left(x_{ik} - \overline{X_i}\right)^2$, $S^2_{X_j} = \frac{1}{n}\sum_{k=1}^{n}\left(x_{jk} - \overline{X_j}\right)^2$.

For a multivariate sample for p variables, they are represented by matrices of sample or empirical values of the corresponding theoretical indicators:

$$S = \begin{pmatrix} S_1^2 & S_{12} & \dots & S_{1p} \\ S_{21} & S_2^2 & \dots & S_{2p} \\ \dots & \dots & \dots & \dots \\ S_{p1} & S_{p2} & \dots & S_p^2 \end{pmatrix} \qquad R = \begin{pmatrix} 1 & r_{12} & \dots & r_{1p} \\ r_{21} & 1 & \dots & r_{2p} \\ \dots & \dots & \dots & \dots \\ r_{p1} & r_{p2} & \dots & 1 \end{pmatrix}$$

All other indicators of statistical communication are calculated on the basis of these basic characteristics.

To calculate the partial coefficients of the pair correlation of the first order, linear coefficients $r_{X_iX_j}$ of zero-order are used:

$$r_{X_iX_j/X_k} = \frac{r_{X_iX_j} - r_{X_iX_k}r_{X_jX_k}}{\sqrt{1 - r^2_{X_iX_k}}\sqrt{1 - r^2_{X_jX_k}}} \qquad (3)$$

At the same time, the linear relationship of the variables X_i and X_j is "cleared" of the influence of X_k – one of the remaining p variables of the sample population.

The partial coefficients of pair correlation of the second, third, and higher orders are calculated using the recurrence formula and the previously calculated coefficients of the previous order:

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$$r_{X_i X_j / X_k X_m} = \frac{r_{X_i X_j / X_k} - r_{X_i X_k / X_m} r_{X_j X_k / X_m}}{\sqrt{1 - r^2_{X_i X_k / X_m}} \sqrt{1 - r^2_{X_j X_k / X_m}}} \quad (4)$$

If it is necessary to "clear" the relationship between the variables X_i and X_j from the influence of all other variables in the population, then it is convenient to replace the recurrence relation with a sufficiently large number of variables by another using the original correlation matrix R:

$$r_{X_i X_j / \overline{X_i X_j}} = \frac{-R_{ij}}{\sqrt{R_{ii} \cdot R_{jj}}} \quad (5)$$

where R_{ij} is the algebraic complement of the element r_{ij} of the correlation matrix, $\overline{X_i X_j}$ are the variables complementing the variables X_i and X_j to the full composition of the set of interconnected CBs.

Partial pair correlation coefficients of the highest order are most convenient for practical use. They are the only characteristics for each pair of variables X_i and X_j, represent the close relationship of each of all pairs of variables in a "pure" form.

The aggregate, multiple correlation coefficient characterizing the close relationship of the explained variable Y with all other factorial variables of the system

$$R_{YX_1 X_2 \ldots X_p} = \sqrt{1 - \frac{|R'|}{|R|}} \quad (6)$$

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where $\square R \square$ is the determinant of the correlation matrix R for the system of the $(p+1)$-th economic indicator Y, X_1, X_2, …, X_P, and $\left| R' \right|$ is the determinant of this matrix of internal factor correlation with the excluded first row and column corresponding to the indicator Y.

Table 2: The matrix of linear coefficients of pairwise and partial correlations of the CB system (***Y***, X_1, X_2, …X_p).

ij	***Y***	***X1***	***X2***	***X3***		*p*
	1	r_{YX_1}	r_{YX_2}	r_{YX_3}	..	
1	r_{YX_1/X_2}	1	$r_{X_1X_2}$	$r_{X_1X_3}$	..	
2	r_{YX_2/X_1}	$r_{X_1X_2/YX_3}$...	1	$r_{X_2X_3}$	..	
3	r_{YX_3/X_1X_2}	$r_{X_1X_3/YX_2}$...	$r_{X_2X_3/YX}$	1	..	
	...	...	...	...	..	..
p	r_{YXp/X_1}	r_{X_1Xp/YX_2}	$r_{X_2Xp/Y}$	r_{YX_P/X_1}	..	

The upper right part of Table 2 shows the linear coefficients of pair correlation. They are elements of the correlation matrix $R = (r_{ij})_{(p+1)\square(p+1)}$, supplemented by another explained variable Y. A comparison of the partial pair correlation coefficients of various orders is used to justify the model representation of the multiple statistical relationships.

The structural features of the composition of the explanatory variables are multicollinearity, which is important not only for creating the conditions for

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the justified use of classical OLS. The presence of groups of interrelated indicators serves as the basis for identifying internal processes that shape the behavior of the studied economic object. Their interaction with other uncorrelated indicators reveals the mechanisms of complex, non-linear formation of the behavior of the explained variable.

The independence condition in the aggregate of the system *p* of random variables requires the independence of not only each pair but also all possible combinations of three, four, up to the (*p* -1)-th component of the system. Based on this, the analysis of the characteristics of pair correlations must be verified using triple, quadruple, etc. characteristics of multiple relationships. Unlike pair correlations, they are called multiple correlations, and their analogs of partial correlation are called multiple-partial correlations. All of them are also calculated based on the correlation matrix *R* using multiple correlation coefficients:

$$r_{YX_1X_2\dots X_k / X_{k+1}\dots X_p} = \sqrt{\frac{R^2_{YX_1X_2\dots X_p} - R^2_{YX_{k+1}\dots X_p}}{1 - R^2_{YX_{k+1}\dots X_p}}} \qquad (20)7$$

Under fixation of the explained variable *Y*, a matrix of linear and partial coefficients of the triple set-private correlation *(p-2)* of the second-order (with any pairs of explanatory variables) is also formed. As a result of this, as in the case of pair correlation, the multifactor correlation matrix remains two-dimensional but of a smaller order $(r_{YxiXj})_{p\square p}$. If all variables are selected for the regression, then the intrafactual correlation will be statistically insignificant. The inter-factual correlation is the multiple correlation coefficient (6), which is also a zero-order multiple-partial coefficient.

To assess the structure of the regression model, it is necessary to additionally use empirical sample information in the form of a system of coefficients of linear, partial, and multiple-partial correlation. Although

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this compresses a large amount of the initial statistical data, the total number of communication characteristics remains quite large. The next step is to highlight essential, statistically significant relationships. The statistically insignificant matrix elements are replaced by zeros. The number of non-zero elements for structured economic phenomena is much less than the number of zeros. They are scattered throughout the matrix, forming what is called a portrait of the matrix or its pattern of zeros - not zeros [14]. The portrait of the matrix becomes a model of the relationship structure, formalizing the choice of a statistical model for generalizing real sample data.

The correct choice of the structure of the statistical model improves the quality and reliability of the results of processing sample data [15]. The sparseness of the correlation matrix is a clear reflection of the fact that a fairly simple idea of the most characteristic relationships of the studied object is obtained. Further, to illustrate the foregoing, several characteristic situations are considered.

Example 1. A detailed "portrait" of the correlation matrix R (8) is obtained for the system of $(p+1)$-th economic indicator. All explanatory variables X_i are in a statistical relationship with the explained variable Y. But at the same time, they remain uncorrelated among themselves. In other words, intrafactual correlation is completely absent.

$$R=\begin{pmatrix} 1 & r_{YX_1} & r_{YX_2} & r_{YX_3} & \dots & r_{YX_{p-1}} & r_{YX_p} \\ r_{YX_1} & 1 & 0 & 0 & \dots & 0 & 0 \\ r_{YX_2} & 0 & 1 & 0 & \dots & 0 & 0 \\ r_{YX_3} & 0 & 0 & 1 & \dots & 0 & 0 \\ \dots & \dots & \dots & \dots & \dots & \dots & \dots \\ r_{YX_{p-1}} & 0 & 0 & 0 & \dots & 1 & 0 \\ r_{YX_p} & 0 & 0 & 0 & \dots & 0 & 1 \end{pmatrix} \quad (8)$$

The mathematical model of such a system for the relationship of indicator Y with explanatory variables is the following form of the distribution law:

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$$f(y,x_1,x_2,...,x_P)=f_{x_1x_2\cdots x_P}(y)f_{x_1}(x_1)f_{x_2}(x_2)\cdots f_{x_p}(x_p) \quad (9)$$

It is graphically represented by the following structural diagram:

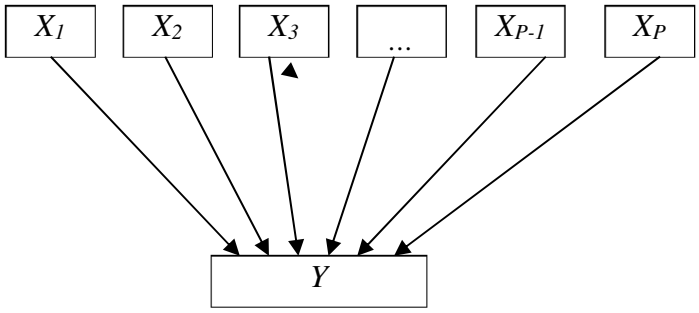

Fig. 1. The correlation graph of uncorrelated factors

This is the most important particular case when the application of the linear model of statistical correlation is most justified and explains the behavior of Y by the influence of p independent variables in the aggregate X_i. It gives the highest quality estimates when using the ordinary least squares method (OLS) [8]. Since the basic theoretical prerequisites of the regression analysis are fulfilled, the structure of the interconnections of such a system of indicators turns out to be the simplest, which allows using pair regression methods with a slight generalization.

Example 2. A characteristic “portrait” of the correlation matrix R for a system of seven economic indicators (10) represents a more complex structure of statistical relationships:

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$$R=\begin{pmatrix} 1 & r_{YX_1} & r_{YX_2} & r_{YX_3} & 0 & 0 & r_{YX_6} \\ r_{YX_1} & 1 & 0 & 0 & 0 & 0 & 0 \\ r_{YX_2} & 0 & 1 & 0 & 0 & 0 & 0 \\ r_{YX_3} & 0 & 0 & 1 & r_{X_3X_4} & r_{X_3X_5} & 0 \\ 0 & 0 & 0 & r_{X_3X_4/\overline{X_3X_4}} & 1 & r_{X_4X_5} & 0 \\ 0 & 0 & 0 & r_{X_3X_5/\overline{X_3X_5}} & r_{X_4X_5/\overline{X_4X_5}} & 1 & 0 \\ r_{YX_6} & 0 & 0 & 0 & 0 & 0 & 1 \end{pmatrix} \quad (10$$

The mathematical model of such a system for the relationship of indicator *Y* with explanatory variables is the following form of the distribution law:

$$f(y,x_1,x_2,x_3,x_4,x_5,x_6)=f_{x_1x_2x_6}(y)f_{x_3x_4x_5}(x_1,x_2,x_6)f_{x_4x_5}(x_3)f(x_4 \quad (11)$$

It is graphically represented by the following structural diagram in Fig. 2:

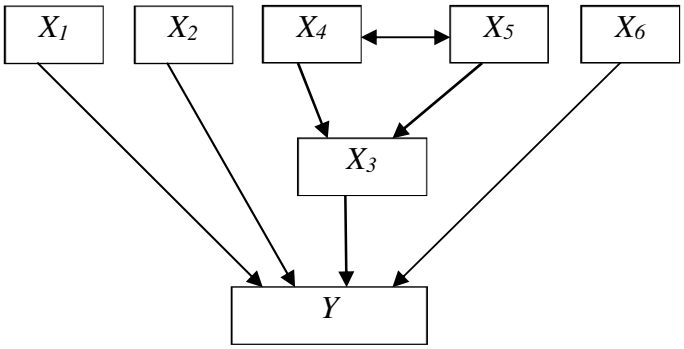

Fig. 2. The correlation graph of partially correlated factors

In this case, there is multicollinearity of the explanatory variables X_3, X_4, and X_5, which are in a statistical relationship. Moreover, only one of them, X_3, is associated with the explained variable *Y*. If the correlation strength $r_{X_3X_4}$, $r_{X_4X_5}$, and $r_{X_3X_5}$ turns out to be quite high, the estimates of the usual regression analysis using OLS are unsuitable for practical decisions.

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In addition, this example indicates that low-correlation coefficients r_{YX_4} and r_{YX_5} cannot always serve as a basis for excluding them from consideration. Here, the usual OLS must be used to estimate the regression dependence of X_3 on X_4 and X_5 and then to explain the behavior of the variable Y. If now only X_1, X_2, $X_3=f(X_4,X_5)$ and X_6 are explanatory variables, then multicollinearity will be eliminated. Then all the prerequisites for the use of OLS are satisfied, and the result of statistical analysis is a recursive regression.

Example 3. Example 2 excludes the relationship between X_3 and the explained variable Y. However, the statistical insignificance of the coefficients of their pair correlations with the explained variable Y is not enough to exclude from the correlation analysis the subsystem of interrelated variables X_3, X_4, and X_5. The "portrait" of the correlation matrix R, characteristic of this rather simple situation, is as follows:

$$R=\begin{pmatrix} 1 & r_{YX_1} & r_{YX_2} & 0 & 0 & 0 & r_{Y} \\ r_{YX_1} & 1 & 0 & 0 & 0 & 0 & (\\ r_{YX_2} & 0 & 1 & 0 & 0 & 0 & (\\ 0 & 0 & 0 & 1 & r_{X_3X_4} & r_{X_3X_5} & (\\ 0 & 0 & 0 & r_{X_3X_4/\overline{X_3X_4}} & 1 & r_{x_4x_5} & (\\ 0 & 0 & 0 & r_{X_3X_5/\overline{X_3X_5}} & r_{X_4X_5/\overline{X_4X_5}} & 1 & (\\ r_{YX_6} & 0 & 0 & 0 & 0 & 0 & 1 \end{pmatrix} \quad (12)$$

The model representation of a multidimensional sample, in this case, is two separate regressions:

$$\begin{aligned} f(y,x_1,x_2,x_6) &= f_{x_1x_2x_6}(y)f_{x_1}(x_1)f_{x_2}(x_2)f_{x_3}(x_3) \\ g(x_3,x_4,x_5) &= g_{x_4x_5}(x_3)f_{x_4}(x_5)f_{x_5}(x_5) \end{aligned} \quad (13)$$

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It is graphically represented by the following structural diagram in Fig. 3:

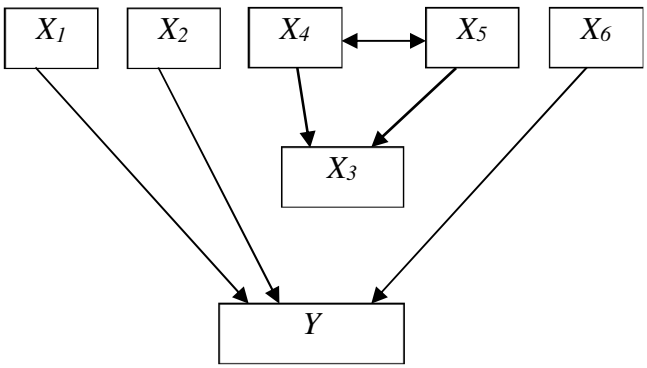

Fig. 3. The correlation graph of partially isolated factors

Since both regressions represent a single economic object, they cannot be evaluated individually using OLS. In such cases, regression analysis can lead to poor-quality (biased and untenable) estimates. In the general case, to solve such problems, model representations in the form of systems of simultaneous equations are used. For the simultaneous assessment of several regression equations, it is necessary to carry out a preliminary study and justify the conditions for the use of OLS. It is usually used in the form of an indirect, two-step or three-step OLS [8].

3 Methods

The study applied the following methods:

1. A selective analysis of specialized literature with a high citation index for the topics indicated in the title of the article. In particular, information has been collected on econometric modeling methods for complex relationships.

2. The generated array of information was systematized for the purpose of further analysis.

3. The authors interpreted the results of the study and made conclusions.

4 Results And Discussion

The article deals with the task of evaluating the system of characteristics of multifactor linear relationships and means of their systematization using multidimensional sample data. It resembles the mathematical problem of a piecewise linear approximation of unknown functions given by their numerical values. But even numerical values of the correlation coefficients that are close to zero do not always mean the complete absence of a statistical relationship. This may also mean a significant deviation of the regression dependence on the linear form. The presence of nonlinear relationships must be additionally tested using more general characteristics of the statistical relationship such as correlation relationships.

5 SUMMARY

Since the economy exists only in the form of a system organization, the methods of system analysis are largely applicable to the characteristics of the relationship of the system of its statistical indicators. Systematization of information in the form of matrices of linear coefficients of multiple, partial, and multiple-partial correlations of various orders generalizes large volumes of statistical information. The nature of the structure of these matrices contributes to a reasonable choice of the type of regression model and the involvement of specially developed econometric analysis methods.

6 Conclusions

The authors propose to use the “portraits” of correlation matrices to justify the statistical model of multidimensional sample data. At the same time, a circle of statistically significant relationships, which model the internal structure of economic phenomena, is substantiated. From a practical point of view, the analysis of the structure models of multidimensional statistical relationships and their visualization provides great opportunities by the use of universal methods of system analysis.

7 Acknowledgments

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THE MANAGERIAL DECISION-MAKING MODEL FOR THE MODERNIZATION OF TECHNOLOGIES FOR BUSINESS PROCESSES AT A LARGE INDUSTRIAL ENTERPRISE

Anton N. Karamyshev[1]

Abstract: Existing technologies for substantiating the modernization of basic business processes make it relatively easy to calculate the economic effect of its implementation (by saving resources, reducing labor intensity, increasing both labor productivity and production volumes) because all calculations are based primarily on linear relationships. The rationale for the modernization of auxiliary business processes is more problematic since their specific features significantly complicate the calculation of the economic effect. Firstly, there is a lack of information about the technologies for supporting auxiliary business processes. Secondly, the existing management tools do not consider the complex and closed nature of economic relations between supporting business processes. Thirdly, the complexity of assessing the quality of products of auxiliary business processes and their impact on the main business processes. In order to provide an opportunity to justify business process modernization projects, the author has developed a model that evaluates the effectiveness of a managerial decision on modernization based on changes in the total profit of the enterprise, which differs from the existing ones taking into account the cyclical nature of economic relationships between auxiliary business processes. The developed model for managerial decision-making for the modernization of business process technologies at a large industrial enterprise is based on the author's method of calculating the cost of production of a large machine-building enterprise, taking into account the principle of multi-cyclical distribution of the cost of auxiliary business processes.

Keywords: enterprise management, industry, modernization, model.

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1 Introduction

The most important factors that ensure the competitiveness and stable position of an industrial enterprise in a globalized open economy are profit, production costs, and sales profitability. The performance of the main and auxiliary business processes has a significant impact on these indicators, and the rationale for their modernization is relevant for industrial enterprises.

2 Main Part

Since the enterprise is a set of interconnected business processes, the modernization of one of the auxiliary or main business processes affects the performance of the network of business processes and the enterprise in general [1,2].

The simplest is the justification of projects to improve the process equipment of the main (production) business processes, which is carried out by calculating the net present value, payback period, and internal rate of return of the project [3-5]. Justification for the modernization of auxiliary business processes faces the following problems:

a) lack of information about auxiliary business processes supporting technologies;

b) the existing management tools doesn't consider the complex and closed nature of economic relations between auxiliary business processes;

c) difficult assessment of the quality of products of auxiliary business processes and their impact on the main business processes.

The developed model for managerial decision-making for the modernization of business process technologies at a large industrial enterprise (Fig. 1) is based on the author's method of calculating the cost of production of a large machine-building enterprise, taking into account the principle of multi-cyclical distribution of the cost of auxiliary business processes [6-8]. To be applied in the proposed model, this technique requires its further development, in particular, the following points should be added thereto:

"Calculation of profits from the sale of the *g*-th product". It is calculated according to the following formula:

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$$GB_g^c = GB_g \times N_g \ (1)$$

where GB_g^c is profit from the sale of g-n products;

N_g is the volume of the g-th product sold during the reporting period (month), pcs.;

GB_g is profit from the sale of a piece of the g-th product.

$$GB_g = NS_g - PC_g \ (2)$$

where

NS_g is revenue from the sale of a piece of the g-th product;

PC_g is the unit cost of the g-th item.

"Calculation of the total profit of the enterprise". It is calculated according to the following formula:

$$GB^c = \sum_{g=1}^{K} GB_g^c \quad (3)$$

where GB^c is the total profit of the enterprise;

K is the range of products.

The main criterion characterizing the quality of managerial decisions made in the medium and long term is, in our opinion, profit. If after the decision is made, the profit increases, then this decision can be considered reasonable, and vice versa.

The model for managerial decision-making for the modernization of technologies for business processes at a large industrial enterprise is shown in Figure 1.

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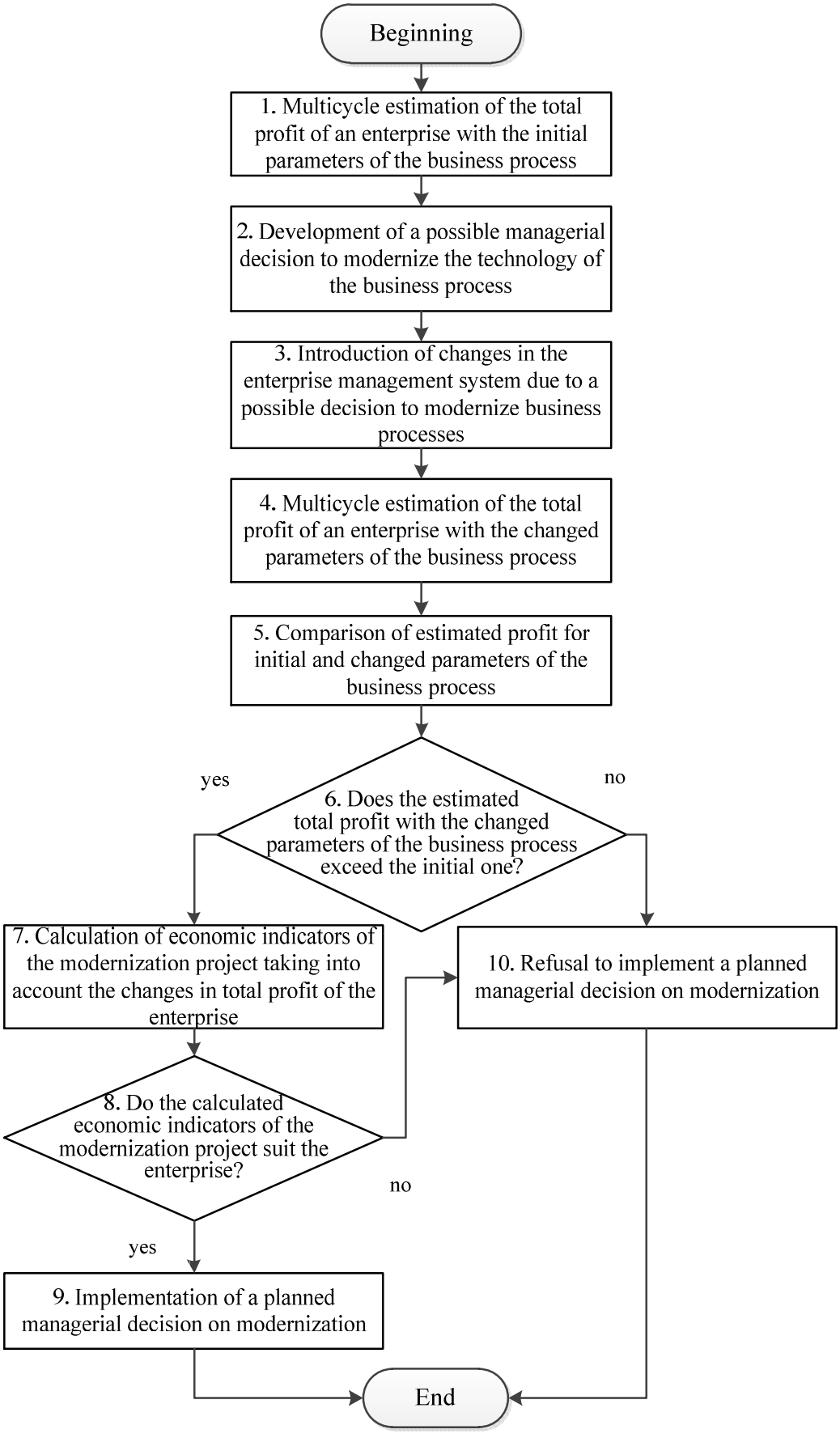

Figure 1. The model for managerial decision-making for the modernization of technologies for business processes at a large industrial enterprise (author's development)

We shall consider the stages of the proposed model.

Stage 1. Multicycle estimation of the total profit of an enterprise with the initial parameters of the business process.

The implementation of the stage is carried out on the basis of a revised author's methodology for calculating the cost of production of a large machine-building enterprise, subject to the principle of multi-cyclical distribution of their cost of auxiliary business processes [7].

The specified methodology for calculating the cost of production of a large industrial enterprise includes the following steps:

- Based on the cost estimate of the auxiliary unit, the cost of the products of the auxiliary sub-processes is calculated.
- Distribution at the z-th cycle of the cost of the auxiliary sub-process to consumer sub-processes.
- Calculation of the cost of products included in the s-th sub-process from sub-processes suppliers at the z-th cycle.
- Check of conditions for cycle termination.
- If the condition for termination of the multicyclic distribution is not fulfilled, the next distribution cycle must be implemented.
- If the condition for termination of the multicyclic distribution is fulfilled, then it is necessary to carry out the final distribution cycle for the cost of auxiliary sub-processes.
- Accumulation of the cost of auxiliary sub-processes in the context of the main business processes.
- Calculation of the total cost of the main business processes.
- Distribution of the total cost of the main business processes between their operating centers.
- Calculation of the cost of the machine-hour of the operating center in terms of general production and general business expenses of the enterprise.

- alculation of the amount of overhead allocated from a unit of operating equipment to the product.
- Calculation of the cost of the machine-hour of unutilized capacity of the equipment (in the case, if the regulatory fund of the equipment exceeds the planned value).
- alculation of the amount of overhead allocated from a unit of unutilized equipment to the product.
- Calculation of the amount of overhead costs for temporarily idle operating centers of the main business process.
- Calculation of residual overhead.
- Calculation of the cost of production.

The proposed production cost calculation methodology allows:

1. Calculating the budget cost of sub-processes and business processes.
2. Considering the multi-cyclical nature of the allocation of costs of auxiliary business processes, due to the many relationships of business processes and enterprise sub-processes.
3. Setting the level of accuracy of the distribution of the cost of auxiliary business processes to the main business processes by formulating the conditions for exit from the multi-cycle distribution.
4. Selecting the most appropriate distribution bases based on statistical methods.
5. Calculating the cost of production subject to the multi-cyclical distribution of the cost of auxiliary business processes (overhead costs).
6. Allocating overhead in the unit cost of the product attributable to operating, unutilized, idle equipment.

Stage 2. Development of a possible managerial decision to modernize the technology of the business process.

At this stage, the equipment to be replaced is determined in the considered main or auxiliary business process; marketing search is carried out in the equipment market; preliminary negotiations are held with the aim of receiving technical and commercial proposals from potential suppliers. In our opinion, at this stage, the development of a business plan for an investment project should be carried out.

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Stage 3. Introduction of changes in the enterprise management system due to a possible decision to modernize business processes.

An automated management system requires indicating the relationship of the modified business process with the rest, indicate the cost drivers for further distribution of the cost of this business process, determine the change in input and output products throughout the enterprise's business process network [1,2,10-15].

Stage 4. Multicycle estimation of the total profit of an enterprise with the changed parameters of the business process.

Based on the changes made in stage 3, the total profit of the enterprise is calculated with a modified business process.

Stage 5. Comparison of estimated profit for initial and changed parameters of the business process.

At this stage, two values are compared: GB^c_{before} (total profit of the enterprise before making a management decision to modernize the business process) GB^c_{after} (estimated planned total profit of the enterprise in case of making a management decision to modernize the business process).

Condition 6. Does the estimated total profit with the changed parameters of the business process exceed the initial one?

Mathematically, this condition can be expressed as follows:

$$GB^c_{before} \leftarrow GB^c_{after} \quad (4)$$

If condition (4) is fulfilled, proceed to stage 7; otherwise, proceed to stage 10.

Stage 7. Calculation of economic indicators of the modernization project taking into account the changes in total profit of the enterprise.

The basic economic indicators of the investment project for the modernization of the business process

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under consideration are calculated: net present value, payback period, and internal rate of return. At the same time, the economic effect of the project is formed by increasing the total profit of the enterprise:

$$\Delta GB^c = GB^c_{after} - GB^c_{before} \quad (5)$$

where ΔGB^c is the amount the total profit of the enterprise from the implementation of the project has increased by.

Stage 8. Do the calculated economic indicators of the modernization project suit the enterprise?

If the calculated economic indicators of the modernization project suit the enterprise management, they proceed to stage 9, otherwise, they proceed to stage 10.

Stage 9. Implementation of a planned managerial decision on modernization.

At this stage, the implementation of organizational and technical measures provided for by the business plan of the investment project begins.

Stage 10. Refusal to implement a planned managerial decision on modernization.

Management decision that reduces the total profit from sales of products is rejected.

3 Methods

The study applied the following methods:

1. A selective analysis of specialized literature with a high citation index for the topics indicated in the title of the article. In particular, information was collected on the problems of substantiating the feasibility of modernizing business processes, taking into account the specific features of large machine-building enterprises.

2. The generated array of information was systematized for the purpose of further analysis. In particular, based on the analysis of existing methodologies, a model for managerial decision-making for the modernization of business process execution

technologies at a large industrial enterprise was proposed, and its advantages and disadvantages were identified.

3. The authors interpreted the results of the study and made conclusions.

4 Results And Discussion

The proposed model is based on the author's method of calculating the cost of production of a large machine-building enterprise, taking into account the principle of multi-cyclical distribution of the cost of auxiliary business processes. To be applied in the proposed model, this technique was extended.

Without a modified cost calculation methodology, the use of the proposed model is problematic since it is based on more accurate calculations of the cost of production of a large machine-building enterprise.

5 Summary

The rationale for the modernization of auxiliary business processes is more problematic since their specific features significantly complicate the calculation of the economic effect. Firstly, there is a lack of information about auxiliary business processes supporting technologies. Secondly, the existing management tools doesn't consider the complex and closed nature of economic relations between auxiliary business processes. Thirdly, difficult assessment of the quality of products of auxiliary business processes and their impact on the main business processes.

6 Conclusions

The proposed model of managerial decision-making for the modernization of technology for business processes allows considering the impact of modernization of one or more business processes of the enterprise on their entire network; it differs from the existing ones in taking into account the cyclical nature of economic interconnections between auxiliary business processes.

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INSTITUTIONAL FRAMEWORK FOR REGIONAL INTERNATIONAL SCIENTIFIC AND TECHNICAL COOPERATION IN THE SCO AND ASEAN

Adel I. Abdullin[1]
Rosa I. Sitdikova[2]
Natalia E. Tyurina[3]
Liliia D. Iafizova[4]

Abstract: This article presents a comprehensive analysis of the institutional forms of regional scientific and technical cooperation in such integration associations as the SCO and ASEAN. The founding documents of the SCO (the Charter of the Shanghai Cooperation Organization) and ASEAN (n the Declaration on the Establishment of ASEAN) define scientific and technical cooperation as one of the tasks of these regional organizations. The authors proceed from the fact that overcoming the obstacles to the development of modern society is unthinkable without reliance on scientific and technological progress, and therefore a joint search for solutions to problems that already exist today and may arise in the 21st century is necessary. The expansion of cooperation in the field of science and technology within the framework of the SCO has been defined as one of the areas of cooperation and an institutional mechanism for the interaction of member states has been created, in which a permanent working group on scientific and technical cooperation holds an important place. One of the significant results in creating the material base for joint research is the SCO University (SCOU). Its main goal is to give a new impetus to the expansion of multilateral educational, scientific and cultural cooperation. The article notes that

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ASEAN's scientific and technical research is not limited to internal projects. A significant role in the development of this area is played by documents and institutions in which Russia is involved.

Keywords: international regional cooperation, scientific and technical cooperation, Shanghai Cooperation Organization, Association of Southeast Asian Nations.

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Introduction

Scientific and technical cooperation in the modern world is becoming an integral part of interstate relations. In this regard, the legal and political lexicon acquires a new concept - scientific diplomacy. The essence of this concept is revealed in the activities of international institutions, which are most characteristic of relations at the regional level [1] [2].

Since the exchange of scientific knowledge and discoveries is of great interest to Russia, the study of the legal aspects of the activities of international regional organizations in this area is a necessity in order to use and optimize the methods and forms of research cooperation to increase the country's scientific potential.

Methods

An analytical study of regional scientific cooperation using a formal legal and comparative method revealed the experience of institutional interaction within the framework of regional international organizations, which can be used to further develop and improve joint research and technological developments. At the same time, special attention is paid to auxiliary, nonetheless essential, instruments of legal regulation, including, inter alia, provisions on the status of a joint project.

Results And Discussion

Based on the special attention that is currently being paid in Russia to the development of relations with the countries of the Asian region, the proposed article will consider scientific cooperation in the SCO and ASEAN.

Shanghai Cooperation Organization (SECO). Publications devoted to this organization mainly focus on security issues, to a lesser extent - on economics, and almost neglect the sphere of scientific and technical relations [3]. Meanwhile, the experience of cooperation in this area exists and is of interest from the point of view of institutional interaction.

The SCO's founding document - the Charter of the Shanghai Cooperation Organization - encourages scientific and technical cooperation as one of the tasks, the solution of which is defined as the goal of this institution. In addition, given that overcoming obstacles to the development of modern society is unthinkable without reliance on scientific and technological progress, a joint search for solutions to problems that will arise in the 21st century can be noted as a task of this kind. The expansion of cooperation in science and technology is also defined as one of the areas of cooperation within the SCO [4].

In May 2010, the first meeting of the heads of ministries and departments of science and technology of the SCO member states was held in Beijing, at which it was decided to create a permanent working group on scientific and technical cooperation. The working group is called upon to promote the expansion of scientific and technical cooperation between the SCO member states and improve the legal framework of relations in this area.

An important stage in the formation of the legal framework was the signing of the Agreement on scientific and technical cooperation on September 13, 2013 [5].

Article 1 of the Agreement provides a list of areas of cooperation that defines areas of research; it is worth noting that this list is not exhaustive.

Forms of cooperation in accordance with Article 2 of the Agreement may be:

- organization of scientific and technical research;

- development and implementation of joint scientific and technical programs and projects;

- organization and participation in scientific conferences, seminars and

other events held within the framework of the SCO;

- development and implementation of innovative technologies in various fields of science;

- exchange of scientific and technical information;

- exchange of experts and scientists;

- other possible forms determined by the Parties by mutual agreement.

Coordination of cooperation on the implementation of the provisions of the Agreement was entrusted to a permanent working group on scientific and technical cooperation (Article 5).

In terms of legal regulation, the Agreement acts as a general basis for interaction in all these areas. For the implementation of certain provisions the signing of individual protocols is provided (Article 6) [5].

In order to implement the Agreement in general, the Council of Heads of Government took a decision on a plan of practical measures (roadmap) for cooperation between research institutions of the SCO member states for 2019-2020. The plan aims to expand the scope of scientific and technical cooperation through the exchange of innovations, research results and is focused on the creation of large-scale joint research programs. Particular emphasis is placed on partnerships between scientific organizations, scientists and specialists of the SCO member states, joint work on the practical implementation of ideas, projects and innovative solutions, participation in international symposia, conferences, seminars and other events in the field of science and technology [6].

A number of these activities are carried out within the framework of the SCO Forum, which was established on May 22, 2006. The Forum Regulations (Article 1.2) determine that it is a multilateral, public consultation and expert mechanism established to facilitate and provide scientific support to the activities of the SCO and to develop scientific cooperation - research and political science centers of the SCO member states, conducting joint research on topical issues of the terms of reference of the Organization, explaining the tasks and principles of the SCO, expanding its ideology with scientific and public circles, as well as

encouraging exchanges of opinions between scientists and experts in the fields of politics, security, economics, ecology, new technologies, in the humanitarian and other fields [7].

Over the past years, the Forum has established itself as an authoritative scientific and analytical event, in the framework of which discussions are unfolding on the most pressing political and economic issues. More than 100 scientists, experts and diplomats from member states, observer countries and SCO dialogue partners took part in the annual meeting of the Forum held on April 17-18, 2019, organized by the Chinese Academy of International Affairs at the Ministry of Foreign Affairs of the PRC. The topic of the scientific reports of this meeting was continued, in particular, the study of such an urgent problem of international law in relation to the Eurasian region as integration processes.

One of the significant results in creating the material base for joint research is the SCO University (SCOU). The university operates on the basis of 53 universities in the SCO member states, as well as observer countries without the formation of an independent legal entity. Among the goals of the SCO is to give a new impetus to the expansion of multilateral educational, scientific and cultural cooperation, and provides, inter alia, the harmonization of forms and main topics of coordinated research [8].

Joint scientific research and the exchange of achievements in this area constitute a promising area in the relations of the SCO member countries. This is confirmed by the Development Strategy of the Shanghai Cooperation Organization until 2025, which provides for the consistent expansion of relations between educational, scientific and research institutions, the implementation of joint research programs and projects of mutual interest [9].

Association of Southeast Asian Nations (ASEAN). Features of scientific and technical cooperation in ASEAN were considered in a number of foreign publications, but have not yet received comprehensive coverage from domestic researchers [10]. The institutional aspect that is the subject of this article is intended to partially fill this gap.

The Declaration on the Creation of ASEAN (Bangkok Declaration, August 8, 1967) defines scientific and technical cooperation as one of the tasks of this regional organization [11]. Subsequently, this provision of the Declaration was reproduced in the Treaty of Friendship and Cooperation in Southeast Asia (Bali Treaty, Indonesia, February 24, 1976), to which Russia, which is not a member of ASEAN, acceded on November 29, 2004. In the treaty (Article 8) it is specified that the parties will provide each other with materials for training and research in the social, cultural, technical, scientific and administrative fields [12]. Thus, for the purposes of the study, not only the interaction of ASEAN members but also the relations of this organization in the field of scientific and technical cooperation with Russia and the EAEU are of great interest.

For several decades, ASEAN focused primarily on resolving economic problems. Certain successes achieved in this area allowed us to move on to other issues that were raised in the constituent document. In 1978, the Science and Technology Committee (STC) was formed. STC coordinates scientific and technical cooperation in ASEAN under the leadership of the Ministerial Conference on Science and Technology. The Consultative Council, 9 subcommittees in various areas of scientific and technical research and an expert group on metrology operate within the framework of the STC. STC also acts as the central body for relations with relevant authorities in individual countries and regional organizations, with which ASEAN has a partnership dialogue. These include Russia.

STC is also responsible for the distribution and use of the proceeds of the ASEAN Science and Technology Foundation (Science Foundation), which was established to finance programs, projects and activities in the field of scientific and technological cooperation. The determination of the strategy and the consideration of funding requests takes place with the assistance of the Advisory Board. On April 8, 2000, ASEAN member countries signed an Agreement to increase the Science Fund by establishing a contribution of one million US dollars for each ASEAN member [13].

Currently, the main activity of the STC is the strategic guide for the

implementation of the Action Plan in the field of science, technology and innovation for 2016-2025 (hereinafter referred to as the Action Plan) [14], which was proposed at the Ministerial Meeting on Science and Technology in November 2015 and adopted on October 26, 2016. The Action Plan is accompanied by an implementation plan that outlines the priority and specific actions established by the nine work plans subcommittees of the STC.

ASEAN scientific and technical research is not limited to internal projects. A significant role in the development of this area is played by documents and institutions Russia is involved in. The Russia-ASEAN Partnership Dialogue (Partnership) was launched in 1996. The forms of joint work within the framework of the Partnership are research projects, scientific conferences, and training programs. The leading role in the development of Partnership projects is played by the Working Group on Scientific and Technological Cooperation (WGSTC). At the first session of the WGSTC, which was held in Moscow on June 9-10, 1997, in the documents adopted in order to regulate its activities, cooperation was named the priority tasks of this institute in the field of science and technology, including biotechnology, new materials, information technology, microelectronics, meteorology and geophysics. Creating favorable conditions for the development of science is provided for by the Agreement between the governments of ASEAN member states and the government of the Russian Federation, concluded in December 2005.

In the current period of time, the Comprehensive Plan of Action for the Development of Cooperation between the Russian Federation and the Association of Southeast Asian Nations (2016–2020) is highly relevant. A separate section is dedicated to science, technology and innovation in this document, which provides for the promotion of mutually beneficial scientific and technological research and exchanges between the Russian Federation and ASEAN member states, as well as the exchange of scientific and technological information; facilitating the participation of representatives of each other, including scientists and experts, in scientific and technological

conferences, seminars and other international events on issues of science and technology [15].

ASEAN's cooperation with Russia continued in relations between ASEAN and the EAEU, which began in 2014 and seems to be promising (the Memorandum of Understanding between the ECE and ASEAN was signed in Singapore on November 14, 2018) and mutually beneficial in a number of areas, including scientific - technical research. Since ASEAN countries constitute one of the centers of technological development in the Asia-Pacific region, partnership with ASEAN in the EAEU can provide an additional resource for the technological modernization of the economies of the EAEU member countries. For ASEAN, this is an expansion of opportunities for implementing the Comprehensive Action Plan.

SUMMARY

The documents adopted by the SCO members on research provide the necessary legal and organizational basis for the development of cooperation in this area at the level of non-governmental entities and determine the strategic directions of the research institutions of the respective states. At the same time, the solution to the problems posed requires intra-state measures, in particular, coordination of scientific relations with the SCO member states from a single national center. To create and operate such an institution, the experience of the PRC can be used, where a Central Asian scientific and technical center is established through which the SCO member countries can cooperate with all regions of the PRC.

Based on the forms of interaction between the SCO countries, we can distinguish the following components of the regional model in the field of scientific and technical cooperation:

- the legal basis in the form of a constituent act of the organization and a special agreement;

- a specialized body to promote cooperation and improve the legal framework;

- a plan of practical measures (roadmap) for the cooperation of research institutions of the organization's member states;

- consultation and expert forum;

- a scientific and educational institution based on national universities;

- national centers for coordination of cooperation.

The course set by ASEAN and the EAEU for Comprehensive Regional Economic Partnership (CREP) will inevitably require the creation of new institutions of interaction in order to solve the problems of cooperation, including conducting research. Although the mechanisms of ASEAN-EAEU cooperation are not yet sufficiently developed, it can be stated that regional ties at the present stage are no longer limited to the framework of a separate organization. A new format of regional relations is emerging, which covers at least two interstate associations, and therefore opens up a new perspective in the study of the problem considered in this paper.

Conclusions

The study of regional scientific and technical cooperation on the example of only two regional international organizations shows a wide variety of forms and practices of interaction in this area. Being at different stages of the formation of the research space, the considered organizations are characterized by various approaches and tools used for its formation and effective functioning. In this regard, the development of an optimal model of cooperation requires studying the results achieved in this area, which sets the direction for continuing work on this topic.

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IMPROVEMENT OF THE CITY TRANSPORT SYSTEM BY MEANS OF SIMULATION

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Abstract: The transport system plays an important role in human activities and is an integral part of the successful functioning of the urbanized area. The increasing degree of provision of urban residents with transport services should at the same time keep the environment environmentally friendly and sustainable over time. The article is devoted to the issues of ensuring the rational functioning of the city transport system based on the development and implementation of an intelligent road infrastructure management system, the intellectual core of which are simulation models of problem areas of the road network. The objective of the study is the development of tools for organizing traffic in the conditions of the rapid growth of the fleet of vehicles. Research tasks were to analyze the research in the field of traffic management, to consider methods to reduce and prevent traffic jams on roads in general and in individual sections in particular. The following research methods were used: methods of system analysis, methods of modeling traffic flows, simulation, computer experiment. Achievements: the developed simulation model can be used to conduct a computer experiment in order to select the optimal parameters for the functioning of traffic lights on a specific section of the road network of the city of Naberezhnye Chelny.

Keywords: transport system, traffic light regulation, intelligent transport systems, simulation.

1 Introduction

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Within the framework of the concept of sustainable development of the city defined by the United Nations Commission on the Environment and Development back in 1992, it is necessary to make the urban environment more attractive by expanding various types of services, including transport. However, these measures should not be carried out to the detriment of the environmental safety of the environment. At present, one of the main problems associated with road transport both in large cities and in small settlements is traffic jams, the causes of which often differ. First of all, this is the growing car fleet. The positive effect of growing motorization in the form of increasing mobility of the population goes in parallel with the growing traffic intensity on the city's street-road network (SRN). As a result, huge congestion is formed, accompanied by an intensive emission of exhaust gases into the environment and an increase in noise pollution, road safety is reduced, and injuries are growing.

One effective way to reduce traffic congestion is to control traffic. As part of the "sustainable mobility" plan, many cities around the world develop car-free policies (creating car-free zones). For this purpose, various strategies are developed:

- bans on diesel vehicles, introduced simultaneously with the protectionism policy of public and non-motorized environmentally friendly vehicles;
- the introduction of a pricing system that involves charging for driving a car during peak hours, to certain particularly busy urban areas, or for vehicles that do not meet the minimum environmental emission standards.
- restricted entry of cars with certain license plates: setting a schedule for the possibility of movement in urban areas with even and odd numbers [1].

As a rule, the development of city infrastructure lags behind the growth rate of the fleet. One of the ways to solve this priority task for any city is to build high-quality highways with convenient interchanges and passive and active safety elements.

In addition to infrastructure changes, organizational measures are needed to solve the transport problem. For traffic management, in many countries, intelligent transport systems (ITS) are widely used, which are based

on modern computer and telecommunication technologies.

They solve a number of problems:

- optimize urban planning decisions;
- ensure maximum throughput of the existing SRN;
- identify priority directions of traffic;
- optimize parking space and infrastructure;
- reduce the environmental burden [2].
-

2 Methods

There are a number of studies regarding the organization and optimization of traffic on highways. Thus, we can name the technique of Plotnikov A.M. to improve road safety at single-level regulated intersections with a small number of lanes [3]; the methodology for modeling the SRN congestion proposed by Agureev I.E., Pyshnyi V.A. [4]; the methodology for assessing the state of motor flows on city roads developed by A. Kretov, V. Mitiugin, V.A. Pyshnyi, N.A. Frolov [5]. Foreign scientists have also proposed many effective methods for optimizing traffic. They describe specific measures to modernize the SRN, and, in order to exclude traffic jams, they propose methods for studying the flow of road transport, its intensity, and direction [6-10]. It should be noted that many researchers call the basis for improving road traffic a comprehensive study of the existing UDS [11]. The most effective approach, in their opinion, is to reconstruct the geometry of the existing network (changing the number of lanes, erecting fences and road signs) and optimizing the work of traffic lights based on the study of traffic intensity at a specific object [12-15].

Thus, if it is impossible to reduce the traffic intensity of automobile transport, it is necessary to adopt engineering and organizational measures that will help reduce the time of movement of road users. The search for more rational ways to use the existing SRN capacity involves the creation of ITS [16], which are one of the main tools even when it is impossible to adjust the width of the roadway. In this case, it is possible to improve the transport system by optimizing the operating modes of traffic lights. The development of wireless communication between

sensors and decision support systems (DSS) made it possible to create intelligent traffic lights that provide for operational adjustment of the phase duration depending on the current traffic intensity. In addition, this measure, aimed at reducing the travel time by car of a specific section of the road, will help to reduce the volume of exhaust gases and, as a result, the environmental burden on this territory.

Since variation of the duration of the phases of a real traffic light and monitoring over subsequent changes in the traffic situation is fraught with risks (material, human, temporary), and many parameters (flow intensity in the first place) are stochastic, the solution in this situation is to build a simulation model of the SRN section and conducting an experiment on it.

3 Results And Discussion

As part of the training course “Methods and Models of Decision Support” in “Intelligent Systems and Technologies”, students are invited to create a model of the intersection of Chulman Avenue and Narimanova Street, Naberezhnye Chelny, taking as a basis a satellite image of the area, which shows the configuration features of this section of the road network [17]. Both roads are two-way but have a different number of lanes for traffic in each direction. In addition, in Narimanova street there is an exit to a gas station.

The environment for building a simulation model is the AnyLogic® software package. To develop a model, a Road traffic library is used.

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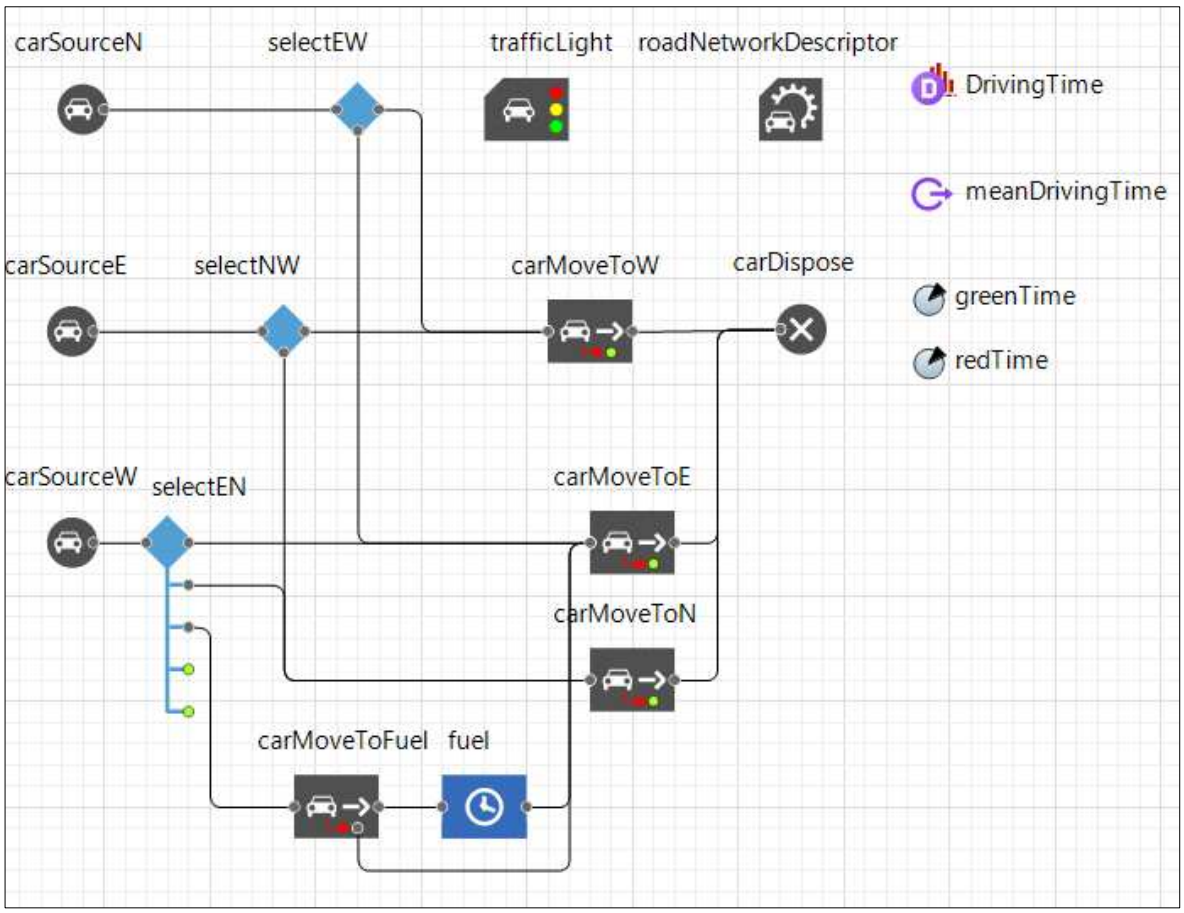

Figure 1 - The structure of the simulation model of the intersection

In addition to setting the geometry of the road section, it is necessary to enter information about the intensity of the traffic flow in each direction of movement, the time of operation of the traffic light phases, the number of channels and the average service time at a fuel station.

The next step is to determine the logic of the traffic light. In this case, the traffic light will operate in a two-phase mode: the first phase will be green for traffic along Narimanova Street in the permitted directions, and the second phase will be green to enter the intersection from Chulman Avenue and turn right from Narimanova Street. When the green light is on to leave the fuel station, drivers moving along this road will have to give way anyway.

AnyLogic provides the user with convenient tools for collecting statistics. The user can view the statistics of the duration of the passage of a given section of the road using the diagram. To better understand the way the roads are

loaded at a given mode of operation of traffic lights (a section of the road is highlighted in green if the vehicle speed is above 60 km/h and red if it is below 10 km/h), it is useful to enable traffic jam display.

Figure 2 – The results of the test of the intersection model with the current parameters of the traffic lights

The final goal of building any section of the road is to determine the optimal parameters (the number of lanes, the duration of the phases of the traffic light, the permissible traffic intensity) to achieve the minimum or maximum value of a certain functional. Using optimization, in which the selected model parameters are systematically changed, it is possible to achieve a pre-selected target functional.

In this case, the average travel time of a road section by a vehicle is selected as the objective function, and the operating time of the green and red traffic lights is selected as variable parameters. The task of finding the extremum of the target functional in AnyLogic® is carried out using the OptQuest optimizer, which is a combination of heuristics, neural networks, and mathematical optimization.

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The found values of the parameters can be used in the model as the optimal strategy that ensures the minimum travel time of the vehicle through the intersection.

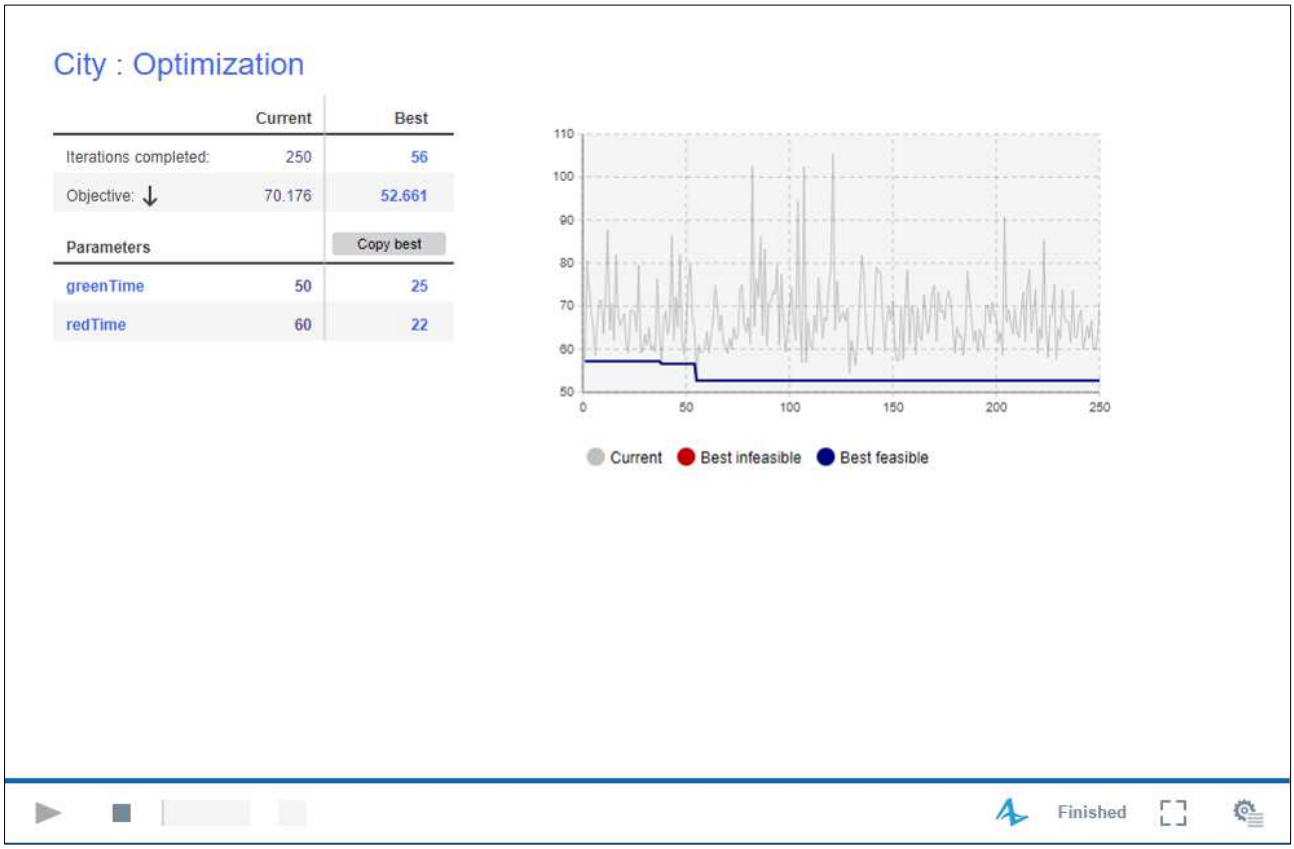

Figure 3 – Results of the optimization experiment

4 Summary

In the framework of this work, an example of a simulation model of a SRN section as a means of developing managerial decisions is shown. The practical significance of the model is the possibility of conducting an experiment that will determine the optimal operating time of the traffic light phases, which will reduce congestion in this section of the SRN, the idle time of automobile engines, and thereby reduce the amount of exhaust gas. Thus, based on the data obtained as a result of modeling, it is possible to develop recommendations for the rational management of the transport system of urbanized areas of both a strategic nature (when determining constant traffic light settings) and operational management of

traffic, changing the duration of the phases depending on the time of day, day of the week , weather and other conditions, embedding the developed simulation model as an intellectual core in DSS to control the transport system of the city.

5 Conclusions

The growing number of private and public transport fleets leads to the increasing burden on the existing SRN of city and urban settlements. In connection with the duration of the road reconstruction measures, tools for the operational adjustment of infrastructure facilities, primarily traffic lights, come to the fore. Within the framework of the concept of sustainable development, it is proposed to develop and implement DSS to control the transport system of the city, with simulation models as the intellectual core, with which you can set the optimal duration of the phases of the traffic lights depending on traffic intensity. This will reduce the travel time of road users and, as a result, reduce the environmental burden on the environment.

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ANALYSIS OF FINANCIAL STABILITY OF COMPANIES WITH THE USE OF IMITATION MODELING OF CASH FLOWS

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Alexey Kirpikov[2]

Abstract: Most modern methods of retrospective assessment of financial stability of companies have significant internal contradictions that hinder their productive use in the process of scientific research and practical activities of economic entities. A coefficient analysis of the financial condition is accompanied by difficulty in determining the normative values of indicators that would take into account the industry and individual characteristics of the organization. The use of regression analysis requires a significant array of historical data and the selection of key indicators that do not have a high level of correlation. According to the authors, the forecasting of cash flows using simulation methods has a significant potential for predicting financial stability. The empirical basis of the study was formed by indicators of cash flow budgets, information presented in annual reports, and also published in the media by one of the largest petrochemical companies in the Russian Federation in retrospect from 2011 to 2018. The tools of simulation modeling assumed the use of a uniform distribution law of a random variable, the justification of the boundaries of the change in the initial variables with a confidence level of 95% was based on the provisions of the VaR method. The conceptual basis of the simulation model was determined by an algorithm for formalizing the dependence of the components of cash flows on current financial and investment activities with a resulting indicator, which was played by the free cash balance at the end of the forecast period. According to the authors, improving the quality of the meaningful interpretation of the results implies an

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independent statistical evaluation and visual presentation of the results of experiments that demonstrated a positive and negative level of effectiveness of financial and economic activities.

Keywords: financial stability, simulation modeling, cash flows, VaR technique.

1. Introduction

The intensification of the processes of economic globalization taking place under continuous fluctuations in the state of international markets determine the inevitability of a collision of companies with new challenges. The most important structural element of the strategic management tasks of the enterprise is the forecasting of cash flows, which allows us to assess the growth factors and financial risks of the enterprise in order to increase its financial stability. The forecast assessment toolkit is quite extensive; it includes methods of expert assessments, approaches to constructing stochastic dependencies. We believe that the use of simulation technology to a greater extent than other formalized approaches allows us to implement a parametric assessment of significant factors and circumstances that may lead to a decrease in expected results compared to predicted ones.

2. Methods

The fundamental principles of the theory of analytical assessment of financial stability have been significantly developed in modern economic science. At the same time, the diversity of methodological approaches, on the one hand, reflects a significant discreteness of their content, and, on the other hand, demonstrates an orientation toward describing the current financial situation. According to individual researchers, financial stability, explained through the concepts of liquidity and solvency, implies the use of financial statements as input, reflecting financial stability on a particular day - at the end of a fiscal year [2]. The disadvantages of a retrospective assessment of the financial condition of the organization determine the object need for the development of applied aspects of the application of economic and mathematical modeling tools, in which a special role is played by scenario forecasting algorithms, which make it

possible to increase the efficiency of managerial decisions under uncertainty [5,8]. The scientific work reflected econometric algorithms for the implementation of the Monte Carlo model, providing for the formation of an array of predictive estimates of the resulting indicator using the uniform distribution law of a random variable [6,7]. A generalization of the results of scientific research indicates that an organized system of cash flow planning provides an economic entity with the opportunity to effectively manage its financial stability [3]. In this regard, the components of the model are the components of the company's cash flows for current, financial, and investment activities.

Simulation was carried out in several stages:

1. The formation of the source data for the construction of simulation experiments based on the cash flow budget, formalization of the relationship between the model variables and the resulting indicators.

2. Justification of the boundaries of the range of variation of the model variables.

3. Selection of the law of distribution of a random variable to build an array of simulation experiments.

4. Scenario forecasting of the resulting indicators of the model and their meaningful interpretation using indicators of descriptive statistics.

At the first stage of the study, the task was to prepare the initial data necessary for conducting simulation experiments. In this work, we used the indicators of cash flow budgets of one of the largest domestic petrochemical companies formed during the period from 2011 to 2018, information on the structure of products in value and kind expressed in the annual reports of the company, and a number of auxiliary corporate data [9,10].

The choice of the object of study is due to the key importance of petrochemical enterprises for the national economy, as well as the need for an economic assessment of changes in the financial stability of companies under the influence of a combination of factors of the external and internal environment.

To determine the boundaries of the intervals, it is advisable to use the VaR technique. Currently, VaR is a

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leading indicator of portfolio investment risk assessment but it can be successfully applied in alternative areas of economic research [1,4]. VaR models are based on a statistical evaluation of the distribution law of a variable. In our study, we used this technique to determine the left and right quantiles of the studied indicators. In statistics, quantile shall mean the value of the Gauss function with respect to the given parameters, at which the function will not exceed the value with a given probability. In traditional methods of analysis, values whose values are located at 90%, 95%, and 99% are taken as the level of probability. When calculating the quantiles, the authors used a probability level of 95%. To calculate the quantiles, the standard deviations and average values of the indicators were determined.

The next structural element of the study was the choice of the algorithm for the formation of simulation experiments. In this work, the authors propose to use the uniform distribution law of a random variable, implemented in the conditions of automated data processing using built-in functions that allow getting a random number from a given interval of variable variation.

The simulation model has found its practical implementation in the framework of 1000 simulation experiments. We shall consider the results of simulation in the context of the current investment and financial activities of the company.

Table 1 presents data on revenues from the current activities of the enterprise. The current activities of the organization are associated with the production and sale of products that provide the bulk of its income. Considering the fact that revenue generated by contracts concluded in the forecast period has a variable value due to fluctuations in natural sales volumes and selling prices, it is logical to separate it from revenue received from contracts of previous periods. The specific gravity of paid receivables, considered as an independent variable in the model, also has a significant effect on revenue. The range of indicators shown in Table 1 was obtained using the VaR technique.

Table 1:Revenues from the current activities of the company, thousand rubles

	Variation range	Simulation experiments

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Indicator	min.	max.	1	2	1000
1. Unit price (rubles)					
1.1 Rubbers	77 643	115 081	87 964	87 912	89 061
1.2. Plastics	46 454	89 719	5 5 733	7 5 597	89 558
1.3. Polyesters	58 667	89 108	7 0 814	8 2 127	81 514
1.4. Monoethylene glycol	35 816	55 586	4 5 319	5 4 015	36 115
1.5. Neonols	41 943	88 640	4 3 451	8 6 278	50 665
1.6. Ethylene	2 816	40 785	2 7 460	9 873	20 889
1.7. Styrene	4 609	79 984	9 211	2 0 825	63 163
1.8. Other	10 340	27 968	1 2 327	1 1 129	10 708
2. The amount of products sold (thousand tones)					
2.1 Rubbers	536	735	592	686	555
2.2. Plastics	582	754	669	606	649
2.3. Polyesters	82	87	83	86	85

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2.4. Monoethylene glycol	83	144	85	135	97
2.5. Neonols	21	57	50	31	29
2.6. Ethylene	89	218	165	196	128
2.7. Styrene	3	16	6	3	9
2.8. Other	889	1195	978	1010	1156
SHARE OF REVENUE received under contracts signed in a given year	0.52	0.77	0.72	0.67	0.77
3. Percentage of paid receivables of buyers under contracts signed in a given year	0.70	0.90	0.79	0.80	0.86
Revenue received under contracts signed in a given year, thousand rubles	x	x	114 869 356	90 691 019	87 683 767
SHARE OF REVENUE from contracts	0.34	0.69	0.50	0.44	0.51

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signed in previous periods					
4. Percentage of paid receivables of buyers under contracts signed in previous periods	0.84	0.96	0.95	0.89	0.90
REVENUE from contracts signed in previous periods	x	x	9 5 926 413	6 6 258 588	60 777 483
TOTAL INCOME	x	x	2 10 795 769	1 56 949 607	14 8 461 250

The structure of expenses for current activities includes payments to suppliers (contractors) for raw materials, materials, work, services, remuneration of employees, income tax, and other payments.

Next, we shall consider the investment activity of the company, which reflects the receipt and use of funds associated with the acquisition, sale of long-term assets. The result is net cash flow from investing activities.

Table 2 presents data on the investment activities of the company.

Table 2:Investment activity of the company, thousand rubles

Indicator	Variation range		Simulation experiments		
	min.	max.	1	2	1000

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Incomes from the sale of non-current assets (excluding financial investments)	4 164	18 5 650	46 920	88 403	14 3 003
Income from the sale of shares of other organizations (shares)	1 00	67 1 083	66 1 468	48 4 349	46 5 707
Income from the return of loans, from the sale of debt securities	1 579	7 773 447	1 725 088	4 182 869	5 842 583
Income of dividends and similar income from equity participation in other organizations	3 7 669	1 784 764	1 529 617	1 014 596	85 9 697
Euro exchange rate, rub.	6 3.4	78 .7	70. 00	73. 00	64. 00

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Interest payments on a loan denominated in foreign currency issued for the construction of an investment asset	x	x	-55 547	-57 927	-50 785
due to the acquisition, production, modernization, reconstruction, and preparation of non-current assets for the use	7 714 816	34 828 913	-18 283 699	-25 004 771	-21 358 755
in connection with the acquisition of shares of other organizations (shares)	0	95 6 504	- 944 678	- 858 557	- 529 403
in connection with the	2 77	21 625 254	-17 875 403	-13 571 427	-13 764 947

acquisition of debt securities (rights to claim funds to other parties), loans to others					
Cash flow balance from other investment activities	x	x	83 324 765	39 586 519	36 922 095
Cash flow balance from investment operations	x	x	50 128 532	5 864 053	8 529 195

When building a model, special attention should be paid to the movement of borrowed capital. Interest payments on a foreign currency loan are reflected in the investment activities of the company, and the repayment of the investment loan is carried out in equal monthly installments in the form of an annuity, determined by the scheme for the contribution to debt amortization.

The financial activities of the company, presented in Table 3, include cash inflows as a result of obtaining loans, as well as cash outflows associated with the repayment of debts on previously received loans, as well as accrued dividends.

Table 3:Financial activity of the company

Indicator	Variation range	Simulation experiments

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	mi n.	ma x.	1	2	10 00
borrowin g	0	36 753 900	2 7 848 497	2 0 117 041	16 972 065
Repaym ent of principal debt on a loan denominated in foreign currency issued for the construction of an investment asset	x	x	- 58 908 883	- 60 522 825	-58 908 883
payment of dividends and other payments for the distribution of profits to owners (participants)	37 6	7 926 791	- 2 392 699	- 2 678 267	-3 377 347
Cash flow balance from other financial transactions	0	55 1 773	- 431 144	- 341 178	- 304 464
Cash flow balance from financial transactions	x	x	- 33 884 229	- 43 425 229	-45 618 629

The final balance is determined by the decrease in the volume of cash receipts from current, investment, and financial activities by the amount of

related payments and acts as the basis for calculating the cash balance at the end of the forecasted period.

Table 4: Cash balance at the end of the period, thousand rubles

Indicator	Variation range		Simulation experiments		
	min.	max.	1	2	1000
Cash flow balance for the reporting period	x	x	58 381 541	83 211 153	-64 906 951
Balance of cash and cash equivalents at the end of the reporting period	x	x	66 672 501	91 502 113	-56 615 991
Cash flow adequacy ratio	x	x	-25,12	13,08	0,19

At the final stage of the study, an analysis of the results was carried out using an array of indicators of descriptive statistics. Evaluation of the average values, their scatter, determination of the boundaries of the change in the resulting indicator, as well as an independent interpretation of the distribution of experiments with a positive or negative cash balance made it possible to formulate the main conclusions about the results of the study

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3. Results And Discussion

It is advisable to generalize the array of forecast data obtained as a result of the experiments using the indicators of statistical evaluation, detailing it according to the three indicated types of activity (Table 5).

Table 5: Descriptive statistics of simulation results by types of activity

Indicators	Cash flow balance from			Cash balance and cash equivalents as of the end of the reporting period
	current transactions	investment transactions	financial transactions	
Average	16 734 917	-17 352 607	-42 874 381	-35 201 111
Standard deviation	47 329 520	49 029 759	11 417 915	95 649 922
Variation coefficient	283 %	-283%	-27%	-272%
Minimum	-95 277 337	-153 431 060	-67 970 121	-270 889 972
Maximum	148 425 067	142 173 583	-16 431 799	265 613 315

The data in the table indicate that the cash balance at the end of the period ranges from -270.9 billion rubles to 265.6 billion rubles. This allows us to conclude about the threat to the deterioration of the financial stability of the company due to significant volatility of cash flows under the influence of a set of factors of internal and external environment.

In order to improve the quality of a meaningful interpretation of the

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results obtained, it is supposed to conduct an independent statistical assessment and visual presentation of the results of experiments that demonstrated a positive and negative level of cash balance at the end of the forecast period. In particular, it is advisable to separately characterize the array of profitable and unprofitable experiments from the perspective of estimating the probability of profit (loss), determining the average amount of profit (loss) from the experiment, calculating the coefficient of variation reflecting the relative scatter of the values of the main array of profitable (unprofitable) experiments from the average value.

Table 6 shows that the proportion of positive experiments was only 38% with an average cash balance of 64 billion rubles, while the average negative cash balance was 95.8 billion rubles.

Table 6.:Descriptive statistics of cash balances

Indicator	Value
1. Positive experiments	
number	379
1.2. Proportion	38%
1.3. average positive cash balance	64 071 623.61
2. Negative experiments	
2.1. quantity	621
2.2. specific gravity	62%
2.3. average negative cash balance	-95 787 852.11

Figure 1 shows a histogram of the frequency distribution of positive experiments. The largest number of experiments in this group ranges from 17.4 billion rubles to 29.8 billion rubles.

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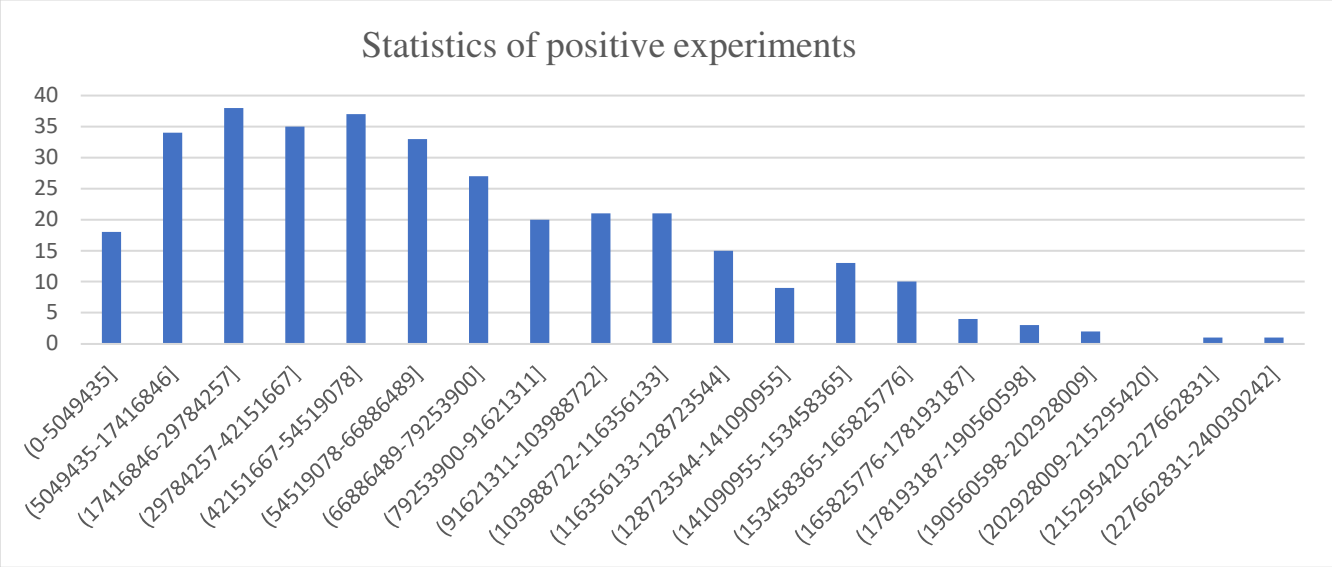

Figure 1. Distribution of positive cash balances

Negative experiments were separately analyzed. The highest weight of negative experiments corresponds to the range from -27.9 billion rubles to -16.9 billion rubles.

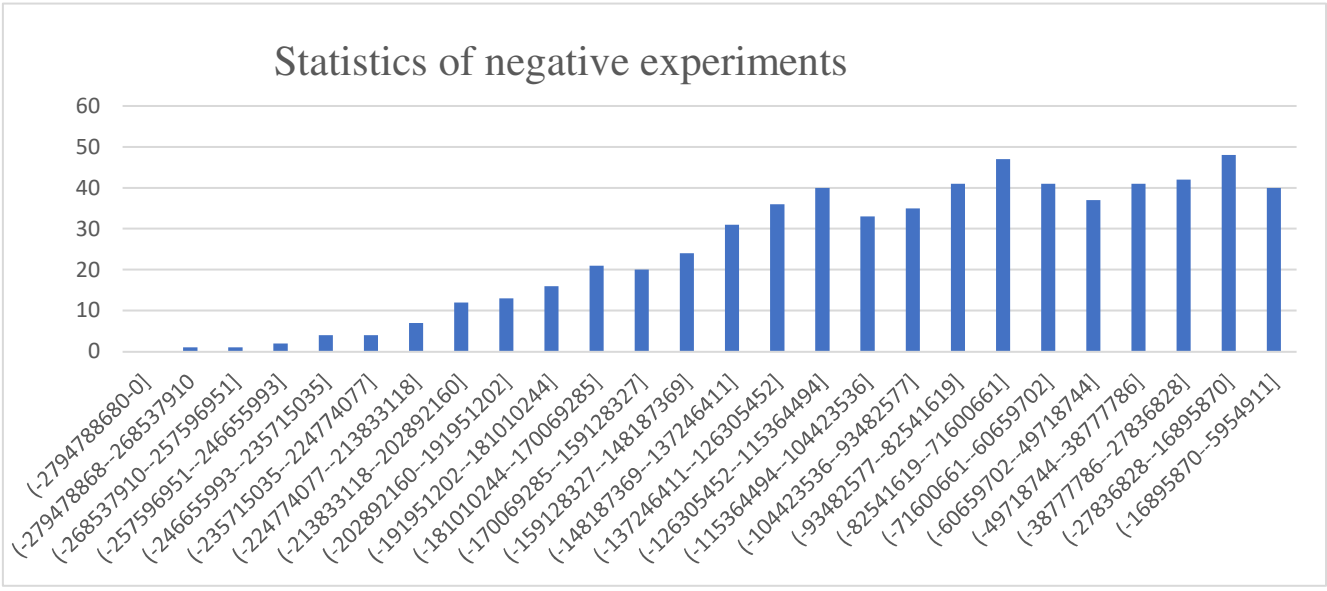

Figure 2. Distribution of negative cash balances

4. Summary

The implementation of approaches to scenario forecasting of cash flows of the company, proposed in the framework of this simulation model, allows us to assess the prospects for changes in the financial condition of the organization and make timely adjustments to the management policy of its current, financial and investment activities. The model for the prospective assessment of cash flows serves as an information basis for preventive regulation aimed at effectively counteracting the factors of uncertainty and risk of the external environment of the enterprise.

5. Conclusion

The model was tested by the authors on the basis of empirical data from a large petrochemical company, however, the universal nature of the conceptual framework of the approach does not limit the prospects for its application, taking into account the specifics of alternative types of economic activity. The ability to quickly adjust the boundaries of the range of variation of dependent variables, taking into account changes in the operating conditions of the company, opens up opportunities for continuous scenario forecasting of cash flows in the financial stability management system of an economic entity.

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PORTFOLIO INVESTMENT ANALYSIS ON THE BASIS OF THE BLACK-LITTERMAN MODEL

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Abstract: The works of Markowitz, Tobin, Sharp in the field of portfolio investment theory are awarded the Nobel Prize in economics. The popularity of these models is explained by their mathematical simplicity and logical harmony. But these models require accurate knowledge of the statistical features of assets and use assumptions about ideal market behavior. A large number of questions immediately arise on how to evaluate the input parameters of these models in the practical use of these models. In the Black-Litterman model, an attempt is made to combine the theory of equilibrium in the capital market with the subjective opinions of analysts regarding the expected return on assets and their relationship to each other. The Black-Litterman model makes it possible to combine the theory of market equilibrium and the subjective opinions of investors about asset behavior in the market. The result is a diversified portfolio with a subjective opinion on the situation. This model is a new word in portfolio theory, which is relatively complex and focused on professionals. Due to the Bayesian approach, it is formed a new, more realistic mixed estimate of expected returns, taking into account the opinions of expert analysts. In Western literature, the Black-Litterman model is recognized as an important and powerful tool in the process of portfolio investment management. In particular, the work discusses in detail the issues of collecting, analyzing and preparing expert opinions. The ability to take into

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account the expert assessments is the main advantage of this model over all others.

Keywords: Black-Litterman model, portfolio investment, analysis, uncertainty, risk, profitability.

1 Introduction

The main goal of this work is to disclose the principles of optimal and meaningful management of a securities portfolio using one of the latest achievements in the field of portfolio theory - the Black-Litterman model, - modernization of existing solutions and software development to solve such problems.

2 Text Of Article

Until recently, modern portfolio theory formed by G. Markowitz as far back as 1952 remained almost the only quantitative method for solving the portfolio analysis problem [2]. Before proceeding to the Black-Litterman model, we briefly consider the Markowitz model and its shortcomings. Let there be *n* types of assets from which the investor can form a portfolio. Capital is distributed between assets in shares $x_i, 0 \le x_i \le 1, \sum_{i=1}^{n} x_i = 1$. Assets are characterized by efficiencies R_i, which are random variables with known mathematical expectations $MR_i=m_i$, and covariance matrix $\Sigma = \left\| \operatorname{cov}(R_i, R_j) \right\|$. The Markowitz problem is formulated as follows (1):

$$\min_x x^T \Sigma x$$
$$\sum_{i=1}^{n} x_i = 1, \quad \sum_{i=1}^{n} m_i x_i = m_p, \quad x_i \ge 0, i \ge \overline{1,n} \qquad (1)$$

Although the Harry Markowitz model may seem attractive and well-grounded from a theoretical point of view, a number of problems arise in its practical application [8, 11, 12]. Application of the Markowitz model in the Russian market also showed its inconsistency [2].

The main disadvantages of the Markowitz model are as follows:

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- The model does not take into account the market capitalization of assets.
- The model does not take into account the fundamental and other factors of profitability.
- The Markowitz model does not allow for taking into account the uncertainty levels for individual assets.
- The input parameters of the model are unstable in time.
- Portfolio dispersion as a risk measure characterizes the variability of portfolio returns both positively and negatively.

In the Black-Litterman model, most of these problems are solved by improving the theory [6] and the possibility of using expert estimates with confidence levels.

The Black-Litterman model was first published by Fisher Black and Robert Litterman from Goldman Sachs [4]. Investment bankers faced with the task of developing a practical model. Black and Litterman proposed the theory of "equilibrium approach" [6]. Moreover, equilibrium is understood as an idealized state in which demand is equivalent to supply. According to the authors, "natural forces", the functioning of which eliminates the deviation from equilibrium, function in the economic system. Equilibrium returns are calculated by the formula:

$$\Pi = \lambda \Sigma w_{mkt} \quad \textbf{(2)}$$

where Π - equilibrium return vector; λ - risk aversion coefficient; Σ - covariance matrix of historical returns; w_{mkt} - market capitalization vector of each asset relative to the capitalization amount of assets in the portfolio.

The coefficient λ characterizes the investor's willingness to sacrifice the value of expected portfolio return in order to reduce its risk (3).

$$\lambda = \frac{E(r) - r_f}{\sigma^2} \quad \textbf{(3)}$$

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where $E(r)$ - expected market return, r_f - risk-free interest rate, $\sigma^2 = w_{mkt}^T \Sigma w_{mkt}$ - market portfolio dispersion.

In order to calculate the Black-Litterman equilibrium return vector (2), it was solved the "inverse optimization" problem:

$$\max_{w_{mkt}} \left((w_{mkt})^T \Pi - \frac{\lambda}{2} (w_{mkt})^T \Sigma w_{mkt} \right). \quad \textbf{(4)}$$

Let $U = (w_{mkt})^T \Pi - \frac{\lambda}{2} (w_{mkt})^T \Sigma w_{mkt}$.

U is a concave function and, therefore, has a single global maximum.

$$\frac{dU}{dw_{mkt}} = \Pi - \lambda \Sigma w_{mkt} = 0; \quad \Rightarrow \quad \Pi = \lambda \Sigma w_{mkt} \quad \textbf{(5)}$$

Thus, the equilibrium return formula (2) is obtained.

The final formula is as follows:

$$w = E[R](\lambda \Sigma)^{-1} \quad \textbf{(6)}$$

Let us consider the Black-Litterman formula for the posterior return vector (7). It is a key point before calculating the final portfolio (6). *K* is the number of subjective opinions, *N* is the number of assets.

$$E[R] = \left[(\tau \Sigma)^{-1} + P' \Omega^{-1} P \right]^{-1} \left[(\tau \Sigma)^{-1} \Pi + P' \Omega^{-1} Q \right] \quad \textbf{(7)}$$

where $E[R]$ - new (posterior) mixed return vector ($N \times 1$); τ - scaling factor; Σ - return covariance matrix ($N \times N$); P - matrix, which identifies assets for which the investor has a subjective opinion ($K \times N$); Ω -

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diagonal covariance matrix with confidence levels for each subjective opinion ($K \times K$); Π - equilibrium return vector ($N \times 1$); Q - vector of subjective views ($K \times 1$).

The investors often have their own position about the future profitability of an asset in a portfolio and this opinion may differ from the equilibrium return. Let us consider an example:

▪

hares of Sberbank OJSC will yield a return of 10% (confidence level = 25%).

▪

hares of Surgutneftegas OJSC will be 2.5% more efficient than shares of Rosneft OJSC (confidence level = 50%).

View 1 is an example of an absolute view, View 2 - relative. Uncertainty of subjective views is reflected in the error vector (ε), whose elements are normally distributed with an average of 0 and a matrix Ω. Thus, the final values of subjective opinions have the form of $Q + \varepsilon$.

S

General case:

$$Q + \varepsilon = \begin{bmatrix} Q_1 \\ \vdots \\ Q_k \end{bmatrix} + \begin{bmatrix} \varepsilon_1 \\ \vdots \\ \varepsilon_k \end{bmatrix}$$

Example:

$$Q + \varepsilon = \begin{bmatrix} 10 \\ 2.5 \end{bmatrix} + \begin{bmatrix} \varepsilon_1 \\ \varepsilon_2 \end{bmatrix} \quad \textbf{(8)}$$

Error vector elements ε, usually nonzero. Variations ω of the error vector elements ε form a diagonal covariance matrix Ω and demonstrate the uncertainty measure of subjective views. (9). The matrix is diagonal, because subjective opinions are independent of each other according to the model assumptions.

$$\Omega = \begin{bmatrix} \omega_1 & 0 & 0 \\ 0 & \ddots & 0 \\ 0 & 0 & \omega_k \end{bmatrix} \quad \textbf{(9)}$$

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There are several methods for determining matrix elements Ω [1, 7, 9]. In this work, using specific examples, we consider the possibilities of incorporating various types of forecasts into the Black-Litterman model: expert assessments of analytical departments; forecasts for multifactor models; predictions on intelligent methods (learning neural networks); forecasts on heuristic methods, forecast of technical analysis models. Due to limitations on the competitive work volume, only an overview of these methods is given instead of specific numerical examples. These methods were not considered in the original articles of the model authors.

The values of returns for subjective views, located in the column vector *Q*, are introduced into the model using the matrix *P*. The presence of the influence of each subjective opinion is reflected in the line vector of dimension $1 \times N$. Thus, we get the matrix *P* of dimension $K \times N$ for *K* views.

General case:

$$P = \begin{bmatrix} p_{1,1} & \cdots & p_{1,n} \\ \vdots & \ddots & \vdots \\ p_{k,1} & \cdots & p_{k,n} \end{bmatrix}$$

Example (continued):

$$P = \begin{bmatrix} 1 & 0 & 0 & 0 \\ 0 & 1 & -1 & 0 \end{bmatrix} \quad \textbf{(10)}$$

The first line of matrix *P* reflects View 1. View 1 includes only one asset. View 2 is reflected in the second line, respectively. In case of relative views, the sum of all elements of the line shall be 0.

The Black-Litterman model uses real historical data; therefore, statistical errors inevitably arise when evaluating input information. The Monte Carlo method [5] was applied to reduce errors. First, the optimal Black-Litterman portfolio is determined $\widehat{w}_0$. Then it is proposed to use the Monte Carlo method:

1. Simulation of *K* values of expected return on assets under the multidimensional distribution function

[5] The general name of a group of numerical methods based on obtaining a large number of implementations of a stochastic (random) process, which is formed in such a way that its probabilistic features coincide with similar problem values being solved.

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$N(0, \tau\hat{\Sigma}), \tau << 1,$ and obtaining a new vector of averaged equilibrium returns $\hat{\Pi}_i = \hat{\Pi} + \varepsilon_i,$ where $\varepsilon_i \sim N(0, \tau\hat{\Sigma}), \tau << 1, i = 1...K$

2. Recalculation of input parameters of the Black-Litterman model based on $\hat{\Pi}_i$, obtained in the previous step, and $\hat{\Sigma}$.

3. Solving K optimization problems in order to find a set of portfolios that are optimal in a sense $\hat{w}_i$, $i = 1...K$. The higher K is, the higher the accuracy is, but the computational load increases in turn.

4. Finding an unbiased estimate of averaged portfolio: $\hat{w} = \frac{1}{K+1}\sum_{i=1}^{K}\hat{w}_i$

Forecasts of analytical agencies can be used as expert estimates in the Black-Litterman model. As part of the work, we made a study of their predictive ability. For this purpose, we tested the hypothesis of statistical significance of the information coefficient IC. The study results are given below [6] (Table 1).

Table 1. Descriptive statistics and t-test results for IC

No.	Analytical Department	Mean(IC)	STD (IC)	p-value t-test
1	Citigroup Inc.*	0.212	0.571	0.017
2	Deutsche Bank*	0.182	0.539	0.043
3	Alfa Bank *	0.181	0.453	0.014

[6] An asterisk indicates analytical groups with adequate predictive ability.

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4	Trojka Dialog	0.127	0.452	0.085
5	Merrill Lynch	0.147	0.529	0.071
6	UBS	0.079	0.406	0.206
7	BrokerKreditService	-0.076	0.490	0.785
8	KIT Finans	-0.039	0.532	0.675

As already noted, each expert assessment is assigned a confidence level. There are two ways to assign confidence levels: quantitative and heuristic. Confidence levels can be assigned heuristically according to experience. An example is given below (Table 2Table 2). Here the values of confidence levels lie in the range from 0 to 1.

Table 2. Percentage gaps reflecting confidence level in a view

Interval of percentage ratio	Semantics of the level of confidence in the View
0-5%	Almost absolute confidence
5-15%	Strong confidence
15-30%	Normal level of confidence
30-50%	Average confidence
50-65%	Weak confidence
65-80%	Very weak confidence
80-100%	Almost complete lack of confidence

Let us consider the procedure for the quantitative formation of subjective views on the example of a factor model for the profitability

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dependence of Lukoil shares on two factors: BRENT oil price and national currency exchange rate (Table 3) [1]. The model can be considered lag, because the oil price is taken at the close of the American session, and the RUB/USD exchange rate in the form of yesterday's tomorrow rate. This model satisfies the Gauss-Markov conditions.

Table 3. Factor model parameters and test results

N =1737	Regression Summary for Dependent Variable: LKOH R= ,8447289 R?= ,7133537 Adjusted R?= ,7026886 F(2,1734)=70,637 p<0,0000 Std.Error of estimate: ,02799					
	Beta	Std.Err.	B	Std.Err.	t (1734)	p-level
Intercept			0.000781	0.000672	1.16189	0.245438
BRENT	0.237820	0.023438	1.291805	0.028759	10.14668	0.000000
RUB/USD	-0.102243	0.023438	-1.648184	0.148590	-4.36222	0.000014

The expert assessment for the Black-Litterman model will be formed as follows: Shares of Lukoil OJSC will fall by 2% (according to the forecast of the factor model). The confidence level is 2.3% (according to the variation of residuals). The Black-Litterman formula elements will be assigned the following values: $Q_{LKOH} = -0.021$, $\Omega_{LKOH} = 0.023$. Since one can only get an absolute view using the factor model, the element of matrix P, corresponding to the view K and the asset of Lukoil OAO will be equal to 1.

In total, several experiments were conducted as part of this work: in the Russian (MICEX) and the American (NYSE) market, with a pronounced

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growing trend and in the absence thereof. The described submodels and forecasts of analysts with adequate predictive ability were used as expert estimates. One of the experiments was conducted on the Russian market (MICEX) in the post-crisis period The results are presented below (Table 4).

Table 1. The experiment results on the Russian market (24.08.09 - 29.01.10).

No.	**Share**	**Market portfolio**	**Portfolio by Black-Letterman**	**Return on assets**	**Rate of return on market portfolio**	**Rate of return on Black-Litterman portfolio**
	AFLT	3.22%	12.00%	71.21%	2.29%	8.55%
	GAZP	46.56%	17.80%	11.08%	5.16%	1.97%
	MTSI	4.89%	22.62%	30.77%	1.50%	6.96%
	ROSN	25.56%	17.35%	14.71%	3.76%	2.55%
	SBER	19.35%	26.47%	80.96%	15.66%	21.43%
	URKA	0.43%	3.77%	6.56%	0.03%	0.25%
				Total	***28.41%***	***41.71%***

As can be seen from the table, the Black-Litterman portfolio return (41.71%), taking into account expert assessments, is ahead of the market portfolio return (28.41%). The market portfolio, in turn, is slightly ahead of the

MICEX index (26.67%) and the portfolio built according to the classical Markowitz theory (27.44%). The Black-Litterman and Markowitz portfolios were compared at the same risk levels.

A completely similar experiment was conducted in a market where there is no pronounced growing trend. The portfolio was formed from assets traded on the NYSE. In the absence of a pronounced trend, an optimal portfolio shows better returns than the market as a whole, represented by the NYSE. The results are presented below (Table 5).

Table 5. The experiment results on the American market (01.05.06 - 01.07.07).

o.	Share	Market portfolio	Portfolio by Black-Letterman	Return on assets	Rate of return on market portfolio	Rate of return on Black-Litterman portfolio
	C	17.13	10.00%	8.0	1.37%	0.80
	P	38.94	15.80%	10.	4.21%	1.71
	A	7.79	24.62%	23.	1.79%	5.66
	I	7.48	20.35%	12.	0.91%	2.48
	J	8.41	23.47%	12.	1.04%	2.91
	E	20.25	5.76%	10.	2.19%	0.62
				To	***11.51***	***14.18***

As in the previous example, let us compare the investment portfolio results compiled according to the Black-Litterman model with the classical Markowitz model results. Again, the portfolio compiled according to the classical Markowitz model differs little in profitability from the market portfolio and is even slightly inferior to it. At the same time, the portfolio according to the Black-Litterman model dominates again in terms of profitability (with approximately the same risk level of investment portfolios).

As part of the study of effectiveness of the Black-Litterman model, we carried out experiments for various values of the heuristic risk

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tolerance parameter - λ. Parameter values λ were taken from 2 to 4. We calculated performance evaluation coefficients for each portfolio (Sharpe, Schwager, Sortino, Treynor, and M^2 coefficients). When forming portfolios, the same assets were used. The results grouped under λ, are presented below (Table 6 and Figure 1). Here, risk is understood as the standard deviation of portfolio returns. The main conclusions that follow from this experiment are as follows: with increasing λ, the portfolio risk increases and the coefficients for assessing management effectiveness deteriorate.

Table 6. Experiment results with a growing trend with different parameter values λ

o.	eturn	isk	Sharpe ratio (RVAP)	Schwager ratio (AGRP)	Sortino ratio (Sr)	2	Traynor ratio (RVOL)
	2		4	5	6		8
λ = 2							
	20%	.05	3.40	0.33	1.18	.55	0.02
	22%	.07	2.71	0.20	1.13	.45	0.02
	22%	.1	1.90	0.15	1.15	.32	0.02
	25%	.12	1.83	0.21	1.11	.31	0.02
	33%	.13	2.31	0.19	1.12	.39	0.03
λ = 3							
	21%	.05	3.60	0.40	1.18	.58	0.02

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	2 3%	.07	2.8 6	0.2 7	1.1 3	.47	0.0 2
	2 2%	.1	1.9 0	0.1 6	1.1 2	.32	0.0 2
	2 4%	.12	1.7 5	0.1 8	1.1 3	.30	0.0 2
	3 4%	.13	2.3 8	0.2 2	1.1 6	.40	0.0 3
λ = 4							
	2 2%	.05	3.8 0	0.4 5	1.1 4	.62	0.0 2
	2 3%	.07	2.8 6	0.3 3	1.1 4	.47	0.0 2
	2 6%	.1	2.3 0	0.2 1	1.1 4	.38	0,0 2
	2 7%	.12	2.0 0	0.2 3	1.1 0	.34	0.0 2
	3 5%	.13	2.4 6	0.2 6	1.2 4	.41	0.0 3

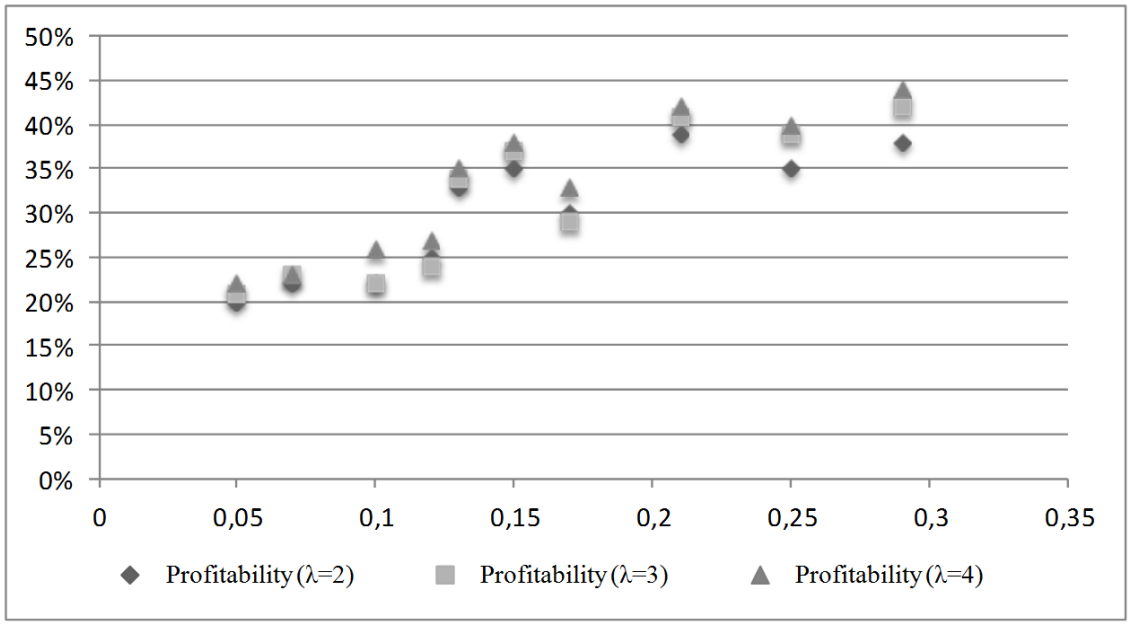

Figure 1. Displaying the experiment results on the risk-return plane (with a growing trend)

2 Methods

In the course of the study, the authors applied the following methods:

1. Selective analysis of specialized literature with a high citation index on the topics indicated in the article title. In particular, the modern portfolio theory of G. Markowitz, Black-Litterman model.

2. We carried out a comparative analysis of the collected information according to the criteria defined by the authors in order to identify the advantages and disadvantages of the considered methods and assess the possibility of their practical application.

3. The study results were given the author's interpretation, and we made the respective conclusions.

3 Results And Discussion

As can be seen from the demonstration of results, a portfolio compiled according to Black-Litterman, taking into account expert evaluations of a complex nature, has a better rate of return compared to the market, an equilibrium portfolio and a portfolio compiled according to the classical theory (with approximately the same level of risk). A number of additional experiments conducted according to a similar scheme, but in other periods in the Russian and American markets, confirmed this fact. It should be noted that there was a decrease in the portfolio risk measure obtained using the Monte Carlo modeling procedure compared to the optimal portfolio.

4 Summary

Based on all the results obtained, it can be concluded that the Black-Litterman model is one of the necessary tools in modern financial management for the effective management of the securities investment portfolio. The model allows taking into account expert assessments of a complex nature: decisions of analytical departments, factor analysis, technical analysis, neural network models, HBP models, etc. The results of experiments with real investment portfolios in the

Russian and American markets indicate the prospects of using the model in practical investment activities.

5 Conclusions

An investment portfolio compiled according to Black-Litterman, taking into account expert evaluations of a complex nature, has a better rate of return compared to the market, an equilibrium portfolio and a portfolio compiled according to Markowitz (with approximately the same level of risk). A number of additional experiments conducted according to a similar scheme, but in other periods in the Russian and American markets, confirmed this fact. The use of the Monte Carlo method makes it possible to level out statistical errors that may arise due to the partial use of historical information. The developed Black-Litterman solver software for building optimal and efficient portfolios allows solving the set optimization problems of finding an effective portfolio, taking into account the additionally given information, and conduct the Monte Carlo simulation process.

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CORRUPTIBILITY OF LEGAL RULES: THEORETICAL PROBLEMS

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Abstract: The article considers the problem of corruptibility of legal rules. The author proceeds from the fact that some legal norms stimulate illegal corrupt behavior of participants in public relations. The task is to explain how corruptibility affects the generally recognized properties of the legal rules. The author describes the distortion of such properties of a "healthy" legal norm as formal certainty, general obligatoriness, systemic interconnection and provision with the state coercion power. We analyzed the "Methodology for conducting anti-corruption expertise of regulatory legal acts and draft regulatory legal acts" approved by the Government of the Russian Federation. We established the correspondence of corruptibility factors given in the Methodology to negative modifications of the properties of a "healthy" legal norm. We specifically considered various aspects of systematicity in the context of the concept of corruptibility. We revealed the interdependence of the properties of a corruptogenic norm. It is concluded that the primary textual uncertainty creates uncertainty in the consequences, destinations and systemic relationships of the corruptogenic norm, which is eliminated in the course of interaction between the corrupt person and the corrupt official. The corruptogenic norm, while not being essentially legal, continues to be provided by the state coercion power and remains connected with other norms and institutions that are part of the legal system until it is identified as corruptogenic, distorting their meaning and adoption purpose.

Keywords: corruption, corruptibility, properties of legal norms, consistency in law, legal expertise, defects of law.

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1 Introduction

Corruption is an urgent political, legal and economic problem for many states. By the beginning of XXI century, the impossibility of dealing with corruption only with the help of criminally repressive measures becomes obvious, since corruption is caused by many reasons [1, p. 75]. It is developed a certain set of administrative and preventive measures; however, the result of their application is also not absolutely successful. There is a need for the participation of civil society institutions in the fight against corruption and liberal reforms; however, these steps also encounter a number of objective obstacles [2, p. 1889]. These circumstances make it possible to suggest that the proposed measures oppose not so much corruption itself as its individual manifestations. Corruption itself is immanent to society as a whole and the legal system as one of the social subsystems [3, p. 707]. As a private consequence of this approach, one can consider the view according to which certain norms encourage participants in public relations to corrupt behavior. Such norms are called corruptogenic. At the same time, the legal science has not yet developed a clear idea of what constitutes such a property as corruptibility, as it is associated with other properties of a legal norm. These circumstances make it useful the theoretical analysis of corruptibility as a property of the norms enshrined in the regulatory legal acts.

2 Methods

The methodological approach to corruptibility used in this article proceeds from the dual nature of corruptibility. First, corruptibility is based on some modification of the properties of a legal norm. According to our hypothesis, it is precisely the change in the properties of a “healthy” legal norm that leads to the fact that this norm stimulates the corrupt behavior of participants in legal relations. Corruptibility shall be understood in this context as the ability of the norm to be applied in such a way that there is a risk of corruption relations.

However, according to R.G. Valiev, it should be noted that any rule provides for a particular level of discretion of its addressees [4, pp. 1-3]. Thus, there is the problem of criteria for distinguishing between corruptogenic

and "healthy" discrete norms, which has not received a satisfactory doctrinal solution, in our opinion. This circumstance puts the practical solutions proposed by the legislator in the focus of analysis. This second aspect of corruptibility is its legal consolidation as a legal construct. Its critical analysis suggests the answer to the question of why certain features relate to the signs of corruptibility: is this a legislative decision of the legislator or a reflection of some underlying laws? This issue boils down to the problem of the adequacy of corruptibility reflection in the legislation.

3 Results And Discussion

The Federal Law No. 273-FZ dated December 25, 2008 "On Combating Corruption" defines anti-corruption expertise of regulatory acts and their projects as one of the measures to prevent corruption, the implementation of which is regulated by the Federal Law No. 172-FZ dated July 17, 2009 "On Anti-Corruption Expertise of Regulatory Legal Acts and Draft Regulatory Legal Acts". The Decree of the Government of the Russian Federation No. 96 dated February 26, 2010 "On Anti-Corruption Expertise of Regulatory Legal Acts and Draft Regulatory Legal Acts" approved the Methodology for conducting anti-corruption expertise of regulatory legal acts and draft regulatory legal acts (hereinafter - the Methodology) in order to identify provisions conducive to the corruption conditions. The Methodology lists a number of factors that are called corruptogenic. They include: breadth of discretionary powers (absence or uncertainty of the terms, conditions or grounds for decision-making, duplicate powers); determination of competence by the formula "entitled"; selective change in the scope of rights of citizens and organizations at the discretion of state bodies; excessive freedom of by-law rulemaking (presence of blanket and reference norms); adoption of a regulatory legal act beyond the competence; filling legislative gaps with the help of by-laws in the absence of a legislative delegation of relevant authority; lack or incompleteness of administrative procedures; refusal of competitive (auction) procedures; regulatory conflicts; presence of excessive requirements for a person presented for the exercise of his/her

right; lack of clear regulation of the rights of citizens and organizations; legal linguistic uncertainty. Not all of these factors relate to the norm; some of them describe the corruptibility of a regulatory legal act as a whole. Other factors are associated not with the nature of legal norm, but with the social and logical conditioning of its content. This theoretical inconsistency, the result of which is the combination of factors of different significance in one list, emphasizes the practical orientation of the Methodology. However, from a theoretical point of view, the question can be raised more sharply.

Can a norm conducive to corruption be generally considered legal and retain its legal nature? Such a formulation of the question echoes the concept of a non-legal law developed within the framework of the natural-legal and libertarian types of legal understanding [5, p. 9], since the corruptogenic norms cannot provide an equal measure of freedom for all. The corruptogenic norm establishes not only unauthorized state arbitrariness from the point of view of the mentioned types of legal understanding, but the fundamental possibility of arbitrariness, which is used by the subjects of law administration and law enforcement. If this hypothesis is true, then a logical analysis of the correlation of signs of corruptogenic and legal norms shall reveal some discrepancies. The signs expressing the properties of legal norm include, among others, formal certainty, obligatoriness, state security, and systemic interconnection with other norms [6, pp. 224-231]. A norm that does not meet these criteria cannot fall under the concept of legal one based on the deduction rules. Corruptogenic factors have a negative effect on the listed properties of legal norms.

The most vulnerable seems to be such a property of legal norms as formal certainty. The corruptogenic norm, being formal (in the sense that it is fixed in the formal source of law), is not completely defined. Corruption is impossible without an unexpected measure of freedom of behavior for an official in the situation when it shall not arise. Such a factor as the lack of procedures destroys the rule of law, since there is always uncertainty as to whether the result of enforcement process was obtained as a result of legitimate activities of officials, and therefore it

remains the risk that the enforcement decision will be unstable to challenge. There is a dilemma between the stability of social relations, to which the law seeks, and the absolute nature of truth, on which such stability shall be based. It turns out that the corruptogenic norm, allowing for various interpretations, despite its textual consolidation, creates legal uncertainty in those areas of social life where the law-enforcement agencies sought to reduce it, on the contrary.

The corruptogenic norm is not generally binding. Generally binding means that the norm is designed for an indefinite number of applications. It is imperative in each of these cases. It is impossible to arbitrarily refuse to follow the rule fixed in the legal norm; this was also noted by J. Austin [7]. The corruptogenic norm allows for the possibility of refusing to follow the rules enshrined in it or not applying this norm to certain cases when it shall be applied based on the goals of its adoption. If everything remains equal before the norm, for example, of a fascist state, such a norm will be fulfilled in any case, no matter how arbitrary its content is [8, p. 2]; and there is complete uncertainty whether it will be applied in accordance with its purpose and meaning or not in case of corruptogenic norm, while the actual basis for unjustified exceptions from the traditional practice of applying the norm can be any: money payment, state of kinship or close friendship, common religion, etc. [9, pp. 198-205]. Unlike state arbitrariness, which advocates of the libertarian theory of law feared, the corruptogenic norm is suitable for rational use by legal entities, and in this sense, the application result of this norm gives rise to the obligation to recognize it as legitimate, and the basis for application remains dispositive and non-regulatory, since it is based on individual corruption agreement.

The rules of law are systematically linked to each other. Systematic legal norms mean, on the one hand, hierarchical dependence, according to which the rules are ranked by legal force (vertical systematicity), and on the other hand, it is expressed in the functional unity of different types of norms that can be recorded in various regulatory legal acts (functional systematicity). Two aspects of systemicity shall be considered with regard to corruptibility. Firstly, the corruptibility of a norm in individual

cases is due to its inadequate links with other legal norms, for example, in the case of incompleteness, conflict, lack of blanket or procedural norms or, conversely, their excessive presence. In this case, the corruptibility of the norm can be eliminated by establishing appropriate links with other norms and institutions.

The second aspect of systematicity is that any corruptogenic norm is part of the legal system until its corruptibility is proved. From the point of view of vertical systematicity, the status of corruptogenic norms is unclear and depends on whether its official corruption is established. From the point of view of the legislation, only prosecution bodies have the right to appeal against the corruption-generating norms [10, p. 105]; however, it is not directly spoken about their illegality; therefore, until the appeal procedure is completed, they continue not to contradict higher standards from the point of view of vertical systematicity, but are protected by security standards from the functional point of view. At the same time, other legal entities may be potential victims of corruption, and are interested in excluding the corruptogenic norm from the legislation governing those social relations in which the entities are already participating or intend to participate. Therefore, it can be considered that the corruptogenic norms are subject to exclusion from the legal system as contrary to anti-corruption legal institutions, which shall occupy a higher place in the hierarchy of norms, along with the rules for establishing unlawfulness and unconstitutionality. Corruptogenic factors mentioned in clause 3 of the Methodology, such as lack of procedural rules, blanket and reference presentation model, regulatory conflicts, directly indicate a destructive effect of the corruptogenic norms on the legal system, as well as the inverse effect of distortions in the legal system on the possibility of corruption.

The distortion of the properties of certainty and general binding nature changes the meaning of the provision of norms with the state coercion power. The application result of the corruptogenic norm gives rise to the obligation to recognize it as lawful. However, the ambiguity of the rule contained in the corruption norm in a situation of corruption offenses is eliminated by methods not stipulated by the legal

system. The regulatory framework for enforcement is supplemented by an individual corruption agreement in which an official and an individual agree on a particular interpretation of the norm. Thus, not only the norm, but also the corruption agreement between the parties regarding binding nature or interpretation of such a norm becomes imperative and secured by state coercion. The rule of law begins to support the result achieved as a result of illegal actions as legitimate.

4 Summary

The corruptogenic norms lose their ability to be universally binding due to their uncertainty. These circumstances lead to the fact that the result of unlawful activity is ensured by the state coercion power, which negatively affects the entire system of law. It is possible to state a hypothesis according to which the corruptibility of the norm primarily arises due to its vague textual formulation. In this regard, subsequent legal uncertainty arises either in legal consequences, or in addressees, or in relations with other legal norms. As a result, the norm shall lose its legal nature and security with the state coercion power, which happens when its corruptogenic nature is detected. However, not being detected, the symbiosis of the corruption agreement that eliminates uncertainty, the law enforcement act and the legal norm continues to be protected by the entire system of law, negatively affecting its functioning.

In all likelihood, the corruptogenic norms can be considered a special type of defective norms, the understanding of the nature of which as legal or non-legal can vary depending on the type of legal understanding.

A brief analysis presented above shows that the corruptogenic factors enshrined in the Methodology, among other things, reflect the essential defects of the nature of the norms enshrined in the regulatory legal acts. More specifically, formal uncertainty is associated with such factors as determining competence according to the formula "entitled", incompleteness of administrative procedures, lack of clear regulation of the rights of citizens and organizations, as well as legal and linguistic uncertainty. Non-binding nature is expressed in the breadth of discretion, the selective change in the

scope of rights, the presence of excessive requirements for a person presented to exercise his/her right.

The vertical systematicity dysfunction is manifested in the excessive freedom of by-law rulemaking, adoption of a regulatory legal act beyond the competence limits, and filling in the legislative gaps with the help of by-laws in the absence of legislative delegation of relevant authorities. Functional systematicity suffers of the presence of regulatory conflicts and incomplete administrative procedures. It should be borne in mind that any corruptogenic norms are formally entered into the legal system, which means they give rise to legal consequences and have a systemic negative impact; therefore, as a result, state coercion provides not the original legal norm, but the norm modified by the corruption agreement.

5 Conclusions

We are inclined to believe that despite the lack of theoretical justification, the list of corruptogenic factors given in the Methodology reflects the essential features of the corruptogenic norms. The corruptibility detection is a significant contribution to the further development of anti-corruption tools. Nevertheless, a theoretical study of this phenomenon shall be continued. In this article, a comparative analysis of the properties of a “healthy” and corruptogenic norm was carried out and significant differences between them were identified, which, in principle, cast doubt on the legal nature of such a norm and substantiate the need for efforts aimed at its identification.

The systemic effects, which, firstly, make the seemingly healthy norm inherently corrupt, and secondly, destroy the regulatory systems consisting of many norms, are of particular interest for further analysis. An important problem is the methodology for detecting the corruptogenic factors, the development of analysis procedures that increase its effectiveness.

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CRIMINAL LEGAL ENSURING OF SECURITY OF CRITICAL INFORMATION INFRASTRUCTURE OF THE RUSSIAN FEDERATION

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Abstract: The article considers the problems associated with the development of new state approaches to ensure the security of critical information infrastructure (hereinafter - the CII) in the context of the existence of threats to their information security, including computer attacks in its regard. We analyzed the main provisions of the Federal Law No. 187-FZ dated July 26, 2017 "On the Safety of the CII of the Russian Federation".We disclosed the content and essence of the concept of "security of the CII". It is justified that the security of the CII shall be based on the principles and methodology of ensuring national security. We have developed proposals to classify part of the subjects of economic activity as the CII subjects, as well as offered some additional mechanisms to increase the security of the CII. We proposed to develop and implement: the federal state standard of higher education in the direction of "safety of the CII"; retraining and advanced training courses in the direction of "safety of the CII"; a mechanism for improving the qualifications of officials of the CII subjects on various issues of ensuring its security; security insurance mechanism for the CCI; a mechanism for organizing international, all-Russian, regional and sectoral cyber orders at the CII objects. It has been established that the security of the CII directly depends on the correctness of decision-making in countering computer attacks, the speed

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and effectiveness of the actions of their entities. It is proved that the criminal law norm on liability for unlawful influence on the CII of the Russian Federation shall be changed.

Keywords: attack, security, information, information infrastructure, critical information infrastructure, government system, computer attack, computer information, security, information security, information protection, crime in the field of computer information, computer crime, digital economy, cybercrimes, cybercrime, cybersecurity, crimes.

Introduction

With the growing new challenges and threats in the information sphere, ensuring the security of the CII is becoming a priority state task, including its criminal law provision. The stable functioning of the CII has a significant impact on the socio-economic development of Russia in the digital economy, including the security of information infrastructure for citizens, representatives of business and the state in the digital space.

Attackers are constantly improving the technology of computer attacks on the CII. A vivid example is the actions of malicious computer ransomware WannaCry and Petya/Petrwrap/NotPetya/exPetr, which used vulnerabilities in user software for a computer attack.

The problem of securing the CII has long been of interest to many scientists. Despite the small number of scientific papers on the topic under discussion, a rather extensive methodological base has been developed. At the same time, there are many unsolved problems in the analysis of the security problem of the CII of Russia.

Materials and methods

The materials for the work were the provisions of the Russian and foreing criminal and information legislation, as well as regulatory legal acts in the field of ensuring security of the CII.

The reliability of results obtained is ensured based on the analysis of significant and necessary array of legislative norms, statistical data, as well as the use of modern research methods of legal institutions: historical and legal,

logical, formal-legal, comparative law, system-structural and other methods of scientific knowledge.

Results and Discussion

The study of genesis of the stated question requires, first of all, understanding of the concept of "security".

In meaning, the term "security" (from Latin securitas; English safety, security; French securite) means the absence of danger, that is, the state in which danger does not threaten, there is protection against it.

In the broad sense of the word, the term "security" refers to a situation in which the probability of causing harm to protection object and its possible size, in the opinion of the subject evaluating the situation, is less than a certain subjectively established limit [1].

Therefore, in its general form, security means the state of security of an individual, society, state from internal and external threats or dangers.

This understanding is the basis of the definition of national security of the Russian Federation, as enshrined in the Strategy [2]. In turn, the national security of the Russian Federation substantially depends on ensuring information security [3].

The legislator defines the security of the CII of the Russian Federation as the state of protection of the CII, ensuring its stable functioning when conducting computer attacks in relation to it [4].

Obviously, the concept of "security of the CII" is a specific one in relation to the concept of "information security", which, in turn, is one of the security types and is included in the concept of "national security".

Therefore, the security of the CII shall be based on the principles and methodology of ensuring national security.

The CII Security Law prescribes that the CII subjects ensure the security of their information systems (hereinafter - the IS), information and telecommunication networks (hereinafter - the ITN) and automated control systems (hereinafter - the ACS).

Let us recall that Art. 2 of the Law [5] reflects the concepts of IS and ITN. In turn, the concept of ACS is reflected in Art. 2 of the Law [4].

It seems that the most serious consequence of computer incidents is a

violation of the technological process at the enterprise. In turn, it can, for example, lead to damage to the manufactured product or to a decrease in the quality of customer service, as well as to a decrease in volumes or a temporary suspension of production. In addition, such incidents may entail a reduction in the value of the company's shares, reputational damage, penalties, which may also ultimately be the target of computer attack [6]. Therefore, we believe that the CII subjects need to build a coordinated system of their information security, and to fulfill the requirements for ensuring information security already within the system. In our opinion, such requirements are defined in the relevant acts [7].

The CII subjects include government agencies and Russian companies that own the IS, ITN and ACS, and that provide the interaction of these systems and networks [4].

Moreover, the CII subjects shall carry out their activities only in certain socio-economic areas of activity [4].

It is assumed that, for example, as a result of computer attacks on services for calculating and paying utility bills, monitoring the activities of managing and resource-supplying organizations, as well as condition of state accounting of the housing stock, the functioning of the state information system of housing and communal services [8], one of the most important socially significant information system of the state, may be disrupted.

In this regard, we should note that the legislator has yet to attribute a part of economic entities, which have not been reflected in the current legislation, to the CII subjects.

In our opinion, to successfully resolve this issue, the legislator needs to use the data of the All-Russian Classifier of Types of Economic Activities (OKVED 2) [9]. According to this classifier, it is advisable to correlate the type of economic activity with the alleged CII subject.

To better counter the computer attacks and ensure stable functioning of the CII objects in the face of computer incidents [10], GosSOPKA [11] appeared in the country.

The list of such requirements is determined by the relevant Order of the FSTEC (Federal Service for Technology and Export Control) of Russia [12].

The legislator credits the CII objects that are endowed with a category of significance [4] and included in the relevant register [13] with the significant CII objects.

The resolution [14] established that the categorization will be carried out by a specially created commission of the subject on the basis of criteria for the significance of the CII objects. These indicators include socio-economic and the socio-political significance of the CII object.

The most significant contribution to the digital transformation of the Russian economy is made by the implementation of the national program "Digital Economy of the Russian Federation", adopted in accordance with the Decree of the President of the Russian Federation No. 204 dated May 7, 2018 "On National Goals and Strategic Tasks of the Development of the Russian Federation for the Period until 2024" [15] and the protocol No. 16 dated December 24, 2018, approved by the Presidium of the Presidential Council for Strategic Development and National Projects of the Russian Federation. It includes 6 priority directions:

- normative regulation of the digital environment;

- information infrastructure;

- personnel for the digital economy;

- information security;

- digital technologies;

- digital government [15].

Particular attention in the Russian national program is paid to the security of the CII, and the introduction of digital technologies, in particular, new intelligent technologies, since the formation of legal basis for the use of artificial intelligence has begun, which requires taking actions and decisions to prevent possible negative manifestations of its use and state response to them [16].

When studying social relations evolving over the criminal law regulation of unlawful influence on the CII of the Russian Federation and some foreign countries [17, 18, 19, 20, 21, 22, 23], we established that the norms of foreign and Russian legislation providing for liability for encroachments on the CII objects are mostly blanket in nature.

Edition of Art. 274.1 of the Criminal Code of the Russian Federation [24] (hereinafter - the CC RF) is a

structure consisting of three rules on liability for crimes in the field of computer information: Art. 272, 273 and 274 of the CC RF.

Within the meaning of Art. 274.1 of the CC RF, all these acts shall be directed against the CII objects. Thus, the analyzed criminal law norm competes immediately with three articles (Art. 272, 273 and 274 of the CC RF) and is special in relation to them. In a sense, the construction of Art. 274.1 of the CC RF contradicts the prevailing domestic traditions of criminalization and use of legal techniques in describing the criminal law norms. Following them, it would be preferable to implement the establishment of stricter criminal liability for attacks on the objects of critical information infrastructure by highlighting the relevant qualifying and especially qualifying features in Art. Art. 272, 273 and 274 of the CC RF [25]. We agree with the opinion of scientists.

We believe that the penal law on liability for unlawful influence on the CII of the Russian Federation requires a change.

Conclusions

The above analysis shows that the global digital space is the target of well-organized computer attacks. The methods and tools used to prepare them are constantly being improved. Such computer attacks can be directed against various CII objects of foreign states. Effective counteraction to computer attacks is possible only within the framework of the joint efforts of all interested countries, primarily national authorized bodies in the field of detection and prevention of computer attacks, and the unification of international legislation in the field of security of the CII.

Summary

Given all of the above, we offer to develop and implement:

- FSS HE in the direction of “safety of the CII”;

- retraining and advanced training courses in the direction of "safety of the CII";

- a mechanism for improving the qualifications of officials of the CII subjects on various issues of ensuring its security;

- security insurance mechanism for the CCI;

- a mechanism for organizing international, all-Russian, regional and sectoral cyber orders at the CII objects.

Thus, summing up the research, we can state that the security of the CII directly depends on the correctness of decision-making in countering computer attacks, the speed and effectiveness of the actions of their entities.

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A computer incident is a fact of violation and (or) termination of the operation of an object of critical information infrastructure, a telecommunication network used to organize the interaction of such objects, and (or) a violation of the security of the information processed by such an object, including that one, having resulted from a computer attack.

GosSOPKA is the state system for detecting, preventing and eliminating the consequences of computer attacks on the information resources of the Russian Federation.

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RESEARCH TRENDS IN THE CONSTRUCTION INDUSTRY RUSSIAN FEDERATION

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Abstract: This article analyzes the current state of the construction industry of the Russian Federation at the federal and local (for example, the Republic of Tatarstan) levels. The features and trends of the construction industry of the Russian Federation (RF) are considered, taking into account the changes in the legislation affecting this industry. The authors analyzed the statistics of housing commissioning, the dynamics of lending and debt of construction organizations, in addition, the analysis of statistics of bankruptcies of companies. The key players in the construction market of the Republic of Tatarstan were studied, and their reliability rating was presented. Based on the results of the analyzed material, certain conclusions were formulated. Based on the findings, it was determined that in the Russian Federation the construction industry is experiencing some difficulties that require special attention from the state. However, at present the government is already taking certain steps towards improving the current situation. As it was revealed, in the Republic of Tatarstan, the construction industry has had a positive development dynamics over several years. In recent years, there has been an increase in housing commissioning. In addition, the government annually invests in the construction industry. Despite this, in Tatarstan there is a high percentage of bankruptcies of construction companies, the reasons for which are identified in this article.

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Keywords: construction industry, construction companies, real estate, lending, bankruptcy companies

1. Introduction

The construction industry is rightfully considered one of the largest industries in Russia: in 2017, the volume of industrial production amounted to about 8% of GDP (gross domestic product), if we take into account related activities. Currently, the market consists of more than 200 thousand companies, most of which are representatives of small and medium-sized businesses - 97% [1].

2017 was a turning point for the construction industry in Russia. Firstly, significant changes have occurred in federal law - amendments to Federal Law-214 have come into force, which have significantly affected the primary housing market. Secondly, the Ministry of Construction of the Russian Federation tightened control over the regions, which were obliged to report quarterly on problematic facilities. Thirdly, the reform of self-regulation in construction continued, during which the institution of personal responsibility in the construction industry was first created in Russia [2].

The base of the construction industry of Tatarstan is one of the largest in the Russian Federation, as it includes more than 550 enterprises [2]. Construction, in its way, serves as the locomotive of the real sectors of the economy of the republic.

2. Methods

The market review was made based on information from independent industry and news sources, as well as on the basis of official data from the Federal State Statistics Service. Interpretation of indicators was also carried out taking into account data available in open sources. Representative directions and indicators are included in the analytics, providing the most complete overview of the market in question. The analysis was carried out as a whole for the Russian Federation, as well as for the Republic of Tatarstan.

3. Results And Discussion

In the Russian Federation, according to Rosstat, the volume of housing commissioning in 2017 fell by 2.1% compared to the previous year.

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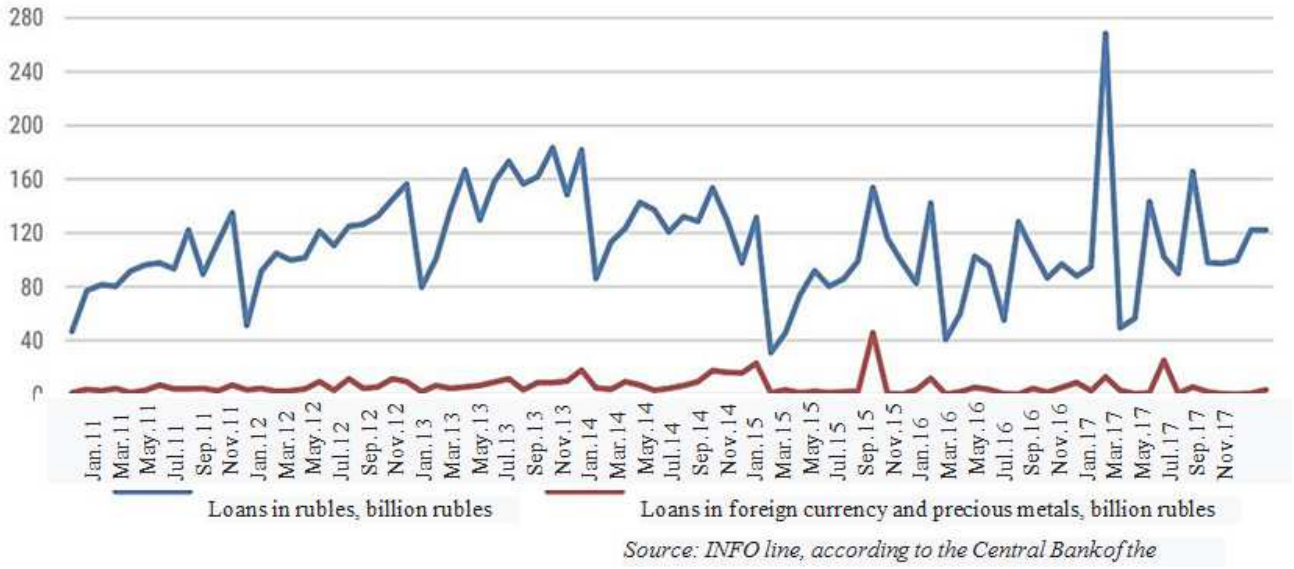
During this year, 78.6 million square meters of residential real estate were commissioned compared to 80.2 million square meters. m a year earlier [3]. In addition, we consider it appropriate to analyze the situation with lending to construction companies.



Source: INFO line, according to the Central Bank of the

Figure 1. The volume of loans to construction companies in the Russian Federation for 2011-2017 [four]

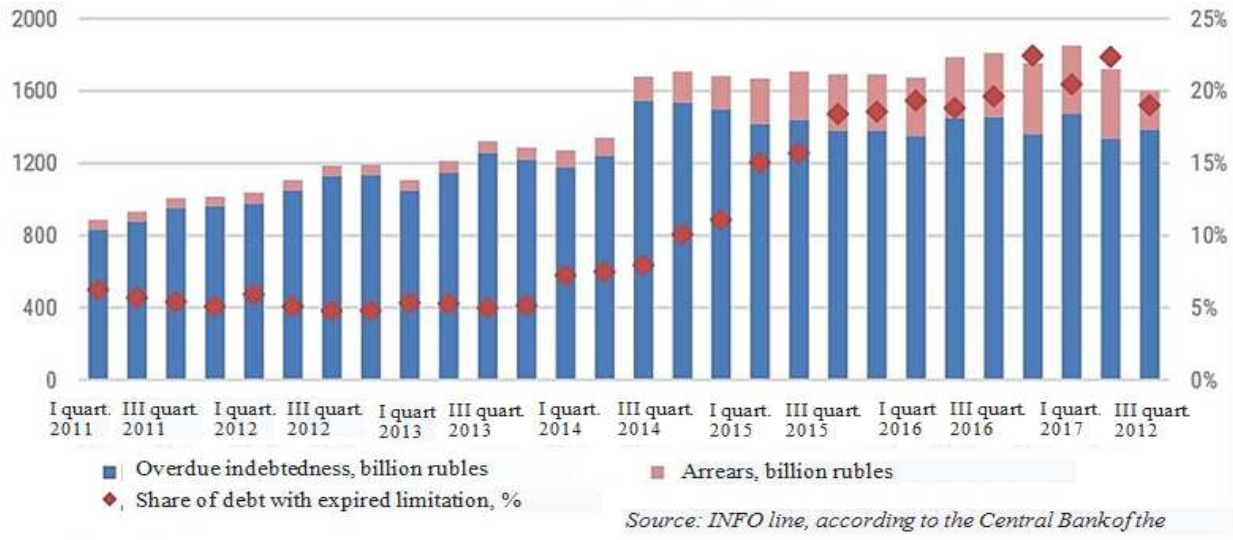
Based on the data presented in Figure 1, we can conclude that, according to the results of 2017, the total volume of loans issued to construction companies increased by 15-18% compared to 2016 and amounted to about 1.4 trillion. rubles [4]. You should also consider the dynamics of the debt of construction organizations to banks (Fig. 2).

Figure 2. Debt of construction organizations for bank loans in the Russian Federation [4]

According to the data presented in Figure 2, the share of overdue debt in the structure of the loan portfolio of construction companies has increased more than 3 times since the beginning of 2014 (from 5.2% to 15-18%). In the IV quarter of 2017, the situation is improving: the share of overdue debt decreased by 5-7% compared with the level of the III quarter of 2017 [4].

Under these conditions, lending is becoming less accessible for small and medium-sized construction companies: the banking sector has a tougher policy regarding the assessment of possible risks associated with non-return of funds, as well as bankruptcy of lending organizations. Large construction companies, as a rule, have larger and longer-term projects, which at the initial stage of their implementation increases credit risks, therefore banks prefer to finance such projects at a higher degree of readiness [4].

It is necessary to analyze the statistics of bankruptcies of construction companies. However, in the first place, it will be advisable to consider statistics as a whole for several types of activity (Fig. 3).



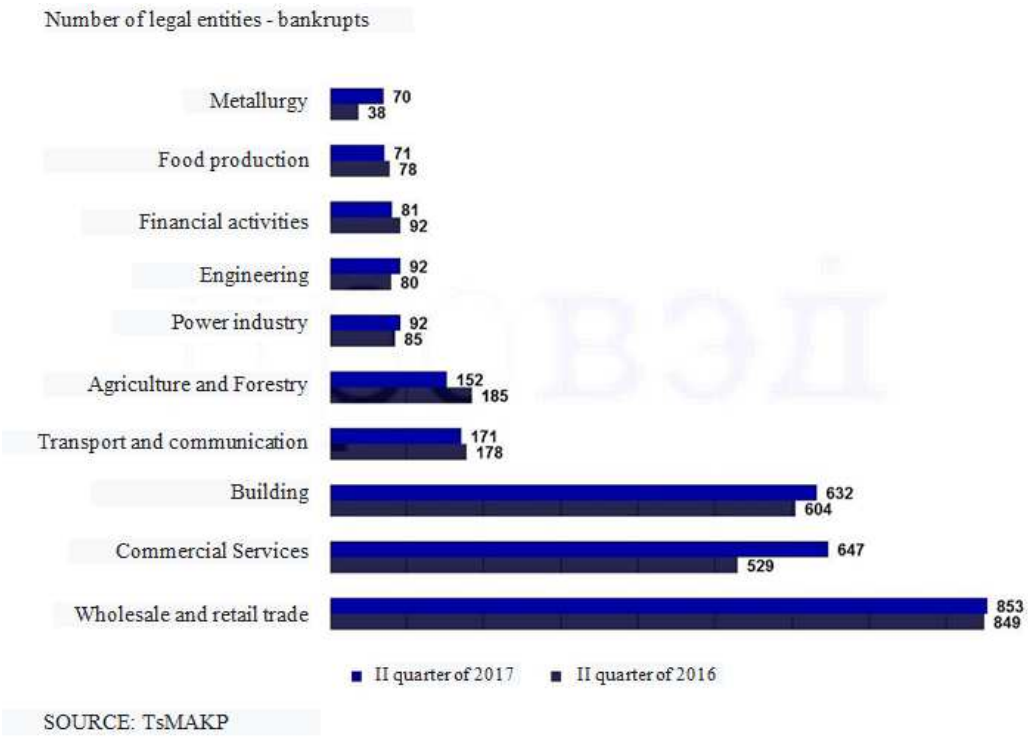


Figure 3. The number of bankruptcies by type of activity [5]

According to the data in Figure 3, we can conclude that the intensity of bankruptcies in the second quarter of 2017 increased in almost all sectors. The most unfavorable situation has developed in the construction and commercial services sectors, where the number of bankruptcies has exceeded the values of the previous three years.

In construction, the number of bankrupt legal entities in the second quarter of 2017 increased by 4.6% compared to the same period in 2016. At the same time, the industry holds a record low index of entrepreneurial confidence. Companies that are waiting for lower orders and the number of employees turned out to be 16% more than firms with more optimistic expectations [5].

The dynamics of the number of bankruptcies of construction companies is presented in Figure 4.

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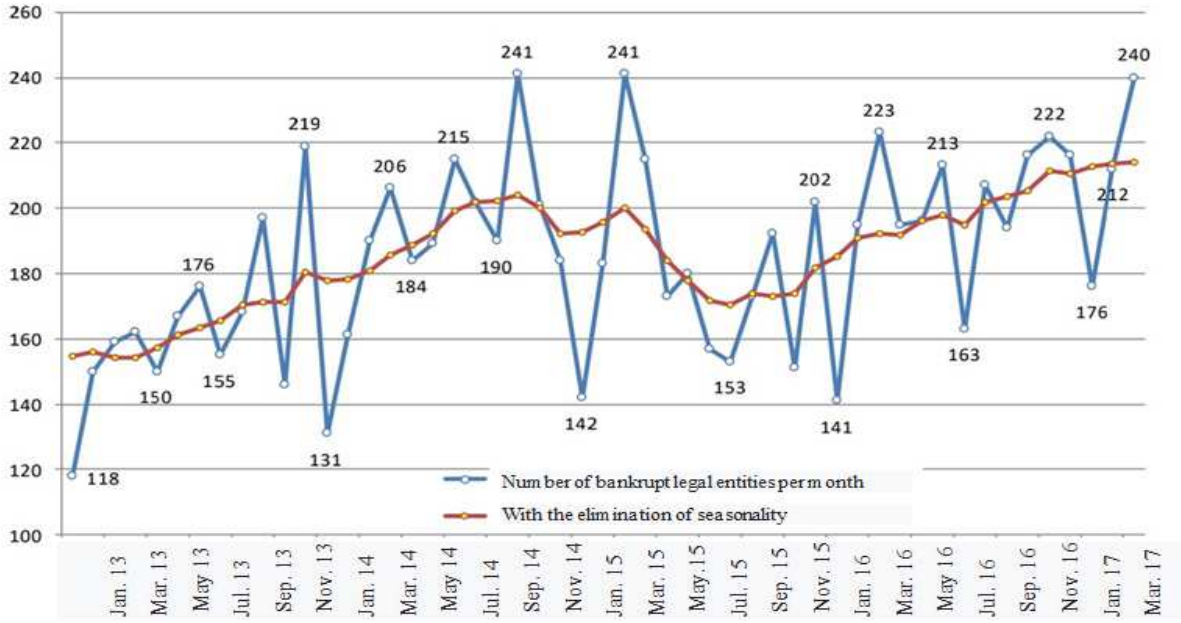

Figure 4. Dynamics of the number of bankruptcies of construction companies in the Russian Federation [6]

According to the given dynamics, the intensity of bankruptcies at the beginning of 2017 continued its growth, updating the peak value of the previous quarter. Compared to the fourth quarter of 2016, in the first quarter of 2017, the number of bankruptcies almost doubled [6].

In general, for the whole of 2017, the bankruptcy process overtook more than 3.5 thousand construction companies of the Russian Federation. In 2016, there were about 1,500 such companies. This situation is largely caused by massive non-payments for already completed construction work or delays in payment, including from state customers. Moreover, the regulation of the deadline for the provision of a motivated refusal to sign the act of acceptance of work is not provided for by the Civil Code, which allows the customer to delay the payment of work [7].

As mentioned earlier, we will analyze the trends in the construction market at the regional level using the example of the Republic of Tatarstan. The analysis showed that the results of 2017 in Tatarstan were introduced 2 million 408 thousand square meters. m of housing - 100.3% of the annual target. In 2018, it is planned to introduce 2 million 403 thousand square meters in

the republic. m of housing [8]. The share of the gross product of the construction complex in the total regional product of Tatarstan is 10%. In addition, 7.9% of the republic's workforce is involved in construction, and investments in construction in 2017 amounted to 7 billion rubles [9]. At the end of 2017, the editors of FederalPress compiled a reliability rating for construction companies in Tatarstan. Among the construction companies, centenarians working since the 1990s were highlighted: Suvar Group (today #Suvarstroit), Unistroy and "Gran" construction company (SK Gran). Originally from the 2000s - Kazan Housing Investment Company Group of Companies (ZhIK Group of Companies), Ak Bars Development Group of Companies (Ak Bars Development Group of Companies) and City Stroy Group of Companies (City Stroy Group of Companie) [10].

The mentioned companies consistently occupy high places in the rating of the National Association of Developers. Three of them: "#Suvarstroit", SK ZhIK and Unistroy were included in the top 100 of the Russian rating of developers in terms of housing commissioned in 2017, and Ak Bars Development c in the top 150. However, there are among them those companies that did not introduce a single square meter in 2017.

In 2018, two new players appeared on the construction market of Tatarstan "TAUGRUPP" and the Udmurt company "Talan". The emergence of new players should have a positive impact on the housing market, as increased competition forces construction companies to improve product quality and offer the most attractive conditions for buyers.

By the volume of current construction in 2018, all participants in the rating are among the top ten developers of the republic. In addition, the Unistroy company and the ZhIK group of companies are included in the top 150 of the Russian rating of the National Association of Developers. The companies included in the rating account for 37.17% of housing under construction in 2018 in the republic.

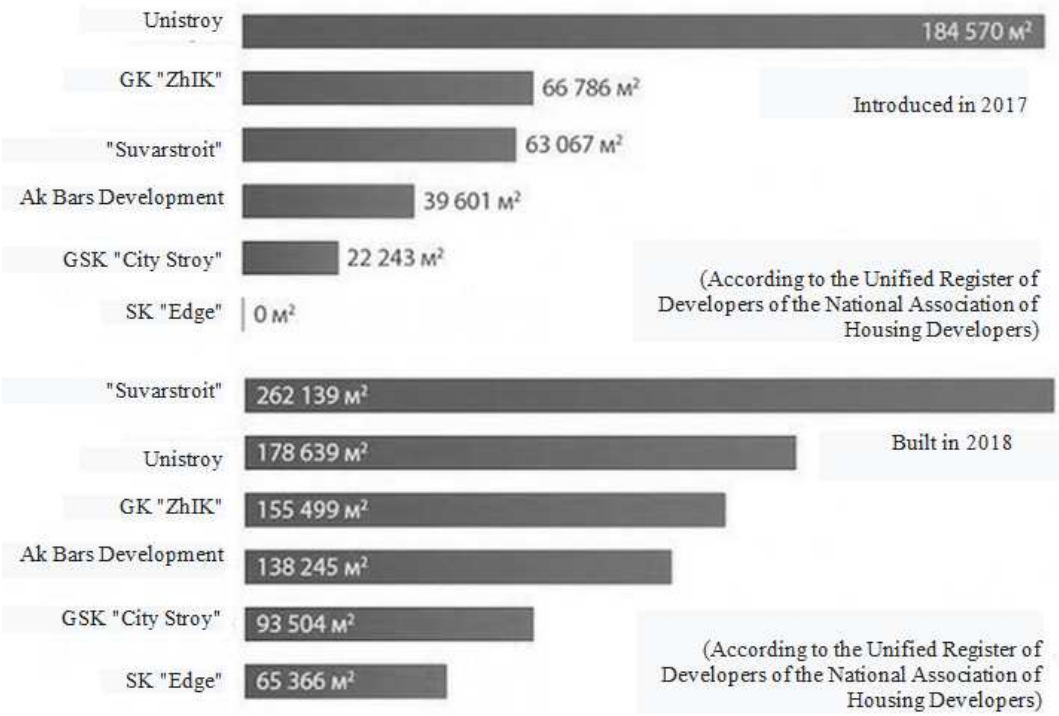

Figure 5. Construction companies of the Republic of Tatarstan, included in the reliability rating based on the results of 2017 [10]

The results of the housing commissioned in 2017 and planned for commissioning in 2018 are presented in Figure 5. Based on the results of the research conducted by the FederalPress editorial office, the following rating of RT construction companies was presented: 1st place - SK ZhIK, 2 - "#Suvarstroit", 3 - "Unistroy", 4 - SK "Ak Bars Development", 5 - SK "City Stroy", 6 - SK "Gran". The first place in the rating of reliability of construction companies in Tatarstan was taken by SK ZhIK, since participation in a state company has always been a sign of reliability in any industry. At present, the ZhIK Group of Companies is one of the largest enterprises in Kazan, which performs the functions of a customer in the construction and restoration of construction projects in the city and the republic [10].

We also consider it necessary to analyze the statistics of bankruptcies of construction companies in Tatarstan. For nine months of 2017, 10 945 more organizations were liquidated in the republic than newly registered (8 545). Among the sectors where the largest percentage of company closures was

observed, construction - 2,562, wholesale and retail trade, as well as repair of motor vehicles and motorcycles - 8,737, and manufacturing industries - 1,577 were the leaders.

The newly opened construction companies did not compensate for the "loss" from closing, since their number was only 1,428 [11].

4. Summary

To summarize the review of the construction industry of the Russian Federation and the Republic of Tatarstan. In the Russian Federation, housing commissioning in 2017 fell by 2.1%. For this year, 78.6 million square meters were commissioned. m of residential real estate against 80.2 million square meters. m a year earlier. At the end of 2017, the total volume of loans to construction companies increased by 15-18% compared to 2016 and amounted to about 1.4 trillion. rubles. In the current circumstances, lending is becoming less affordable for small and medium-sized construction companies. In general, in 2017, the bankruptcy process overtook more than 3.5 thousand construction companies of the country. In 2016, there were about 1,500 such companies. This situation is largely caused by massive non-payments for already completed construction work or delays in payment, including from state customers.

At the end of 2017, 2 million 408 thousand square meters were commissioned in Tatarstan. m of housing - 100.3% of the annual target. In 2018, it is planned to introduce 2 million 403 thousand square meters in the republic. m of housing. 7.9% of the workforce is involved in construction, and investments in construction in 2017 amounted to 7 billion rubles. For nine months of 2017, 10 945 organizations were liquidated in the republic more than вновь 8 545 were registered again.

5. Conclusion

Thus, based on the data analyzed, we can say that the construction industry in the Russian Federation is undergoing its next crisis. This is due to many factors, for example, such as: a decrease in housing commissioning, credit restrictions, a high level of bankruptcy of construction companies, and others. However, the situation in the Republic of Tatarstan is different: the construction industry over

the course of several years has shown positive development dynamics. Despite the relatively high share of bankrupt companies, the construction industry of the Republic continues to gain momentum, to develop, while remaining investment-attractive.

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RESTRICTION OF THE RIGHT TO THE LIBERTY AND SECURITY OF MINORS ACCORDING TO THE INTERNATIONAL AND NATIONAL LAW (BY THE EXAMPLE OF THE RUSSIAN FEDERATION)

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Gulshat Z. Shamilova[2]

Abstract: The article is about the main points of the minors arrest and detention who are suspected in a criminal offense under paragraph 5 (d) of Article 5 of the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950; the legality of the minors arrest and detention, rights and freedoms. The special attention is paid to the study of the pointed legal positions of the European Court of Human Rights. The importance of the study is connected with the fact that the right to the liberty and security is one of the most important rights included in the list of internationally recognized human rights and freedoms. From the point of the generally accepted classification in the law theory and Russian constitutional law, as well as in the theory of international law, *the* analysing law belongs to the civil (personal) rights. In this regard, the right to the liberty and security can be characterized as a law that has a natural character and it is closely connected with the nature of man.Detention or arrest is the most severe measure; it is applied only on the basis of a court decision which is based only on the results of consideration which is accepted as a result of the court's learning of the relevant petition submitted by an investigator or inquiry officer.

Keywords: arrest, detention, rights to liberty and security of person, crime, a minor, European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, European Court of Human Rights.

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Introduction

The right to liberty and personal security[3] is an inalienable right for every person; it determines the existence of constitutional guarantees for the protection and security of the personal dignity, the prohibition of torture, violence, other cruel or degrading treatment or punishment (Articles 17, 21 and 22 of the Constitution of the Russian Federation)[4]. Restriction of this right is allowed only according to the Constitution of the Russian Federation; it is carried out in the manner prescribed by law, in compliance with general legal principles and on the basis of necessity criteria, reasonableness and proportionality, with no touch of the very essence of this right .

Coercive measures restricting freedom and personal inviolability, that is important to isolate a person from society and his/her stay in a closed space, are provided for the legislation on administrative offenses, criminal, criminal procedural, and criminal executive law, other federal laws and are including delivery, drive, escort, transfer (sending) of a convicted person to another correctional institution, other transfer, for example, to places of detention for investigative actions or court hearings or in medical organizations, as well as administrative detention, administrative arrest, disciplinary arrest, placement in a special institution of a foreign citizen (stateless person) subject to administrative expulsion from the Russian Federation, deportation or readmission, placement of a minor in a temporary detention centre for juvenile delinquents of an internal affairs or in a special closed-type educational institution, detention, remand in custody and ward, arrest, imprisonment.

Therefore, the application of criminal and criminal procedural law in the course of pre-trial and trial of criminal cases and materials in relation to juvenile offenders must comply with

[3] The word "security" ("right to liberty and security of person") is used in the translation in official Russian as the concept of “inviolability”; the authors of the paper consider this right within the translation as “security”

[4] Resolution of the Supreme Court Plenum of the Russian Federation dated December 25, 2018 No. 47 “On some issues that the courts have in considering administrative cases related to violation of the conditions of detention for persons in places of detention”, “Rossiyskaya Gazeta”, dated January 10, 2019 No. 2, Bulletin of the Supreme Court of the Russian Federation, February 2019, No. 2

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the generally recognized principles and norms of international law, international treaties to protect the rights and legitimate interests of minors in the exercise of criminal, criminal-procedural and criminal-executive proceedings, as well as implement other procedures prescribed by law aimed to prevent juvenile delinquency and increase preventative impact of litigation.

Methods

Within this work, we will use the following methods: analysis, synthesis, general scientific methods: the deductive method, and also particular scientific methods: the historical and legal method, the method of legal forecasting.

Results and Discussion

Minors must be deprived of their liberty in accordance with the principles and procedures set in the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules) adopted by the United Nations General Assembly Resolution dated December 14, 1990 No. 45/111 and in the Standard Minimum rules of the United Nations for the administration of juvenile justice (the Beijing rules)[5]. The minors' deprivation of liberty should be applied as an urgent measure and during the minimum necessary period of time. The term of punishment shall be determined by the judicial authority, not excluding the possibility of his or her early release[6].

The international community has approved and adopted a number of documents relating to fundamentally important issues on the field of ensuring the rights of a child, the prevention of juvenile delinquency, the organization of justice for them, the conditions for the treatment of juvenile offenders. This code of international law actually formed the rules for the treatment of juveniles committing offenses[7]. An important principle of international law which is adopted by the international community

[5] Rules of the United Nations on the Protection of Juveniles Deprived of their Liberty (Havana Rules) adopted by the Resolution of the United Nations General Assembly on December 14, 1990 N 45/113.

[6] The problem of juvenile delinquency has a special place in the work of law enforcement agencies in all developed countries. Effective criminal law measures applied to adolescents can help prevent their offenses and at the same time ensure their correction

[7] The international legal framework for the criminal law policy regarding juvenile offenders (S. I. Martynova,"Advokat" ("Lawyer"), N 12, December 2010)

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is to ensure the flexible application of criminal law against minors. Thus, Article 6.1 of the Beijing Rules states that an appropriate amount of discretion should be provided at all stages of the court and at various levels of juvenile justice, including in the investigation, trial, court decision and enforcement court decisions[8]. Thus, the international legal acts concerning the administration of juvenile justice are very humane and the detention of juveniles before trial is used only as a last resort and for the shortest possible time.

International legal acts should serve as the main component to regulate the framework of the Russian criminal law policy regarding juvenile offenders[9].

The Convention, being a special highly significant self-executing international treaty of the Russian Federation, has become an integral part of the legal system of Russia[10].

The European Convention provides four groups of circumstances that make lawful the deprivation of the liberty; they lie outside the framework of the criminal process, although they may be connected with it by some of its features. This group includes paragraph “d”, part 1, Article 5 of the Convention, which we will consider below.

Paragraph “d”, part 1, Article 5 of the Convention for the Protection of Human Rights and Fundamental Freedoms reads: “1... No one may be deprived of their liberty except for in the following cases and in accordance with the procedure established by law... d) the detention of a minor on the basis of a lawful order for educational supervision or their lawful detention in order to be brought before a competent law enforcement body... ".

The term "minor" refers to persons under the age of 18[11], according to the European standards and Resolution CM (72) by the Committee of Ministers of the European Council[12]. Paragraph "d" allows not only the

[8] UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) adopted by UN General Assembly Resolution 40/33 dated November 29, 1985
[9] Generally accepted international principles and standards for the administration of juvenile justice are to be integrated into national law and practice
[10] By the Federal Law No. 54 dated March 30, 1998, the Russian Federation ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended (hereinafter - the Convention, the European Convention)
[11] Koniarska v. the United Kingdom (dec.)
[12] X. v.Switzerland, Commission Decision dated December 14, 1979

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deprivation of liberty of minors; it contains specific, but not exhaustive examples of circumstances in which a minor can be deprived of liberty, namely for the purpose of: a) educational supervision of this person; or b) delivering it to a competent judicial authority[13].

The first part of paragraph "d", part 1, Article 5 of the Convention permits deprivation of liberty based on a decision of a court or administrative authority to ensure that a child visits an educational institution. In the context of the detention of minors, the term "educational supervision" should not be reduced only to classroom learning. Such oversight should cover many aspects of the exercise, in accordance with the authority, of parental rights for the interests and protection of the person concerned[14]. Paragraph "d" does not prevent the application of temporary detention measures pending the establishment of an educational supervision regime without the use of educational supervision itself. In such circumstances, however, the mentioned regime should be established as soon as possible after imprisonment in the appropriate institution (open or closed) and with resources sufficient to achieve this aim[15]. If the state has chosen a system of educational supervision with deprivation of liberty, it is obliged to provide the appropriate institutions that would satisfy the safety and education requirements of this system in order to ensure compliance with the requirements of paragraph 5 (d), Article 5 of the Convention[16]. The court does not find that the institution for the detention of minors in corresponds to the concept of "educational supervision" if educational activity is not carried out in it[17].

So, in the Resolution of the ECHR in the case of "Blokhin v. Russia," there was established a violation of paragraphs 1 and 3 (subps. c and b), Article 6, par. 1 of Article 5, and Article 3 of the Convention in connection with the violation of due process in relation to a minor 12-year-old I.B. Blokhin, while conducting an investigation on a report of a crime committed by him and considering by a

[13] Mubilanzila Mayeka and Kaniki Mitunga v. Belgium, § 100
[14] P. and S. v. Poland, § 147; Ichin and Others v. Ukraine, § 39; D.G. v. Ireland, § 80
[15] Bouamar v. Belgium, § 50
[16] A. and Others v. Bulgaria, § 69; D.G. v. Ireland, § 79
[17] Ichin and Others v. Ukraine, § 39

court of the issue of his placement in a temporary detention centre for juvenile offenders (hereinafter referred to as the Centre) and illegal detention of the applicant in the Centre. The ECHR indicated that the applicant's placement in the Centre was equivalent to imprisonment, since the Centre was closed and guarded, a disciplinary regime was applied to those who were in it; personal things were confiscated, etc. Since the national authorities did not mention any specific offense, from which it was necessary to deter the applicant, as well as taking into account that the applicant was not found guilty of an offense because he did not reach the age of criminal responsibility, the applicant's report was unlawful. The ECHR explained that starting from the moment a child's detention by enforcement agencies he or she must be guaranteed at least the same rights and guarantees as adults.

The second part of paragraph d, part 1, Article 5 of the Convention governs the lawful detention of a minor so that he or she is brought before a competent law enforcement agency. According to the preparatory work, this provision was aimed at resolving issues of the detention of minors before the start of civil or administrative proceedings, and the detention in connection with criminal proceedings was supposed to be made the subject of paragraph "c", part 1, Article 5 of the Convention.

However, the detention of a minor accused in committing a crime while preparing a psychiatric report necessary to decide on his/her mental state was recognized as falling under paragraph 5 (d), Article 5 of the Convention as detention so that the minor would appear before the competent authority[18]. With regard to paragraph "d", part 1, article 5 of the Convention, the ECHR proceeds from the fact that it is advisable not to apply to minors ordinary coercive measures designed for adults, and to carry out socially oriented justice with a less formal procedure. So, it was found unacceptable to place a minor in a pre-trial detention centre together with adults; any detention of a teenager should go into a regime working under his/her re-education is possible [19].

[18] X. v. Switzerland, Commission Decision dated December 14, 1979

[19] Following the resolution by the ECHR of the case of Buamar v. Belgium in 1988, the Law of February 2, 1994 was passed in Belgium, which

Summary

Russian legislation basically correlates with the Convention in such moments as it speaks of the permissibility of detention of a minor for educational supervision and the detention necessary for a teenager to appear before a competent authority. But it is subject to compliance with the Convention in a number of other provisions[20]:

1) Ensuring that trials involving minors are proceeded in urgency, avoiding excessive delays in order to ensure an effective educational process;

2) Strengthening the legal position of minors in the course of the proceedings, including the investigation, recognizing inter alia[21]:

- Presumption of innocence;

- The right for the assistance of a lawyer, who can be officially appointed and paid by the state if it is necessary;

- The right to the presence of parents or another legal representative who must be informed about the case from the moment it occurs;

- The right of minors to call and interrogate witnesses to confront them;

- The right to file a complaint;

- The right for the petition to review the imposed sentence.

Conclusions

Having analysed the current situation in the Russian legislation and the provisions of the ECHR, we come to the following conclusions:

1) Some measures of re-education of adolescents who have committed criminal acts are indicated in the Criminal Code of the Russian Federation, although they are not criminal penalties by their nature;

2) Criminal cases ending in the appointment of educational measures or medical and educational measures for adolescents are considered in the framework of the general judicial procedure, which is also used to convict

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prohibited the juvenile court from re-placing the teenager in one trial.The deadline for such a conclusion may not exceed fifteen days. See: Glotov S.A., Petrenko E.G. Human rights and their protection in the European Court. - Krasnodar: Publ."Yug", 2000, p.113

[20] In particular, in the judgment of the European Court of Human Rights of March 23, 2016The Blokhin v. Russian Federation case (Complaint No. 47152/06, Grand Chamber) recommends that the authorities of the Member States review their legislation and practice, if necessary, in order to apply it

[21] Inter alia (lat.) - among other things, in particular

adults. There are no juvenile courts in the Russian Federation

3) The juvenile commissions have the right to send minors to special educational institution to deprive them of their freedom which is against the Convention;

4) While the commission for juvenile affairs considering materials minors cannot use the right to have a defence counsel;

5) The conditions of stay of minors in educational and medical institutions, in the context of the Convention, are imprisonment with all the legal consequences arising from this.

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UN Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules) adopted by the United Nations General Assembly dated December 14, 1990 No. 45/113

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[12] Mubilanzila Mayeka and Kaniki Mitunga v.Belgium, § 100

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SOME ASPECTS OF PATIENTS' RIGHTS TO RECEIVE INFORMATION ABOUT THEIR HEALTH STATUS UNDER THE LEGISLATION OF THE RUSSIAN FEDERATION

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Abstract : The relevance of the chosen topic is due to increased legal literacy of patients, the need to respect their rights and increase the responsibility of a medical institution in matters of observing the rights of patients. According to the current legislation of the Russian Federation in the field of health protection, the right of citizens to information about their state of health includes two main components: informing the patient by the attending physician and familiarization with medical documentation.In the first case, the attending physician or medical worker directly providing medical assistance to the citizen is obliged to inform the citizen or his legal representative of the information about the state of his health available in the medical organization, including: information on the results of a medical examination; the presence of disease; about the established diagnosis; on the prognosis of the development of the disease; methods of medical care related to their risk; possible types of medical intervention, its consequences; the results of medical care. The procedure for familiarizing patients with the originals of medical records is also regulated by law. This study touched upon the implementation of the patient's rights to familiarize themselves with the patient's medical records, obtain copies of medical documents, and introduce electronic medical records.

Keywords: medical records, acquaintance with the patient's medical records, obtaining copies, liability, loss of medical documents, rights of patients.

1 Introduction

Federal Law of November 21, 2011, No. 323-ФЗ "On the Basics of

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Protecting the Health of Citizens in the Russian Federation" (hereinafter the Federal Law "On Protecting the Health of Citizens") [1] regulates the rights and obligations of patients when they receive medical services. Moreover, under the patient, this regulatory legal act refers to an individual who has reached the age of 15 years, who are being provided with medical care or who has applied for medical assistance regardless of whether he has a disease and his condition.One of the elements of a patient's right to information in the field of health is his right to familiarize himself with and receive extracts and copies of his documents stored in a medical institution. Article 22 "Information on the state of health" of this federal law indicates the patient's right to familiarize himself with information about his health in an accessible form for him, including: the results of medical examinations, identified diseases, information about the diagnosis and treatment methods, risks and prognosis of development diseases, types of possible medical intervention. Clauses 4 and 5 of this article establish guarantees for the rights of the patient or his legal representative to obtain the right to access medical documents containing information about his state of health (Clause 4), the ability to receive copies and extracts from medical documents (Clause 5), which are elements of the patient's common right to information.

Similar requirements apply to the official website of a medical organization on the Internet. In accordance with paragraph 7 of Part 1 of Article 71 of the Federal Law "On the Protection of Citizens' Health" [1] it is said that a medical organization is obliged to inform citizens in an accessible form, including using the Internet, about ongoing medical activities and the medical workers of a medical organization, about the level of their education and their qualifications.

2 Methods

The study is based on a method of analysis of current Russian legislation and law enforcement practice and existing European (world) standards for legal unification [2, 386]. The methods of legal modeling and forecasting make it possible to determine the need to amend existing Russian regulations, as well as the need to adjust judicial practice [3]. Thanks to the use of

modeling and forecasting methods, the consequences of making such changes and adjustments can be ascertained with a sufficient degree of certainty, and it will also be revealed how, ultimately, Russian law enforcement practice will be close to existing European (world) standards [4, 421]. The sociological method allows the assessment of social problems from a legal position, from the perspective of a legislator and law enforcer [5, 651]. The interpretation method complements the comparative legal analysis in the study, allowing you to understand and compare Russian and European (world) legal standards [6, 62]. The use of various methods allowed us to formulate the main theoretical conclusions and make our proposals on the studied sphere of public relations [7, 70; 8].

3 Results And Discussion

The Federal Law of the Russian Federation of November 21, 2011, No. 323-ФЗ "On the Basics of Protecting the Health of Citizens in the Russian Federation" does not define the concept of medical documentation. So what is meant by the term "medical records reflecting the patient's state of health"? By order of the Ministry of Health of the Russian Federation dated December 15, 2014 No. 834 [9], unified forms of medical documentation used in medical institutions and the procedure for filling them out were approved. This order defines the main document used in clinics of the Russian Federation - the patient's medical record. This order also establishes uniform standards for the registration of records for all outpatient medical institutions, which allow you to create an electronic medical record.

And where should the medical record be kept? At the patient or in the clinic? Order of the Ministry of Health of Russia dated December 15, 2014, No. 834n does not regulate this issue, it only approved unified forms of medical documentation. The letter of the Ministry of Health and Social Development of the Russian Federation dated 04.04.2005 No. 734 / MZ-14 "On the procedure for storing outpatient cards" [10] states that the card is stored in the registry of a medical institution and can only be handed out to the patient with the permission of the head physician medical institution and is stored in the archive for 25 (twenty-five) years after the death of the patient. Thus, the

ambulatory card is the property of the medical institution, although this order is not normative in nature, but is an explanation and has a by-law nature.

In accordance with paragraph 4 of Article 22 of the Federal Law “On the Protection of Citizens' Health”, the Ministry of Health of the Russian Federation developed Order No. 425n of June 29, 2016 “On approving the procedure for familiarizing a patient or his legal representative with medical documentation reflecting a patient’s health” [11] . According to this order, medical documentation is provided to the patient or his legal representative on the basis of a written application in a specially equipped room located in a medical facility. This document has removed many of the questions that arise regarding the procedure for familiarizing the patient with medical documentation, but, unfortunately, no regulatory act has been adopted to regulate the procedure for the patient (his representative) to exercise his right to receive documents regarding his state of health, their copies and extracts of them, neither in electronic form, nor on paper. Unresolved is the question of how often the patient can apply for certificates and extracts, whether photo and video recording of medical records is allowed, and many other questions that arise in practice. However, this does not mean that the patient cannot exercise his rights established by law. In the absence of special legal regulation, the general provisions of the Federal Law of May 2, 2006 No. 59-ФЗ On the Procedure for Considering Appeals of Citizens of the Russian Federation [12] apply.

The Federal Law "On the Protection of Citizens' Health" introduced the concept of a "Unified Information System in the Field of Healthcare". Within the framework of this system, information is collected, stored and processed regarding health authorities, private, state, municipal health organizations, as well as other health care activities. In this case, the requirements of the laws on personal data and medical confidentiality must be strictly observed. For the proper implementation of these provisions, it is recommended that medical institutions provide for the development of an internal document (regulation or procedure) of a medical organization that regulates the work of informing patients about their rights and obligations.

Since the patient's medical record is very important as the main primary document on the patient's health status, the perpetrator, in addition to disciplinary liability, can be brought to administrative or criminal liability for the following articles: deliberate misrepresentation of information in it or destruction (loss) of it: article 13.20. "Violation of the rules of storage, acquisition, accounting or use of archival documents" of the Code of the Russian Federation on Administrative Offenses of December 30, 2001 No. 195-FZ [13]; Article 292 "Official forgery" and Article 325 "Theft or damage to documents, stamps, seals or theft of excise stamps, special stamps or conformity marks" of the Criminal Code of the Russian Federation of June 13, 1996 No. 63-FZ [14].

In the Unified Information System (IGISS), personified accounting is carried out, which is processed data on the persons participating in the provision of medical services and on the persons to whom these services were provided (Article 92 of the Federal Law "On the Protection of Citizens' Health"). Currently, the legislation does not establish the requirement for maintaining medical records in paper form only. Since 2008, the National Standard "Electronic Case History. General Provisions" shall be complied with. GOST R 52636-2006 [15]. However, its use is still voluntary.

Thus, until the norms and legal acts confirming the legal status of the patient's electronic medical card are adopted and enforced, it cannot replace the standard paper form. Unfortunately, cases of loss of a medical record or certificates analyzes, and other medical documents stored in it are not rare due to the fault of medical institutions or the fault of patients.

4 Summary

Based on the analysis of the current legislation of the Russian Federation in order to resolve the identified problems, the authors of the article propose to supplement the legal regulation of protecting the health of citizens with the following:

1. In development of paragraph 5 of Article 22 of Federal Law No. 323-ФЗ of 11/21/2011 "On the Basics of Protecting Citizens' Health in the Russian Federation", adopt a regulatory act regulating the procedure

for exercising a patient's right to gain access to documents reflecting his state of health and to receive copies and extracts from them, as well as access to documents in electronic form.

2. In the development of Article 92 of the Federal Law of November 21, 2011, No. 323-ФЗ "On the Basics of Protecting Citizens' Health in the Russian Federation", to adopt a normative act obliging medical organizations to keep a patient record in electronic form.

5 Conclusions

At the conclusion of the study, the authors express confidence that it is the introduction of mandatory electronic medical records that will help to improve the completeness and reliability of information about the health status of patients, facilitate access to its receipt and familiarization, receipt of copies, ensure the safety of information, fully ensure the rights of the patient and medical organization. At the same time, improving the quality of medical records should lead to a reduction in claims from external departmental and extra-departmental control in this area of medical organizations.

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STATE SUPPORT OF YOUTH ENTREPRENEURSHIP IN RUSSIA AND RUSSIAN REGIONS

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Abstract: The article is devoted to the analysis of support for youth entrepreneurship in Russia and Russian regions. Consideration of this topic is relevant, since, on the one hand, the interest of Russian youth in creating a business is growing, and on the other, society and the state are interested in young, initiative entrepreneurs. The article reviews, analyzes and compares the state support for young businessmen at the federal and regional levels. The main research methods are comparative analysis, analysis of regulatory legal acts of Russia and regions of the Russian Federation, systematization and generalization of legal information. The result of the study was the conclusion on the implementation of support for young entrepreneurs in the Russian Federation and its feasibility. The main problems of this direction of support were highlighted. So, some discrepancies in federal and regional legislation, inaccuracies in the organization of the assistance process itself, the lack of a clear plan of measures to support this type of business, etc. were revealed. Recommendations were also proposed that will help to overcome these problems and make the support of young entrepreneurs more accessible, appropriate and effective. So, for example, it was proposed to simplify the very concept of youth entrepreneurship, to fix at the federal level the main directions of its support, etc.

Keywords: youth, business, region, support, youth entrepreneurship.

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Introduction.

Youth is one of the key foundations of a future state. It forms human capital for the future economy. The demographic situation in the country depends on young people. Youth is becoming a source of new ideas and achievements. An important place among young people is occupied by young entrepreneurs. They create new jobs, develop competition, contribute their innovations and ideas. In general, they become the basis for the development of the state economy.

According to a survey by Career.ru in 2018, a third of young professionals in the Russian Federation expressed a desire to start a business [1]. That is, the interest of Russian youth in creating their own business is great. It should be noted that youth entrepreneurship is associated with great risk. The young businessman does not yet have experience in his field. He has no business connections and business partners. The young entrepreneur has extremely limited starting financial opportunities due to the lack of savings.

Such a contradictory nature of the youth business makes its state support relevant. The state, on the one hand, should motivate young people to open their own business and create conditions for this. On the other hand, authorities should support young businessmen and help them overcome difficulties. In this regard, the study of state support for youth entrepreneurship is relevant at the moment.

The relevance of this topic is confirmed by the scientific interest in it of other scientists. A number of studies analyze the importance of youth entrepreneurship for economic development and overcoming the problem of unemployment in the state [2, 3]. One of the most relevant aspects of this topic can be considered the issue of motivation and intentions of young people to do business. A number of works are devoted to identifying the main factors affecting young people and their desire to do business [4]. Some works deal with individual factors that influence the intentions of young people. Many scientists study a factor such as education. The influence of secondary school educational programs [5,6], professional education programs at universities [7,8] on the desire of young people to do business is studied. In

addition to education, factors such as the social status of youth [9], the economic and historical situation in the state [10], social and cultural differences of territories [11], etc. are also studied. State policy with regard to youth and business does not go unnoticed. A number of studies demonstrate the positive experience of state support for entrepreneurship. So, Cavada, M.C., Bobek, V., Maček, A. describe the positive experience of state support for women's entrepreneurship in Mexico. Young girls are greatly assisted by a specialized state program to support women's business [12]. A number of studies examine the negative experiences of government support for youth and youth entrepreneurship. Thus, Madichie, N.O., Mpiti, N., Rambe, P. conclude that state financial assistance to young entrepreneurs in the South African Republic leads only to an increase in debts, but not to business promotion [13]. Arlow, J., in his study examines the national internship system in Ireland, JobBridge, and concludes that this system seriously infringes on the rights of unemployed youth whose work is free of charge [14]. That is, we can say that state support for youth entrepreneurship in different countries is organized in different ways and can have not only positive, but also negative consequences. Our task is to study how support for young entrepreneurs is organized in Russia and whether it is appropriate.

Research Method.

The study of state support for youth entrepreneurship in the Russian Federation included several stages. The logic and progress of the study was determined by the fact that in Russia state support for youth entrepreneurship has a complex organization. Firstly, this support combines two areas of work at once: business support and youth support. Secondly, the support of young entrepreneurs involves the joint work of both federal and regional governments. In this regard, this study examines two areas of public policy at two levels of government. This made it possible to more fully analyze state support for youth entrepreneurship in the Russian Federation and determine its further development.

At the first stage, an analysis of the regulatory legal acts of the Russian Federation on youth and business

support was carried out. This made it possible to identify the main areas of support for youth entrepreneurship.

At the second stage, an analysis of regulatory acts at the level of regions of the Russian Federation was carried out. Several regions were selected for analysis: the Republic of Bashkortostan, the Republic of Mari El, the Republic of Mordovia, the Republic of Tatarstan, the Republic of Udmurtia, the Chuvash Republic.

The experience of the regions is considered in two directions: business support and youth support. In each of these areas, a comparative analysis of the regions was carried out according to the following criteria:

– the presence of a specialized state body or organization that provides support;

– the existence of a specialized law that enshrines the foundations of the considered policy area;

– consolidation of provisions on youth entrepreneurship and its support in this law;

– availability of a strategy / program in this policy area;

– consolidation of provisions on supporting young businessmen in this strategy / program.

The generalization and comparison of information on each of the criteria allowed us to compare the regions with each other and determine how the system of state support for youth entrepreneurship in Russia and its regions is organized.

Results

The analysis of federal legal acts in relation to business and youth led to the following conclusions.

Support issues for youth entrepreneurship are related to youth policy. However, this policy area at the federal level is still underdeveloped. This is evidenced by the following facts. Firstly, while at the federal level there is no specialized law that would enshrine the basic principles and directions of youth support, including youth entrepreneurship. Secondly, the organization of authorities responsible for youth support is changing quite often. The body that is responsible for implementing youth policy has been transformed and changed its status more than 7 times since 1992.

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At the same time, youth policy issues were combined with other areas of politics: in the field of labor, education and science, sports and tourism. Currently, the Federal Agency for Youth Affairs of the Russian Federation is responsible for the implementation of youth policy. It is independent and reports directly to the Government of the Russian Federation [15].

The main document of youth policy at the moment is the Fundamentals of State Youth Policy until 2025 [16]. This document contains two important aspects of youth entrepreneurship:

1. The very definition and status of youth entrepreneurship;

2. the need to support young entrepreneurs;

Regarding the very concept of "youth entrepreneurship" we can say the following. Firstly, it seems impractical to fix this term in this document. The specified document is valid until 2025. After that, it will cease to act, that is, the very definition of “youth entrepreneurship” will cease to operate. Secondly, the definition indicates signs of youth entrepreneurship:

– age of the owner (up to 30 years);

– company size (small or medium business);

– age requirements for employees and the head (the average age of employees and the director should not exceed 30 years);

– age requirements for the participants (owners) of the company and their share in the authorized capital (at least 75% of the authorized capital should be held by participants under 30 years old).

Some of these requirements may be considered inappropriate. So, in our opinion, it makes no sense to limit the size of the company or establish a requirement for employees. We believe that it is necessary to make demands only on the entrepreneurs themselves. It is assumed that youth entrepreneurship is the type of business that will focus on creating a new product and introducing new ideas. And it depends on the decision directly of the owners - young entrepreneurs. Therefore, you need to make demands only on them.

In addition, such a proposal will simplify the classification and separation

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of youth entrepreneurship from the total number of companies.

On the support of youth entrepreneurship in the Fundamentals of Youth Policy, only the fact of support is indicated. There are no clarifications on the types and directions of support in the document.

That is, we can say that at the federal level only the status of youth entrepreneurship is established. Accordingly, it can be assumed that the directions and support measures are enshrined in regional acts.

The analysis of regional acts [17] was also carried out in two directions. First, we present the results of the analysis of information on regional youth policy. They are shown in the Table 1.

Table 1.

Implementation of youth policy and support for youth entrepreneurship in the regions of the Russian Federation

	Republic of Bashkortostan	Republic of Mari El	Republic of Mordovia	Republic of Tatarstan	Udmurt Republic	Chuvash Republic
Youth Policy Bodies	+	+	+	+	+	+
Youth Act	+	+	+	+	+	+
Availability in the law of information on youth business	+	+	+	+	+	+
Youth Support Programs	+	-	-	+	+	-
Availability of youth	-	-	-	+	+	-

business information in the program						

From the Table 1 we can draw the following conclusions. At the regional level, youth policy is recognized. This is evidenced by the presence of relevant bodies and laws on youth. The absence of youth policy programs in some regions suggests that youth policy is either just being declared but not being implemented. Or it is realized, but chaotically and uncontrollably.

Regarding youth entrepreneurship, we can say that its support is enshrined in all regions (in regional laws). Some laws on youth enshrined the concept of youth entrepreneurship (the law of the republics of Bashkortostan, Udmurtia, Chuvashia). However, none of them meets the definition at the federal level. A number of laws (Mari El Republics, Chuvashia, Udmurtia) indicate the areas of support: information, legal, organizational support. A number of laws (Republics of Mordovia, Chuvashia) specify support measures: tax incentives, subsidies, etc. However, when considering programs on youth policy, which should contain a specific plan for the implementation of these areas and measures, the following was established. Only in the programs of the two regions are individual measures indicated. In Tatarstan, only support for young entrepreneurs in rural areas is provided. In Udmurtia, only two support measures are provided (although much more is listed in the law of the Republic).

Thus, we can say that, in the framework of youth policy, support for youth entrepreneurship, although it is provided, is not implemented.

Next, we present the results of the analysis of information on business support in the regions (see the Table 2).

Table 2.

Implementation of business support, including young entrepreneurs, in the regions of the Russian Federation

	Republic of Bashkortostan	Republic of Mari El	Republic of Mordovia	Republic of Tatarstan	Udmurt Republic	Chuvash Republic
Business Support Bodies	+	+	+	+	+	+
Entrepreneurship Act	+	+	+	+	+	+
Availability in the law of information on youth business	-	-	-	-	-	-
Business Support Programs	+	+	+	+	+	+
Availability of youth business information in the program	+	-	-	+	+	+

The information from table 2 indicates the following. The laws of the regions on business support do not provide for such a type of business as youth. Consequently, these laws do not provide support for this type of business. At the same time, this type of entrepreneurship already appears in business support programs. However, specific activities are provided only in the program of the Republic of Chuvashia:

– holding contests and grants for young entrepreneurs;

– creation of information centers for young businessmen.

That is, we can say that the events aimed specifically at young businessmen in this direction of politics are not provided for in the same way as in youth policy programs.

Discussion

Thus, regarding the support of youth business in the Russian Federation and regions of the Russian Federation, the following can be noted. This type of business and its support are envisaged and consolidated, but there is no clear plan for supporting young businessmen at the regional or federal levels. At the regional level, support itself is declared and secured, but there is no clear indication of how it is provided. In addition, there is no clear idea of which body provides it. On the one hand, youth entrepreneurship is spelled out in the law on youth, which is carried out by the youth policy body. On the other hand, youth entrepreneurship is more often mentioned in business support programs that are already being implemented by other state bodies in the regions. It is also an obstacle in supporting young entrepreneurs.

Conclusion

To overcome the identified problems, the following is proposed:

– legislative consolidation at the federal level of the very concept of "youth entrepreneurship"; bringing into compliance with this all legal acts at the regional level;

– simplification of the definition of youth entrepreneurship: the following definition is proposed: "youth entrepreneurship is the entrepreneurial activity of citizens under 30 years of age or legal entities, at least 75% of the authorized capital of which is held by persons under 30 years of age"

– allocation of areas of support for young entrepreneurs at the federal level (information and advisory, administrative and legal, educational, financial and economic, infrastructural support);

– detailed development of an action plan within the framework of the indicated areas of support in regional youth support programs.

These measures, in our opinion, will allow not only to consolidate the support of youth entrepreneurship, but also to begin its implementation in practice.

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RISKY NATURE OF DEVELOPMENT THE ELECTRICITY INDUSTRY OF RUSSIA

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Abstract: The electric power industry is one of the basic sectors of the economy of any country, which affects the development of both its individual components and the entire system as a whole. This article analyzes the risk nature of the electricity industry in the Russian Federation and the Republic of Tatarstan. In order to identify features of the organization's risk management, PJSC RusHydro was considered as an example. The article reflects the degree of influence of the TOP-10 business risks, discloses a scoring rating of the investment attractiveness of industries, as well as an example of the use of the risk radar using the example of a company supplying electricity and risks to the Russian Federation. The systematization of data and the dialectical approach made it possible to conclude that the energy sector of the Russian Federation is extremely strongly influenced by energy crises and radical greening. In turn, radical greening is manifested in the tightening of legislative and tax requirements in the field of environmental protection, as well as in the change in consumer demand towards more environmentally friendly products. An analysis of the measures being implemented at the level of the Russian Federation led to the conclusion that the private investments that were attracted as a result of this process significantly increased the size of the reserve capacity of the Russian energy system.

Keywords: electric power industry, risky nature of the industry, organization risk management system

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1. Introduction

Enterprises operating in the electric power industry are subject to various types of risks. In this regard, we consider it relevant to conduct an analysis of the riskiness of the electric power industry, thereby identifying the most dangerous risks in this area, and also to determine the existing methods of influencing them.

2. Methods

In order to identify the degree of riskiness of the electric power industry, first of all, it is necessary to highlight a number of the most common risks:

– violations of legislative and regulatory requirements;

– volatile commodity prices and access to fuel supplies on a long-term basis and at competitive prices;

– state participation in the electric power industry and the fuel and energy complex;

– vague policies to combat climate change and fines for greenhouse gas emissions;

– significant changes in the cost and availability of capital;

– implementation of capital construction projects;

– economic instability and the resulting short-term drop in energy demand;

– lack of qualified personnel;

– physical and moral depreciation of generating capacities and energy supply systems;

– planning issues and the risk of public opposition [10].

The study conducted by Ernst & Young regarding the riskiness of industries [6] is also seen as useful. The result was a list of TOP-10 business risks. In this report, the company assessed 12 different industries and colorfully determined the degree of influence of each risk on the industry (Fig. 1).

Also, during the assessment of the degree of riskiness of the electric power industry, it was revealed that such indicators as the investment attractiveness of the industry, the number of legal entities-bankrupt of this industry, the share of bankrupt in their total number over several periods play a significant role.

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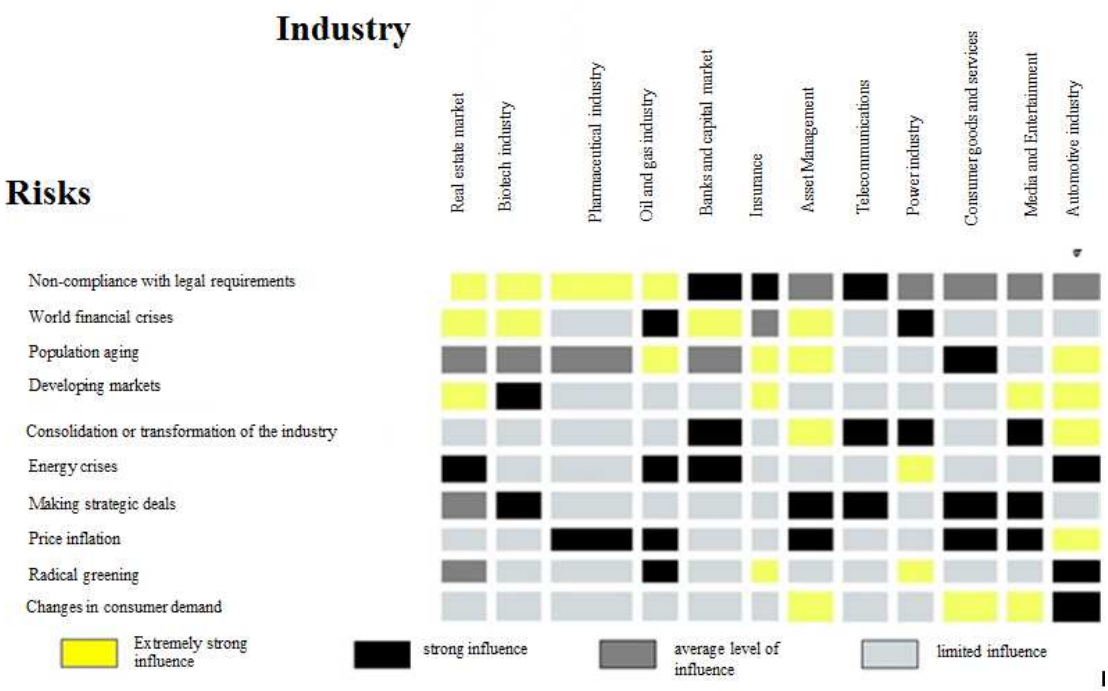

Fig. 1. The degree of influence of the TOP-10 business risks [6].

As for the investment attractiveness of the electric power industry, the analysis conducted by the analysts of the FINAM company [3] may turn out to be useful here. In the course of this study, the investment attractiveness of 13 sectors of the world economy was assessed: light industry, food industry, engineering, oil refining, electric power, timber, coal, chemical, oil production, metallurgy, communications, gas, retail. The assessment was carried out according to a point-rating system - from 0 to 50 points (Fig. 2).

The next factor - the bankruptcy of companies - may also indicate the riskiness of a particular industry.

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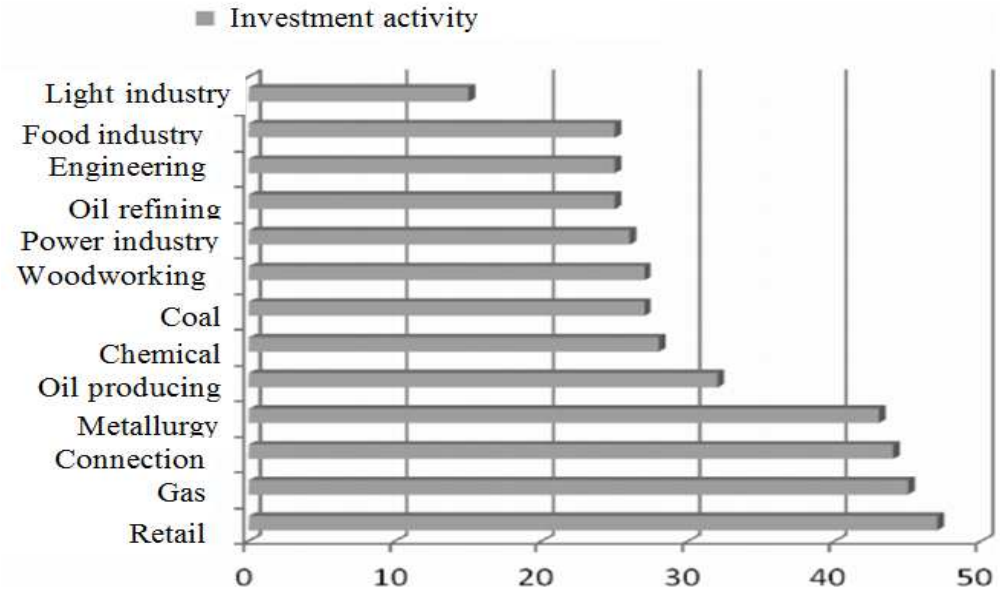

Fig. 2. Score rating of investment attractiveness of industries [3].

Analyzing the degree of riskiness of the electric power industry, one should also take into account the measures introduced at the level of the Russian Federation and the Republic of Tatarstan.

3. Results And Discussion

According to a study conducted by Ernst & Young regarding the riskiness of 12 different industries [6], the result of which was a list of the TOP 10 business risks most affecting the selected industries (Fig. 1), we can conclude that the electricity industry The Russian Federation is extremely strongly influenced by energy crises and radical greening. In turn, radical greening is manifested in the tightening of legislative and tax requirements in the field of environmental protection, as well as in the change in consumer demand towards more environmentally friendly products.

As a result of the analysis carried out by FINAM analysts, it can be seen that the electricity industry turned out to be in 7th place as the investment attractiveness of organizations with a rating of 27 out of 50 decreased. Thus, the electricity industry has a low degree of investment attractiveness. Accordingly, there is a lack of investment in the industry, which can lead to serious problems in the future.

Having studied the statistics of bankruptcies of electric power enterprises of the Russian Federation, we

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came to the conclusion that the dynamics of bankruptcies indicates a low risk industry in this context, since the dynamics is increasingly negative compared to previous years (Fig. 3).

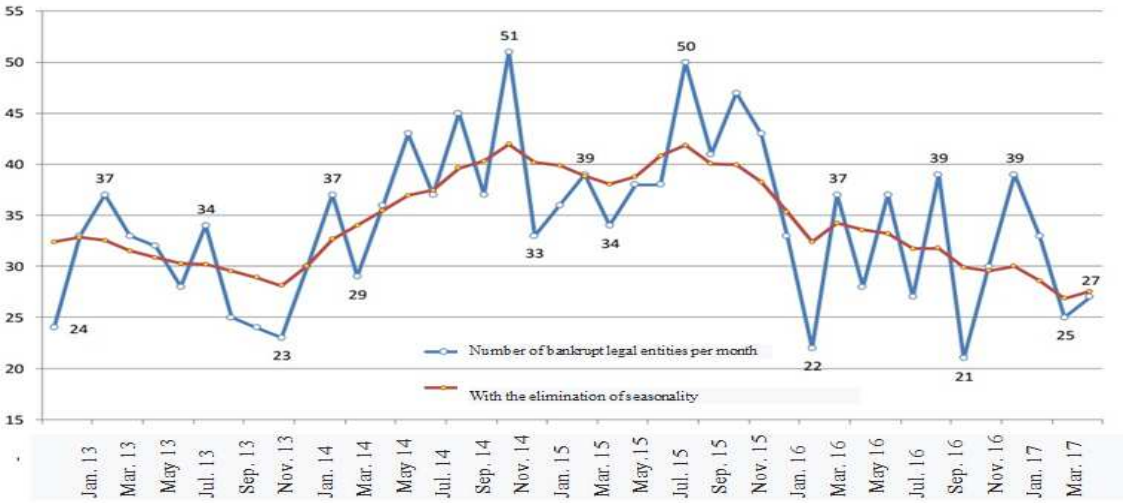

Fig. 3. The dynamics of the number of bankruptcies in the electricity industry [1].

If we pay attention to comparing the number of bankruptcies among the main sectors of the Russian Federation, the electric power industry does not show the highest rates (Fig. 4).

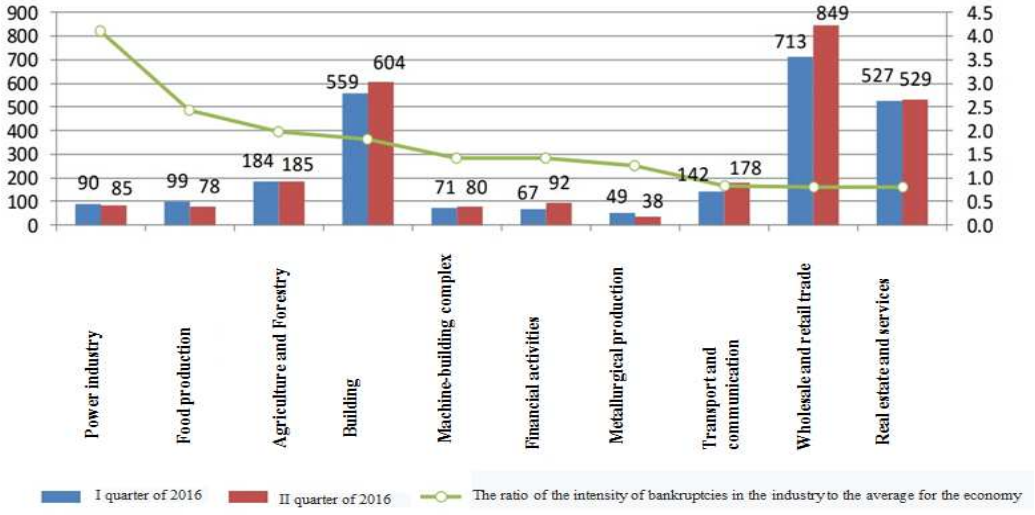

Fig. 4. The number of bankruptcies in industries for 2016 [1].

In total, in 2016 the number of bankruptcies in the electric power industry of the Russian Federation amounted to 175. For example, the largest number of bankruptcies is in wholesale and retail trade (1562), and the smallest number is in metallurgical production (87). The number of bankruptcies of almost all analyzed sectors increased to a greater extent in the second quarter of 2016, which is associated primarily with the stagnation of investment in fixed assets [1].

An analysis of the measures being implemented at the level of the Russian Federation and the Republic of Tatarstan showed that the electric power industry in Russia underwent a number of significant changes in the framework of the previous program "Energy Strategy of Russia" [8], developed from 2003 to 2020, namely, the system of state regulation and the structure changed industry as a whole, a competitive market for electricity and capacity has formed. The process of reforming the Russian electric power industry was carried out with the aim of attracting additional investments to modernize the industry and increase its efficiency. Private investments that were attracted as a result of this process significantly increased the size of the reserve capacity of the Russian energy system.

In order to further reform and improve the efficiency of the electric power industry, the Government of the Russian Federation has developed the Energy Strategy of Russia for the period until 2035 [9]. First of all, this is due to a number of factors: the geopolitical crisis of 2014, the introduction of financial and technological sanctions against Russia by a number of countries, the volatility of world energy prices and the tightening of global competition for resources.

According to the above document, the goal of the energy strategy is to ensure a qualitatively new state of the Russian energy sector, which maximally contributes to its dynamic development. The energy strategy also involves fulfilling the tasks of providing the country with energy products and services in terms of volume, nomenclature and quality, which can guarantee the country's energy security and the reliability of the energy production structure.

The next task is to improve the territorial and production structure of the fuel and energy complex, which is the

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basis for the harmonious energy development of the Russian regions, the creation of new fuel and energy and energy industrial complexes that imply stimulation of the development of Russian regions, the use of local energy resources and renewable energy sources. The challenges also include stimulating innovative import substitution, developing the national market for high-tech products and technologies, increasing the technological competitiveness of the Russian fuel and energy complex, up to Russia's active participation in shaping global technology trends, which, ultimately, will be aimed at ensuring technological independence of the Russian energy sector.

As you know, one of the main factors of the low level of efficiency of RF power plants is a significant share of outdated energy equipment. In addition, inadequate investments aimed at updating fixed assets, as well as their reconstruction and modernization may be the causes of technical constraints and reduce the reliability of energy supply to consumers. Thus, a very acute problem is the physical and moral obsolescence of electric power equipment, which poses a threat to Russia's energy security. In this case, the situation can be remedied by decommissioning outdated infrastructure and large-scale investments in new effective capacities. All these measures will increase the competitiveness and efficiency of domestic energy companies, improve the environmental characteristics of the industry, and reduce the risk of accidents [7].

In this study, as an example of competent handling of risk factors for the functioning of the company, an analysis of the risk management system implemented in the energy company Рус PJSC RusHydro is presented. To reduce the negative impact of potential dangers and realize favorable opportunities, PJSC RusHydro has created a risk management system that aims to ensure the implementation of the company's development strategy. To organize risk management processes at this enterprise, a Risk Control and Management Department was created as part of the internal control and risk management unit. The corporate risk management system of this company is presented in Figure 5.

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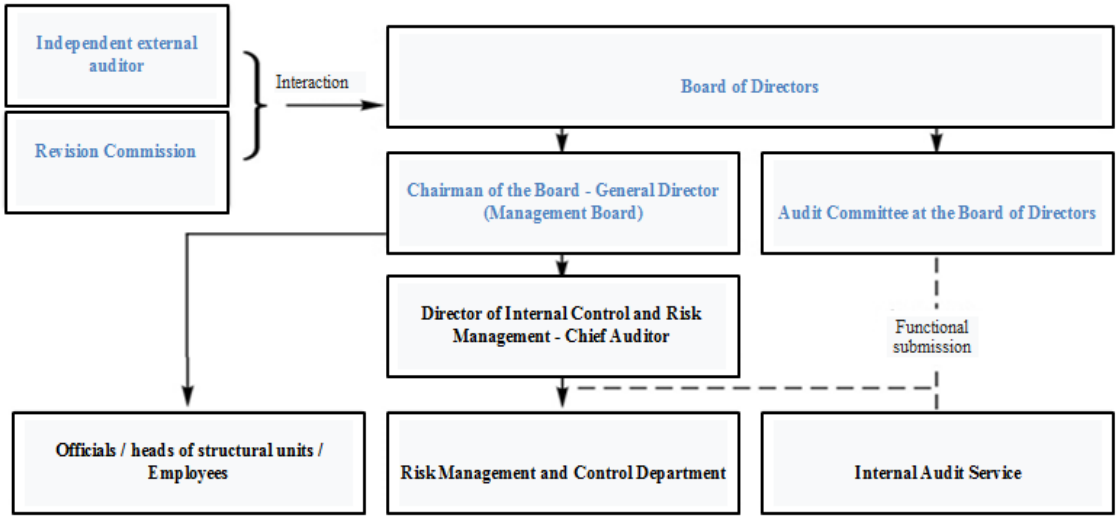

Fig. 5. Corporate risk management system of PJSC RusHydro [2].

A comprehensive assessment of the effectiveness of the internal control and risk management system is carried out by invited independent experts. Also, the quality of the risk management system of PJSC RusHydro is regularly confirmed by an independent jury of international competitions.

As for the identification of risks, it is carried out on the basis of analysis of external information, the experience of the world's largest companies in the electric power industry, reports of consulting and insurance companies on the risks of companies in the fuel and energy complex and business as a whole. Among the most significant for the company should be noted the growth of the following risks: the risk of failure to achieve targets by engineering companies, as well as the risk of an increase in receivables for the supply of electricity and capacity. At the same time, during the period under review, the relevance of risks associated with personnel management has significantly decreased. The register of risks identified by PJSC RusHydro is presented in Figure 6.

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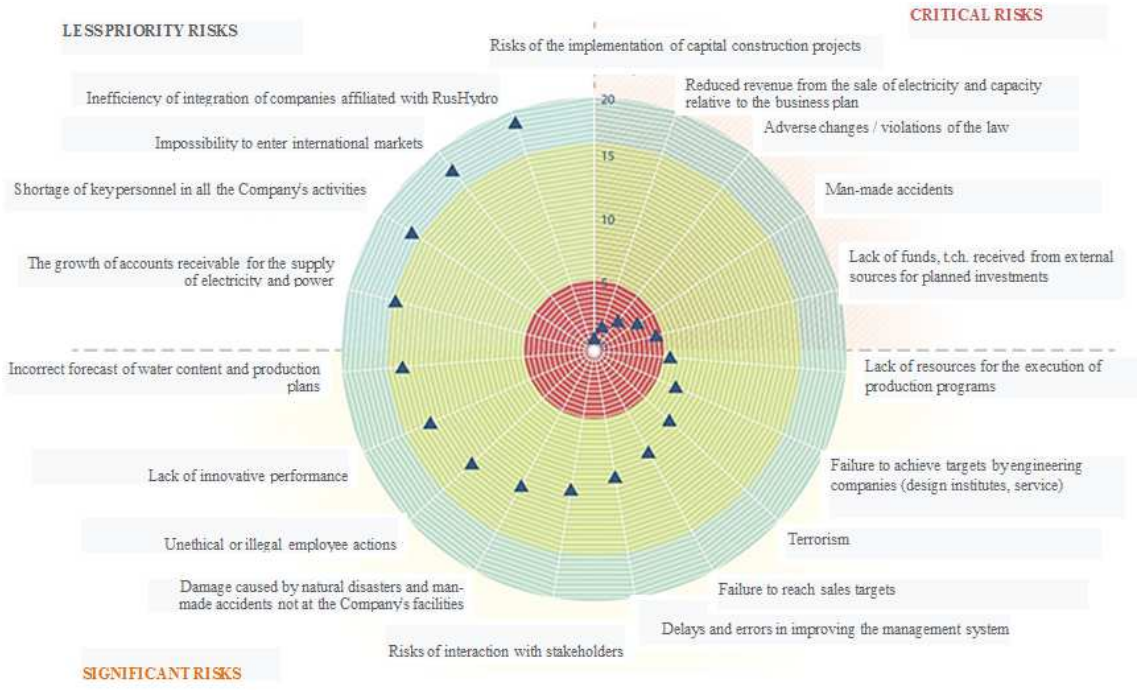

Fig. 6. Risk Radar of PJSC RusHydro for 2016-2017 [2].

In PJSC RusHydro, this register is compiled annually and for each risk the owner is determined, which is approved by the Management Board of the company. For risks that fall into the category of critical and significant, the Board approves a strategic risk management action plan that defines the terms, responsible and expected results. Monitoring the implementation of the plan and monitoring its implementation is carried out by risk managers of the company [2].

It should be noted that the risk management system of this company is based on the provisions of the ISO 31000 standard, which, accordingly, allows you to comprehensively assess, monitor, calculate all types of risks, manage them both at the strategic and operational levels, as well as implement a full reporting collection cycle about the risks. This risk management mechanism is an in-house development of PJSC RusHydro, which was put into commercial operation in 2014. The main feature of the program is the presence of the RiskReport module.

This module allows you to quickly collect information about risks and create a “Risk Map”, including an assessment of the worst-case scenarios,

and also makes it possible to analyze each risk [5]. Ultimately, a professional approach to risk management enables this company to survive in a competitive environment. We believe that the experience of PJSC RusHydro can be used as an example of the implementation of risk management for other electric power enterprises of the Russian Federation.

4. Summary

Thus, having analyzed production indicators, we can say that the electric power industry in Russia is at the stage of its active development. The further success of these transformations will be largely determined by the timeliness and completeness of providing the industry with investments and advanced technologies.

As for the Republic of Tatarstan, it can be stated with full confidence that the electric power industry is the basic industry for the entire economy of the republic. The welfare of the population, the competitiveness and profitability of industrial enterprises, and, accordingly, the general level of socio-economic development of the region directly depend on its effectiveness. The basis of the region's electric power complex are: Generation Company OJSC, Tatenergo OJSC, Tatenergo Regional Dispatch Management CJSC, Network Company OJSC, Energosbyt enterprise, republic heating network enterprises and other profile power system structures. The production of electric energy in the Republic of Tatarstan is mainly based on thermal power plants (91-92%) [4].

Despite these advantages of the electric power industry of the Republic of Tatarstan, there are problems that require special attention:

- high physical and moral depreciation of fixed assets (52.8%), which is explained by the rather low investment attractiveness of the energy sector, the need for significant capital investments;

- focus on one type of fuel (natural gas), the dependence of consumers on gas supplies from outside the country;

- significant environmental impact on the environment [4].

5. Conclusions

As you can see, the risky nature of the industry is confirmed both at the

federal and republican levels. However, the high riskiness of the type of activity requires the active implementation of risk exposure mechanisms. Over the past 10-15 years, a professional approach to risk management has been confidently introduced in the Russian Federation. And although risk management has only just begun to gain momentum in Russia and is not used at all Russian enterprises, its use uniquely positively and efficiently affects the organization's activities and contributes to its survival in the market. Thus, the risk management system, as part of business management, is gradually finding its place in Russian energy companies, which positively affects their success and reaching the level of world organizations.

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THE NEURAL NETWORK MODEL OF INDIVIDUALS CREDIT RATING

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Alexey S. Katasev[3]
Dina V. Kataseva[4]

Abstract: This article solves the problem of constructing and evaluating a neural network model to determine the creditworthiness of individuals. It is noted that the most important part of the modern retail market is consumer lending. Therefore, an adequate and high-quality assessment of the creditworthiness of an individual is a key aspect of providing credit to a potential borrower. The theoretical and practical aspects of assessing the creditworthiness of individuals are considered. To solve this problem, the need for the use of intelligent modeling technologies based on neural networks is being updated. The construction of a neural network model required the receipt of initial data on borrowers. Using correlation analysis, 14 input parameters were selected that most significantly affect the output. The training and test data samples were generated to build and evaluate the adequacy of the neural network model. Training and testing of the neural network model was carried out on the basis of the analytical platform "Deductor". Analysis of contingency tables to assess the accuracy of the neural network model in the training and test samples showed positive results. The error of the first kind on the data from the training sample was 0.45%, and the error of the second kind was 1.39%. Accordingly, the error of the first kind was not observed on the data from the

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test sample, and the error of the second kind was 2.68%. The results obtained indicate a high generalizing ability and adequacy of the constructed neural network, as well as the possibility of its effective practical use as part of intelligent decision support systems for granting loans to potential borrowers.

Keywords: neural network, neural network model, borrower credit rating, modeling, data mining.

1. Introduction

Lending to individuals is a dynamically developing market from the segment of the Russian economy over the past decades. The most important part of the modern retail market is consumer lending [1-3]. The banking sector of Russia has not always developed evenly. A characteristic activity was servicing large corporate clients, primarily in the oil and metallurgical sectors, as well as conducting operations in the financial and stock markets.

Currently, the country's economic condition is stimulating an increase in the number of loan products issued to individuals - consumer loans [4]. One of the most common banking operations is the issuance of consumer credit. It should be emphasized that the scope of consumer credit is much wider than just the purchase of durable goods, such as cars, household appliances, etc.

The process of providing a loan to an individual consists of several stages and procedures, each of which has its own characteristics. Adequate and high-quality assessment of the creditworthiness of an individual is a key aspect of providing credit to a potential borrower. A thorough analysis of the client from the standpoint of its solvency allows banks to reduce the risks of non-payment.

In this paper, theoretical and practical aspects of assessing the creditworthiness of individuals are considered. The task of assessing the creditworthiness of individuals using intelligent modeling technologies [5, 6] is the key to success in making the right economic decisions.

An assessment of the creditworthiness of individuals is understood as an analytical procedure on the basis of which an analysis of the borrower's questionnaire is carried out to

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decide whether to grant or not to issue a loan [7, 8]. In modern conditions, it is an integral part of the successful development of a bank's business, since the quality of an assessment of a client's creditworthiness determines the effectiveness of activities that affect loss-making or profit. In this context, the relevance of the task of assessing the creditworthiness of individuals led to the development of various areas of assessment methods, and also created the necessary basis for their easier and faster implementation. The main goal of assessing the creditworthiness of individuals is expressed in creating a full and informed image and understanding of the client using the indicators characterizing him.

2. Methods

To solve the problem of assessing the creditworthiness of individuals, various methods and approaches are used, among which there are [9, 10]:

- classical economic methods;
- data mining methods.

Classical methods for assessing financial condition include scoring [11, 12] and expert systems [13]. Data mining methods include statistical methods [14] and machine learning methods [15, 16].

Among the approaches of artificial intelligence, machine learning methods [17], in particular, neural networks [18], are of great importance for assessing the creditworthiness of individuals. The construction of neural network models for the task of assessing the creditworthiness of individuals can be a productive tool for data mining. This is due to the fact that when constructing such models, one can take into account the degree of importance and strength of influence of each potential factor. This solution is achieved by distributing weights in the model.

The construction of a neural network model for assessing the creditworthiness of individuals required the receipt of initial data on borrowers. The values of the following set of parameters were used as initial data:

- age;
- marital status;
- amount of children;
- the number of years of residence in the region;
- education;
- social status;

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- income (confirmed);
- the social status of the spouse (s);
- work experience, years;
- credit amount;
- purpose of the loan;
- interest rate, %;
- loan term, months;
- availability of real estate;
- market value of real estate;
- the presence of a personal car;
- market value of the car;
- the availability of loans in other banks;
- monthly payment.

In addition to the input data for the construction of a neural network model, output data are also necessary that determine the value of the node of the output network layer — approval of the application.

To assess the correlation dependence of the input parameters and the output value, we used the "Processing Wizard" tool - "Correlation Analysis", which is part of the Deductor analytical platform [19]. Correlation analysis was performed using the Pearson correlation coefficient [20]. Table 1 presents the results of the analysis.

Table 1 - The results of correlation analysis

Input fields	**Correlation coefficient with output field**
Age	-0,132
Family status	0,02
Amount of children	0,04
Number of years of residence in the region	-0,111
Education	-0,014
Social status	0,3
Revenue (Verified)	0,629
Spouse's Social Status	0,039
Work experience, years	-0,132

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Credit amount	-0,323
Purpose of the loan	-0,261
Loan term, months	-0,232
Property Availability	-0,1
Market value of real estate	-0,039
The presence of a personal car	-0,022
Car market value	-0,019
Availability of loans in other banks	-0,13
Monthly payment	-0,329

Correlation analysis showed that a number of parameters (such as “Marital status”, “Education”, “Presence of a personal car” and “Market value of a car”) were insignificant, since they only slightly affect the output. Therefore, these parameters were excluded from the analysis when constructing a neural network model.

The final step in preparing data for analysis and building a neural network model is the formation of a training and test sample. Out of 1074 records of source data, about 80% of records for training a neural network were randomly selected. The remaining 20% were test data samples. It should be noted that training and testing of the neural network model was carried out on the basis of the Deductor analytical platform.

3. Results And Discussion

When training a neural network, results were obtained that can be represented in the form of the following contingency table (see table. 2).

Table 2 - The results of training the neural network

	Categories		
Fact	False	True	Total
False	446	2	448

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True	5	355	360
Total	451	357	808

The table shows only those values that were obtained in accordance with previously defined criteria, i.e. whether the application was approved or not. As can be seen from the table, the neural network classified out of 448 rejected applications 2 approved, and out of 360 approved applications 5 applications rejection model. Consequently, a mistake of the first kind (refusal to extradite heirs to a trustworthy borrower) is 1.39% (5 out of 360 cases).

The process of training a neural network model in a training sample is an assessment of the creditworthiness of individuals. If you do not assess the adequacy of models based on real data, then such a design will not make sense. To assess the adequacy of the constructed neural network model, test data can be used. Table 3 presents the results of testing the neural network.

Table 3 - The results of testing the neural network

	Categories		
Fact	False	True	Total
False	154	0	154
True	3	109	112
Total	157	109	266

As can be seen from the table, when testing a neural network, only 3 errors of the second kind were received, when the loan was not approved by a potentially trustworthy borrower. It should be noted that errors of the first kind are not observed, i.e. loans are not issued to unreliable customers. At the same time, 2.68% of errors of the second kind are observed (3 out of 112 cases). In general, this indicates a high generalizing ability of the constructed neural network and the possibility of its

effective practical use in intelligent systems of consumer lending.

4. Summary

The constructed neural network model is a perceptron type neural network with one hidden layer [21], including 18 neurons. Network training was performed using the back propagation method of error [22]. In the training set, the neural network erroneously classified 7 applications: 2 applications were approved out of 448 rejected, 5 applications were rejected out of 360 approved. If you look from a business point of view, it is better to reject approved applications, having lost interest on loans issued, than to approve consumer loans to unreliable customers and lose credit loans. Therefore, the results of neural network modeling can be considered satisfactory.

5. Conclusions

Thus, the work solved the problem of constructing an effective neural network model for assessing the creditworthiness of individuals. The results of evaluating the accuracy of the model showed its effectiveness and the possibility of practical use as part of intelligent decision support systems for granting loans to potential borrowers.

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THE PROBLEMS CONCERNING REALIZATION OF POWERS BY THE SUBJECTS OF THE RUSSIAN FEDERATION (BY THE EXAMPLE OF THE REPUBLIC OF TATARSTAN)

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Abstract: This paper discusses conceptual and applied issues regarding the agreements between the federal centre and the subjects of the Russian Federation on the division of jurisdiction and powers. The paper reveals the historical background and reasons for the emergence of this legal institution, its consolidation in the Constitution of the Russian Federation and the Constitution of Tatarstan, the evolution of current domestic legislation, as well as the practice of applying the above institution. It is indicated that the distinction between objects of jurisdiction and authority is an integral element of the principle of federalism, which is one of the foundations of the state system of the Russian Federation. Also, the paper provides an extensive historical retrospective of the evolution of state and legal relations between the Russian Federation and the Republic of Tatarstan. In many ways, it was the experience of these relationships that influenced the development of the legal framework for regulating the issue of the current study. The accumulated experience of the functioning of state authorities on the basis of such agreements is evaluated, and an opinion is expressed on maintaining the potential of this legal institution for improving federal relations. In addition, an opinion is expressed on the need to develop the correct and competent use of this mechanism, which will allow the best qualities of the domestic constitutional model to show and open up additional growth opportunities for individual regions.

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Keywords: federalism, federal relations, division of jurisdiction and powers, contractual relations, implementation of legal norms, legal status of constituent entities of the Russian Federation.

1. Introduction

One of the foundations of the constitutional system in Russia is the principle of federalism. According to part 3, Article 5 of the Constitution of the Russian Federation, the federal structure of the Russian state includes, along with other signs, the division of jurisdiction and powers between the state authorities of the Russian Federation and state authorities of its constituent entities. At the same time, the Constitution of the Russian Federation enshrines a number of guarantees designed to ensure the subjects of the Russian Federation exercise their powers as much as possible within the framework of the constitutional concept of Russian federalism. These guarantees can be found in all chapters of the Russian Constitution, but now we will concentrate on those contained in the provisions included in the mentioned article of the Constitution of the Russian Federation, namely:

- Equal rights of all subjects of the Russian Federation, regardless of their type, name, status and any other circumstances;

- The constituent entities of the Russian Federation have their own constitution (for republics within the Russian Federation) or their charters (for all other constituent entities of the Russian Federation) and legislation;

- The unity of the state power system, which ensures organizational and functional coherence of the federal and regional levels of government;

- Equal rights and self-determination of peoples in the Russian Federation, which also serves as a guideline for understanding the competence of state authorities, including the constituent entities of the Russian Federation.

In addition, the equal rights of all the constituent entities of the Russian Federation to each other and in relations with federal state authorities are separately stipulated (part 4, article 5 of the Constitution of the Russian Federation). In essence, this rule is a special case in relation to the general principle of equal rights for all subjects of the Russian Federation (part 1 of the

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same article). However, despite the obvious semantic duplication of these legal provisions, the constitutional legislator, nevertheless, took such a step, realizing how important the sphere of relations between the federal centre and the subjects of the federation is. Without any exaggeration, it can be argued that the quality and conflict-free nature of these relations largely determine the maturity and development of Russian federalism, as well as the established system of checks [1] and balances, which allows for more effective interaction between the branches of state power. That is why the additional certainty and a kind of safety net in this matter, within the meaning of these constitutional norms, is by no means superfluous.

2. Methods

By the way, the authors of the Russian Constitution quite often used a similar method of legal technique. They did the same thing, for example, when creating norms prohibiting discrimination in all kinds of its manifestations. For example, article 19 of the Constitution of the Russian Federation twice in a row establishes the inadmissibility of discrimination on the grounds of social, racial, national, linguistic and religious affiliation (part 2). The same applies to the double prohibition of discrimination on the basis of gender (parts 2 and 3).

In both of the above cases (both with respect to federal relations and with regard to anti-discrimination standards, from the point of linguistics, this is a tautology, an unreasonable repetition of the same semantic construction, but from the point of view of jurisprudence, it is a completely justified additional measure aimed at more guaranteed to achieve the desired result namely, to prevent any discriminatory manifestations, especially where the existing legal experience suggests the presence of “bottlenecks”. And here it is hardly possible to reproach the constitutional legislator for taking special care of the additional protection of the rights and freedoms of man and citizen, in addition to protecting his/her inviolability and property [2], even if it does not fit into some canons of stylistically linguistic grace.

The really serious omissions in the content of constitutional norms, which create considerable problems and difficulties in their implementation in

practice, look the more contrasting against the background of such a verified approach in terms of legal technology. In particular, this concerns such a sensitive issue as federal relations in the field of division of jurisdiction and powers between two levels of government. And, perhaps, the problem No. 1 in this list, in our opinion, is the frankly awkward nature of enshrining in the constitutional act of the scope of powers provided for the constituent entities of the Russian Federation. The authors of the Russian Constitution decided not to list the specific powers of the regions and thereby rendered innocuous the meaning of Article 73, formulating it "as a residual": everything that was not included in the powers of the Russian Federation and the sphere of joint jurisdiction (Articles 71 and 72, respectively) then belongs to the subjects of the Russian Federation. The Constitution remains silent to a perfectly reasonable question: what exactly belongs to these powers, and what exactly they are (in the image and likeness of previous jurisdiction). Such a lack of understanding the norms of a key level has obvious negative consequences in terms of the implementation of these constitutional provisions. This led to the proposal of individual authors to amend article 73 of the Constitution of the Russian Federation as soon as possible by enshrining it in an exhaustive list of powers of the Russian Federation constituent entities, while indicating that this gap, in principle, cannot be filled at the level of federal law [3].

3. Results And Discussion

However, this constitutional flaw has its own explanation related to the socio-political and state-legal background that accompanied the birth of the new Russian Constitution. Here is how S.M. Shakhray recalls that period regarding work together with S.S. Alekseev on the text of the Constitution: "We managed to solve this dilemma by embarking on a legal trick: we simply came up with a synonymous replacement for the concept of "limited (distributed) sovereignty" adopted in constitutional and legal science [4].

Strictly speaking, the same motivation was laid in the foundation of Article 72 of the Constitution of the Russian Federation, which led to a fairly strong growth of the objects belonging to joint jurisdiction of central and regional

government bodies. This allows the federal authorities to put under greater control the activities of the Russian regions, including their legislative field, but significantly reduces the scope for the implementation of federal relations. Despite the fact that "legislation is the main source of law" [5], federal laws themselves often do not meet the mentioned constitutional criteria of "general issues", "coordination" and "general principles". A direct participant in the updating of the doctrine of Russian federalism is the first President of Tatarstan, and now the State Advisor to the Republic of Tatarstan M.Sh. Shaimiev outlined this problem as follows: "First of all, this applies to laws adopted at the federal level, and especially in the areas of joint jurisdiction of state bodies of the Russian Federation and constituent entities of the Russian Federation... This problem requires permanent legislative and contractual settlements. The adoption of federal laws raises many questions when a complete and clear legislative separation of powers does not occur. There are elements of an invasion in the exclusive powers of the federal subjects... We say "federal state" ourselves, and we create so many parallel structures that try to control almost all issues, even which air the region breathes, and so on "[6]. Of course, with this approach, the federal nature of relations between the federal centre and the regions is more inclined towards unitarism.

While stating this omission, it must be admitted that the Russian Constitution also contains mechanisms for its completion. These include, for example, securing the possibility of concluding agreements on the division of jurisdiction and powers between federal and regional government bodies (part 3, Article 11 of the Constitution of the Russian Federation), the permissibility of that federal executive bodies on the basis of mutual agreements would transfer a part of their powers to executive authorities of the constituent entities of the Russian Federation and vice versa (parts 2 and 3, Article 78 of the Constitution of the Russian Federation) or the interpretative potential of the Constitution Court of the Russian Federation, in particular its power to give an interpretation of the Constitution (Part 5, Article 125 of the Constitution). Each of these

mechanisms, in principle, is able to compensate for the shortcomings of constitutional legal regulation and solve the problem we have indicated.

But here new difficulties arise: these mechanisms either do not work, or they do not always work or not in full due to the scale of the problem. Consider, for example, the implementation of part 3, Article 11 of the Russian Constitution: the first agreement on the division of competence and power was concluded between the Russian Federation and the Republic of Tatarstan on February 15, 1994. The provisions of this Agreement reflected its compromise nature as a legal means of overcoming the contradictions in the view on federal relations from Moscow and Kazan that existed at that time. In it, as in the Constitution of Tatarstan dated November 6, 1992 (in its original version), there was no indication of the subjectivity of the republic within the Russian Federation. The status of Tatarstan was enshrined in Chapter 5, which, among other things, stipulated that Tatarstan "independently determines its state-legal status", establishes equal Tatar [7] and Russian languages as its state languages, its laws shall prevail provided that they are consistent only with international obligations of the republic (article 59), its sovereign status, being a subject of international law associated with the Russian Federation on the basis of the Treaty on mutual delegation of authority and power (Article 61), enters into relations with other states and concludes international agreements (Article 62). Perhaps, the most resonant were the indicated provisions of Article 61, and the most controversial was the norm on associate membership with the Russian Federation.

Of course, the description of the legal bond between Tatarstan and Russia by the formula of associated membership raised reasonable questions as to what exactly the Tatarstan Constitution understood by this term, since such a concept had not been encountered in the theory and practice of Russian federalism. This is how B.L. Zheleznov, one of the authors of the Tatarstan Constitution, characterizes the then status provisions of Article 61 of the Basic Law: "This formula implied an attempt to consolidate fundamentally new and special relations with the Russian Federation, which go beyond the framework of the Federal Treaty, contain

features of both federal and confederate bonds, and supposedly do not destroy the integrity of the Russian Federation and, at the same time, do not violate the actual state sovereignty of the Republic of Tatarstan" [8].

It can be said that the concept of the associated membership of Tatarstan within the Russian Federation as a conscious alternative to the concept of the subject of the Russian Federation was at that time an attempt to find a legal formula for a socio-political compromise. Remembering the day parliament adopted the Constitution of the Republic of Tatarstan (November 6, 1992), B.L. Zheleznov notes: “It was already 5 o’clock in the evening, everyone was tired, and a sea of people in green bandages was raging around the building. Then Shaimiev went to the podium and proposed to record not “united”, but “associated state”. This produced an effect: everyone understood this word to the best of their knowledge” [9]. As a result of this amendment, the new Constitution of Tatarstan was then adopted. The domestic legal doctrine, of course, noted the legal qualification of the special status of Tatarstan as an associate member and its most advanced interpretation of updating federal relations in the Russian Federation [10].

As you can see, the agreement on the delimitation of the subjects of competence and (mutual) delegation of authority was initially given the character of a status legal document reflecting the new nature of relations between the Russian Federation and the Republic of Tatarstan.

The beginning of a new procedure for the division of jurisdiction and powers between the federal centre and the regions was laid in connection with the adoption of the Federal Law dated June 24, 1999 No. 119-FZ “On the principles and procedure for the division of jurisdiction and powers between the state authorities of the Russian Federation and state authorities of the federal subjects of the Russian Federation." This Federal law not only stopped the tendency to conclude new similar agreements, but, in fact, qualified most of the already concluded agreements as illegitimate. Later, in June 2001, President of the Russian Federation Vladimir Putin created the so-called “Kozak Commission” to study the question of the separation of powers between federal authorities and the

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authorities of the constituent entities [11].

The next step in reforming this sphere of contractual relations was Federal Law No. 95-FZ dated July 4, 2003, which amended and supplemented the Federal Law "On General Principles of Organization of Legislative (Representative) and Executive Bodies of State Power of the Subjects of the Russian Federation" dated 6 October 1999, No. 184-FZ. The general meaning of the innovations was to strengthen the position of the federal centre and tighten the requirements for the division of jurisdiction and powers.

Only Tatarstan succeeded in using the new procedure for delimiting powers between federal and regional government bodies, which resulted in the Agreement approved by the Federal Law dated July 24, 2007 No. 199-FZ. After 10 years, on August 11, 2017, it ceased to be in force due to its expiration. As a result of this, currently in the Russian Federation there is no contractual relationship between the federal centre and a constituent entity of the Russian Federation on the division of jurisdiction and powers.

4. Summary

So, what now are the provisions of part 3, article 11 of the Constitution of the Russian Federation regarding agreements on the division of jurisdiction and powers, and, for example, article 26 in the Constitution of the Republic of Tatarstan, containing such a legal provision, if the practice of concluding and functioning of such agreements is completely eliminated? Does this type of contractual relationship have a legal potential and legal future, or have they completely "played back" their historical mission and retired? It is still a question of higher order norms, the constitutional space of Russia and its subjects. To answer these and similar questions, it is necessary, first of all, to determine what benefits the contractual mechanism for the differentiation of powers can bring. In our opinion, this mechanism has a future.

The history of its appearance and relevance presented here schematically as an instrument for overcoming contradictions in the sphere of federal relations testifies in favour of the fact that it may well be needed later. This tool gives some elasticity to Russian federalism, allows for precise and

accurate provision of additional powers to individual subjects of the Russian Federation or reconfiguration of the general model for the needs of such regions that are objective and justified in terms of managerial effectiveness. It is not by chance that in domestic legal science, the idea is expressed that any federal relations are contractual by their legal nature, moreover, they do not always appear as such in this form, but they are always such in essence.

Let us make such an assumption that it is too early to dismiss the contractual mechanism of the Russian federalism. On the contrary, with proper and competent use, this mechanism is an advantage of our constitutional model, which opens up (even if not on an on-going basis, but at certain points) additional legal levers for the development of those regions that can really move faster than the general "flow" of subjects of the Russian Federation.

5. Conclusions

The contractual mechanism for the delimitation of jurisdiction and authority between federal and regional government bodies has already shown its effectiveness as a means of harmonizing federal relations in the Russian Federation, provided it is well-founded. Its potential may well be in demand in the future.

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THE EFFECTIVENESS IN THE USE OF INSTAGRAM IN THE PROMOTION OF B2B COMPANIES

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Abstract: This paper contains data from statistical studies of foreign agencies on the use of social networks in promoting companies of the B2B segment (Business to business) and their effectiveness. The emphasis was placed on the social network Instagram, as it is one of the fastest-growing platforms for marketing and it has fundamental differences from other social networks. As the main methods for conducting the study, non-participant observation, monitoring of articles and results of marketing research, a comparative analysis of Instagram accounts of B2B companies and quantitative content analysis were used. It is assumed that the chosen methodology most adequately reflects the real specifics of the promotion process in the segment selected for the study. In the process of studying articles of promotion specialists on social networks, the goals of promoting B2B companies, their target audience, the main types of content and other features of maintaining an account for using the Instagram platform as an effective marketing tool were identified and described. As a result of the analysis of statistical data obtained within the framework of various large studies and successful cases on the natural promotion of Instagram accounts of world B2B companies, conclusions were drawn about the effectiveness of using the social network Instagram for the B2B segment.

Keywords: Instagram, SMM-marketing, social networks, B2B-sphere, companies, promotion.

Introduction

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Over the past 10 years, social networks have penetrated very deeply into human life. Initially, they were created for communication and networking of people around the world. Sites developed, accumulated an audience, and advanced businessmen saw this as an opportunity to get profit. The business began to penetrate social networks and the platforms themselves began to be adjusted, developed and built-in new functions to promote the business and ease of sales. Not only ordinary people started creating accounts and pages on social networks, but also shops, restaurants, fitness clubs, photo studios, beauty salons and many other B2C segment participants ("business to customer", business for a client).

Social networks which are mainly used as part of SMM promotion are Facebook, Instagram, Twitter, Youtube, and LinkedIn. This paper will only consider the social network Instagram, as it attracts with its rapid growth and an expanded set of tools for promotion.

Instagram is a mobile social network for posting photos and videos, which may be accompanied by text if desired. Launched on October 6, 2010, in 2012 it was bought by the "giant" Facebook for $ 1 billion. Advertising tools in the social network were added in September 2015 and in the same year brought 595 million dollars in revenue. According to the beginning of 2019, more than 1 million advertisers are already on the platform [1].

41% of the Instagram social network users are 24 years old or younger. Due to the visual nature of the application and the high degree of user engagement, Instagram is now a valuable tool for social media marketing.

As of June 2018, the social network Instagram has 1 billion active users per month around the world [2]. The application is one of the most popular social networks in the world and a very fast growing platform for business development. According to analysts, in 2019, about 25% of all Facebook advertising revenue will be earned on Instagram. By 2020, Instagram's share in total revenue will grow to 30%. [3]

Following the fashion, at the time of the growing popularity and development of social networks, larger companies working in the B2B sphere ("business to business") also stepped into them, but the result was not so

successful. When developing accounts on social networks, many did not take into account that the communication strategy should be built in a special way (including on Instagram).

Most companies initially open accounts only because they should be: post links to them on the site, ask their partners and acquaintances to subscribe, occasionally fill them with content. There is no benefit in doing so. At the same time, many heads of B2B companies have logical questions:

1) Is it worth the time and money to maintain the social networks of the company?

2) Is there any result from their use?

3) Can this increase the sale of the company's products/services?

Those who, for various reasons, do not find answers to these questions, leave their social networks unattended and, thereby, losing one of the very effective channels of communication with the audience.

For the efficient management of B2B accounts, it is necessary to build a special strategy taking into account the specific target audience and promotion tasks.

Methods

When writing the paper, the authors used such methods of collecting and analysing the information as observation, monitoring, comparative analysis and content analysis. The observation method was used during the personal experience in maintaining an Instagram account for a B2B segment company. The Instagram social network was monitored to identify company business accounts. As a comparison, case studies were conducted with the successful and unsuccessful use of the Instagram social network in promoting B2B companies. In the process of content analysis, articles by experts on promotion in social networks, cases of successful companies and directly company accounts in the social network Instagram were studied.

Results and discussions

Before starting the analysis of content, it is worth noting that SMM promotion for companies in the B2B sphere has different goals from those that are highlighted in promoting B2C companies.

The main goals of promoting social networks of a B2B-segment company are:

1. Creating a positive image of the company;
2. Dissemination of important information about the company;
3. Gaining audience loyalty;
4. Search for new employees;
5. Increase traffic to the site;
6. Attracting customers through a demonstration of the qualifications of employees and the image of the company, through unobtrusive removal of objections and elimination of pain.

The segmentation of the target audience of B2B companies is also different. It is worth noting the main target groups of such companies [4]:

1) Decision-makers in client companies (top managers);

2) Employees of client companies whose responsibilities include finding potential suppliers of complex products;

3) Potential company employees.

SMM-specialists highlight the benefits of working with an audience in social networks in comparison with working at professional events [5]:

- Reaching an audience is definitely greater than can be handled at industry exhibitions.
- The cost of publications is minimum due to use of social networks for free and spending money only on creating high-quality content or launching advertising, which, at the same time, is several times cheaper than through traditional channels (print media, television, radio).
- The opportunity to tell their story and build a dialogue with a potential client; taking a long and deliberate decision to cooperate with a company is typical for B2B; so long-term interaction increases the likelihood that a client will be led to a contract.
- A large set of available tools - social networks allow us to use various types of content: write texts, upload photos, share videos, shoot live broadcasts and communicate with the audience.

The research company CMO Survey, in collaboration with the School of Business Fuqua under Duke

University and with the company Eloqua, conducted a global study [6] of the current state of B2B marketing and presented the following data:

- 10-12% of the total budget of large B2B companies goes to marketing, of which 8-10% go to work with social networks;
- 7.5-9% of sales come to B2B companies from the Internet, every second of these companies evaluates the results of their presence on social networks as “extremely positive”;
- about 10% of the advertising budget of B2B business in North America goes to work with the social network Facebook and Instagram;
- The presence of B2B companies in social networks increases their sales by an average of 10%.

Most of the companies surveyed assess their presence on social networks as an effective way of promotion and intend to draw up their advertising budget in 2019 in such a way as to increase SMM expenses by 20%.

The 10th annual Social Media Examiner study [7] surveyed more than 5,700 marketing experts from around the world in various fields, including manufacturing, industrial products, and various other B2B industries. This study provides a fairly broad view of what is happening on social networks.

- For 64% of marketing experts, managing social networks is just one of their responsibilities. Only about 36% of marketing experts work on social networks on an ongoing basis. The remaining two-thirds should do this in addition to their other duties. Considering how much time and effort is required for competent integrated promotion in social networks, this explains the fact that many pages of B2B companies in social networks are conducted irregularly and do not give the effect that they could give.

- 87% of respondents believe that their business receives more attention from social networks.

- 78% of marketing experts who use social networks for two or more years say about an increase in traffic to their websites, and 83% who use social networks for more than 5 years “fully agree” or “agree” with this.

- 66% of marketing experts actively use Instagram. This social network surpassed Twitter and LinkedIn and became the second most popular.

- 63% of marketing experts use video content in their marketing on social networks. Almost two-thirds of marketing experts use videos in their marketing on social networks, 23% use the opportunity to broadcast live.

Todd Clark, a copywriter and co-founder of the service for working with media platforms, provides some more static data on the work of the business on the social network Instagram [8]:

- 71% of US companies use Instagram, replacing Twitter, which was once considered the main social network for companies;

- Currently, 25 million business profiles are based on the platform and more than 200 million users visit at least one business profile every day;

- 80% of users follow at least one business;

- 75% of users visit the company's website after viewing the brand post because Instagram is more accessible and there is the opportunity to show the product in action;

- Every month, 2 million active advertisers are present on Instagram**.** And this is a great business opportunity to keep in touch with the company's audience.

SMM specialists identify the following areas of suitable content for placement on a B2B page [9]:

- **Reputational**. This is one of the best ways to show the world that the company is a professional in their field. The main motive that needs to be conveyed through publications is: "this company is a very reliable partner";
- **Useful.** Short checklists, guides or a list of tips that company specialists can share for free. Thus, the company shows its experience and demonstrates the level of qualification in the affairs of the field;
- **Informational**. Company news, image statements of TOP management, the use of brand journalism - an offer to potential and real customers to communicate with the company and get acquainted with its strengths.

Instagram is not as simple as Twitter or Facebook, where it's easy enough to share relevant content for industry participants and receive feedback. Given the peculiarity of this social network, namely the mandatory use of graphic material (photo or video), creativity and patience are required. You

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need to be more expressive, like most popular people's accounts. Subscribers want to feel that they have something in common with the company. Basically, this should not be directly related to sales or conversion, and it is unlikely to be able to instantly track the effect, but as soon as there are a lot of subscribers, it is felt. This definitely helps to create the right impression for current and future customers. [10]

Some experts [4] recommend using the Instagram platform as a place to tell the story of the company if this is part of the marketing strategy. This is suitable for non-strict B2B companies. An Instagram account is perfect for demonstrating oneself as an open and innovative company, where interesting and fun people work, who are easy to interact with. Perhaps this will not lead to wealthy customers, but it will definitely give an additional advantage for demonstrating the life of the company. If the corporate culture in the company is at a sufficient level, then employees who are active users of social networks will be happy to praise the organization at no extra charge and recommend each potential client to work with it.

Examples of Instagram accounts of the largest world companies that surprise the audience with their creative approach:

1) The global advertising and marketing agency Gray shows how B2B companies can expand the boundaries of what's possible on social networks. The description of the agency's account tells about their features: "Every week, one person from our office in New York takes our Instagram to share what inspires him/her. Oh, and all that in shades of grey. Subscribe, please!".To be a subscriber of their account is the same as being a spectator of a television series, where each week is a new episode, which is shot from the point of view of different characters. And the account is designed in the style of the company, even despite the fact that the "owner" is constantly changing. In this style of conducting a business account, the agency shows its audience the level of creativity of its employees and the unusual approach to the work of the entire company: since they trust the account in different employees, it means they work together as a single organism. And it definitely improves their reputation in the eyes of customers.

2) The technology giant "IBM", being a well-established brand with a wide audience, publishes posts in the company's account that are aimed at different target groups - from technically savvy specialists to fans of the brand. Photographs combine technology and visual beauty. That part of the audience, which is professionally versed in engineering and mechanics, evaluates the technical part of the information, while the rest sees beautiful patterns and non-standard camera angles in photographs of wires, boards and endless codes. By mixing inspiration and storytelling, IBM shows off its proud heritage and authority in technology. [11]

3) The largest freight shipping company FedEx works all over the world. Their Instagram account very competently tells the various stories of their couriers around the world. Using exclusively user-generated content, with various levels of image quality, may seem like a risky strategy, but in the case of FedEx, it worked out perfectly. Encouraging people to write company references wherever they see them is a reward for keeping the brand in the field of view of all aspiring photographers and bloggers who want their photos to be posted on their FedEx page on Instagram. This activity contributes to the constant flow of content, which in turn inspires more people to participate in it. Also, the FedEx account shows one of its key messages to the audience: their delivery services are available anywhere in the world.

Summary and Conclusions

Social networks are now present in the life of almost every socially adopted person. For several years, Facebook, Youtube and Instagram are not just platforms for exchanging information between people, but full-fledged marketing platforms for selling goods and services.

It is proved that the business belonging to the B2C segment is successfully developing in social networks and pays great attention to SMM promotion. B2B companies can also develop in social networks and receive orders, showing their serious and complex activities unusually, attracting an audience, gaining their trust and building a positive image.

The research results show that the experience of B2B companies in

using social networks is positive: customer loyalty is increasing, sales are growing, and managers plan to increase the part of the budget allocated to SMM.

The social network Instagram, which is by the most of ordinary people considered to be a platform with an audience of exclusively “girls of 15-20 years old”, has actually changed a long time ago and has become a huge platform for the dynamic development of business. It requires a special, creative and unusual approach to account management, thereby enabling the company to reveal itself to customers conversely, and thereby win the attention of new target groups.

But we must remember that we must be able to use even the most powerful "weapons" correctly. Incorrect goal setting, incorrect selection of tools and determining sites in the development of the SMM strategy leads to that the account becomes either a summary of news about the company’s activities or a “personal” blog that tells about the company to its employees and close partners. By trial and error, it is necessary to identify which type of content is more suitable for the company and demonstrate its specialization, and refuse to use inefficient sites, redirecting the flow to more successful channels.

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THE COMPETENCE OF MODERN HIGHER PROFESSIONAL EDUCATION INSTITUTION GRADUATES AS AN OBJECT OF SOCIOLOGICAL REFLECTION

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Abstract: The paper notes that unemployment among young professionals is one of the most important problems in Kazakhstani society. The youth unemployment rate in Kazakhstan is very high. During the economic crisis, youth becomes the most vulnerable group. The level of unemployment among young professionals is almost half of the total unemployment rate in general.The relevance of the chosen research topic lies, first of all, in the increasing share of young specialists in the number of labour force and in the need to develop, in this regard, measures to solve problems associated with the country's youth unemployment. The authors note that the education system does not always form the competencies demanded by students in the labour market, as a result of which employers do not want to hire university graduates; they prefer workers having experience, which contributes to the growth of unemployment among university graduates. In this regard, the authors conducted an expert survey of heads of organizations in order to identify their opinions on the competencies of university graduates needed in the labour market (130 people were interviewed). The authors came to the conclusion that the education system does not adequately meet the needs of society as a whole and the economy in particular, and does not fully form the necessary competencies for university students.Recommendations are offered on improving the education system in

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order to form competencies that are important in the modern labour market.

Keywords: youth, university graduates, competencies, employer, competitiveness, unemployment.

Introduction

Youth unemployment is a socio-economic situation when a young person of working age, ready to perform labour duties, is looking for work, but because of its absence the young person is deprived of the right to work as a source of income. This is the most important characteristic of the situation of youth in society, its adaptability to market relations.

When analysing the labour market, the famous British sociologist J. Goldthorpe introduces the concept of "labour situation" and defines it as a complex of social relations in which "a person is involved at work through his/her position in the division of labour" [2]. The manifestation of the market situation "through a combination of material rewards and life chances" was also considered by R. Erickson [10, p. 176].

The social problems of unemployment among young specialists are studied by Ganskau E.Yu., Ponomarenko T.I., Geleta V.I., Akulich M.M., Zaslavskaya T.I., Savinova A.N., Borisova A.A., Kuzmin S.A., Maslova I.S., Vidyapin V.I., Zhuravleva G.P. It was sociologists who mainly drew public attention to the choice of profession as a social problem.

The modern labour market is formed in the process of economic transformation. The indicators of this process are a high level of hidden unemployment; breaking the links between workload and employee income; untimely payment of wages, the gap between the needs of society and prestigious professions, dissatisfaction of employers with the education system, etc. [8, p. 518-522]. The entry of young people into the labour market is accompanied by considerable difficulties and contradictions. The cause of these problems may be related, first of all, to the choice of a profession not because of its demand on the labour market, but in the direction of authority and prestige in society. Therefore, a significant part of graduates do not find work in their specialty or do not find a job at all; this

leads to increased youth unemployment. As a result, invested finances for their education are not justified. There is also a reluctance of employers to hire university graduates without work experience, because they believe that they lack practical skills and professional competencies. Therefore, the relevance of research is that it is necessary to look for new ways to solve the problem regarding the use of youth labour at the current level of economic development. The research topic is at the junction of a number of pressing problems of modern society, such as the education of workers, the comprehensive development of an individual, the scientific management of society.

Methods

In order to assess the opinions of employers about the professional training of specialists by the university and further improve the quality of educational services, (October 2018), a survey of the heads of enterprises was conducted. 130 managers of organizations were involved in this survey.

As the analysis of the questionnaires showed, the survey involved respondents employed in various types of professional activity and working in organizations of various organizational and legal forms of entrepreneurship.

Results And Discussion

The problem of personnel is the most relevant for employers. In the field of professional education, employers have a demand for the most diversified specialists with higher education. The importance of information competence is determined by the transition of Kazakhstani society to the stage of informatisation [9]. This defines new requirements for human resources, including the ability to adapt to the information flow, work with information, perform information loads, and work in an information environment. E.M. Avraamova and Yu.B. Verpakhovskaya in their studies found that employers are primarily interested in the following competencies of graduates: decision-making skills and teamwork, activity, initiative and independence, retraining and training to acquire skills and knowledge. Higher education in the modern labour market is considered as a necessary but

insufficient condition for employment [1, p-38].

Personal qualities are also important in the labour market. When hiring a new employee, company managers often take not those who have the appropriate qualifications, but those specialists who differ in their personal qualities. Employees of the recruitment company “Personal” pointed out that, first of all, employers pay attention to the behavioural aspect of the applicant. It should correspond to the corporate culture of the company and have such qualities as ability to work in team, flexibility of thinking, search for non-standard solutions and stress resistance [7].

According to the results of the survey, it turned out that the very first obstacle to youth employment today is the "lack of work experience"; this factor is important in the life of young graduates. The factor “mismatch of the profession with the desired job” is also an important obstacle for young people. It is known that in our society there are differences in the preferences of young people and the chosen specialties. Due to lack of funds, school graduates cannot get the desired profession, a large number of young people study in specialties for which state grants are allocated. But, they, in turn, don’t want to work in their specialty. “Lack of acquaintances” is the third factor hindering youth employment. Note that almost in all our studies, we observed that factors such as the lack of "friends", the lack of "financial capability" always come to the fore. The survey also addressed the problem of "lack of knowledge and qualifications." We explain this factor with the following example. For example, when a young specialist visits workplaces, he/she is asked several questions during an interview. The employer asks, “Do you have any work experience?”, “What can you give our company?”, “What are you safe for?”. This is understandable, that it is beneficial for every employer to get a person who knows the job. Moreover, the big problem is that in the university the applied knowledge in the training of future personnel is not sufficiently developed [5]. Formal student practice causes various problems.

Employers also noted that they are looking for the right workers with the help of numerous resources (through private labour exchanges, through

advertising in the media, etc.). However, the majority of employers also use methods such as personal and corporate communications, personal acquaintances, offers and advice from close acquaintances when selecting personnel. This is also indicated by the research of Kazakhstan sociologists [4, p-257-262].

Employers also answered questions about their relationship with higher education institutions. For example, we found that only a minimal (about 10%) number of employers teach author lectures. Some noted that they participate in round tables and conferences held at universities. But it is not observed close professional interaction of employers with universities. Kazakhstani sociologists also write about it. They note that between universities and employers there are no effective relations in the field of research, commercial or scientific novelty [6, p-29-23].

According to the results of a study conducted by Rating.kz research agency with 72 Kazakh and international companies, 64.9% of respondents said that Kazakh universities do not enter into any contacts with employers in the process of training specialists. According to employers, many higher educational institutions in our country cannot resist competition from near and far abroad. The company's managers and specialists confirmed that Russian universities provide 64.9% of high-quality specialists, followed by British universities (44.4%) and American universities (36.1%) [3, p-35-40].

Our study showed that due to the lack of practice and special training, employers do not want to hire youth, namely youth aged 16 to 24 years. The problem is that graduates of educational institutions do not have work experience, and without experience it is impossible to find a job.

As for educational institutions, in our opinion, it is necessary to make certain changes to the curriculum of the university today, that is, introduce special courses aimed at professional, psychological and ethical training of future young specialists, which will overcome difficulties in the process of employment among young people. Such specialized courses allow young professionals to provide comprehensive assistance in finding employment. It is also necessary to make the transition

from one-time actions for continuous cooperation between enterprises and educational institutions. In the context of the post-industrial economy, it is very important to develop social partnership in the process of training and assessing the quality of education of specialists with higher, secondary and primary education.

Summary

As the youth employment problems study showed, the existing practice of regulating youth employment is not effective enough. Its improvement is possible in the following directions: a) more clear statement of goals and objectives; b) clarification of its function; c) optimization of the organizational structure; d) more complete justification of regulatory framework and adherence to relevant standards; d) determining the operational composition and the introduction of appropriate process regulations; e) identification and targeted use of the entire set of significant regulatory impacts. In other words, the effectiveness of regulation of youth employment depends on the degree of balance of the entire employment system.

To achieve the appropriate qualities (competencies) among graduates, it is necessary to solve the following problems: 1. teaching students of practical skills, job search skills, and self-employment. 2. teaching students of self-presentation and interviewing skills. Employers pay attention not only to the red diploma, but to the fact what has been done by a student in the learning process that is interesting and significant for his/her professional development. For this, future specialists need to engage in the development of various projects, participate in contests, grants, and conferences, which will allow developing logical thinking, public speaking skills, and scientific discussion skills. In this regard, it is necessary to make certain changes to the university curriculum today, that is, if special courses of professional, psychological and ethical training of a future young specialist were introduced, then, in our opinion, a number of difficulties in the employment of young specialists could be overcome.

Conclusions

Currently, many unemployed young people who have graduated from a higher educational institution with a diploma in their hands do not have the opportunity to find work on their own. Newly minted graduates face this difficult problem most of all. If they even find jobs, employers do not accept them without seniority.

Thus, we can recommend the following measures to universities and employers to solve this problem:

1. Allocate more academic hours for practical training in enterprises.

2. Increase the terms of practical training based on the student's training profile.

3. To increase the level of computer literacy, in particular it is better to master the programs MS Excel, MS PowerPoint and all the main application possibilities.

4. To increase the level of knowledge of foreign languages, because a significant part of employers cooperate with foreign companies.

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THE FEATURES OF THE INTERNATIONAL LEGAL REGULATION OF OBLIGATIONS ARISING FROM UNFAIR COMPETITION

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Abstract: The paper draws attention to the peculiarities of the regulation of obligations arising as a result of unfair competition within the framework of international legal documents. The authors emphasize the fact that, unlike other types of non-contractual cross-border relations, obligations arising from unfair competition often have a public character. According to the authors, this particular feature is the determining factor in the conflict of law and substantive regulation of these obligations.The paper notes that the formation and development of the conflict of law and substantive regulation of obligations in relation to the unfair competition were significantly influenced by the norms of international treaties. In particular, they include the Paris Convention for the Protection of Industrial Property, the Agreement on Trade-related Aspects of Intellectual Property Rights, and Regulation (EU) No 864/2007 of the European Parliament and the Council dated July 11, 2007.“On the law to be applied to non-contractual obligations” (“Rome II”). Nonetheless, a reasonable conclusion is that the international legal instruments governing the obligations that have arisen as a result of unfair competition include substantive law, aimed at preventing unfair competition. As a rule, these are norms aimed at finding particular ways to solve the problem of conflict of obligations arising as a result of unfair competition.

Keywords: unfair competition; international legal agreements; business

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entities; market; conflict regulation; substantive regulation.

1. Introduction

In modern conditions, the development of market relations is an indicator of the level of development of a state. Moreover, today it is relevant to talk about cross-border market relations when business entities operate not only in the territory of any particular state but enter new markets, overcoming state borders. In these respects, competition as a form of confrontation for market leadership is the normal functioning of a civilized market. Both private individuals (consumers, entrepreneurs) and the state are interested in developing competitive relations. But, unfortunately, it is necessary to observe the facts of unfair competitive relations on the part of some business entities aimed at causing certain losses to other business entities. In almost all countries, attempts are being made at the legislative level to limit unfair competition in order to ensure free economic activity for market entities. Various approaches to the legal regulation of this institution, which are reflected not only in national legal systems but also in international legal acts, give rise to a special interest in obligations arising from unfair competition in the field of private law relations.

2. Methods

The paper uses both general scientific methods of scientific knowledge and particular scientific methods. Among them, one can single out analysis, synthesis, comparison, and formal legal and technical legal methods.

3. Results And Discussion

The features of obligations arising as a result of unfair competition and complicated by a foreign element are examined and disclosed. The distinguishing features of the conflict of law regulation concerning obligations arising from unfair competition, which are mainly inherent in the norms of national law, and the features of substantive regulation which are inherent in the international legal regulation of this issue are identified. It was revealed that international legal regulation of obligations arising as a result of unfair competition has a significant impact on the formation of national mechanisms for regulating the issue under consideration.

4. Summary

As is known, obligations arising from the unfair competition are categorized as non-contractual relations. The latter arise on the basis of certain actions and not a concluded contract between business entities.

It should be emphasized that the distinctive feature of obligations arising as a result of unfair competition and other types of non-contractual relations should be a peculiar combination of private and public principles. Indeed, states are interested in developing stable market relations, which is why one cannot but agree with Sh.T. Tagaynazarov, who wrote that active state intervention in these areas and relations is necessary in order to prevent abuse and enhance legitimate behaviour [1, 64].

In this regard, public law regulation of relations arising as a result of unfair competition, which is aimed at protecting the interests of a state and society, in no way diminishes the significance of civil law regulation of the obligations under consideration aimed at protecting the interests of directly participants of market relations [2, 446]. Considering the special interconnection and interweaving of public law and civil law regulation of relations arising as a result of unfair competition, we consider it necessary to characterize and separate their private-public character as a separate sign.

Like all civil law relations, including competition, obligations arising from the unfair competition are based on the general principles of the Civil Code of the Republic of Tajikistan. In particular, Article 10 of the Civil Code of the Republic establishes that it is prohibited to use civil rights in order to limit competition, as well as abuse of one's dominant position in the market.

Article 1228, the Civil Code of the Republic of Tajikistan establishes the conflict of laws regulation of obligations arising from unfair competition, which states that the law of the country which market is affected by such a competition applies as applicable law unless otherwise provided by the legislative act or the substance of the obligation. Moreover, the suppression of unfair competition is ensured by bringing to civil law, criminal and administrative liability, as well as to liability directly provided for by the Law of the Republic of Tajikistan “On Competition and

Limiting Monopolistic Activities in Commodity Markets" of 2006.

From the above analysis, it follows that the main feature of conflict regulation of relations arising as a result of unfair competition is the combination and peculiar weaving of conflict of law and substantive regulation. As N.N. Voznesensky noted quite rightly on this issue, this alignment of cases greatly complicates the conflict problem, while at the same time raising special interest in it [3, 4].

In this regard, we consider it necessary to point out the particularities of international legal regulation of obligations arising as a result of unfair competition. The latter has a significant impact on the legal nature of unfair competition in the framework of private international law.

For both the Russian Federation and the Republic of Tajikistan, the Paris Convention for the Protection of Industrial Property played a significant role in developing a definition of the essence of unfair competition. As N.G. Vilkova believes, despite the fact that in Russian legislation the concept of unfair competition is contained in the Law "On Competition and the Limitation of Monopolistic Activities in Commodity Markets" (Article 10) dated March 22, 1991, not all business entities are well aware of the categories of actions that constitute unfair competition [4, 117]. In this regard, it seems necessary to appeal to other forms of consolidating the issue under consideration, in particular, the Convention on the Protection of Industrial Property of 1883.

What is the connection between such various definitions as industrial property and unfair competitive relations? In fact, the relationship between them is direct, because, as you know, the objects of industrial property are such institutions as a trademark, service mark, company name. The latter, in turn, may become the object of unauthorized use of some business entities, which, according to the above law, qualifies as a form of unfair competition. This circumstance explains the fact that the suppression of unfair competition is included in the list of industrial property protection objects specified in clause 2 of article 1 of the Paris Convention [5]. The norms of the convention define in the general sense the essence of unfair competition, and also embody the conflict of laws

regulation of the mentioned legal relations. Interest in this regard is caused by the norms of Article 10.bis obliging the countries of the union to provide citizens of countries with effective protection against unfair competition, and to provide, according to Article 10.ter, citizens of other countries legal means to suppress these actions.

Thus, it is clear that indirect conflict regulation of obligations arising as a result of unfair competition at the international level under the Paris Convention for the Protection of Industrial Property. The Convention lays down rules aimed at suppressing unfair competition. It obliges the participating countries to apply the provisions of the security and guarantee nature in order to suppress the occurrence of unfair competition when persons belonging to the citizenship of another state participate in such legal relations.

N.N. Voznesensky, in turn, believes that containing certain substantive rules in the field of protection against unfair competition, which establish the rights and obligations of private law entities, the Paris Convention does not fully regulate legal relations in the field of protection against unfair competition [3, 21]. It is difficult to agree with his opinion, since the norms of the Paris Convention are aimed, first of all, at protecting industrial property objects. Putting the suppression of unfair competition on a par with industrial property, the convention provides for a sufficient amount of legal protection, which is of interest from both the substantive and the conflict of law points of view.

The next document which is governing unfair competition at the international level in the light of the protection of the intellectual property is the 1994 Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). This Convention, like the Paris Convention, does not aim to comprehensively regulate issues of protection against unfair competition, but by virtue of the objects under consideration, it also touches on issues of protection against unfair competition, which takes place in the aspect of certain legal relations. In the light of the conflict of laws regulation, this Agreement, like the Paris Convention, is of interest from the point of view of imposing obligations on member states to take certain actions to curb unfair competitive relations in the

light of the protection of intellectual property.

In light of the collision of law regulation concerning obligations arising from unfair competition, the most notable is the law of the European Union, in particular, the provisions of the Rome II Regulation, which governs, in addition to other types of non-contractual cross-border obligations, also obligations arising from unfair competition. And it is no mere chance that thanks to its elaboration, the rules of the Regulation, as indicated by Kh.D. Pirtskhalava, acquired the importance of general norms in relation to national norms, which act as subsidiary [6, 100]. P. Stone notes that the norms established in the Regulation are quite stable [7, 377], which, of course, testifies to their significance. The significance of the rules of the Regulation is also written by John Ahern and William Binchy, which indicate various kinds of conflict bindings and methods of their application [8, 90]. Of course, it is necessary to emphasize that, despite different points of view on the applicability of the Rules of the Regulation to non-contractual cross-border obligations that take place immediately after its adoption [9, 1], with the adoption of the Regulation, non-contractual cross-border obligations, including those resulting from unfair competition, got a "second wind" and reached a new level of development.

It is important to note that in certain circumstances, when several markets are affected by the restriction of competition, the plaintiff is given the opportunity to choose the law of the country of the court as applicable law, but provided that the market of this state is also covered by the restriction of unfair competition, in which the claim is actually filed (paragraph 3 b of article 6 of the Regulation) [10]. There is a certain manifestation of signs of autonomy of the will. Indeed, unlike other laws, this rule represents an original approach, since, taking into account a specific, special case, it gives the injured party the right to choose the law of the country where the court takes place as applicable law, but, as the document itself emphasizes, not always, but only if certain conditions exist. And it is not surprising that following this rule, the Regulation in clause 4 of the article in question denies the use of autonomy of will to the extent that the use of this

institution is allowed in relation to other types of non-contractual cross-border obligations.

In fact, the Regulation deals with the conflict of laws regulation of two definitions: unfair competition and actions restricting free competition. For example, paragraph 17, Article 4 of the Law of the Russian Federation "On the Protection of Competition" lists the general features of this definition without giving a definition of the term "restriction of competition". From the meaning inherent in this article, it follows that in contrast to obligations arising from unfair competition, the obligations arising from the restriction of competition, are usually associated with abuse by an entity of its dominant position in the market. And the latter, in turn, can lead to a significant restriction of competition. In the legal literature, abuse of a dominant position in the market is understood as the improper use of subjective property rights, used to impose unfair conditions on other participants in market relations.

According to the law, actions restricting free competition do not apply to forms of unfair competition. Hence it should be assumed that if the restriction on competition in the general sense is aimed at suppressing monopolistic activity, and by its nature is incompatible with unfair competition, then the signs of restriction of competition specified in the law, i.e. actions inherently unacceptable in the light of the functioning of free-market relations should be attributed to unfair competition. In this regard, we fully support the point of view by N.N. Voznesensky that the dividing line between these definitions is not drawn either in law or in practice [3, 46]. This circumstance, according to the author, is connected with the goal that pursues competition law - the protection of competition both in the interests of business entities and in the interests of society as a whole. Therefore, it is not surprising that the legislation of some countries does not draw a line between the categories under consideration and puts them on a par. In particular, in relation to the regulation of relations of private international law, Article 117 of the Romanian Law No. 105 of 1992 establishes that the right of a state in the market of which there are harmful consequences extends to claims for damages based on allegations of unfair competition or other actions, and which

entail illegal restrictions on free competition. As one can see, both unfair competition and actions restricting competition are subject to conflict regulation [11, 513]. In this case, the legislator includes actions constituting the essence of competition restriction as part of unfair competitive relations in the aspect of private regulation of these definitions. According to German jurisprudence, actions restricting competition are also considered, in certain circumstances, as forms of unfair competition. [12, 16]. The same approach is enshrined in Art.6 of Rome II Regulation "Unfair competition and actions which restricting free competition". Of interest in this aspect is the innovation enshrined in the civil legislation of the Russian Federation, which enshrines the conflict of law regulation of both unfair competition and restriction of competition (Article 1222, "The Law Governing Obligations arising from Unfair Competition and Due to Restriction of Competition"). But we believe that in the light of the expansion of conflict of bindings, it is more advisable to talk specifically about actions that restrict free competition. In this context, it seems necessary to correlate both general and private unfair competition and actions restricting free competition.

5. Conclusions

So, to summarize the above, and exploring the features of international legal regulation of obligations arising from unfair competition, we note that given all the developing and complicated social economic relations that extend far beyond the borders of a particular state, national law and international law should also to expand the sphere of its influence and cover these relations with its regulation.

Currently, the norms of international treaties in most cases are aimed at suppressing unfair competition; in particular, they oblige states to carry out certain actions with the aim of suppressing unfair competitive relations.

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THE PROBLEMS OF ROBOTISATION OF LEGAL PROFESSION

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Abstract: This paper is devoted to the analysis of the legal activity digitalization problems. In the course of the study of the stated problems, the authors come to the conclusion that today the thesis about the complete replacement of lawyers by robots and the disappearance of the legal profession is unreasonable and premature.According to the authors of the paper, it is impossible to completely trust artificial intelligence to solve legal issues. Currently, a robot can replace a lawyer only in execution of programmable routine tasks, such as drawing up a simple template contracts, claims, search for court practice materials, analytical information, transfer documents to the court, etc. But at the same time, artificial intelligence cannot compete with the human in the issues of a comprehensive analysis of a particular problem; in giving an assessment of the fairness and honesty of the person who has applied. The field of law cannot be translated into a programming language due to the variety of terms, categories and differences in their interpretation by sectors; law has no clear boundaries and framework. High-quality professional legal activity is possible only with the participation of a professional lawyer with experience in this field. It is difficult to imagine a robot that is performing functions of a representative in court or a robot-scientist (lawyer). Artificial intelligence today can perform almost any routine mechanical work with much greater productivity, and the activities of a lawyer are aimed primarily at solving more complex intellectual problems.

Keywords: legal activity, automation, LegalTech, artificial intelligence, robot lawyer, smart contract.

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1. Introduction

The rapid development of LegalTech and robotisation in legal sphere cause for alarm among lawyers. It is difficult to say how the legal profession will change in the future; however, the results of on-going processes on optimizing legal services in certain areas are already noticeable today. For example, various online services are gaining popularity on the Internet, allowing clients to get in real time such legal services as compiling and filing complaints with the relevant state authorities on housing and communal services, insurance services, contesting fines, registering legal entities or trademarks etc. Moreover, it must be recognized that, sometimes the proposals for the provision of such legal services on the Internet are quite intrusive.

At the same time, one should pay tribute to the fact that the rapid development of IT-technologies, artificial intelligence, of course, affects the labour market. In this regard, papers on replacing jurists (including judges and lawyers) with robots, introducing artificial intelligence, are increasingly found in periodical literature. But is it worth rushing about such sad conclusions? We try to figure this out.

2. Methods

The main methods that were used during the writing of this work are: comparative legal method, a complex analysis method, an interpretation method, a sociological method, a system analysis method, and an intersectoral approach.

3. Results and discussion

The advantage of modern computer technologies is that they are able to process a huge amount of information in a short time, without being subjected to subjective factors such as fatigue, poor health, etc., and also do not require payment of wages. There is no doubt that in the foreseeable future, artificial intelligence will be actively used in the legal profession. Already today, in many large organizations, standard forms of statements of claim and contracts are used, which greatly facilitates the process of preparing texts of planned agreements and lawsuits in court, without attaching any special mental costs.

For many years now, discussions have been held about the possibility of replacing lawyers with artificial intelligence. Analysing the impact of automation on the legal profession, John Markoff examines the prospects of replacing the army of expensive lawyers with cheaper software [1] using the example of individual American companies. In the Russian periodicals, there are also loud statements about the commissioning of robots-lawyers which are trained to prepare lawsuits and which could replace many employees of legal departments of organizations [2].

We would like to pay special attention to the fact that the question of creation of a robot lawyer is also actively discussed within the walls of Kazan Federal University. So, on the initiative of KFU rector Ilshat Gafurov, the University launched the project "Artificial Intelligence in Law", which involves the Faculty of Law and the mathematical block of the University. According to the developers of the project, the introduction of third-party objective control based on the analysis of legislative data and court decisions adopted in the past can reduce the number of opportunities for corruption. Moreover, the authors of the project are convinced that the adoption of illogical decisions becomes noticeable and can be easier challenged in the courts of higher jurisdiction, which means that the number of judicial errors may decrease [3].

It is also necessary to mention the distribution of so-called "smart" contracts, the use of which is becoming fashionable in today's business environment. In general, a smart contract is a kind of program code (software) that can be executed automatically without the direct participation of the parties. According to A. Vashkevich, "business needs automation of legal relations in order to less depend on the will of parties, to prevent violations, to be aware about violations at the time of their commission. The potential of smart contracts operating in the real economy lies in many ways in their connection with the Internet of things, external information systems and registries. Smart contracts can be either an independent contractual instrument or an element of a more complex set of obligations, some of which are regulated by ordinary (paper) documents". [4]

We acknowledge that the question of the legal nature of smart contracts remains open. Without going into discussion, we note that such "smart" contracts are not contracts in the usual sense, but only some automated mechanisms for fulfilling the obligations of the contracting parties [5]. It seems that the use of smart contracts in practice will not lead to the complete disappearance of the legal profession. In general, the effectiveness of the organization based on robotic contractual work without the participation of professional lawyers should be called into question.

The introduction of artificial intelligence in professional legal activity is also being considered at the state level. So, in 2017, the Government of the Russian Federation approved a program for the development of the digital economy within the framework of which, among other things, an action plan was prepared to create a machine-readable language for norm-setting and the use of artificial intelligence to analyse the content of legal acts [6]. In the same year, the Project Activity Department in the Government of the Russian Federation put forward ideas for improving legal activities. In particular, it is proposed to create electronic codes and an automated system for monitoring judicial practice, as well as the generation of standard court decisions using artificial intelligence [7]. In addition, the Ministry of Justice of the Russian Federation presented its draft Concept for regulating the market of professional legal activities, according to which the main problem of the legal services market in Russia is their low quality. According to the authors of the Concept, it is possible to eliminate this problem by introducing a lawyer monopoly on the provision of paid legal services, and the guarantor of the quality of such services will be corporate and management tools and advocacy self-regulation, including the Code of Professional Ethics of a lawyer and standards for the provision of qualified legal assistance [8].

In our opinion, despite such intensification of the development of artificial intelligence and attempts at its normative consolidation, there are a number of factors that indicate the impossibility of a complete robotisation of law.

First, what is a robot-jurist? This is some kind of software equipped with data on a huge number of regulatory legal acts, various forms, contract templates, powers of attorney, statements, and court decisions, which are based on specific commands (algorithm of actions). During operation, such a program is able to quickly solve the task assigned to it. But at the same time, for the functioning of a robot-jurist, as well as for any software, it requires maintenance, updating, modification, debugging and other actions on the part of man. In other words, without the participation of a person having the necessary knowledge and experience, the effective functioning of artificial intelligence in the legal sphere is impossible.

In addition, the most important property of law is the ambiguity of terminology and the lack of unity in interpretation. "In order to translate norms containing ambiguous terms into a computer language, we will have to make too many reservations and exceptions, which will complicate the computerisation of law. Therefore, first we have to change the law so that its terms would have the same content, and in all laws. That is titanic labour!". [9]

T.S. Nikiforova and K.M. Smirnov rightly note that "one of the constraining factors in the automation of legal activity is the conservatism of the Russian judicial system. Despite the fact that e-mail and digital signature were invented a long time ago, progress in communication with the courts did not move much. Valuable letters with notifications are still sent, many-hours-to-wait queues are still preserved. Therefore, a great potential for automating the work of jurists is seen in the establishment of a full-fledged electronic document management with the courts". [10]

It seems that at present robots could replace jurists only when performing routine tasks that can be programmed, such as drawing up simple template contracts, lawsuits, searching for judicial practice, analytical information, transferring documents to court, etc. But at the same time, artificial intelligence cannot compete with the human in issues of a comprehensive analysis of a particular problem, to assess the good faith, and honesty of the person who has applied.

Analysing the work of online services in the legal services market, A. Bychkov comes to the conclusion that with the help of such services, one or several documents can be drawn up, it is possible to understand to which competent authorities it should be applied for obtaining the desired result. However, high-quality professional protection and representation of interests, if not with a specific, then at least with a predicted result, are possible only when contacting lawyers with experience in the relevant field to which the corresponding problem belongs. According to the author, these tools allow lawyers to facilitate the implementation of current tasks, minimize labour costs and focus their attention on more complex issues that require deep and detailed study [11].

Kevin D. Ashley holds a similar position, noting that when considering specific cases in court, a judge is responsible for making a legitimate, reasonable and fair decision, and modern automated technologies should be used to help judges make decisions in the case [12].

We must agree with the statement of A.A. Ivanov, who points out that "it is impossible to fully automate either lawmaking or law enforcement. Artificial intelligence can be used in these areas, but it should play a secondary role, helping a person to detect contradictions in the rule of law, to see their duplication (redundancy) or inconsistency. But that's all! The decision about what these norms are and how to apply them, in the end, must be human-made". [4]

From our point of view, it is impossible to completely entrust artificial intelligence with the solution of legal issues, ultimately, this can lead to the disappearance of law in general. The field of law cannot be translated into a programming language, due to the variety of terms, categories and differences in their interpretation by industries; law has no clear boundaries and framework. High-quality professional legal activity is possible only with the participation of a professional lawyer with experience in this field. It is difficult to imagine a robot performing functions of a representative in court or a robot scientist (jurist). Artificial intelligence today can perform almost any routine mechanical work with much greater productivity, and the

activities of a lawyer are aimed primarily at solving more complex intellectual problems.

4. Summary

We believe that one should not underestimate the importance of the legal profession and talk about its further disappearance, referring to the emergence of new automated mechanisms in the field of LegalTech. Such a danger is greatly exaggerated, since digitalization is primarily aimed at solving routine mechanical operations, and the field of professional activity of highly qualified lawyers does not have a strictly limited scope, and the functions performed by them are too diverse. On the contrary, well-planned, thought-out and implemented in a dosed sequence processes of legal activity digitalization in the short term can lead to the emergence of new related specialties and additional jobs.

5. Conclusions

The problems of law sphere robotisation that we have identified are extremely relevant and debatable. But it should be recognized that time does not stand still and dictates its conditions, requiring a change in the forms and methods of carrying out legal activities. Robotisation is possible for most routine legal processes through modern technology through implementation of LegalTech tools. With some accuracy, we can say that changes (albeit not in the near future) will occur, and the legal community should be ready for them. At the same time, one should not rely on the fact that artificial intelligence can completely replace the living mind and professional skills of a lawyer.

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THE ROLE OF NATIONAL ACTION PLANS IN IMPLEMENTATION OF INTERNATIONAL STANDARDS IN BUSINESS AND HUMAN RIGHTS

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Abstract: "Guiding Principles on Business and Human Rights" are the first universally recognized global international standard in the field of human rights and business. In accordance with them, transnational corporations and other enterprises are obliged to comply with the national laws of states and respect internationally recognized human rights while carrying out their business activities. On 16 June 2011, the Human Rights Council unanimously endorsed the Guidelines in its resolution 17/4, "Human Rights and Transnational Corporations and Other Enterprises," setting a universal standard for protecting human rights from the adverse effects of transnational corporations and other enterprises. However, in accordance with the doctrine of international law, corporations do not have an international legal personality and their obligations to respect human rights are only voluntary in nature, and therefore, the main obligation to ensure the protection of human rights lies with states. One of the ways to implement international standards in the field of business and human rights in practice is the development by States of National Action Plans. This paper is devoted, firstly, to a summary of the main ideas of the "Guiding Principles on Business and Human Rights" as an international legal standard in the field of human rights. Secondly, to consider the role of National Action Plans in the implementation of the Guidelines in EU countries. Thirdly, a review of existing practices for the implementation of these

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principles by EU states using National Action Plans.

Keywords: international law, corporate responsibility, international standard, human rights, national action plan, implementation, international business.

Introduction

Today it is increasingly possible to hear that enterprises violate human rights. Such violations include, for example, a violation of the right to work [23] including the use of forced labour [22], violation of freedom of association when workers are deprived of the opportunity to join unions, freedom of expression [21], violation of the right to privacy [20] when the personal data of employees and customers are sold to third parties [25; 26], violation of the right not to be discriminated against when hiring [24] due to membership in an ethnic, or religious group [17], or a caste. Another wide area of violations is the serious impact on (environmental) human rights [18; 19], as a result of which thousands of people may die, for example, after the infamous man-made disaster at Union Carbide's chemical plant in Bhopal, in India, during which more than 30 thousands of people died [7, 22-26]. Similar cases occur in Russia. So, on June 1, 2019, in the city of Dzerzhinsk, explosions occurred at the enterprise of the State Research Institute "Crystal" as a result of which fires broke out, 5 buildings were destroyed; residential buildings and kindergartens were damaged [35]. More than 80 people sought medical help [36].Fortunately, no one died.

In order to prevent the occurrence of such cases in the future, states of the entire world, including Russia, need to start implementing the “Guiding principles on Business and Human Rights” by developing National Action Plans.

Methods

This study uses the methodology of a concept known in Western academic literature as International Business and Human Rights. This concept is interdisciplinary in nature and is being studied in the light of a wide range of scientific disciplines, the key of which is international law.

In carrying out this study, we used formal-logical, general scientific and particular scientific methods.

Among the formal logical methods there were used methods of analysis, synthesis and modelling. Also, historical-legal, formal-legal, comparative-legal methods were used in the work.

The normative and empirical basis of the study includes international legal standards of human rights in the field of international business, national action plans of the EU countries, cases of the ECHR, as well as other documents of international organizations (UN, EU).

Results And Discussion

Before turning to the issue of implementation, we briefly describe the international standard being implemented.

The Guiding Principles on Business and Human Rights [1] are a global, international legal standard for the protection of internationally recognized human rights in the field of business, which are understood to mean at least the rights enshrined in the International Bill of Human Rights [30; 31; 32] and the principles set forth in the ILO Declaration on Fundamental Principles and Rights at Work [33]. From the point of view of the international law doctrine, they are the norms of "soft" law, are advisory in nature and, therefore, are not legally binding. They apply to all states, as well as to all corporations and commercial enterprises, regardless of their size, sector, and location, as well as the form of ownership or structure.

The "Guiding Principles on Business and Human Rights" was presented to the Human Rights Council by the Special Representative, John Ruggie, in 2011. They were based on the framework concept "Protect, Respect, and Restore Rights: Key Provisions Related to Business and Human Rights" [4], proposed by John Ruggie in 2008 containing three main principles:

1) The obligation of a state to prevent violations of human rights by a third party, including business.

2) The responsibility of corporations to respect human rights.

3) The need to ensure more effective access to remedies.

Those three principles have been embodied in the three pillars of the Guidelines: I. The state duty to protect

human rights, II. The corporate responsibility to respect human rights, III. Access to remedies. The three pillars form a single whole, each of which can be interpreted both individually and collectively, based on the goal of enhancing the role of norms and practices related to entrepreneurial activity in the aspect of human rights, so that affected individuals and Communities could achieve tangible results in protecting their rights [1]. The guidelines contain 31 principles. Each pillar consists of foundational principles and operational principles. The foundational principles are declarative in nature: they proclaim the basic responsibilities of states and enterprises. Operational principles include practical recommendations on how to observe and ensure human rights within the framework of the duties established by the basic principles.

One of the main ways to implement the Guidelines is to develop a National Action Plan by the state. National Action Plans is a development strategy in the field of international business and human rights chosen by the state to protect individuals from the adverse effects of corporations and other business enterprises on human rights and formulated by them in accordance with the UN Guidelines or other recommendations. The action plan reflects the policy of the state, and concerns the applicability of the fundamental principles to the field of business in its territory. The National Action Plans declares a promise to bring uniformity to domestic law, judicial and other practice in the field of business and human rights [5].

The two most important international guidelines that assist states in developing National Action Plans are the Guidelines for National Action Plans of the UN Working Group on Business and Human Rights [15], as well as the Toolkit for the Development, Implementation, and Review of State Commitments to Business and Human Rights Frameworks developed by Danish Institute for Human Rights [16]. The leadership of the working group presents 4 criteria that National Action Plans of States must meet [15, iii]:

1) The National Action Plan should be based on the UN Guiding Principles, the basic principles of non-discrimination and equality, and should also reflect the existing obligations of the

state under international human rights law to protect against adverse effects on human rights and provide access to effective remedies. In addition, National Action Plans should proclaim respect for human rights, including through measures of due concern for human rights.

2) The National Action Plan should reflect and take into account the actual (human rights violations that have already occurred) and potential (human rights violations that may occur) adverse human rights impacts. States should develop and implement realistic measures that would ensure the greatest protection of the rights of people on their territory.

3) The process of developing National Action Plans should be transparent. Stakeholders should have access to the development and updates of National Action Plans, and their opinions should be taken into account. All information on the action plan should be freely available to all interested parties throughout all stages of development.

4) The processes of National Action Plans should be regularly updated and reviewed. They must meet emerging challenges and strive for continuous development.

Within a state, all relevant ministries and departments should be involved in the development of National Action Plans, with the support of stakeholders and national human rights institutions.

Continuous updating requires regular monitoring of new challenges in the field of human rights and their timely reflection in the National Action Plans. In addition, the very format of National Action Plans presupposes interaction and international cooperation between states in order to exchange best practices and experience which can be used by any states wishing to guarantee their citizens the observance of their human rights.

From a practical point of view, A National Action Plan is an instrument for implementing the provisions of the Guidelines [15, 3]. The working group recommends dividing the process of developing National Action Plans into 5 phases: 1) Initiation 2) Assessment and consultation 3) Preparation of the initial version of the National Action Plan 4) Implementation of the National Action Plan 5) Update [16, ii].

During the development of their National Action Plans, states need to identify gaps in their legal regulation using the provisions of the Guidelines, and then use them as a guide to address such gaps in their domestic law. At the same time, they must take into account the peculiarities and practice in the region on the regulation of certain legal relations in the field of human rights and business. The Working Group argues [15, 4] that national action plans and related processes should take into account the cultural, historical contexts of specific states and contain effective measures to prevent potential human rights violations and to eliminate the consequences of actual human rights violations by corporations and enterprises. National Action Plans must meet the challenges facing states in the areas of economics and law. [6, 3] Thus, States are given a significant share of freedom to develop and adapt measures to prevent human rights violations in their territory.

Summary

The National Action Plans received wide support from states and international organizations, and the Guidelines themselves became the basis for the regulatory activities of the states of the entire European region. In particular, in 2011, in paragraph 4.8.2 of EU Strategy for Corporate Social Responsibility 2011-2014 [8], The European Commission called on member states to develop National Action Plans for the implementation of the Guidelines, and enterprises to respect corporate responsibility and respect for human rights. The Council of Europe has followed the example of the European Union. In 2014, the Committee of Ministers adopted the Declaration on the support of the UN Guiding Principles [9], and in 2016 the Recommendations of the Committee of Ministers to member states on business and human rights [34]. Soon, some EU members launched the process of developing National Action Plans. In 2013, the United Kingdom [14] and the Netherlands [13] published their first results, and in 2015 they were joined by Denmark [12], Finland [11] and Lithuania [10]. To date, more than 50 states have already published or are developing their National Action Plans [29].

The effective implementation of the Guidelines requires that all three Pillars be considered as one. However, in practice, EU member states quite selectively implement the provisions of the principles, with almost no attention to the third Pillar, access to legal remedies [6, 10]. This practice is contrary to guidelines that should be considered "as a whole," as a result of which victims of human rights violations may be left without an effective remedy.

The European Union and the Council of Europe are absolute leaders in the dissemination of international legal standards in the field of business among member states. The dissemination of the Guidelines has led to the development of a corporate culture among all Member States. Thus, interested parties both from the side of business [27] and from the side of civil society [28] have developed their recommendations for National Action Plans.

Conclusions

The development of National Action Plans is the first step towards creating a corporate culture in society. Compliance with the principles of transparency, inclusion and non-discrimination strengthens the position of right holders and creates a space for dialogue and mutual understanding between all interested parties. Such an approach has already been implemented in practice, for example, during the adoption of the National Action Plans in Denmark, where the government conducted interviews with enterprises, representatives of civil society and "implementing organizations". Corporate culture also contributes to better protection of human rights in the field of international business.

Russia and other EAEU member states can use the experience of implementing the Guidelines, being guided by the EU and Council of Europe National Action Plans. The existing extensive practice can help the EAEU states to develop mandatory regional standards, as well as national legal acts to protect the human rights of individuals in the field of business.

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TRENDS IN THE DEVELOPMENT OF CRIMINAL LIABILITY FOR CRIMES AGAINST THE SECURITY OF COMPUTER INFORMATION IN THE RUSSIAN FEDERATION

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Abstract: The development of modern computer technology and changes in federal legislation introduced in recent years, have caused the authors to identify the main trends in the development of criminal liability for crimes against the security of computer information: four areas that encourage the need to increase criminal liability for acts committed with computer technology. The paper also gives a historical overview devoted to the development of computer technologies and a general description of crimes in the field of computer information, taking into account changes introduced into criminal legislation by Federal Law No. 194-FZ dated July 26, 2017.

Keywords: crimes in the field of computer information, crimes against the security of computer information, cybercrime, the problems of crimes in the field of computer information

1. Introduction

The history of the development and spread of computer technology begins in the 1960s. Over the years, Ed Roberts has organised *MITS* (*Micro Instrumentation and Telemetry Systems*) as a small electronic company; in April 1974, he became interested in microprocessors manufactured by *Intel* Company, and at the end of 1974 a small company in Albuquerque (New Mexico) has created the first personal computer showing results and having much prospects [1]. Ed Roberts called it "*Altair*", it met the minimum definition of a microcomputer, and after assembly it represented from outside a metal box [2]. It had neither a keyboard nor a monitor; data input and output was carried out through the switch panel. The operation of the first computer was very complicated and required special knowledge of a programmer; when the

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machine has been turning off, the program and data were lost, because the computer was equipped only with volatile RAM.

Computer diskettes for storing programs and data first appeared on the market in 1972 [3], then their size was 200x200x1 mm. These were simply smaller versions of the drives used on computers since 1956. Disk drives for new floppy disks were also cumbersome, but they were preferable to other data access devices, such as magnetic tape drives, tape readers, and tape recorders, because they allowed users to find the information they needed instead of doing fast-forward tapes first with other data.

Since the autumn of 1975, *MITS* has acquired the exclusive right to distribute a license for the first *Basic Microsoft* software. [4] However, a few months later, *Microsoft* found that its revenue was reduced to the limit. The reason for this was illegal copying. Bill Gates was directly involved in the development of the *BASIC language*. It was he who first declared the need for software protection, having addressed two open letters to the public. His actions contributed to the gradual introduction into the minds of the idea that the program is a product of creativity and therefore should be protected in the same way as musical compositions or a literary work.

Many years have passed since then. The problem of unauthorized interference is especially acute in countries with highly developed information networks. Developed as part of an initiative by the US Department of Defence in the US state of California, one of the first computer networks, ARPANET, in 1969 became the progenitor of the modern Internet network, which developed far beyond its original military and academic goals. Over the past decades, the Internet has become an exciting new public domain, which, because of its ability to circumvent geopolitical, economic and social boundaries, has traditionally not contained politics and no explicit social settlement [5, pp. 105-106]. Today, these milestones previously indicated in the literature are rapidly undergoing dramatic changes. The criminal codes of a number of countries have introduced rules providing for liability for illegal access to all or part of an automated data processing system, hindering the operation or violation of the correct

operation of such a system or entering information into it in a fraudulent manner, or destroying or modifying a database.

Computers have become an integral part of our lives and at the same time have generated a lot of problems of a socio-economic and legal nature. There are *four main areas* that need further development and improvement of the legal mechanism and encourage the need to strengthen legal responsibility for acts committed with and around computer technologies (so-called computer crimes).

2. Methods

Comparative legal and historical methods are chosen as the main research methods of the issues under consideration.

3. Results And Discussion

3.1 The first and most significant problem is the need to comprehensively counter the information threats faced by modern society and the state in the implementation of domestic and foreign policies. The course to digitalization has affected all socially significant and economic spheres of the state's development; the importance of electronic means of communication, and also receipt and dissemination of information is increasing. All this led to the approval in 2016 of the new Doctrine of Information Security of the Russian Federation and the Federal Law dated July 26, 2017, No. 187-FZ "On the Security of Critical Information Infrastructure". In Russia and in a number of foreign countries, laws have been enacted that increase criminal liability for attacks on state or critical computer information systems (for example, in France and in Kazakhstan).

3.2 Therefore, the *piracy problem* in the computer market and the Internet space has gradually faded *into the background*. Their common types are software piracy, audio piracy, video piracy, and piracy against literary works. In recent years, the way of distribution of the listed illegal products has undergone changes: if the circulation of such products was previously spread through the transfer of material data storage devices (CDs, DVDs), now they are actively distributed in all different peer-to-peer networks (e.g. torrents) or through cloud storage technologies

(cloud storages). Article 44 of the Constitution of the Russian Federation emphasizes the need to protect intellectual property. Any use of copyright objects without the consent of the author, including publication, reproduction, and distribution, is illegal. Software for computer technology is constantly replicated and distributed without the consent of the authors of such programs; it is offered to consumers at very low prices or completely free of charge. Apparently, this situation is partly due to the unavailability, high cost of genuine software for mass consumers and the lack of alternative offers, and, on the other hand, the growing needs of the domestic market for such products.

In such circumstances, it is undoubtedly necessary to ensure the implementation of the criminal law provisions on liability for violation of copyright and related rights.

3.3. As the *third situation,* one can identify an increase in the number of “traditional” crimes committed using computer technology. In recent years, theft of funds from electronic payment systems, bank accounts, plastic cards from individuals and in enterprises, institutions and organizations using remote banking services (Bank-Client systems) have become widespread among the mercenary crimes identified, using computer technology. The first crime of this kind was recorded in the former USSR in 1979 in Vilnius. Damage from such theft amounted to 78 584 roubles (at that time, embezzlement in an amount exceeding 10,000 roubles was recognized as large scale embezzlement). This fact was recorded in the international registry of offenses of this kind and was a kind of starting point in the development of a new type of crime in our country [6, p. 126].

Every year, such thefts were becoming increasingly common. From June to September 1994, a criminal group led by L., using an electronic computer telecommunication system *Internet* and overcoming several lines of protection against unauthorized access, and using a personal computer located in an office in St. Petersburg, entered false information into the cash management system "*City Bank of America* ". As a result of this crime, at least 49 money transfers totalling 1,010,952 US dollars were made from customer accounts of the named bank located in New York, to the accounts of persons belonging to

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their criminal group and living in six countries [7, p. 17].

According to Main Information and Analysis Center of the Russian Ministry of Internal Affairs, the number of crimes committed in the field of telecommunications and computer information, including crimes for which responsibility is provided for in Part 1 of Art. 138, Art. 138 [1], Article 272, Art. 273, Art. 274, Art. 146, Art. 158, Art. 159, Art. 165, p. 171 [2], Art. 183, art. 242, Art. 242 [1], Article 242 [2], is growing steadily. Such growth occurs mainly due to an increase in the number of thefts (Art.158 of the Criminal Code), committed using computer information and telecommunications, as well as fraud [8, pp. 93-94].

Table. Information on crimes committed in the field of telecommunications and computer information

Years	**2010**	**2011**	**2012**	**2013**
Number of recorded crimes	12698	7974	10227	11104
Years	**2014**	**2015**	**2016**	
Number of recorded crimes	10968	43816	65949	

Undoubtedly, this state of affairs contributed to amendments by the Federal Law No. 111-FZ to the Criminal Code of the Russian Federation [9]. Part 3 of Art. 158, is supplemented by a new qualifying attribute: theft committed from a bank account, as well as in relation to electronic money (in the absence of signs of a crime under Article 159 [3] of the Criminal Code of the Russian Federation). The disposition of part 1 of Article 159 [3] is completely set forth in the new edition, which now provides liability for fraud using electronic payment methods, which expands the subject of this crime. Part 3 of Article 159 [6] is supplemented by a new qualifying attribute and strengthens the responsibility for computer information fraud committed from a bank account, as well as in relation to electronic money.

3.4 Fourth problem is the increase in cases of unauthorized access to computer information and the spread of malicious computer programs aimed at unlawfully affecting computer information, according to experts. In accordance with the Federal Law dated July 27, 2006 No. 149-FZ "On Information, Information Technologies and Information Protection" [10], any documented information is subject to protection, the unlawful use of which may harm its owner, proprietor, user and other person.

As is known, the concept of computer crimes is broader than the definition of crimes in the field of computer information (crimes against the security of computer information). The legislator identifies a group of crimes against the security of computer information in the section of attacks on public safety and public order and does not indicate in any corpus delicti such qualifying feature as a crime using computer technology, although there is a narrower one: committing a crime using information and telecommunication networks (including the Internet). Given this position of the legislator, we can say that the term "computer crimes" has no criminal legal boundaries and can be used only in forensic or criminological aspects. Such a definition of computer crime from a criminalistic perspective is proposed by V. B. Vekhov. He understands computer crimes as socially dangerous acts provided for by criminal law committed using electronic computer equipment [7, p. 24]. The concept of "the use of computer

equipment" is singled out as the main classification criterion that a crime belongs to the category of computers, regardless of at what stage of the crime it was used: during its preparation, during the commission, or for concealment.

Interventions in the operation of a computer, the liability for which is established according to the offenses located in chapter 28 "Crimes in the field of computer information", are expressed in

- Unlawful access to computer information (Art.272);

- The creation, use and distribution of malicious computer programs (Art. 273);

- Violation of the rules for the operation of means used for storage, processing or transmission of computer information and information and telecommunication networks (Art. 274);

- Unlawful impact on the critical information infrastructure of the Russian Federation (Art. 274 [1]).

Computer information, a computer device, a computer system or a computer network, etc. can also act as an *object or means of committing crimes in the field of computer information*. Computer information may be contained in devices designed for its permanent storage and transfer. Today it's all different magnetic, optical and electronic data carriers: magnetic disks (hard drives, HDD), SSD disks, various memory cards (flash cards, USB flash drives, etc.), compact disks (CD, DVD, Blu-ray, etc.).

The generic object of crimes against the security of computer information is its security, i.e. a condition in which there is no harm or no threat of harm to the legitimate use of computer information. Therefore, for example, V.S. Komissarov offers the following definition: "computer information crimes are deliberate socially dangerous acts (actions or omissions) that cause harm or endanger the public relations governing the safe production, storage, use or dissemination of information and information resources or their protection "[11]. *A specific object of* the crimes *under* consideration is the security of the circulation of computer information, which is understood as the state of security (the absence of harm or its threat) to the processes of production, storage, use or dissemination of computer information.

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Crimes in the field of computer information can be divided into types based on the characteristics of the legislative *description of the act* on

- Unlawful access to computer information (Article 272, part 2 of Article274 [1]),

- The creation, use and distribution of malicious computer programs (Article 273, part 1 of Article 274 [1]) and

- Violation of the rules for the operation of means for storage, processing or transmission of computer information and information and telecommunication networks (Article 274, part 3 of Article274 [1]).

By the nature of the *focus of the* criminal act on the *main immediate* object of criminal protection can be divided into

1) Crimes encroaching on computer information of a general nature (Articles 272-274), and,

2) Encroaching in its narrower form - computer information contained in the critical information infrastructure of the Russian Federation. Criminal law provides for more severe penalties for attacks on the last specified type of information.

Unlike similar offenses in the legislation of other countries, the types of unlawful access to computer information and violation of the rules for operating storage facilities, processing or transmission of computer information and information and telecommunication networks are designed as material. Criminal liability is associated with the onset of certain consequences, and there are two types of consequences: a) destruction, blocking, modification or copying of information (Articles 272, 274); b) damage to the critical information infrastructure of the Russian Federation (parts 2 and 3 of art.274 [1]).

Many crimes against the security of computer information can be committed with various forms of guilt. According to the legislative structure of the corpus delicti, various types of intent and negligence may be inherent in them, but most often these are deliberate crimes.

Summary And Conclusions

Thus, *four* problems can be distinguished that affect the development and improvement of the legal mechanism of criminal liability for acts against the security of computer

information. This is the need for a comprehensive counteraction to the information threats faced by modern society and the state in the implementation of domestic and foreign policies, the problem of piracy in the computer market and the Internet space. In addition, there is the problem of increasing the number of "traditional" crimes committed using computer technology, the problem of increasing cases of unauthorized access to computer information and the spread of malicious computer programs aimed at unlawfully affecting computer information. They need further scientific development and require close attention from the legislative bodies and the scientific community.

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VIOLATIONS OF THE LAW OF THE EXCLUDED MIDDLE IN MEDIA DISCOURSE

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Abstract: The paper is devoted to the study of violations of one of the laws of formal logic: the law of the excluded middle; those violations are found in modern media discourse. The authors examined the relationship between deviations from the law of non-contradiction (contradiction) and the law of the excluded middle and came to the conclusion that violations of the law of the excluded middle occur in speech only in symbiosis with violations of the law of non-contradiction. The analysis of examples from journalistic tests showed that deviations from the law of the excluded middle can be of two types depending on the reasons for their occurrence. If a logical rule is violated unknowingly, a logical error appears in the text. In the case when the author intentionally goes to damage the logical structure of the utterance, the violation is a technique. In turn, the goals of the addressee predetermine the division of techniques into manipulative (in the case when a recipient should not notice logical inconsistencies) and stylistic ones: tropes and figures (which are designed to influence an addressee openly).

Keywords: media discourse, journalistic text, the law of non-contradiction (contradiction), the law of the excluded middle, illogism, mistake, manipulation, stylistic means, alogism.

1. Introduction

Today in conditions of the avalanche increasing of information volumes that daily falls upon a person issues of informational ecology and security are becoming extremely urgent. Important actors in the global

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communication process are journalists: employees of traditional media and multimedia editorial staff. Sociologists who recently spoke about the reluctance of an Internet person to read long texts and predicted quick death for analytical journalism note resurgence in the interest of the mass audience in high-quality journalistic materials. This, for example, is stated in a study on the development of the journalistic investigative genre in Russia [1]. People again want to read long-reads and receive objective, logically verified, reliable information. As a result, the scientific interest in factors influencing the development (progress or degradation) of journalism has increased.

The requirement to observe the rules of logic when creating text is, in our opinion, one of the main ones in the profession of a journalist. The ability to think correctly and, further, correctly convey your thoughts means that the journalist has the most important professional qualities: the ability to analytical thinking and the desire for an objective transfer of information. The reliability of the facts and opinions presented in journalistic materials directly depends on the author following logical laws.

Traditionally, four laws of formal logic occupy a special place in logic, which most researchers consider the main: the law of identity, the law of non-contradiction (contradiction), the law of the excluded middle and the law of sufficient reason.

In this paper, we turn to violations of the law of the excluded middle in journalistic texts.

2. Methods

The purpose of this work is to determine the linguistic status and features of the realization of conscious and unconscious deviations from the law of the excluded middle in the media discourse. The methodological basis of the study was the principles of systemic, structural and integrated analysis. The authors used systematization and various methods of analysis (interpretation, classification, pragmatic and contextual analysis, as well as content analysis) as methods. Speech examples in the amount of 215 units are taken from the materials of the Russian media and communication.

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3. Results And Discussion

First of all, it is necessary to differentiate two logical laws that are close to each other in their content: the law of non-contradiction and the law of the excluded middle.

In the fourth book of Metaphysics, Aristotle gives the essence of the law of non-contradiction: “it is impossible that the same thing at the same time should be and should not be inherent in the same thing in the same respect” [2, p. 125].

The law of the excluded middle in the wording of Aristotle reads as follows: "... nothing can be in the middle between two conflicting judgments about one; each separate predicate must either be affirmed or denied" [2, p. 141]. Some researchers, for example, Warayuth Sriwarakuel, consider the law of the excluded middle to be the main of Aristotelian laws of formal logic: “Which is the most fundamental among these three laws? I believe that it is the law of the excluded middle. Why so? It is because we can convert the other two laws into the law of the excluded middle.” [3, p. 124]

Most clearly and reasonably, in our opinion, the differentiation of the phenomena studied is presented in the work of Y. A. Slinin [4]. This author says that for understanding the difference between the concepts to which the two mentioned laws apply, the terms “opposite” and “contradiction” exist.

To interpret the law of non-contradiction, both characteristics can be used, i.e. the law applies to both counter and contradictive logical relationships between concepts. For example, the judgments “*A man is tall*” and “*A man is short*” can be simultaneously false (if the person is of average height), but they cannot be true at the same time. In this case, the adjectives “*high*” and “*low*” are in a contra-relationship: they are located at different ends of the scale indicating the growth of a person, and there are other links between them, of course (“*not very low*”, “ *medium height* ”, “ *slightly higher than average* ”, etc.). The concept of “contradiction” can be illustrated by the following example: the statements “The m*an is alive*” and “The *man is dead*” cannot be true at the same time, nor can they be false at the same time. There can be no middle link between two members of the counter-narrative opposition.

As for the law of the excluded middle, it applies only to conflicting concepts that are in counter-narrative relationships (as in the last example).

Since the law of non-contradiction extends in some cases to the same type of statements, to which the law of the excluded middle applies, the question arises of how speech examples containing violations of these laws relate, and whether their differentiation is possible.

When studying the role of logical laws in the creation of the funny, a researcher N.V. Safonova conducted a study of 500 jokes in which she did not find a single case where the "pure" violation of the law of the excluded middle would serve as the mechanism for the formation of a funny matter. The author came to the conclusion that "there are no funny situations where only the law of the excluded middle is violated and the law of non-contradiction could not be applied" [5, p.271].

Based on the results obtained by N.V. Safonova, we suggested that in other statements, built on the violation of the law of the excluded middle, but not creating a comic effect, this law will be contaminated with the law of non-contradiction. This hypothesis was confirmed by the examples we discovered.

At the same time, complete identification of deviations from the law of non-contradiction and the law of the excluded middle, in our opinion, is not advisable, since in case of combining the opposite concepts in one context only the law of non-contradiction is violated. See an example: "There *are really* ***few*** *fools, but they are so cleverly placed that we* ***permanently*** *stumble upon them*" (05/27/18, http://bibo.kz/kipa/343204-durakov-na-samom-dele-nemnogono-oni-tak-lovko.html). The joke is based on a combination of opposing concepts of "*few*" and "*permanently*", between which other options are possible (for example, "*often*"), therefore the law of the excluded middle is not applicable to them.

Therefore, violations of the law of the excluded middle occur in speech practice only "in the concert with" the law of non-contradiction.

In linguistics, deviations from logical laws can have a different status depending on the reasons for their occurrence. If a logical rule is violated unknowingly, due to inattention or

inability to correctly perform logical operations, a logical error appears in the text. Otherwise, when the author intentionally goes to damage the logical structure of the utterance, such a retreat is considered to be a technique. In turn, the goals of an addressee predetermine the division of techniques into manipulative (in the case when a recipient should not notice a logical "catch") and stylistic ones - tropes and figures (which are designed to influence the addressee openly). A researcher E.E. Yermakovich, who proposed differentiating conscious logical deviations ("paralogisms") into manipulative (sophisms, tricks) and stylistic ones, based on the category of "distortion - undistortedness of transmitted information" [6, p. 3].

Consider these types of violations concerning the law of the excluded middle in journalistic texts.

Inadvertent violations, or errors. Logical errors in the media more than once became the object of study. However, in scientific works on this topic, there is almost no mention of the law of the excluded middle in general and of specific mechanisms for making such errors in particular. We will try to fill this gap.

When monitoring the media, we found the following types of violations concerning the law of the excluded middle, which we have considered it appropriate to typologise in accordance with the tier of the language structure in which they are implemented.

1) Derogations from the law of the excluded middle at the ***text***ual level.

The logical organization of the text implies compliance with the rules for constructing the composition of the speech work and its parts, as well as the presence of subject-semantic relationships between these parts. In journalistic materials, there are violations of the law of the excluded middle, when something is affirmed in one part of the text and the same is denied in the other. We illustrate what was said by the example of the article "Winter Is Coming" from the newspaper "Shans":

"SHANS" was not used to pouring baseless facts unconfirmed with documents, so we made a request to the administration. ***Its employees did not deny us*** *(for which we thank them very much) and, within the time period*

established by law, sent a copy of the protocol certified by seals and signatures concerning the meeting of parishioners of the Peter and Paul Church. <...>

After "SHANS" began its investigation in the Karatuz parish, many Internet users were quick to accuse us of biased coverage of the situation, saying that we are not showing the other side of the conflict. Yes, we would be happy! But how to show it, dear, if this ***second side does not make contact****? <...>* ***The district administration completely went into the wilderness defence*** (06/01/2018, http://shans.online/zima-blizko/).

The author of the article, accusing the administration of the Karatuzsky district of the Krasnoyarsk Territory of the reluctance to contribute to the journalistic investigation at the end of the article, as if he had forgotten that he had previously expressed gratitude to the workers of the same structure for the prompt provision of information. The judgments "Administration helps" and "Administration does not help" are simultaneously affirmed as true, which is impossible if we observe the logical law that we are studying.

2) Violations of the law of the excluded middle on the ***syntactic*** tier.

The contradictions at the level of sentences and phrases are manifested in a deviation from the rules for constructing the indicated language units, and in violations of syntactic relations. See: *Users are offered four options for the answer,* ***each of which is stranger than the other*** (06/01/2018, http://shans.online/eto-fiasko-bratany/).

In the statement, the judgments clash: "Each of the four options is stranger than the others" and "If one of the options is stranger, then the rest should be less strange". The journalist could not correctly construct a stable phrase ("one is stranger than the other"), which caused a logical error.

3) Errors associated with deviations from the law of the excluded middle at the ***lexical*** level.

Logical errors often arise due to violations of the lexical-semantic valence or confusion in a speech of words related by paradigmatic relationships (synonyms, antonyms, homonyms, etc.). Deviations from the law of the excluded middle include the levelling of antonyms and the mixing of

enantiosemants. We illustrate the above quotes from journalistic articles:

(1) Initially, the Varlamovs were not put on the line as needing housing.

*- Because they need **at least** 7 squares per person, and we have 23, says Elena* (06/01/2018, http://shans.online/a-kuda-uzhe-pisat/).

The paper explains that 3 people live in a room on 23 square meters, therefore, about 7.6 squares per one family member. And in order to queue for housing, there should be no more than 7 square meters per person. In this example, instead of the word "*maximum*", its antonym is used, which makes the statement illogical.

*(2) As follows from the same petition of the parishioners of the Peter and Paul Church to Patriarch Cyril and Metropolitan Panteleimon, in winter the temperature in the church did not rise above 8-10 Celsius degrees. The congregation fell ill, and those who worked in the church **did not have time to leave for sick leaves*** (06/01/2018, http://shans.online/zima-blizko/).

In the second sentence, there is an internal contradiction caused by the contextual enantiosemia of the expression "*did not have time*". On the one hand, the information presented in the text can be interpreted as the fact that church workers did not have time to leave for sick leave due to work. On the other hand, the context suggests that the author had otherwise in mind: the employees did not have time to leave one sick leave, as they had to take another.

In all the language tiers examined, inadvertent violations of the law of the excluded middle arise due to the weakness of the author of the texts in the norms of the Russian literary language and ignorance of the rules of logic.

Deliberate violations as manipulative methods. Various aspects of the manipulation by public consciousness (mind control) through the media have been studied for quite some time; see, for example, the works by G.A. Gladney, M.C. Ehrlich [7], R.R. Gazizov and T.A. Nagovitsyna [8], and many others. When analysing manipulative technologies, deviations from the laws of formal logic are usually mentioned. Here is an excerpt from an article in the newspaper "Khakassia", in which violation of the law of the excluded middle is a manipulative trick:

"Today in Chernogorsk, the second meeting of the internal party vote participants was held to determine the candidatures for the subsequent nomination from the United Russia party in the election of the head of the republic. <...>

Each of the participants began with a ***short*** *story about themselves.*

The first with his program was Oleg Gavlovsky. Its basis is the socio-economic development of the republic, and ways of filling the republican budget.

Victor Zimin came next. ***His report was voluminous*** *for the reason that he reported to the party members on the activities of the republican government over the past nine years of work, and threw a bridge from concrete examples into the future: what else needs to be done. He stressed that the implementation of existing programs will continue"* (10.06.18, http://gazeta19.ru/index.php/v-khakasii/item/12162-v-chernogorske-vstretilis-uchastniki-vnutripartijnogo-golosovaniya-edinoj-rossii).

The opinions expressed in the presented text cannot be both true or false at the same time: "*Each of the participants briefly spoke about himself*" and *"The report of one of the participants was not short."* The journalist uses the contradiction to convey to his reader the idea that the two prospective candidates for the post of the head of the Republic of Khakassia have practically nothing to tell about themselves compared to the third candidate, the current head of the Republic. Violation of the law of the excluded middle is implemented at the textual level, updated not only by the use of contradictory lexical units in different parts of the paper, but also by the volume of the text devoted to one or another candidate: one paragraph of two lines were assigned to Oleg Gavlonsky, two paragraphs of eight lines to Valentina Filimonova, and ten paragraphs of the text (24 lines) were written about Viktor Zimin. In our opinion, the author deliberately resorted to an illogical composition containing parts that are inconsistent with each other in terms of information volume, in order to covertly influence the consciousness of his audience, forcing readers to believe in the advantages of a particular candidate.

Deliberate violations as stylistic means. As researchers I.V.

Pekarskaya and A.Yu. Spalevich note, "Questions of speech influence become of great importance when communicants interact through literary and journalistic texts" [9, p.87]. Obviously, one of the most effective tools for verbal influence in a journalistic text is stylistic means: tropes and figures, which "are amplifiers of the figurativeness of speech" [10, p.106–195].

Some of the stylistic tools are based on a deliberate and expedient deviation from logical rules, including the law of the excluded middle. See an example:

So, it turns out that a feldsher-midwife station in Berenzhak is sheer profanity and window dressing. ***It seems to be there, but in fact, it is not*** (01/06/2018, http://shans.online/tserkov-kgb-i-svyazi/).

The journalist uses a paradox: a judgment that has at first glance a contradictory form, which in fact is a deeper meaning of the statement. In this case, a contradictory scheme is implemented at the sentence level (see H. Field in more detail about the formal schemes of truth in a formal syntactic theory [11]).

Following the concept by the head of the Abakan scientific school I.V. Pekarskaya, we believe that the basis for the construction of stylistic means is formed by certain principles: paradigmatic and syntagmatic, general and particular [10, p. 176-190]. One of the principles is alogism which implies a conscious and effective deviation in a speech from the formal logic laws [12, p.323]. Exploring the specific mechanisms of the implementation of alogisms, O.A. Wolf includes in the set of eloquatives based on deviations from the law of the excluded middle, such expressive means as a paradox, absurdity, apophasis, paralepsis, etc. [13, p. 37–41]. In our opinion, it is advisable to carry out the study of stylistic tools built on the principle of alogism, based on several criteria (structural, semantic, functional) within the framework of field theory. In this regard, a full description of the eloquatives based on deviations from the law of the excluded middle will be the subject of a separate paper and will ultimately provide a systematic description of all stylistic tools based on an intentional violation of logical laws.

4. Summary

The study conducted by the authors and devoted to violations of the law of the excluded middle in the modern media discourse made it possible to draw the following conclusions:

1. Violations of the law of the excluded middle are observed only in cases of conflicting concepts that are in counter-narrative relations. In contrast, deviations from the law of non-contradiction cover both the counter (opposite) and the counter-narrative (contradictory) logical relations between the concepts.

2. In the statements built on violation of the law of the excluded middle, this law is contaminated with the law of non-contradiction. However, the full identification of deviations from the law of non-contradiction and the law of the excluded middle is not advisable, since, in the case of combining in the same context of opposite concepts, only the violation of the law of non-contradiction is observed.

3. Deviations from the law of the excluded middle can be of two types depending on the reasons for their occurrence. If a logical rule is violated unknowingly, a logical error appears in the text. In the case when the author intentionally goes to damage the logical structure of his utterance, the violation is a technique. In turn, the goals of the addressee predetermine the division of techniques into manipulative (in the case when a recipient should not notice logical inconsistencies) and stylistic ones - tropes and figures (which are designed to influence the addressee openly).

5. Conclusions

This study examined the features inherent in violations of the law of the excluded middle in modern media. Correlation of illogical speech utterances found in journalistic texts showed that deviations from the law of the excluded middle are at the same time violations of the law of non-contradiction. The analysis of illustrative material allowed the authors to argue that the studied alogisms operate in a media discourse in three ways: inadvertent deviations from the logical law (errors), deliberate deviations with the aim of deceiving or confusing the addressee (manipulative techniques), and deliberate deviations made by the authors intentionally to enhance the pragmatic effect (stylistic means - tropes and figures).

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ACTIVATION OF EDUCATIONAL AND EDUCATIONAL ACTIVITIES OF STUDENTS

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Abstract: Students' activity in educational activities depends on their interest in learning. Students' interest in the subject is associated with an understanding of its significance for the future profession. To interest a student in a subject under study is a rather complicated process. For the interconnected activities of the teacher and student, it is necessary to use various teaching methods. Training is a focused pedagogical process that has been designed in advance. The learning process is associated with movement, that is, from the solution of one set educational task, a transition to another occurs, thereby promoting the student along the path of knowledge: the transition from ignorance to knowledge, from incomplete knowledge to a more complete and accurate one. Cognitive interest plays an important role in the student's activity, emotionally colors all his educational activities. The intensification of educational and cognitive activities of students is aimed at obtaining strong and stable knowledge. To highly motivate the student to gain knowledge, he must have a well-formed image of his future profession. An indicator of the student's relationship with the subject of his activity is activity. Activation of educational and cognitive activities of students remains the main problem in the educational process. Educational and cognitive activity of students implies the development of independence and creative activity in the learning process. The activity of students implies the

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awareness of the fulfillment of educational tasks, the systematic nature of training, the desire to increase the level of knowledge and others [1].

Keywords: activity, activity, motivation, interest, learning, process, knowledge.

Introduction

Human activity always has a direction and purpose. Activity is a single system of actions that are motivated by a motive. The activity of human activity generates cognitive interest. Cognitive activity of a person is a process of interaction of external and internal factors. A student cannot influence external factors - communication, encouragement, teaching style, teaching methods, but they can affect his cognitive activity. The student is able to exert a volitional influence on the formation of internal factors - interest, self-control, self-esteem, independence, thinking, determination.

Cognitive activity of a person is a conscious activity aimed at the acquisition of information, the formation of knowledge and experience. A student in the process of cognitive activity performs the following actions: listens to lectures, works with a textbook, solves problems, etc. Each of these actions has a positive effect on the processes of thinking, imagination, memory, attention, which are necessary in the educational process. Among all cognitive processes, the leading one is thinking. Thinking accompanies all other cognitive processes and determines their character and quality. Particular attention is paid by the teacher to the use of methods and techniques that require active mental activity - to see the problem, simulate the situation, be able to conduct dialogue, discussion.

The system of work of the teacher to enhance the educational activities of students must be built taking into account the gradual and purposeful achievement of the desired goal - the development of cognitive and practical abilities of students.

Methods.

An important way to improve the quality of student learning is to generate interest in learning. For the development of cognitive interest in the studied material, subject, the

methodology of teaching this material is of great importance.

Teaching methods is a system of sequential interconnected actions of a teacher and students, ensuring the assimilation of explained material. The teaching methods distinguish techniques - elements of the method, individual steps in the implementation of the methods.

Active cognitive activity must be organized from the very beginning of the lesson, since the further continuation of the lesson depends on the initial organization, on the ability to control the attention of students. The most effective method of activating the educational and cognitive activity of students is the non-traditional beginning of the lesson - attracting the attention of students (quote from fiction, proverb, epigraph, video clip, rebus, riddle, folk signs, etc.).

A lecture is a leading form of the educational process. In this case, it is possible to achieve the activation of students, if throughout the lecture in any way independent intensive work of each student is ensured. One of the effective methods is considered to be a control test of the knowledge of all students at the end of the lecture [2].

Reception “echo” - clarification of information. Important points of the lecture the teacher asks students to repeat his statements in arbitrary form with a few phrases. This method will help the teacher make a conclusion, as far as his students understand, and also focus on the most important points of the lecture material.

Inspection of the material can also be used to activate students. In this case, the compendium is a written text, stimulates the student to attentive listening. Students must have a sound writing skills. The use of this method is important in case of problems with the educational literature.

Reception of “resume” - the lecturer offers students to reproduce the lecturer's words in abbreviated form at the end of the lecture. A compressed generalized material-lecture is convenient to use when discussing any problems.

Control questions are considered effective in checking the mastery of lecture material. Students are asked questions to which they must give unambiguous answers, i.e. date, name, surname, etc. Switching from one type of activity to another activates attention,

and also relieves the tension created during the work.

Reception "memory failure" is a pre-planned forgetting by the teacher of enough obvious facts for the audience: formula, last name, term and etc. with a request to help him to recall.

Laboratory or practical training - the activity of students is achieved by independently completing assignments according to a predetermined plan under the constant supervision of a teacher. In this method, students comprehend, detail, and consolidate new educational material obtained at a lecture in a generalized form.

The method of "deliberate mistake" consists in the students finding errors in the presentation of the material studied. Errors are recorded on previously prepared sheets of paper, which at the end of the lesson are handed over to the teacher for verification.

The most modern form of active methods is interactive methods ("Inter" means reciprocal, "act" means act). Interaction methods, that is, trainees are in conversation mode. Interactive learning is, first of all, interactive learning. The essence of the interactive teaching method can be explained by a Chinese parable: "Tell me - and I will forget; show me - and I will remember; let me do it, and I will understand" [4, 6].

The game method is a type of activity aimed at organizing training, as well as at the upbringing and development of personality. This method is carried out by the teacher according to a pre-planned scenario and rules through immersion in a specific situation. This method is initially motivated for success, since it involves the most active position of the students themselves.

A heuristic conversation makes it easy to find contact with students, to call out their location, and to present the studied material interestingly and vividly, thereby helping to assimilate it [5].

The method of discussion is the transition from a monological interaction to a logical one. Dialogue means communication between two persons. The teacher in the learning process creates a situation, a problem that he can solve only by involving another person (interlocutor) in this activity. Thus, communication develops in the direction of solving this situation until it is resolved. This transition contributes to the self-realization of all participants in

the dialogue. Students can express their opinions and listen to the opinions of other speakers.

Olympiads and scientific and technical conferences are an active form of learning, in the process of preparation for which students independently conduct an active search for facts on given topics.

The test is one of the methods of activating students. The test allows the teacher to diagnose student training. In this case, a large number of students are encompassed, and the assessment is minimally subjective [6, 9].

The seminar refers to active learning in the event that all students were involved as speakers or speakers.

Coursework - an independent method of scientific research. These works are practiced at the university only from the second year. The student is given a specific topic on which he explores the necessary literature and conducts independent scientific research. In the future, with the disclosure of the topic and with the coincidence of topics, this term paper can be used when writing a thesis.

Thesis (final qualification work) - independent scientific and methodological research. Under the supervision of a supervisor, graduate students complete their thesis. The student in this work systematizes and consolidates the knowledge, skills and abilities gained during the study of theoretical and practical classes, shows the level of qualification obtained.

The research work of students (NIRS) is characteristic of any higher educational institution, since it is part of the educational program. In this type of work, the student reveals his creative potential, and also demonstrates his individual abilities. With the close interaction of the student and teacher, a more in-depth study of the material occurs [7-8].

Manufacturing practice is an active student activity. When a student is assigned to any position, he bears responsibility and is forced to make decisions on his own; active training takes place.

Activation of the educational and cognitive activity of a student without the development of his cognitive interest is not possible, therefore, in the learning process, it is necessary to systematically stimulate, develop and strengthen their cognitive interest.

Cognitive activity and independence are closely related to each other, and at the same time, these two interrelated concepts complement each other. Usually, elements of student activity are already manifested in independent actions, and vice versa, the manifestation of activity directs personal independence [10].

Results

The educational process is learning, communication, as a result of which the assimilation of a specific activity occurs. The learning process is a two-way process, in which both the teacher and the student participate, but the activation of the educational and cognitive activities of students primarily depends on the teacher. The educational material itself, as a rule, does not activate cognitive processes, the emotional response of students. For students to be interested in the subject, the teacher needs to be creative, as he designs, modernizes various games and techniques for activating students. The success of training, on the other hand, depends on the development of the student's cognitive abilities - attention, memory, imagination, perception, etc.

The problem of activating the educational and cognitive activities of students is relevant. To date, there is no consensus on the understanding and methods of enhancing the educational and cognitive activities of students. There are many methods for enhancing the cognitive activity of students. Their number is equivalent to the number of people occupied with this problem.

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ACTUAL ISSUES OF CASH FLOW MANAGEMENT IN ENTERPRISES IN RUSSIA

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Abstract: In the modern economy, the problem of cash shortages in an enterprise is one of the key problems. Absence of cash shortages contributes to the smooth operation of enterprises and implementation of all types of activities by them. The main reason for the occurrence of a cash shortage, as a rule, is the low efficiency of managing and attracting cash flows, as well as the limitedness of methods, technologies and financial instruments for solving this task. Since methods and financial instruments are based on a theoretical basis, as well as on practical examples, their application and development are especially in demand. Therefore, the issue of cash flow management at Russian enterprises is relevant today.The paper explores current scientific discussions regarding the management of cash flows at an enterprise in Russia. The "cash flow" concept is clarified; the problems of cash flow management are investigated. The main issues faced by modern Russian enterprises in the process of cash flow management are identified. The author's scheme of cash flow management is proposed taking into account external and internal factors and the financial strategy of an enterprise. The purpose of the study is to identify the main issues of cash flow management in Russia.

Keywords: cash flows, enterprise, financial management, cash flow management; the financial condition of an enterprise; risks.

Introduction

The relevance of cash flow management issue at Russian enterprises is justified, first of all, by the lack of cash

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and cash equivalents as one of the most acute problems at the enterprises. The deficit of free cash prevents smooth operation during the implementation of the main activities at the enterprise, and the lack of free cash leads to a reduction in investment activity.

The theoretical component of this work is based on the scientific works of foreign and domestic authors, such as I. Blank, N. Bagautdinova, A. Doronina, A. Podgornaya, E. Strelnik, E. Stoyanova, A. Sheremet, M. Porter, F. Kotler, E. Golubkov., D. Usanova, and others [1,2,3].

The purpose of this paper is to identify the main issues of enterprise cash flow management in Russia.

Methods

When conducting the research, we used statistical methods, methods of strategic analysis, economic analysis of organizations as a toolkit, as well as such general scientific methods as analysis and synthesis, a systematic approach to studying the external and internal environment of the organization, socio-economic phenomena and processes.

Results And Discussion

The study clarified the concept of "cash flow". There are many different interpretations of the "cash flows" concept. The most common are two main of them. One group of economists, when designating and calculating cash flow, relies on cash balances in the enterprise account until its further use. Based on this method of understanding cash flow, cash balance for the previous period + cash flow - cash outflow = cash balance for the next reporting period [4]. Based on these considerations, we can conclude that cash flow is tightly connected with cash balances, both at the beginning and at the end of the period. Similar reasoning was used by the English economist P. Wilson. According to the author, such reasoning is not substantiated, because when calculating and understanding cash flows, it is first of all necessary to rely not on the balance sheet, but on the cash flow statement.

Another group of economists includes such scientists as I. Blank, E. Stoyanova, A. Sheremet and others. These scientists calculate cash flow as the difference between cash inflow and outflow. In our opinion, a similar method of determining and calculating cash flow is the most correct for Russian

enterprises, because this definition most accurately reflects the result of economic activity and allows us to more accurately determine the structure of cash flow [5].

Thus, cash flow is the aggregate inflow and outflow of funds considered in a certain interval of time and received as a result of the financial and economic activities of an enterprise.

Actual problems of cash flow management are considered here. Cash flows are the clearest indicator of the economic status of an enterprise. The level of cash flows shows the ability of an enterprise to respond to the influence of external factors and represents the prospects for its further growth. [6]

Cash flow management is an essential element of an enterprise's financial policy; it permeates the entire enterprise management system. The importance and significance of cash flow management at the enterprise can hardly be overestimated since not only the stability of an enterprise in a specific period of time depends on its quality and effectiveness, but also the ability to further develop and achieve financial success for the long term [7]. At present, one of the most important problems of Russian enterprises is the problem of a lack of money funds, both in cash and non-cash form. Many even profitable and successful enterprises are close to bankruptcy due to the lack of available funds for the development of current and investment activities. For this reason, assessing the financial condition of an enterprise based on key indicators of financial stability is not entirely correct. Of course, the revenue and profit level assessment shows the current state of an enterprise; however, not even a significant interruption in the movement of cash flows will lead to a malfunction of the enterprise, and also to unplanned expenses and losses. As a result of the failure of the cash flow, productivity and the level of required reserves will suffer, which will entail a slowdown in the level of sales of products and other unforeseen expenses. All of the above will immediately cause external problems: violation of credit agreements, and also problems with investors and partners. If we evaluate the negative consequences of a violation of cash flows, then the main loss, in this case, will be deterioration in reputation. An economy devoid of reputational mechanisms tends to stagnate. [8] The event of interruptions in cash flow or an increase

in cash outflows, of course, increases the risk of bankruptcy of the enterprise. In addition, a violation of the funds' movement entails a violation in the adoption of management decisions, which can lead to more serious consequences than changes in the movement of funds.

Modern economists pay special attention to cash flow management, but at the same time, they stably disagree, which reasons entail errors in the practical application of their recommendations, since the conditions of the economy make it necessary to take into account various external effects when planning cash flows. The causes of these effects are different: crisis, changes in resource bases, political aspects, etc. For a competent assessment, analysis and planning of cash flows, it is necessary to introduce risk assessment and analysis into the model, such as financial risks, inflation risks, bankruptcy risk, etc. The enterprise is particularly affected by inflation risks. [9] This type of risk is quite predictable, although constantly changing. Inflation risk has a significant impact on long-term contracts. In the process of economic activity, an enterprise performs many financial transactions. Each of these operations is affected to one degree or another by different types of risks. Any risk is the probability of an event that leads to losses, which means an increase in negative cash flow. In consequence of the above, we can conclude that when planning and modelling cash flow, it is necessary to take into account the impact of various types of risk.

In addition to risk accounting, it is necessary to clearly determine the adequate value of cash flows. The most common approach for calculating the cost of cash flow involves the use of basic formulas and real rates of return. At the initial stage of calculations, it is necessary to correctly determine the rate of return, and then substitute it in a formula that was selected depending on the purpose of the financial transaction.

Another method is based on deflation. This approach implies first determining the nominal accumulated value when using basic formulas, and then deflating to the inflation index and thus obtaining the real value. Next, we need to use the basic formulas, substituting the amount of money in place of the nominal accrued to

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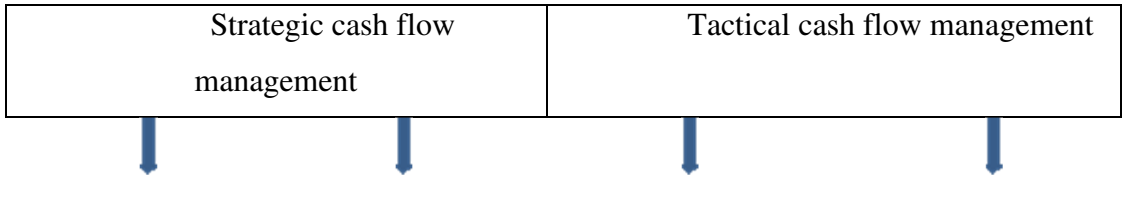
determine the real rate. An important component for financial calculations is the correct determination of the risk level. This will help to correctly form the necessary level of profitability and avoid negative consequences for the financial and economic activities of the enterprise [10].

An equally important component in assessing cash flow is accounting for the liquidity of an enterprise in relation to the objects of investment and obtaining the planned rate of return. The rate of return should be taken into account, given the possible understatement of cash flow as a result of reinvestment.

One of the effective methods of cash flow management is the organization of the treasury. A centralized treasury is a treasury service organized in such a way that all financial flows go exclusively through it. Other departments of the enterprise participate in the process only by submitting applications for making payments, receipt plans and advising on the priority of payments. [11]

The centralized treasury unit manages the cash flows of the enterprise, combines the functions of financial risk management, which greatly simplifies the planning of cash flows and reduces the risk of unplanned losses. The Central Treasury is responsible for: monitoring expenditure operations; cash flow budgeting; organization loan portfolio management. As a result of using the central treasury, the risks of overspending are minimized, the sequence of payments is optimized, an adequate operational plan is formed, expenses are optimized, and control over the fulfilment of credit obligations is improved. [12]

Thus, cash management can be divided into strategic and tactical. Figure 1 summarizes the cash flow management mechanism in accordance with the current financial strategy.



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The value of money in time; the rate of return	Strategic financial goal	Cash flow analysis; optimization of current cash balances; creation of a cash reserve.	Cash flow planning; risk assessment and analysis; outflow control; creation of the "Treasury"; control of receivables and payables.

The financial strategy of the enterprise

Scheme 1. Enterprise cash flow management

Banking services have a major impact on cash flow. The enterprise management needs to choose the right bank based on the cost and timing of operations.

The effect of using borrowed financing instruments can be determined using an expanded interpretation of financial leverage:

$$ROE = ROOA + (RONOA - k_d) \times D / S + (ROOA - k_o \times OL / NOAX \quad [1]$$

D / S - financial leverage;

OL / NOA - leverage for short-term liabilities;

k_d - post-tax rate on loans;

κ_o - analytical rate on “interest-free” obligations;

$k_o \leq k_d$

Summary

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To summarize the study, we identify the main pressing issues of cash flow management.

1. The main reasons for the reduction in cash and cash equivalents are their improper use and low investment attractiveness of the enterprise. The most obvious reason for such shortcomings is the lack of financial solutions, tools and mechanisms that can replenish the most liquid assets.

2. Cash flow management of an enterprise is an integral part of financial management, which is based on the strategy goals chosen by the enterprise. Management of the enterprise's cash flows has a direct impact on the enterprise's activities, therefore, their analysis and planning should be considered as part of the planning of the enterprise's strategy.

3. The enterprise's goal is to make a profit and in the long term increase in the enterprise's value. To achieve this goal, a flexible and effective financial management system and a well-developed financial strategy are required. It is necessary not only strategic but also operational management of cash flows of the enterprise.

4. The rational use of cash and the formation of cash flows contribute to the smooth operation of the enterprise, namely, they influence the processes of sale, production, and therefore the operating cycle of the enterprise. Even a slight violation of cash flow, in relation to the amount or in time, inevitably violates the activities of the enterprise. Disruptions in cash inflows or an increase in outflows entail disruptions in the supply of raw materials, stocks, payment of wages or violation of settlements with counterparties.

5. Particular attention in the planning process and the formation of cash flows deserves the time aspect. Untimely receipt of even a sufficient amount of cash has the same adverse effect as non-receipt of these funds.

6. Balanced cash management helps to reduce the operating cycle and, accordingly, accelerate the turnover of capital. This process significantly reduces the enterprise's need for borrowed and credit funds and contributes to additional income as a result of the formation of own funds and investment activities.

7. The effectiveness of measures aimed at planning the

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movement of cash flows has a direct impact on the liquidity, profitability and overall financial stability of an enterprise.

The reasons for the violation of cash flows lie in the lack of free cash, non-performance by counterparties of their obligations or ineffective and improper use of the cash flows.

Conclusion

Cash flow management is a system of valuation methods and management decisions aimed at the formation, use and distribution of cash flows to organize financial growth and stability of an enterprise. All financial management systems are aimed, to one degree or another, at increasing profits or increasing the market value of the enterprise. To ensure the above goals, we need to achieve and maintain a constant financial balance of the enterprise, which provides stable positive net cash inflow. In addition to the main task of financial management, there are current tasks for cash flows:

a) The formation of the necessary-sufficient positive cash flow;

b) Optimization of the distribution of cash resources in accordance with current activities;

c) Ensuring the necessary level of financial stability, without losing the speed of development of the enterprise;

d) Supporting the required level of solvency of the enterprise;

e) Minimization of losses in the value of cash during use.

All the considered problems of enterprise cash flow management are closely interconnected, although some of them are of a multidirectional nature (for example, maintaining constant solvency and minimizing losses in the value of money in the process of their use). Therefore, in the process of enterprise cash flow management, individual tasks should be optimized among themselves for the most effective implementation of the enterprise's main goal.

For high-quality financial analysis and control over the financial situation, it is necessary to choose the right planning, control, information systems for process automation. Incorrect selection of mechanisms will immediately lead to unpredictable cash gaps. Lack of funds at the end of the billing period leads to non-fulfilment of

financial obligations, loss of reputation and conflicts with suppliers and creditors. If we will not pay attention to oversights in the analysis and cash flow planning, a similar situation will repeat in the next billing period and, having accumulating it as a “snowball”, will definitely lead the enterprise to bankruptcy.

Side effects of insufficient attention to the formation of cash flows are a decrease in liquidity, violation of payment terms for contractors and other creditors, and the attraction of additional funds. Even the presence of a complete budgeting system cannot guarantee the absence of cash gaps.

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SOCIAL MARKETING IN PUBLIC ADMINISTRATION OF SOCIAL SERVICE INSTITUTIONS

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Viktor Koval[5]

Abstract: The following conclusions can be drawn from the theoretical analysis and the results of the expert survey. Firstly, it is substantiated that social marketing is an effective mechanism for public administration of social organizations in Ukraine, and that public relations and social advertising are the leading technologies. Secondly, it is determined that the leading task of public relations in public administration is to develop concepts of social advertising and the formation of a positive image of the social service through information and advertising campaign on social services. Thirdly, it has been found that the more effective means of advertising the activities of social organizations are: TV and radio advertising; placement of articles in specialized (local printed) editions; booklets, memos, other handouts, and the main issues that should be covered in social advertising are: addiction, socio-economic problems, medical problems, problems of vulnerable sections of the population.

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Keywords: public administration, social marketing, social organizations, advertising, public relations, image.

Introduction

Creating an effective system of public administration of social organizations in Ukraine is one of the priorities of the social policy of the state, which envisages a qualitative restructuring of the system of public administration of social organizations in accordance with new socio-economic challenges and dominant needs of the population. This requires the introduction of new, more flexible and effective approaches to public administration of social organizations, based on the modern achievements of public administration, sociology of management and marketing paradigm in public administration of social organizations.

Therefore, it is necessary to solve an important scientific problem, which is the contradiction between the spread of modern social marketing practices in the management of various social systems that have become widespread in the most developed societies of the world, on the one hand, and the lack of knowledge about the multiplicity of forms, ways of use and mechanisms of social marketing, in particular in the system of public administration of social organizations in Ukraine at the regional level, on the other hand.

Analysis Of Recent Research And Publications

Social marketing as a specific sociological knowledge has been actively developing in the last decade through the use of the achievements of marketing, social management, social psychology, social work. The work of such researchers as Bagozzi (1978) social marketing understood as a private case of general marketing, Kotler, Roberto and Roberto (1989) justified the use of marketing to solve social problems, Laswell (1976) researched by means of social psychology methods of communication, Sheth, Gardner and Garrett (1988) studied the evolution of marketing etc. In Ukrainian science, issues of social marketing, marketing in public administration, political marketing, legal aspects of the functioning of social organizations, social structure in various aspects are considered in the works of Akimov

(2008) examines the essential aspects of social marketing, Romat (2016) studies the specifics marketing in the book management, Poltorak (2010) researches the problems of marketing researches in the social sphere, Kvitka et al. (2019) researched marketing of higher educational institutions.

Despite numerous scientific publications and research on innovative mechanisms of public administration of social organizations, the use of marketing technologies in the management of social organizations, in particular social marketing and PR technologies and social advertising, as mechanisms for its realization, is poorly understood today.

The purpose of the study is to determine the features of the introduction of technologies and mechanisms of social marketing in the system of public administration of social organizations in Ukraine at the regional level.

Results and discussion

The importance and effectiveness of marketing ideas in the economy is beyond doubt (Kvitka et al., 2019; Luchaninova et al., 2019). But before we emphasize the importance of applying the marketing concept of management in the social sphere and in the social service sphere, let us consider the semantic features of the concept of "marketing". It should be noted that there is no generally accepted definition of marketing among professionals. Therefore, the object of marketing may be organizations, products, ideas, services, territories, people. Teachers, politicians, government organizations, and anyone who wants to highlight themselves, their ideas and programs can share marketing information (Kotler et al., 1989).

The recent phenomenon is the concept of social-ethical marketing, according to which the organization should most fully satisfy customer requests and ensure their satisfaction with more efficient means while preserving and enhancing the well-being of the consumer and society as a whole. This involves the use of innovative marketing organization, in the process of which continuously improve the products and methods of marketing, as well as the use of value marketing, which determines both the enhancement of the value of the product for the consumer,

and the awareness of the personnel of the organization of the public mission of their activities.

Today, marketing as a market concept of management is gradually entering into various spheres of public life, which confirms its universal and inter-branch nature. Marketing ideas have begun to be incorporated into public administration: for example, the concept of macromarketing – the state concept of managing the economy at the macro level - has emerged. Analyzing the theory of macromarketing, Sheth et al. (1988) identified the subject of macromarketing (as a social phenomenon) "the relationship between marketing activities and society". At the same time, in their view, the main task of macromarketing is to analyze public requests and needs. Thus, marketing is a concept that is able to fulfill its functions as an integral part of the state concept of macro-level governance, fulfilling the basic tasks of timely professional service to citizens and the provision of quality services that are requested by the population.

Further development of marketing is in the non-profit sphere in order to achieve a certain social effect: the development of human capital (Bodnar et al., 2019), improving the situation on the labor market (Koval et al., 2019).

If non-profit marketing is a separate type of marketing activity aimed at certain non-profit entities, then the concept of social marketing is broader and includes social systems at the level of society, state and culture.

Social marketing acts as a three-pronged methodology, the main components of which are as follows: 1) modern technology of organization of functioning of social sphere of post-industrial society; 2) social orientation of marketing, business in general; 3) technology of promotion of socially significant problems when special marketing mechanisms are used to realize important ideas and specific projects in society.

Social organizations in the article will be interpreted in the context of social service institutions. Social service is seen as creating the conditions for meeting the needs of people for their development, which emphasizes the individual beginning in social policy, and is also seen as an absolute function of society, not the state.

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Looking at social service institutions as a system involves not only an analysis of its structure, but also the identification of basic management principles, among which scientists call the principle of social partnership of different sectors and levels in the implementation of social services to the population, the principle of decentralization of management of the social services system, the principle of subsidiarity. Thus, according to Gilbert (2003), the basic principles of management and functioning of an effective system of social services should also include: 1) non-fragmentation of social services or coordination of activity and uniform placement of social service organizations in a certain territory; 2) accessibility of social service organizations or absence of exclusion of citizens from the social service system based on their social and other characteristics; 3) continuity of social services or complementarity of activity of social services, absence of "gaps" in the process of social service of citizens; 4) conformity of activity of social service organizations to the needs of citizens. Based on the selected principles of social management of social services, there are three groups of functions of management of social services: 1) improving the quality and accessibility of social services to persons who are in difficult living conditions or who are at risk; 2) formation of functioning and organizational development of social service institutions at the territorial community level; 3) promoting the development of an effective social service model based on social partnership.

In our opinion, the leading technologies of social marketing in the management of social services are public relations and social advertising (Lasswell, 1948). Consider the essence of the application of these technologies in the management of social institutions.

PR in social services should include: 1) actions aimed at improving people-to-people contacts; 2) measures aimed at expanding the scope of the service. In doing so, means appropriate to the intended purpose and which do not contradict social ethics should be used; recommendations for creating a favorable climate, strengthening the social importance of social services.

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Therefore, in today's environment for ensuring their own life, all social services are forced to engage in organized public relations activities: assessing public reactions to the activities of the organization, establishing contacts, maintaining reputation, information and awareness work, social advertising as a major technology in the social protection system (Vivchar, Redkva, 2018;. Borychenko et al., 2019).

An expert survey was conducted to investigate the features of the application of social marketing technologies in the management of social service institutions. Managers and staff of social protection institutions in Zaporozhye (200 respondents) participated in the study. The characteristics of the expert survey sample (200 respondents) correspond to the structure of management of social service institutions - 3% of the general population: 1) managers (employees) of the department of labor and social protection of the population - 50 respondents; 2) heads of social protection and social services institutions - 50 respondents; 3) employees (social workers) of institutions of social protection and social services of the population - 100 respondents.

Respondents were asked to select the most important functions from the proposed list in order to determine the opinion of experts on the main functions of PR in a social protection institution (Fig. 1).

As can be seen from the diagram, the main functions and tasks of the PR-service in the institution of social protection of the population are: development of the concept of social advertising (43%), support of social communication with the public (as potential clients) - 39% and formation of a positive image of the institution in order to expand the sphere its impact (36% and 34% respectively). Experts consider media work and research (sociological surveys, focus groups, interviews, etc.) less important.

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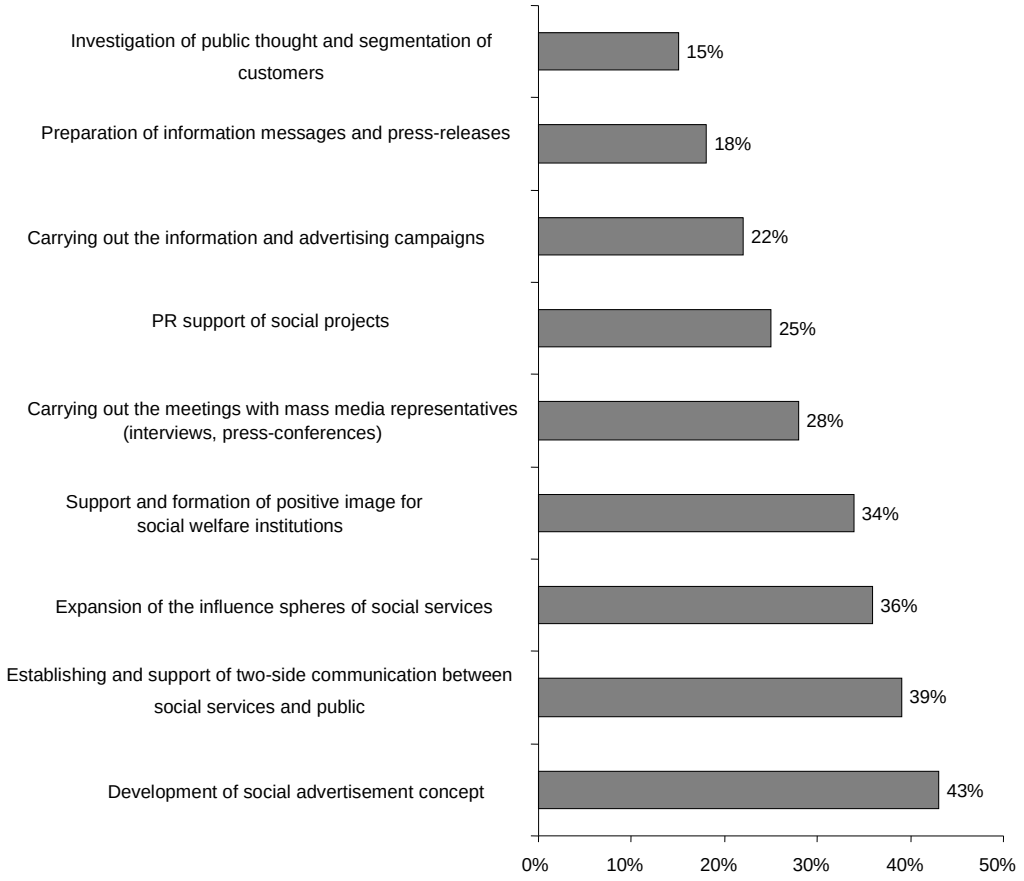

Fig. 1. Main tasks of PR-service in social welfare institutions (several options could be selected)

According to experts, the leading task of public relations in the social service is the development of concepts of social advertising and the formation of a positive image of the social service through an information campaign on social services.

According to advertising experts, a social advertising campaign should be implemented by people who understand and care about this issue. The recruitment of professionals in the advertising or PR market should be on a consultation basis and free of charge. Such caution in the approach is primarily due to the fact that such professionals have a high level of financial support and cannot fully "get into the topic." On the other hand, advertising agencies, especially large ones, can provide such services free of charge, hoping to enhance their image through the support of social initiatives.

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An organized information campaign should be carefully planned within a well-defined budget and properly implemented. Establishing relations with the media and efforts to cover the activities of social organizations that are unsystematic and ill-considered, only in case of urgent need, do not have a long-lasting effect and do not always have a positive effect on the image of the work.

The experts were asked to identify the most effective forms of submission of information on social services and social services (Fig. 2).

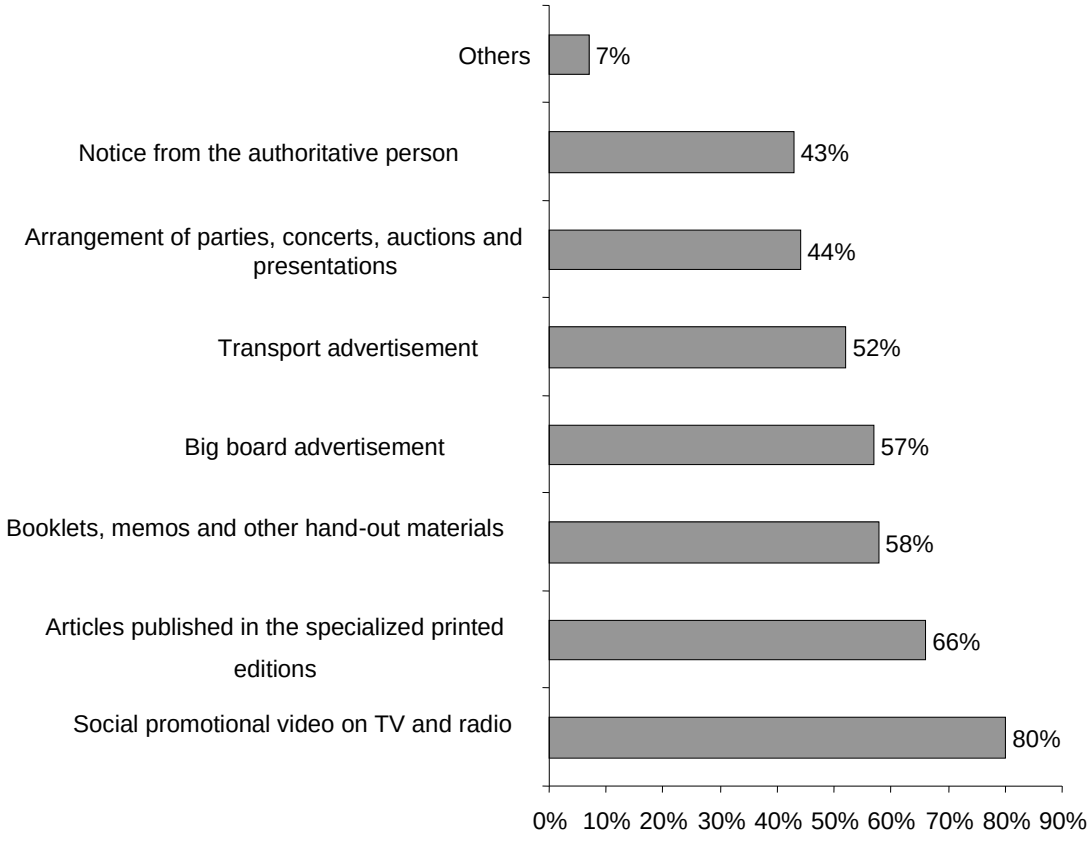

Fig. 2. Leading forms of information and publicity campaign of social service institutions

Thus, the experts consider more effective means of advertising the activities of social institutions as follows: the first place in the ranking is occupied by television and radio (80%), then referred to as articles in specialized (local print) publications (66%). Specialists in the third position carry out

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the design of booklets, memos and other handouts (58%). And the organization of holidays, concerts, other events and performances of the organizers (44%) and messages from a reputable person (politician, famous singer, TV star) (43%) occupy rather high ratings, but they are not considered as the most influential forms of information submission. Thus, the results of the study show that when determining effective forms of submission of information on the activities of services that provide social services, professionals first of all highlight the demonstration of social media on television and radio and publication of articles in print media, which involves the use of technologies of public relations.

To determine the actual content of social advertising, respondents were asked to answer an open-ended question: "In your opinion, what are the topical problems of our society should be covered in social advertising in the first place?". A total of 137 responses were received. Using the content analysis method, 8 semantic categories were identified (see Fig. 3).

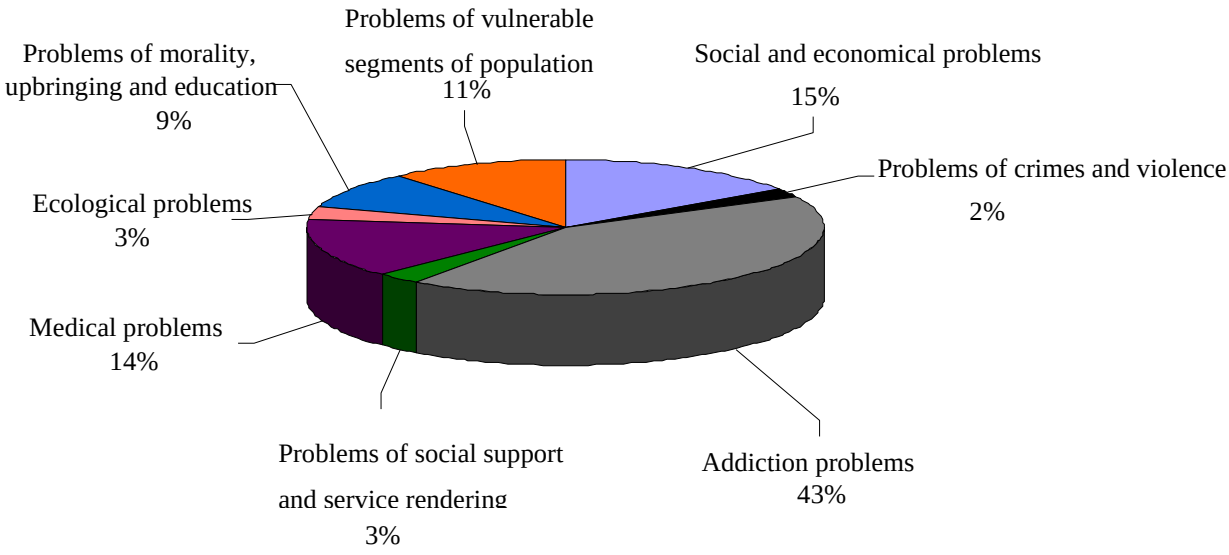

Fig. 3.The primary issues that should be covered in social advertising (results of content analysis)

Consider in more detail the features of the selected semantic categories.

1. The problem of addiction (43% of all statements). This category is the largest and includes coverage and prevention of chemical dependencies. Among them: drug addiction (15.84%), alcoholism (15.65%), smoking (6.52%). These are the so-called "classic" social problems that are traditional for our society. Among the new forms of addiction, respondents point to computer games and dependence on social networks and the Internet. It should be noted that one third of all answers are related to youth addiction, which further complicates this problem.

2. Socio-economic problems (15% of answers). The main statements are: "unemployment", "pension problems", "employment", "fight against corruption", "rising prices", "lower wages and incomes".

3. Medical problems (14% of answers). This category includes a wide range of health care issues. AIDS is the first issue (half of the responses in this category). Another quarter of the answers are of a general nature, pointing to the health care system in general. Other statements include: "sexually transmitted diseases", "infectious diseases", "health insurance" (which is of great importance in the development of social policy priorities).

4. Problems of vulnerable groups (11% of responses). 80% of all statements relate to the protection of children and childhood: orphaned children, homeless children, and child protection.

5. Problems of morality and education (9% of answers). Among the main statements are: "abortion", "upbringing of children and youth", "problems of education", "prostitution", "preservation of moral and ethical and cultural values".

6. Problems of providing social assistance and services (3% of answers). People are most concerned about the problems of insurance, information on providing social services, adoption of children. This semantic category is related to the informational aspect of social service, and therefore needs attention when designing specific marketing activities.

7. Problems of ecology (3% of answers).

8. Problems of violence and crime (2% of answers). This group of statements is primarily related to the prevention of domestic violence, which today is a pressing social problem that reflects the instability of the socio-economic situation in Ukraine (Prystupa et al., 2019).

Conclusions

Therefore, the following conclusions can be drawn from the theoretical analysis and the results of the expert survey. First, it is substantiated that social marketing is an effective mechanism for managing social service institutions in the context of reforming the social protection system of the population in Ukraine, and public technology and social advertising are the leading technologies. Secondly, it is determined that the leading task of public relations in the social service is to develop concepts of social advertising and the formation of a positive image of the social service through an information and advertising campaign on social services. Thirdly, it has been found that the more effective means of advertising the activities of social institutions are the following: advertising on television and radio; placement of articles in specialized (local printed) editions; booklets, memos, other handouts, and the main problems that should be covered in social advertising are: the problem of addiction, socio-economic problems, medical problems, problems of vulnerable sections of the population.

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RECOGNITION OF THE POLITICAL RIGHTS OF ETHNIC MINORITIES IN EUROPEAN COUNTRIES

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Abstract: This paper discusses the features of the political rights of ethnic minorities in individual European states. The relevance of the study is due to the fact that this institution is undergoing its transformation. In connection with this fact, object of research in the paper is the analysis of individual international and constitutional acts. The emphasis on ethnic minorities in revealing the essence of political rights is by no means accidental. Legislative registration as a state recognition of the rights of ethnic minorities is a prerequisite for combating discrimination and, at the same time, protecting small groups of people. Therefore, the policy in the field of these rights is a socially significant reality recognized today by the international community. It is the result of ethnosocial consensus. The assertion that the political rights of ethnic minorities are universally recognized is often accompanied by arguments based on modern international norms. But when referring to the main international acts, this issue does not look as clear as it is presented in a number of scientific studies. It does not at all follow from these international acts that these rights belong only to ethnic groups. The term "people" is interpreted as a community of citizens residing both in independent states and in dependent territories. Thus, it is not entirely clear whether a particular European state is obliged to exercise these rights in relation to a single ethnic group, since these international documents do not directly contain such an obligation.

Keywords: ethnic group, ethnic minorities, ethnopolitology, ethnic politics, ethnic law.

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1. Introduction

The problems of the development of interethnic relations in the context of European regionalization are connected with the political rights of ethnic minorities. The most acute topic is their recognition and implementation in individual states. These issues are currently one of the main objects of ethno-national policy in most European countries. This is largely stimulated by global migration processes that have generated a social demand for expanding the rights of ethnic minorities and solving problems in the field of interaction between different cultures and peoples.

It is no coincidence that the search for a model for the systemic integration of different ethnic groups into a single civic nation became a common European trend. This is inevitably accompanied by conflicts that states have to resolve in the shortest possible time. It is the political and legal sphere that is called upon to minimize the negative effect of such phenomena, as well as to prevent the emergence and growth of new social exacerbations on ethnic grounds.

2. Methods

The methodological basis is a systematic and functional study of the political rights of ethnic minorities. As a result of this, it is customary to single out several approaches to their concept.

Over the past decades, the phrase "collective political rights" is used not only in Western [1; 2], but also in Russian science [3; 4]. Modern researchers differently interpret this concept in the prism of ethnic groups. As some authors note, this term means a set of individual political rights, which in the process of their realization acquire a collective character, i. e. require joint implementation with others [5]. Other scholars consider such rights common to any person and citizen [6]. This position is rejected by adherents of the approach, according to which an emphasis is necessary on the special, and not on the general nature of the rights belonging to individuals within a certain social category [7; 8]. The corporate element in the disclosure of the essence of collective political rights is highlighted by those specialists who consider their carriers as an organization [9]. Based on this,

individual authors determine collective political rights in the sphere of the rights of a single social community, thereby putting an equal sign between them and group rights [10].

3. Results And Discussion

Within the European Union, there is a formula in force which defines that the rights of ethnic groups are the prerogative of a European state itself. It may, but does not have to, follow the recommendations of European structures regarding the realization of certain interests of ethnic minorities.

Those issues are discussed at the highest political level since the middle of 1990s. In particular, then the European Commission presented the Euromosaic report. It presented the following indicators: ethnic minorities make up about 8% of the population of the EU countries, which at the time of the presentation was expressed in 30 million people [11]. It is noteworthy that then only 12 states were part of a united Europe. At the same time, the report noted the fact that out of about 48 languages of ethnic groups that are minorities in the EU, 23 languages were at the stage of extinction [11].

Examples of individual European states demonstrate a complete disregard for the existence of ethnic or linguistic groups within the framework of constitutional and other legislation. It does not matter if such groups belong to minorities or not. Thus, in France, the idea of the private-law nature of ethnicity is postulated. Based on this, everything that affects ethnic identity, religion and language is not subject to public law, since it constitutes the personal sphere of a citizen, i. e. is regulated by laws aimed at determining the procedure for the use of personal rights and freedoms.

The policy of non-recognition of the ethnic groups' rights was clearly demonstrated in 1991 by the French Constitutional Council, which recognized as non-compliant with the Constitution the 1991 Law on the provision of a special statute to the territorial group of Corsica. In particular, this document contained the wording "Corsican people", which was contrary to Article 2 of the French Constitution recognizing only the French people. The specified constitutional norm emphasizes that the people is composed of French citizens who do not have

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differences in their origin, race and religion.

In fact, ethnographic studies show that in France there are ethnic groups that are fundamentally different from the French in both their cultural and linguistic terms. For example, they are traditionally classified as Bretons, Alsatians, Walloons, Flemings, Catalans, etc. [12]. Perhaps for this reason in the practice of France of the last decade it has become the provision of certain rights for certain ethnic minorities, but exclusively within the national cultural sphere (on the use of the national language in teaching and upbringing).

In Germany, the rights of ethnic groups are assigned to the subject of federal lands. Therefore, in the constitutions of some of them, recognition of a number of minorities is observed. For example, gypsies, Danes, friezes and sorbians have the official status of an ethnic group in Germany. In the northern federal state of Schleswig-Holstein, the Danes and Frisians have their own political party, the Union of Voters of South Schleswig (SSW). This organization has the privilege of getting into the Land parliament, since it is not obliged to overcome the 5% election threshold there.

The legal status of such an ethnic group as the Lusatians (Sorbians) is formally confirmed in the laws of the federal states of Saxony and Brandenburg, where this Slavic people compactly live. However, this group is deprived of the right to create its own party. It should be noted that with the existence of a socialist GDR, their individual rights were indicated in Article 40 of the Constitution of this state in 1974. In particular, it was about the possibility of citizens of the GDR of Sorbian nationality to maintain their native language and culture. Accordingly, the state was entrusted with a constitutional obligation to promote the implementation of these rights.

The practice of non-recognition of the rights of ethnic groups in some European states is simultaneously accompanied by a contradictory approach of the governments of other countries to individual national minorities. So, within the framework of one state, the legal status of ethnic groups can be regulated in completely different ways. For example, the 1990 Constitution of the Republic of Slovenia

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contains a special article that speaks about the special rights of the indigenous Italian and Hungarian ethnic groups. In accordance with Article 64 they are guaranteed with broad rights, including their special representation in the form of one deputy from a group within the framework of the State Assembly of Slovenia (Article 80). However, the Slovenian Constitution emphasizes that the rights of the gypsy ethnic group are subject to regulation by a special law.

This practice of establishing a list of ethnic groups at the constitutional level determines the situation in which other groups are excluded from the subject of legislation aimed at ensuring their protection. Therefore, most EU states try to use mainly abstract legislative criteria for classifying people as ethnic groups, especially in terms of national minorities. Thus, the method of listing them in legal acts is not effective, although it is recognized by researchers as an instrument of legitimacy of ethnic communities, which, in turn, cannot be considered a reliable guarantee of the protection of their rights.

In Europe, there are examples of affirmative action policies regarding the rights of ethnic groups. It consists in granting certain additional rights not only to certain national minorities, but also to their individual representatives. This trend is most evident in the realization of the right of an ethnic group to its political representation in power structures. Despite the fact that the constitutional legislation of European states recognizes such an opportunity for all citizens, its actual implementation rests on the preferences of the majority of the population, who do not seek to vote for representatives of national minorities.

So, to solve this problem, Article 59 of the 1991 Constitution of Romania provides a guarantee for an organisation of ethnic minorities to have one parliamentary seat, provided that after the election results the organisation does not gain a sufficient number of votes to pass to the legislative body. At the same time, there is the principle that this guarantee applies only to one such organisation representing the interests of the ethnic group in elections.

A more detailed norm is contained in Article 18 of the 1991 Constitutional Law "On Human Rights and Freedoms and Rights of Ethnic and national communities or minorities in the

Republic of Croatia". According to it, if an ethnic group accounts for over 8% of the population of Croatia, then it has the right to political representation in republican authorities (in parliament, government and courts) in proportion to the number of its members. If an ethnic group is less than 8% of the total population of Croatia, then such a group has the right to elect five deputies to the House of Representatives of the Republican Parliament. Also, ethnic groups have the right to represent themselves in local governments in the proportion that they account for from the total number of residents of the respective settlement.

It is noteworthy that Croatian law complicates the process of adopting those laws that relate to the rights of ethnic groups. In particular, such laws can be adopted exclusively by a qualified majority of votes in the amount of at least two-thirds of the total number of deputies of the House of Representatives. Thus, the state confirms the special nature of issues affecting the rights and interests of ethnic groups.

In some states, specialized advisory bodies functioning under government bodies have been created to exercise the right of ethnic groups to political representation. For example, councils of national minorities of Austria operate under the auspices of the Federal Chancellor for consultation purposes. They carry out information and analytical functions for adoption of decisions by the federal government, as well as by ministries, regarding the interests of ethnic groups. In addition, these councils advise regional governments, but only in cases where they themselves ask them to do so.

4. Summary

The practice of establishing at the constitutional level a certain list of ethnic groups determines the situation in which other groups are excluded from the subject of legislation aimed at ensuring their protection. Therefore, most states of the European Union try to use mainly abstract legislative criteria for classifying certain people as ethnic groups, especially with regard to national minorities. Thus, the method of listing them in legal acts is not effective, although it is recognized by researchers as an instrument of legitimacy of ethnic communities, which, in turn, cannot be considered a reliable guarantee of the

protection of their rights. The model for regulating the rights of ethnic groups in the Russian Federation, in general, is built on the same patterns that are observed in modern Europe. The key principle is an equal approach to all ethnic groups living in Russia, which is expressed in the absence in the constitutional norms of a separate group of rights granted to any ethnic groups.

5. Conclusion

Since the rights of ethnic groups in Europe are the exclusive subject of jurisdiction of states, and not international organizations, the Federalist Union of European Nationalities is involved in solving this problem at the interstate level. On September 5, 2017, members of this organization made a proposal to strengthen the protection of the rights of ethnic groups in Europe. In 2018, this union collects signatures in support of its project, after which it intends to demand its consideration at the level of EU institutions.

At the same time, issues of consolidation and observance of the rights of ethnic minorities were far from always ignored at the European level. So, within the framework of the Copenhagen meeting back in June 1993 the European Council, while developing standards for EU accession candidates, has identified minority rights as a priority along with respect for human rights. In particular, upon joining the European Union, the countries of Central and Eastern Europe required that national governments achieve, among other things, respect and protection of minority rights. However, already in 2000, when the Charter of Fundamental Rights of the EU was adopted in Nice on the basis of the European Council, there was no such requirement regarding the rights and interests of ethnic groups.

On the contrary, in 2004, at a special ceremony in Rome, representatives of European states and governments signed an agreement that established the so-called "The Constitution of Europe". Its text contained in Articles 1 and 2 the provisions on the rights of ethnic minorities: “The Union is based on values such as respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of members of minorities." These common values unite

the participating countries in a society where pluralism, non-discrimination, tolerance, justice, solidarity and equality between men and women triumph." However, as you know, the "European Constitution" did not enter into force due to the refusal of individual countries to ratify it on their territory. Therefore, the idea of supranational control over the observance of the rights of ethnic groups in the EU remained without its implementation.

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EVALUATIVE CONCEPTS ENCODED IN METAPHORICAL LANGUAGE

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Abstract: Metaphorical models that convey the evaluative meaning are the focus of this article. The paper intends to show that metaphor and in certain cases metonymy belong to the main means of creating the value attitude to the facts of reality and thinking, this attitude resulting in certain utterances of evaluative character. The data for analysis consist of the utterances from the literary prose in different Indo-European languages of Slavonic, German and Romance groups. The examples show that the main metaphorical models and the specific sub-models in each of the thematic groups viewed as an object of the present study manifest the same or similar evaluative potentials irrespectively of the linguistic culture they belong to. That means that the general mechanism of creating the value relations receiving their manifestation in the form of evaluative utterances within different linguistic cultures is the same.

Key words: cognitive metaphor, metonymy, value, evaluation, value concept.

Introduction.

Metaphor and metonymy are the main means of creating knowledge and experience structures. Actually, a person investigates the world he or she

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lives in by using the mental procedures of comparison and substitution. The cognitive core of the first is metaphor; the cognitive core of the other is metonymy.

While giving a description of the functional characteristic features of metaphor and metonymy, a well-known Russian scientist Nina Arutyunova points out that these phenomena of thinking and language aim at making any object individual and thus unique in itself [1]. The metaphor makes an object individual by making it refer to a certain class of objects to which it does not actually belong. The cognitive mistake (the term is used by Arutyunova [1]) is a sort of 'fuel' for the metaphorical mechanism.

The standpoint that the metaphor is not a purely linguistic phenomenon but first of all a phenomenon belonging to the sphere of thinking and cognition receives its justification in the words of George Lakoff and Michael Johnson who lay an emphasis on the fact that the processes of human thinking are mainly of metaphorical character, and the whole conceptual system of a human being has been structured and determined by a metaphor [2, p. 12-13].

Nowadays, one can see a wide spectrum of using the evaluative potential of metaphor. The cognitive approach to the study of different humanitarian problems having gained the priority among other approaches to such problems, the notion of metaphor as a universal means of understanding the surrounding reality, of gaining the main and special forms of knowledge and of creative activity became one of the main instruments of the scientific description in different branches of scientific knowledge. It seems suitable to mention that the studies having metaphor as their subject-matter are of both fundamental and applied character.

As an object of fundamental linguistic studies, linguists often view the metaphor within a certain institutional type of discourse, for instance, in newspaper discourse [3], medical discourse [4], law and jurisprudence discourse [5], political discourse and studying a politician as the language personality [6] and other types of discourse. All these authors lay an emphasis on the fact that metaphors play an important part in creating the modal

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framework of this or that particular piece of discourse because of their evaluative character.

The fundamental work of the Polish scholar J. Podhorodecka "Evaluative Metaphor: Extended meanings of English motion verbs" seems to be a very successful attempt to connect the cognitive view on the metaphor as a means of inspiring a certain attitude shared or debated by people taking part in some (no matter, personal or institutional) discourse with the traditional conception of metaphor as a semiotic language means [7].

Still, the metaphor as a phenomenon of mind often receives its investigation irrespective of a discourse in which it occurs. For instance, a well-known researcher of the phenomenon of metaphor Z. Kövecses views metaphor as one of the main means of creating emotional colouring of speech. He defineses, in particular, the three main domains of creating certain emotional and evaluative attitude towards the object of speech – agonist's force tendency, antagonist's force tendency, resultant action – as being the products of metaphorical transformations to create such an evaluative effect [8, p. 195-198].

The evaluative characteristics of metaphors find their scientific application in applied studies as well, as value and evaluation belong to the main characteristic features of thinking in any field of human activity. Thus, Alwin E. Wagener investigates the pragmatic peculiarities of using metaphors in the sphere of management (particularly, in the part of working with clients) [9], and E. Shutova majors in the evaluative metaphorical models to develop computer programs oriented to fulfill certain tasks within different domains of computer programs' application [10].

General remarks.

Judging from the said above, one can hardly doubt that the metaphor is one of the main means of the empirical categorization (we mean the linguistic experience) and the society knowledge conceptualization, as such a standpoint has become an axiom tempered by centuries. Still, the fact that metaphor is such a means does not mean that it is the only means of creating a human's knowledge corpus about himself/herself,

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the surrounding reality and the sphere of human thoughts, emotions, volitions etc. That is why the mentioned above "cognitive mistake" is actually an equivalent of the aim of the metaphorical transition of the meaning. Actually, it fills "the vacuum" which cannot be filled with the conventional means of cognition in the structural organization of human knowledge.

One should admit that the analysis of the correlation of the value conceptual sphere reveals that the cognitive "voids", or lacunae, of such kind are highly frequent within the system of forming the axiological structures' experiential basis. This receives its explanation through different reasons. On the one hand, the value concepts appear as a result of the individual interpretation of a certain value within the framework of one's individual conscience and, as a result, they possess the "ambidextrous" axiological valency, i.e. they combine the both main kinds of evaluation (positive and negative). This can be easily understood if we remember any situation from our experience that we judge differently depending of what is judged – our faults or someone else's. For instance, we often come across situations where a father regrets his adolescent son's smoking but at the same time he smokes himself.

In this connection, we consider necessary to add that due to the flexible ties between such main constituent spheres of a personality as the rational, emotive and volitive ones, sometimes it is rather difficult if possible to determine which of them is the dominant while forming the evaluative utterance by means of human speech.

On the other hand, the values are not objective but subjective, as people's life interests have a multi-dimensional character and are incongruent even within a certain individual, and thus the primary and secondary values distribute unequally and individually. This also concerns the evaluative scales applied to the definite situations and to different temporal interpretations of usefulness and significance of things on the background of some common values. To complicate this, the individual psychological peculiarities may confuse the uniformity of the general value system. In this connection, metaphorical and metonymical changes close the cognitive

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gaps. If we take the language society as a whole then value metaphorical and metonymical rethinking of the reality in general, as well as its separate facts, is the real set of connecting models of forming the conceptual relations which receive their language structuring and speech actualization.

Results and Discussion.

The analysis of different metaphorical models of the axiological rethinking of the reality made it possible to define recurrent source-domain and target-domain as determined by their pragmatic peculiarities. These are the following models:

1. ACTIVITY IS THE WAY

Any activity consists of the following main phases as its beginning, duration and end. Each of them may have the crucial significance for its successful realization. The most explicit type of such activity is the motion in space and/or time as represented by the concept of WAY. That is why this metaphorical model is one of the most widespread models of such kind to convey the value relation. For instance, in the following English-language example the metaphor of way shows the intention to do something not necessarily connected with a real motion in space;

Tell her a friend of yours has offered to put up half the money, and that I'm ***on my way*** *over to see her* (S. Sheldon. If Tomorrow Comes).

Such a transformation may create new models describing different aspects of a human activity. In English, in particular, much depends of the combinability of the lexeme *way* with other lexical units. Many of them create some clichés of the set-expression type.

First, let us consider the combination *The way someone does something* which is actually neutral by itself. Still, one can easily see that this is an unfinished utterance. It needs some extension of evaluative character, and this extension is always of evaluative character, as can be seen from the following examples:

"What?" El Sordo said and looked at him with his eyes very flat. There ***was no friendliness in the way*** *he asked the question* (E. Hemigway. For Whom The Bell Tolls).

In this case the whole evaluative set shows a person's negative

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attitude to some other people's action that this person considers them as contrary to his expectations of the partner's attitude, and the negative evaluation of El Sordo's attitude is expressed by the word-combination *no friendliness*.

However, in the following case, the positive evaluation of some fact from the part of the person which Langdon speaks about appears by the coordination of the word-combination *the way they are* with the positive attitude to some state of things expressed by the predicatively linked words he prefers:

"Don't ask." Langdon had already been through that with Teabing. "He ***prefers things the way they are*** *at home"* (Dan Brown. Da Vinci Code).

Besides, the word way may create evaluative effects when used with prepositional or other modifiers expressed by the non-notional parts of speech and even by the morphemes, as in the following instance:

"*'I don't want to do anything* ***out of the way****!' he kept saying. 'I want to see her right next door*.' (F.S. Fitzgerald. The Great Gatsby).

Now let us view the main use of this metaphorical model in other languages. First, in many instances we see that way is closely associated with someone's life or an important period in it. Surely, a human life is important in itself, it is one of the basic values in any linguistic culture, and any reference to it involves explicit or implicit evaluation. This becomes evident from the analysis of the said metaphorical model in the following examples:

Кто зайдет смерти наперед? Кто разгадает конец человечьего ***пути***? (М.А. Шолохов. Тихий Дон) – Russian.

На ***una longa strada*** *davanti a sé, ma se c'è qualcuno che può farcela...* (www.context-reverso.net) - Italian.

Тут, серед цього безкрайого сліпого степу, під чужими зорями, серед вітру, що роздимає он попіл на згарищі... - тут він, рибалка з-над Бугу, мабуть, закінчить ***свій шлях*** (= «life») (О. Гончар. Прапороносці) - Ukrainian.

These languages also possess the peculiar metaphorical models of *way* in the meaning of correspondence to some world outlook, expectations, ambitions and the like. For instance, in Russian the use of the word-combination по пути shows whether a speaker views

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his interlocutor's intentions and ambitions are in accordance with his own (and by actualization of this word-combination he approves such attitudes), or by using the negative particle in front of it expresses the opposite evaluative relation, as in the following:

- *... Скажите, какая сумма вам нравится?*

- *Пять тысяч, - быстро ответил Балаганов.*

- *В месяц?*

- *В год.*

- *Тогда мне с вами* ***не по пути****. Мне нужно пятьсот тысяч. И по возможности сразу, а не частями* (И. Ильф, Е. Петров. Золотой теленок).

In the Eastern Slavonic languages, there is also a metaphorical equivalent to the English *to stand in one's way* in the similar meaning "to hinder, to make obstacles or oppose to somebody". For instance:

"*Тоў, чаму трэба, загіне. Ты лезны чалавек, чужынец нейкі.* ***Сыходзь з дарогі****. Ты чужы тут, якая справа табе да праклятых радоў. Паляванне караля Стаха прыходзіць апоўначы. Чакай*". (У. Караткевіч. Дзікае паляванне караля Стаха).

2. ACTIVITY IS A PLANT OR AN ANIMAL

This is maybe the most recurrent model among all the described ones, and this fact is easily explained, as the metaphor associating people and their actions with other earthly forms of life has been one of the most long-standing and tempered by time metaphorical universal models. This fact does not seem unusual, as the animals and to some extent plants have always been the main personages of legends, fairy-tales. People associated these forms of living with certain qualities that resemble their characters and actions, and, as a result of it, there appeared more or less stable associations of humans' states, actions, ways of behavior which, in their turn, resulted in rather definite metaphorical and metonymical models of evaluation by the means of speech.

It seems important to view the metaphoric potentials of the generic terms of the living forms different from humans. As for the generic term of the fauna, the associations with the concept which in English is represented by the word ANIMALS in different linguistic cultures are homogeneous, as most people associate this nomination in the

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evaluative function as negative, corresponding to "non-human", for instance:

You acted like the worst kind of degenerates," the judge said harshly. Yes, yes, thought Amerigo Bonasera. ***Animals****.* ***Animals*** (M. Puzo. The Godfather) – English.

Иоганн закричал:

- Говори, ***животное****, говори! - И ударил палкой по столу. - Говори!* (В. Кожевников. Щит и меч) – Russian.

Karl wurde leiser, aber sein Röhren war immer noch das eines wilden ***Tieres*** (E.-M. Remarque. Drei Kameraden) – German.

- En vérité, murmura d'Artagnan, à qui les recommandations de M. De Tréville revenaient en mémoire; en vérité, cet ***animal*** *finirait par me faire peur."* (Alexandre Dumas. Les trois mousquetaires). – French.

Після дикої оргії пізно попрокидалося панство, прочумувалося воно ліниво, з тупим болем голови, з відчуттям ***тваринного*** *пересичення...* (М. Старицький. Останні орли) - Ukrainian.

It is evident that thee evaluative nominations may convey different shades of negative characterization which may be described in the terms of different aspects of behavior (such as beastly behavior, inferior social, racial or other status, making violent sounds or motions, excessive consumption of food and drink, etc). Jet they are united into one evaluative conceptual paradigm with the main characteristic feature, namely, evaluation of the mode of behavior which is not suited to people.

As for the floristic generic terms, one must admit that they reveal certain traces of difference. For instance, to express the helpless corporeal condition of a person the Russians usually use the substantive *растение* (which is translated into English as *a plant* in its neutral meaning), but to characterize such a state, the use of another noun, *овощ*, which corresponds to the English word *vegetable* in this metaphorical meaning, is possible though a little bit obsolete. To admit the truth, *овощ* is more expressive in this metaphorically determined meaning than *растение*, and it is preferable in cases of strong emphatic expression of the attitude.

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If we take the specific evaluative speech realizations of this general model, i.e. if we resort to the certain species of plants and animals as the cognitive material for the evaluative metaphorical and metonymical models, then it is necessary to admit that it seems next to impossible to make a thorough review on the subject within the narrow limits of scientific article. Still, we consider it important to consider at least some general features of specific evaluative metaphorical models where the source domain is determined by semi-generic or specific nominations of plants and animals. They may also coincide in different linguistic cultures. For example, the word *flower* and its equivalents in most of different languages is used metaphorically to show the affected or tender positive attitude to women's beauty, ways of presenting herself and the like, as in the following extract where the object of evaluative relation is a little and frail girl:

'Or even one before her,' said the bachelor. 'it is many years ago, and affliction makes the time longer, but you have not forgotten her whose death contributed to make this child so dear to you, even before you knew her worth or could read her heart? Say, that you could carry back your thoughts to very distant days-to the time of your early life-when, unlike this ***fair flower****, you did not pass your youth alone*' (Ch. Dickens. The Old Curiosity Shop).

The same effect is evident in the following example:

But now he had seen that world, possible and real, with ***a flower of a woman*** *called Ruth in the midmost centre of it* (J. London. Martin Eden).

We consider it necessary to add that the derivatives if this adjective, such as *flowery*, *flowering* and others are very frequent epithets to give a positive aesthetic evaluation to different inanimate objects. Besides, such an effect is no less commendable by the similar use of specific flower nominations, such as *rose*, *tulip*, *lily* and many others.

As for the animals, there is no need to say that different peoples' associations as to the most recurrent specific nominations differ little. For instance, admitting the fact that dogs are "the best friends of people" does not restrain them to be of generally low meaning about this representative of the animal world because of its bad smell,

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excessive servility often combined with sudden ferocity and some other negative traces about them. This negative general attitude is very transparent in different linguistic cultures:

Dogs *asleep in the sun often whined and barked, but they were unable to tell what they saw that made them whine and bark. He had often wondered what it was. And that was all he was, a* ***dog*** *asleep in the sun* (J. London. Martin Eden) - English.

- *Ah* ***cane****! - urlò Renzo. - E come ha fatto? Cosa le ha detto per...?* (A. Manzoni. I promessi sposi) - Italian.

-*Wilde Geuzen, sprak hij, gij zijt wolven, leeuwen entijgers. Verslindt* ***de honden*** *van den bloedigen koning* (Charles de Coster. De legende en de heldhaftige, vroolijke en roemrijke daden van Uilenspiegel en Lamme Goedzak in Vlaanderenland en elders) - Dutch.

The last example is remarkable through having a metaphorical evaluative antithesis where a dog as a miserable animal embodied in the king's slanders is opposed to such noble and fierce animals as lions and tigers that symbolize the Goezen, i.e. the native rebels. This particular metaphorical model seems to be the universal one.

Many other animalistic evaluative metaphorical models also coincide in different linguistic cultures. For instance, in most of them cats are associated with dignity and independence, pigs with dirtiness, doves with peacefulness and serenity, eagles with proudness and nobleness, falcons and hawks with swiftness, wolves with ferocity and so on. Still, different evaluative associations in connection with the same animals are not the same within different linguistic societies. For example, the Russian linguistic culture often views rabbits and hares as very shy and timid creatures while in the English folklore they often embody cunningness. A Russian man usually give a tender nomination to the object of his warm feelings as *зайка* (bunny), *птичка* (birdie) but he will never call a woman *уточка* (ducky), as a duck is usually associated with clumsiness and homely manner of walking.

Beside metaphors, floristic and animalistic metonymical models are also frequent to convey a certain evaluation through speech, as in the following example:

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"You all don't know what war is. You think ***it's riding a pretty horse*** *and having* ***the girls throw flowers*** *at you and coming home a hero. Well, it ain't. No, sir!"* (M. Mitchell. Gone with the Wind).

3. Any activity may also have associations with the means of preserving of the present situation, or, vice versa, with the means of its destruction. This is also a universal model, though not so recurrent in actual speech as the previous ones. For example:

And this was the price you paid for sleeping together. This was the end of the ***trap****. This was what people got for loving each other* [E. Hemingway. A Farewell to Arms] - English.

As Margot had calculated, ridicule is one of the stronger ***weapons*** *in any arsenal* (A. Hailey. The Moneychangers) - English.

— От і не вір у спадковість! Адже в тебе чисто батькова пам'ять! А для нас, розвідників, хороша пам'ять — перша ***зброя*** (Ю. Дольд-Михайлик. І один у полі воїн) – Ukrainian.

Смешные позитивные мотиваторы - ***спасательный круг*** *в водоворотах жизни!* [http://fb.ru/article/252913/] - Russian.

4. The last extensive domain of the metaphorical axiological models is the attributive sphere of sense – perception semantics. It is possible to determine the certain and specific models within it, these models reflecting the specific value understanding of a fact of reality through a certain sphere of sense perception (vision, hearing, odour, taste, tactile perception). For instance, the adjectives of visual perception can perform the evaluative function, as, in the following case, the adjective of coloristic perception performs this function:

Tak mne vedli k regimentsraportu a náš obrst, takovej vůl, dej mu pánbůh nebe, začal na mne řvát, abych stál rovné a řek, kdo to do těch novin napsal, nebo že mně roztrhne hubu od ucha k uchu a dá mě zavřít, až budu ***černej*** (J. Hašek Osudy dobrého vojáka Švejka za svìtové války) – Czech, the sub-model 'color perception → meaning of death'.

The metaphorical evaluative transformation of meaning in the terms of audio-, odouristic, olfactory and

tactile perception is extremely recurrent in different languages and appear in different activity spheres, e.g.:

The house was furnished in extremely ***good taste****, with a judicious mixture of the antique and the modern* (W.S. Maugham. Theatre) – English, the sub-model 'olfactory perception → aesthetic evaluation'.

And he said, "Man is conceived in sin and born in corruption and he passeth from the ***stink*** *of the didie to the* ***stench*** *of the shroud. There is always something."* (R.P. Warren. All the King's Men) – English, the sub-model 'odour perception → moral judgement'.

… когда-то, много лет назад, мы с сестрой помогли доктору, - одинокие, заброшенные дети в ***глухой****, занесенной снегом деревне* (В.А. Каверин. Два капитана) – Russian, the sub-model 'negative audio perception → negative social attitude'.

Sebbene nessuno dei tre sperasse molto nel tentativo del padre Cristoforo, giacché il vedere un potente ritirarsi da una soverchieria, senza esserci costretto, e per mera condiscendenza a preghiere disarmate, era cosa piùttosto inaudita che rara; nulladimeno la trista certezza fu ***un colpo*** *per tutti* (A. Manzoni. I promessi sposi) – Italian, the sub-model 'tactile perception → bad news'.

Conclusion. The analysis the main metaphorical models involving the evaluative target domain shows that such metaphorical transformation is applicable not only to brighten up speech decoration. It is besides a very important means of making a deep pragmatic impact on a reader or hearer to convey one's views, beliefs, convictions, mood to him, make him accept all these views and convictions, and to share the value position which the author of the evaluative utterance occupies. That is why the study of the metaphor (as well as the metonymy or other important general models of the meaning-change) as an important mechanism of creation the certain value aura and therefore of forming a definite relation of the qualifying character in the form of an evaluative utterance has an important research perspective.

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ARE EUPHEMISM AND DYSPHEMISM OPPOSITE ASPECTS OF ONE LINGUISTIC PHENOMENON?

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Abstract. Euphemism and dysphemism are widely seen as opposite aspects of one linguistic phenomenon. However, there are facts of their use that raise questions about their status in relation to each other. This paper investigates functional side of dysphemism to define if it is opposite to euphemism. This research shows that functions that dysphemisms perform in text are similar to those fulfilled by euphemisms. However, there are details of their use such as their frequency, purpose, and intentions of the speaker that demonstrate that their opposition to each other is not absolute.

Key words: euphemism, dysphemism, semantics, pragmatics, stylistics.

Introduction.

There are many reasons to consider euphemisms and dysphemisms opposite aspects of one linguistic phenomenon. For instance, Merriam Webster's Dictionary defines them as opposite to each other.

"Euphemism – the substitution of an agreeable or inoffensive expression for one that may offend or suggest something unpleasant; also the expression so substituted" [1].

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"Dysphemism – the substitution of a disagreeable, offensive, or disparaging expression for an agreeable or inoffensive one; also an expression so substituted" [2].

However, some facts about the use of the two terms give grounds for wondering whether they are opposite to each other. The term "euphemism" was used as early as in 1681 whereas the first known use of the term "dysphemism" goes back to 1884. Look-up-popularity section of Merriam Webster's Dictionary site says that the term "euphemism" is in the top 10 % of words whereas the term "dysphemism" is in the bottom 30 % category [1], [2].

Linguistic literature review shows that the question about the status of euphemisms and dysphemisms in relation to each other remains unanswered. The goal of this article is to explore functions dysphemisms fulfill in text to see whether they are opposite to functions performed by euphemisms.

The interest of linguists to dysphemisms has grown recently, but attempts to define them have been made many times. Exploring dysphemisms linguist G. Hughes writes "Although this linguistic mode has been established for centuries and the term dysphemism was first recorded in 1884, it has only recently acquired even a specialist currency, being unlisted in many general dictionaries and reference books" [3, p. 142].

In 1969, O. S. Akhmanova proposed the following definition: "Dysphemism is a trope that implies substitution of a more vulgar, familiar or rude word for a neutral name of an object…" [4].

Allan K. and K. Burridge define dysphemism as a phrase having connotations that are offensive to hearers or negative connotations about the denotaum, or both, that is substitute for a neutral word or euphemism [5].

A word or a phrase can become dysphemistic when it conveys a feeling of disparagement. Using such words or phrases speakers can express their attitude to the state of affairs, their own opinion of what is happening. The word can be regarded a dysphemism when it is used to offend, insult or to express disrespect. Using dysphemism speakers frequently seek to articulate their views as well as to provoke a certain response

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in hearers.

Dysphemistic or euphemistic effects can arise from deliberately distorted pronunciation of a word. V. I. Zhelvis writes about such effects providing the use of the word “bad” by African Americans as an example. If the word is pronounced [bæd], it conveys its traditional meaning “of low standard, unpleasant”. If the speaker wants to demonstrate a supportive attitude, the pronunciation of the word is [ba:d]. Another example is the word “bastard”, which is traditionally pronounced [ba:stə(r)d] and means “a child born out of wedlock”. If the pronunciation of the word is changed to [bAstad], its meaning changes to rough and negative [6].

Attempts to define dysphemism were also made as part of studying euphemisms. Some linguists show that these concepts are overlapping, which makes it difficult to draw a line between them. Furthermore, they are so interconnected that in some cases studying one of them may be impossible without studying the other [7].

A. N. Morokhovsky et al. define dysphemisms as counterparts of euphemisms pointing out that dysphemisms are used as substitutes for stylistically neutral words and phrases to enable the speaker to express negative emotions such as irritation, hatred, anger [8].

Some researchers do not distinguish between euphemism and dysphemism as lexical units but as processes that lead to results in the form of lexical units. Gómez considers dysphemism and euphemism from this point of view highlighting two positive aspects in this approach. Firstly, it provides the definition of euphemism as belonging to speech rather than to language, which points to its discursive use and its pragmatic aspect integrated into speech linguistics. Secondly, it gives the opportunity to develop a complete classification of linguistic mechanisms involved in the functioning of euphemism including phonetic, morphological, syntactic, and other aspects. One of the limitations with this approach is that it still characterizes functions of euphemism on a lexical level interpreting it in terms of substitution [9].

In his further clarifications, Gómez notes that semantic

neutralization in euphemism functions as a designative fact occurring in speech. He also thinks that characteristics assigned to people and things by euphemism are based on the forbidden term rather than on the forbidden reality [9].

Having discussed what is meant by dysphemisms in linguistics, we will now move on to address euphemisms. The tradition of using euphemisms goes back to religious rituals that had taboos against using certain words that were believed to cause mischief as priests thought. Therefore such words were replaced by those promising a good omen [10].

Substitution of one word for another has evoked interest of language experts from ancient times. In Ancient period this linguistic phenomenon was discussed in the frameworks of rhetoric. Demetrius referred to it in his work "On Style" as early as in 1 AD: "An element of vigour may also be found in what is called 'euphemism', whereby a man makes inauspicious things appear auspicious and impious acts appear pious. A speaker once urged that the golden Statues of Victory should be melted down, so that the proceeds might be used to prosecute the war. But he did not say outright, 'Let us cut up the Victories for the war'. Such a proposal would have seemed impious and like an insult to the goddesses. He put it in the more euphemistic form: 'We will seek the cooperation of the Victories for the war'. This expression seems to suggest not the cutting up of the Victories, but the conversion of them into allies." [11, p. 195]. So, within the frameworks of classical rhetoric euphemisms were understood as instruments allowing greater expressiveness to preserve the harmony of speech and its relevance.

The Renaissance made euphemisms the object of studies in stylistics. For a long time researchers did not go beyond the bounds of language trying to explain mainly the connection between the meaning of euphemisms and the concepts they replaced. For instance, John Lyly in his book "Euphues, The Anatomy of wit" defines euphemism as stylistic device [12]. Stylistics still characterizes euphemisms as a way to soften expression of concept.

Euphemisms make up a significant linguistic layer since "a

language without euphemisms would be a defective communication tool" [13].

In the second half of the 20th century, euphemisms researchers begin to take extralinguistic factors into account. They conclude that the use of euphemisms is not limited by linguistic needs. Accordingly, the focus of research into this topic shifts to the area of sociolinguistics.

Researchers associate the occurrence of euphemisms in speech not only with linguistic, but also with social factors. In linguistic literature, two groups of euphemisms are identified. Euphemisms from the first group occur due to religious beliefs, fears and superstitions. They are used for names of gods, forces of nature, various diseases and topic of death. Euphemisms from the second group occur in the context of taboos, moral and social norms.

In addition, definitions of euphemisms and dysphemisms include psychological aspects.

Euphemisms are usually divided into positive and negative types [14]. Euphemisms are used positively in situations of common social mores and expressing solidarity with the addressee. Euphemisms are used negatively to eliminate everything unpleasant and negative, eradicate from the language everything that people prefer not to deal with directly and may be afraid to talk of.

It should also be noted that all euphemisms are used unconsciously or consciously [14]. Unconscious euphemisms usually do not have a clearly recognized origin. Conscious euphemism is applied purposefully; their meaning is clear and of imaginative character. This type of euphemism is frequently found in political discourse where it is sometimes important to avoid controversial issues. However, due to a more complex character, euphemism of the second type is dubious in nature, which may change its purpose from avoiding offense to deceiving [14]. Accordingly, one of the reasons for the use of euphemism lies in the area of political correctness that has become highly influential in recent years.

Cultural factors are also taken into account. For example, T. A. Artyushkina believes that "…the grounds for the euphemistic substitution are specific to each language and are due to the peculiarities of the culture and

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society, historical and social changes, that is, the whole non-linguistic life situation" [15].

The results of this investigation of linguistic literature suggest that occurrence of dysphemism and euphemism in speech is explained by complex factors.

Method.

The data for the study was gathered from works of modern British literature. The data contains extracts presenting speech of the characters where dysphemisms are found. This study examines functions of dysphemisms through context, semantic, and pragmatic analysis.

Results and discussion.

The study of dysphemisms reveals functions they perform in speech.

1. Dysphemisms are used to show emotional attitude (usually a negative one such as irritation, neglect, etc.) and value judgment in relation to the subject matter of the talk.

2. Dysphemisms provide expressiveness making speech more vivid.

3. Dysphemisms are used as an attempt to manipulate opponents, shock or discredit them.

These uses can be illustrated by extracts from literature. In the first case, the speaker replaces a neutral word with a deflate style word to demonstrate his or her negative attitude towards the subject of the conversation. The emotional aspect is present in this group of dysphemisms.

"And hurry up, Tommy, if you don't want this lad to croak." Her words stabbed at Agnes like an ice pick. Yes; what if he croaked? What if he died? And she cried within herself. (C. Cookson. The Wingless Bird.) This example demonstrates that the use of the dysphemism "croak" instead of "die" helps the speaker to avoid direct reference to death and to express the negative attitude towards the concept of death.

"And if you want the bed camouflaged in the morning you can get up and make it. And I'm giving you this ultimatum: tomorrow night I come into this bed and if you try to stop me, you'll

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end up next door for the remainder of your days." Now her mother's voice, thin, piercing: "You try any trick like that on me, Arthur Conway, and you'll be sorry. Those two along the corridor will then know exactly what kind of a father they have, and about the slut you keep on the side under cover of the club nights." (C. Cookson. The Wingless Bird.) In this extract, the wife expresses an open negative attitude towards her husband's mistress using a rude word in relation to her.

"Finally he lay prone, still, exhausted; and bitter tears oozed out between his eyelids. He buckled under the final, inescapable realization that he had failed, and would always fail; that the jeering kids, the mocking men, the scornful tarts, were right; that he was nothing but a turd in the gutter. Frowning, Mark went into the kitchen for his customary cup of cocoa." (D. Lodge. The Picturegoers.) This extract shows the speaker's expression of the negative attitude to himself, his bitterness and dissatisfaction with himself.

Dysphemisms of the second group do not display negative attitude towards the subject matter of the talk or thought. The speaker uses them for of conveying expressive potential of the speech. In this case, dysphemism, in fact, is a figure of speech and it is used to embellish the utterance. This category of dysphemism can overlap with slang and argot since it is associated with certain social and age groups.

"Garfield smiles like an idiot. "He tries," Paul says. "He couldn't fucking handle it." Paul checks the chops. "OK. He couldn't handle Mum, he couldn't handle me," John says." (J. Neale. The Laughter of Heroes.) The character continues speaking about the topic using the dysphemism again to further strengthen his words: "He is going to find out eventually." Paul hates saying this, but it needs saying. "How's he going to feel then?" "Maybe he'll peg out first," John says. Now Paul turns from the cooking and looks directly into John's blue eyes. His friend looks stricken." (J. Neale. The Laughter of Heroes.)

"Lordy!" said the voice. "Left the slops an' all. She'll have to go. I ain't paying the slut for nothing. Just th'wait, my gal. There's a hiding for thee when

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th'gets back from th'gallivanting!" (M. Darke. The First of Midnight.) In this extract, the word "slut", which we have already cited as an example of expressing a negative attitude to the subject matter, is used to emphasize the phrase as a means of expression.

"Get your hands off my daughter! And who the hell are you? But need I ask." He peered further. "My God in heaven! That she has let the likes of you touch her. You're a Felton, aren't you? One of the scum from the quay. Christ Almighty!" "I'm no more scum than you, mister. At least when I take a wife it'll satisfy me. I wouldn't go whoring. Look" – he stepped back, at the same time pushing Jessie to the side – "I don't want to knock you out, seein' as you're her father, but by God! I'll do it, if you come at me like that again." (C. Cookson. The Wingless Bird.) This example shows that the first participant in the dialogue displays his negative attitude to the second one. The other speaker repeats the word "scum" in his response targeting it at the first speaker. However, in this extract the role of the dysphemisms used is dubious. On the one hand, they add expressiveness to the speech making it more convincing. On the other hand, their purpose is to embarrass the opponent.

Dysphemisms of the third group are for manipulation purposes. Speakers use them to discredit the counterpart in communication, to knock the bottom out of him or her. Dysphemisms from this category are frequently found in political, advertising discourse. The purpose of discrediting the subject matter of the talk or the communication partner is combined with direct expression of negative attitude towards them.

"The flying hairdryer hit him just above the eye, flex trailing like the tail of a kite, and as he swatted it away the plug whipped around and smacked into his teeth. The fury burst again in his head like an overloaded artery, washing through him in a hot and irresistible wave. He was half-blinded as he reached for her. His hand shot out like a slaughterhouse bolt, and closed on air; she'd ducked out from under, and was already halfway to the door. "Cheap little slut," he yelled. "What would your father say?" (S. Gallagher. Rain.) This is the third extract with the word "slut". This

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example demonstrates that the speaker uses the word as direct insult.

"Turning violent red, he snatched it back and rubbed it clumsily against his trouser leg. Then he just brushed the very tips of his fingers against hers and plunged the offending hand deep in his pocket as if his fist were on fire and the pocket was a bucket full of sand. "And are these the children?" She turned to them with a glowing smile. It was like being bathed in honey. "Get up, you scum!" rapped Thacker with some of his old spirit. He was back on home ground, dealing with them "Oh, please, let them stay as they are. They must be tired after their labours." (P. Scobie A Twist of Fate.) The speaker tends to be rude towards the witness of the scene. This attitude is aimed at shocking the girl.

The results of this study show that a dysphemistic word or phrase may be used in different contexts for different purposes. It makes its lexical aspect less important highlighting pragmatic and sociocultural aspects.

Conclusion.

Euphemism and dysphemism are frequently seen as opposites. However, some linguistic works as well as some facts known about these linguistic phenomena raise question about their status in relation to each other.

Euphemism helps to communicate about topics that have become social taboos and are too embarrassing to be mentioned directly. Euphemism allows partners in communication discuss topics that would otherwise not have been talked of for the reasons of social censorship. Accordingly, using euphemisms is a useful tool for speaking indirectly and figuratively about controversial issues. To some extent it is also a way of manipulating and influencing a counterpart in communication.

This study of dysphemisms and reasons why they are used identifies three functions dysphemisms play. They display the speaker's emotional attitude, which is usually negative, and evaluative statement about the topic of the talk. They make speech more expressive. They are language tools for influence and manipulation.

In general, it seems that the reasons why euphemisms and dysphemisms are frequent in speech are rather similar. However, the details such as their frequency, purposes and intentions underlying their use, the number of functions they perform show that there are significant differences between them. Consequently, their opposition to each other is not absolute.

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FACTORS CONTRIBUTING TO DYSPHEMISTIC EFFECT. TYPES OF DYSPHEMISM

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Ekaterina F. Bekh[4]

Abstract. This paper examines ways to divide dysphemisms into groups. It argues that there is need to take into account several factors common for communicative situations in which dysphemisms are used. Research shows that they are the speaker, the referent, the intention of the speaker, language resources. According to language recourses used to achieve dysphemistic effect words and phrases are divided into those that have contextual or dictionary dysphemistic meaning. They fall into two groups according to animate or inanimate referent. Two other factors are pragmatic. They influence the use of dysphemism in different groups determining their characteristics in a particular communicative situation.

Key words: dysphemism, classification, pragmatic factors, semantics, stylistics.

Introduction.

Arbitrary correspondence between the meaning and the form in language gives speakers opportunity to control their lexical choices and effects their linguistic behaviour produces. To make their phrases about unpleasant, embarrassing or offensive things sound positive speakers use euphemisms. In contrast, dysphemisms make speech

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straightforward, harsh or even offensive.

This paper aims to address the question about classification of dysphemisms that could account for different criteria. Traditional approach defines types of dysphemisms on the basis of one main property, usually lexical or stylistic one. Besides, there is difficulty in marking dysphemism apart from vulgarism and jargonism, slang and even dysphemism [1]. The reason is that these groups overlap lexically. However, some linguists argue that differences lie in the purpose of their use rather than in the words themselves [2].

In general, the term "euphemism" is more frequent than dysphemism. There is a large body of literature describing types of euphemisms and their role in everyday life. However, far less attention has been paid to dysphemisms.

Simple quantitative analysis of the use of these terms with Google Books Ngram Viewer shows disproportion between the numbers of occurrences (method section of this paper gives detailed description of the instrument used for the quantitative analysis). The graph below shows that there is significant difference between the trends in the use of two terms from 1800 to 2008 (Fig. 1). There was a steady increase in the number of euphemism occurrences that peeked after 1990 and fell slightly between 1994 and 2008. The use of the term "dysphemism" increased slightly after 1976 and remained at very low levels until 2008.

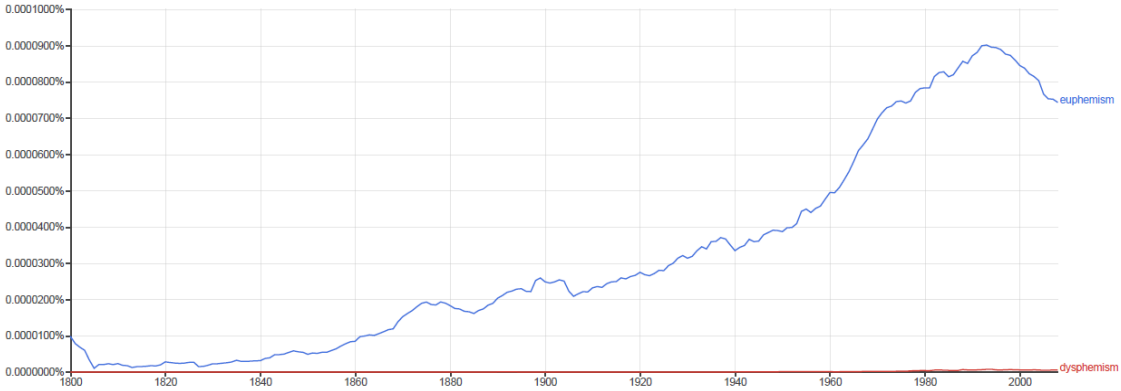

Figure 1. The trends in the use of "euphemism" and "dysphemism" according to the Google Books Ngram Viewer

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The etymology of the word dysphemism reveals that the first morpheme of the word, which is "dis-" means "bad, abnormal, or difficult". It originates from ancient Greek. The second morpheme "-fem-" means "speech, voice or utterance". Dysphemisms make utterances sound deprecating, derogatory or insulting. They add negative connotation to a statement. In literature, this figure of speech is used to characterize heroes or convey their disapproving, rude or disparaging attitude to others. "The use of bad language is a complex social phenomenon" [3].

Some authors (e.g., G. Hughes, E. A. Sidelnikova and S. V. Serebryakova, A. N. Rezanova) have attempted to draw distinctions between different classes of dysphemisms. G. Hughes notes that there are hardly any aspects of life free from dysphemism. The author writes about dysphemisms for sensitive and embarrassing topics such as death, dysphemisms against romantic and heroic myths, and dysphemisms in insults [4]. E. A. Sidelnikova and S. V. Serebryakova present an account of dysphemisms in financial and economic discourse [5]. L. N. Mosievich argues that the use of dysphemism is contingent on social and cultural factors, which means that the quantity of dysphemisms may be indicative of important social issues. The author defines several semantic domains in which these words are abundant. They are social status (scraper, zillionaire), psychological state (halfwit), and human biology (to croak). [6].

According to A. N. Rezanova, there are five lexical classes of dysphemisms. They are 1) dysphemisms for death, disease, ascription of physical and mental inadequacy; 2) dysphemisms related to the wide sphere of crime; 3) dysphemisms for human vices; 4) dysphemisms for ethnicity; 5) dysphemisms referring to religious taboos [7].

It is evident that dysphemisms are divided into classes presented above according to spheres of personal and social life that become objects of reference in the meaning of dysphemism. This paper proposes to classify dysphemisms on the bases of more that one criterion taking into consideration

different aspects of situations in which they are used.

Method.

This research employs quantitative and qualitative methods. The first one implies the use of the Google Books Ngram Viewer [8]. This is a tool for searching words and sequences of words in a large corpus of books and building graphs showing their frequencies within certain periods. Received timelines show changes in the use of words, which may be indicative of changes in importance of concepts that these words represent. Qualitative method implies semantic and pragmatic analysis of dysphemism and contexts in which they occur.

Results and Discussion.

Analyzing communicative situations in which dysphemisms occur we found that there are several aspects common for different situations. We suggest that they should be taken in account in classification of dysphemisms. They may be presented in the form of questions. Who uses dysphemism? To who or what does it refer? What is the purpose of its use? How is dysphemistic effect achieved?

With respect to the first question, it is worth noting that there are a few cases when the speaker matters. Firstly, some dysphemisms may be frequent in the speech of a particular group of people. A useful example is the expression “class warfare” that is mostly used by conservative or wealthy people when they speak about those who fight for bridging the growing gap between the rich and the poor: “Charles Spears stood with his crucifer and torch bearers beside the coffin, feeling more like an ecclesiastical referee than a proclaimer of the Resurrection. ‘What the hell’s this?’ Lawrence Bennett said, pointing at the pall covering his father’s coffin. ‘That coffin cost $50,000. I want people to see that we care.’ ‘We cover the coffin to show that we are all equal in death,’ the priest replied. ‘That’s class warfare,’ Lawrence snapped.” (McGavran F. Death without Taxes.)

Secondly, a word that is expected to be dysphemistic with regard to the hearer may become jocular when used by a person belonging to the group of people that this word targets at or when it is used towards close friends to

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cheer them up. Accordingly, dysphemistic meaning is contextual and depends on the set of interlocutors as in the following excerpt: “I know my best days are behind me. I made my peace with that a long time ago. I’m ready to die.” “Who said anything about you dying? You’re probably going to outlive us all, you old coot.” I was trying to break up the mood in a way only a true friend could do. “If I do live that long, it’s only to be a pain in your ass, T. K.” he joked, forcing himself to sit up. My wife helped him by propping a pillow behind his neck.” (Weber C. The Choir Director.)

The second question focusses on object of reference. As pointed out above, most classifications differentiate dysphemisms according to this principle. However, it is notable that they do not have a class of dysphemisms used to refer to inanimate objects. A well-known example of this category is “snail mail” that points out to slowness of the conventional postal system in comparison with electronic mail: “And poor Etta, she was nice to a stranger and caught herpes, so that was that. When Mother left off phoning, Etta and Margaret wrote letters, but you can't be too careful. When you’re scared of germs after a while you start getting scared of everything that might have been near germs. You're scared of germs coming off of people and you’re scared of germs getting on things like envelope glue, even though the mail person has strict instructions to put your snail mail in the De-con box outside the front door.” (Reed K. Precautions.)

If the use of dysphemism is deliberate, it may serve different purposes or intentions (the third question above). Speakers resort to dysphemism to express their emotional attitude to people, things or events. In most cases it is anger, annoyance, disappointment or frustration. For example: “No. I have to go home,” said Lucy, as if torn. “Why?” said Jay wildly. “Why? Your damn son?” “No, I have to be up early in the morning.” (Cooper F. Jay Loves Lucy.)

In the following excerpt, dysphemism reveals feelings of the disappointed, frustrated father: “’It’s an injection of cocaine mixed with heroin. It’s real big boy stuff’ – the senator’s voice was very bitter – ‘and all of that garbage is washed down with alcohol and pickled in nicotine. My son is a dying junkie, but he doesn’t want to die

alone so he's encouraging Robin-Anne to keep him company and now she's become addicted to cocaine and it won't be very long before she's smoking crack and trying speedballs." (Cornwell B. Crackdown.)

The example above illustrates the role of dysphemism in revealing the emotional attitude of the speaker towards the referent of dysphemistic word or phrase. Besides, using dysphemism speakers release their emotions as the following example shows: "A harsh breeze rattled the branches, dropping the temperature by ten degrees as tendrils of dark gray cumulonimbus overtook the sapphire sky. Swirls of black-green clouds edged the steel gray above the horizon to the east. 'Bloody hell!' Simon jumped, almost slipping down the steep incline as lightning shredded the sky and hail pelted them, icy marbles lobbed by the clouds. The air froze as the wind blasted, and incongruously, it began to snow. Hard. They made a run for Simon's BMW." (Barnett B. The Apothecary's Curse.)

Dysphemism displays speakers' disapproving or negative attitude to people, things or events. In comparison with the function of expressing emotional attitude described above, this is the case of rational evaluative attitude. It can be illustrated by the following excerpt from a magazine article: "What emerges in Kate's McMansions 101 posts in particular is that nearly all of the sins of McMansions often boil down to the same thing: violations of order, harmony, and symmetry. What makes a normal house successful is a sense of balance, with equally weighted elements and an overall sense of aesthetic cohesion. What makes a McMansion an eyesore is its jumble of eaves, columns, oversized garages, and other compounded fiascos." (Is your McMansion Haunted? Probably // Slate Magazine. 2016.)

A broad area of use of both euphemisms and dyshemisms is the topic of death and disease. This is easily explained taking into account the characteristics of the human psyche. Death and illness are tragic events, they cause fear, and therefore talking about them people want to soften negative effect downplaying concerns about them. Sometimes substitution of a blunt word for a neutral one referring to these topics allows the speaker to challenge conventional patterns of behaviour, to

exhibit superiority and fearlessness ridiculing these events. An example is the following dialogue: "'Come on.' He eased himself out of the chair. 'What?' 'She's off now, doing the other curtains. We can whip down to the Bricklayers for a pint.' 'Should you?' 'Bloody hell, Charles. If I'm going to snuff it, I'd rather snuff it with a pint in my fist than one of their bloody mugs of Ovaltine. Come on." (Brett S. Cast, in Order of Disappearance.)

Speakers may also intend their words to be disparaging, insulting. "The most popular of the independent suggestions was to increase the budget for environmental protection and national parks. Charles Hosch of Marietta disagreed with all of our proposed uses. 'Return it to the taxpayers who earned it, you liberal slugs,' he wrote." (Tucker C. From our Readers. Responses to "Wishbook for America" // Atlanta Journal Constitution. 1995.) In this case, even neutral words can produce dysphemistic effect in some contexts.

Returning to the fourth question (How is dysphemistic effect achieved?), we have seen in examples that different linguistic and stylistic elements can form this effect. First, these are words whose lexical meaning is supposed to be dysphemistic. Secondly, context is an important factor that can turn a word having neutral or even positive dictionary meaning into dysphemistic one. In addition, there are figures of speech that establish dysphemistic tone of the utterance such as metaphor, hyperbole, simile, synecdoche and others. Finally, "stylistic discord" that K. Allan and K. Burridge mention in their work: "an example would be where someone at a formal dinner party publicly announced 'I'm off to have a piss', rather than saying something like 'excuse me for a moment'" [9, p. 240].

Having discussed what factors to take into account, we will now move on to classification of dysphemisms. We suppose that according to ways of achieving dysphemistic effect words studied can be divided into contextual and dictionary dysphemisms. The second group contains words and phrases that are always dysphemistic independent of the context. According to what or who dysphemisms refer to, there are animate and inanimate referents. The groups suggested here do not overlap. In case of the other factors discussed above,

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they do not form separate classes of dysphemisms since they are applicable to any of the groups found. The diagram showing our view of grouping dysphemisms according to the criteria described in this paper is provided below (Fig. 2).

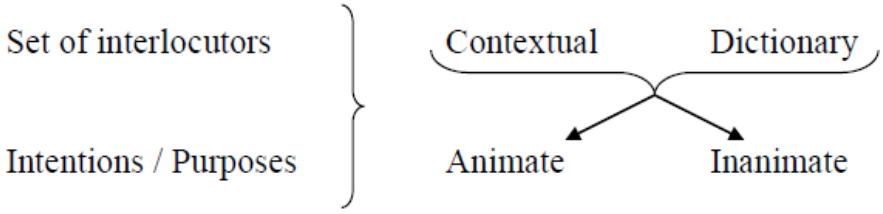

Figure 2. Groups of dysphemisms and factors that influence their use

Figure 2 provides a model of communicative situation with several pragmatic and semantic factors influencing linguistic choices of speakers.

Conclusion.

Dysphemistic utterances frequently occur in speech. However, frequency of the term “dysphemism” compared to “euphemism” in literature found with the help of the Google Books Ngram Viewer shows that the research to date has tended to focus on euphemism rather than on dysphemism although the latter is an important element of language.

Analysis of literature demonstrates that there have been attempts to group dysphemisms according to different criteria, mostly lexical and stylistic ones. The present study was designed to build classification of dysphemisms that could account for several factors determining dysphemistic effect of the utterance.

The results of this study indicate that there are several aspects common for different communicative situations that are important for grouping dysphemisms. They are the speaker, people, things or events that dysphemism refers to, the purpose or the intention of the speaker, language resources that are used to produce dysphemistic effects.

According to these factors, we propose groups that do not overlap. They are contextual and dictionary dysphemisms. The latter group is constituted by words and phrases that are always dysphemistic independent of the

context. There are also dysphemisms referring to animate or inanimate entities. Such factors as the speaker and the intention of the speaker are flexible and can apply to any of the groups proposed.

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