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HISTORY OF RUGBY AS ONE OF THE LEADING SPORTS IN KRASNOYARSK REGION (ON MATERIALS OF LOCAL PERIODICALS, 1969 - 1990s)

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Our sportsmen never rest on their laurels. The proof of this is the 47-year history of Krasnoyarsk rugby. Our region is the capital of Russian rugby today. We have a decent story of two teams of Krasnoyarsk, a strong base for the preparation of rugby reserve andquality infrastructure.Krasnoyarsk teams rival the leading teams of the world of rugby.

Krasnoyarsk has been a local sports arena since the 70s of the last century. We consider it appropriate to remember the history of its formation. Rugby is one of the liveliest sports not only in the region, but also in the country.

Periodical publications are essential for a wide range of readers. They are more comfortable to use, informal in register, they let you know the most recent and current events.

The local archives contain a lot of material from periodicals. The purpose of this research is to trace the formation of rugby history as one of the main sports in Krasnoyarsk. The following resources offer themost complete information: “KrasnoyarskiyRabochiy”, “GorodskieNovosti”, “KrasnoyarskiyKomsomolets”, “Vecherniy Krasnoyarsk”, “SegodnyashnyaGazeta”, “Sport naYenisee”, “Komsomolskaya Pravda”, “Siberian newspaper on the Yenysey”, “Sport and Culture”, “Continent Siberia”, etc. [1], [3], [4]

The history of Krasnoyarsk rugby began in 1969 when Leonid TihonovichSabinin, a teacher of Krasnoyarsk Polytechnic Institute, organized this university rugby section, which was called the “Polytechnic” and then the unexpected happened.Leonid Tihonovich says: “We started playing, the guys do not pass me the ball, the rookie,not to ruin thatwas like: I run back and forth on empty. Suddenly the ball was mine, I jerked as much as could but did not do far. I was caught, dropped in the sand. I gorged on it enough – and in the mouth and nose, everywhere was the sand. I got up, spat, and said in my hearts: “To hell with it, your rugby!”I was not thinking then that later the sport would become a valuable part of my life”. [1]

The two best teams of the country are the most reliable partners in the international competitions. Rugby players of “Yenisei-STM”and “KrasniyYar” make up the backbone of the Russian national team.

The team “Yenisei-STM” was created in 1975 as “Trud” at the factory “Sibtyazhmash”. In 1979 it was renamed into “Sibtyazhmash”, and in 2000 received its present name. Today it is a multiple winner and medalist of Russia, a three-time holder of the Cup of Russia, the holder of the first Super Cup of Russia.[4]

“KrasnyYar”was set up in 1969 as “Politehnik”. Today the club is the winner of championships and the championship of the RSFSR, the USSR champion, nine-time Russian champion, seven-time winner of the Russian Cup.[1]

1981 becomes a watershed and significant changes were taking place in Krasnoyarsk rugby. The team “Excavator TyazhStroy”was created when the coach V.A.Grachevwith the strongest rugby players moved to this team. For the first time in 1985 they made it into the six of the strongest teams of the USSR. In 1989 “KrasnoyarskEkskavatorStroy” (KES) played in the finals of the Cup of the countryfor the first time. [3]

In 1990 there was yet another glorious team win. KES became independent and received the name of “KrasniyYar” and won the first championship of the USSR.

Someof the important pointsshould be noted. Firstly, in the season of 1992 they went on a tour of Scotland and played a match in Krasnoyarsk with “Barbarians”, the unofficial world’s best team. From 1993 began the “golden era” with its five years of victories. The rugby players added the Russian Cup to their trophies a little later. Secondly, the team entered the next season

as an absolute favorite. The well-known South African expert James Stoffenberg worked with themand four South African players, forwards Johan Hendricks and René Volshenk, midfielders Conrad Breytenbach and Werner Peters were invited.

Remarkably,local children and youth teams have been taking part in state and federal competitions since 1974. On more than 20 territories of the region rugby is developing, there are rugby departments in four youth and one sports school. Rugby was introduced into the curriculum in more than 40 schools four years ago as the third lesson of physical education, it is taught in more than 62 schools in the city and the region. [2]

Women's team was established in October 1990. The first team was called "Stroitel"and was formed on the basis of KIBU, the founder of the team was Vladimir Ryabtsev. They became the elite of the Russian rugby a year later,two-time winners of the USSR Cup and the national championship.

It is of interest toknow that our rugby players are famous not only for their victories, but also for hospitality. Krasnoyarsk was privileged to host the World Cup matchfor the second time in 2015. The Rugby Union of Russia supported the initiative of our region and in September at the Central stadium of the regional centreRussia and Uruguay met.

It is important to cite the opinion of the "father of Krasnoyarsk rugby" on the current situation, "I consider it a huge mistake that we paid so little attention to the development of sports atuniversity.In the sports schools it is all right. We always win the Russian championship in all age groups. Professional clubs are also our leaders. However, the intermediate link fails. And how many talented guyswe lose! They should be sanded, faceted and helped to truly sparkle. It is a good job that we have recently begun this work seriously". [1]

So, in the Krasnoyarsk region, of course, there is love and cheer for rugby. The multiple champions of the international sports arena, the two top teams of the country, "Yenisei-STM" and "KrasniyYar", are considered to be the pride of our city. Women's, children's and youth rugby development speaks of the mass popularity of rugby in our region, as well as the frequency and quality of their victories on the arenas at different levels. In our opinion, quite a decent story and a good example to follow for other teams and for the younger generation.

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THE VATICAN PHENOMENON IN POLITICS

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Every study begins with an object and is carried out by dissecting it. Every object represents a complex system which consists of interconnected elements. Such rules can be applied to any scientific field, including politics and theory of international relations. The objects of these sciences are active international actors, including states, organizations, transnational companies and conspicuous people.

There are also some actors of controversial nature, and their complexity allows for additional scientific analysis by experts of a different field. One of the examples is the Vatican City state, which is regarded as ecclesiastical state [1].It combines the characteristics of a religious organization and a country and thus belongs to more than one scientific field.

From a political perspective Vatican is an international actor with its own agenda, strategy and the head of state being the Pope of Rome [2]. Although his power is of a religious character and the political system overall is strongly tied to the Pope himself, Vatican is still regarded as an element of political system.

The Vatican influence on international relations is a matter of debate. Historically, the Pope had major effect on the policy of the European states during the Middle Ages and in the beginning of Renaissance. Nowadays Pope's political value has significantly diminished and so has the Vatican's leverage [4]. It has also been affected by recent scandals regarding Catholic priests and Pope Benedict XVI. It is not as stable as its political stance, that has long been unchangeable: Vatican still opposes homosexuality, euthanasia and abortions.

These values tie Vatican to the Catholic Church and are basically narrated by the religious nature of the state. This allows for theology to include Vatican into its studies. It seems to correspond with the interests of this state. Vatican officials try to keep the "religious" image at all costs and times and prefer attending religious matters before political ones.

However most of the recent Popes succeeded in maintaining political bounds more than those with representatives of other confessions, although some of those can be characterized as political. For example, Vatican's relations with Islamic world have deteriorated after the proclamation of the so-called Islamic state and series of terroristic attacks attempted by the ISIS followers. On the contrary, Pope Francis of Argentina has done a lot to improve relations with Latin American countries and the USA and has already met with his colleague Patriarch Kirill of Russian Orthodox Church – an unprecedented event. It can be explained as an attempt to gain momentum considering the weakening influence of Christianity in the modern world and the moral decline the developed countries are facing.

In the face of this danger the Church has to remain strong and offer salvation for the fold. And throughout history both Christian Churches were the most successful in this regard. But as the Orthodox Church was losing its grip, the Catholics managed to forge a state of their own and obtain political leverage [3]. Vatican stands out as a unique example of powerful religious organization and regarded as such in theology. It has to be noted that even though there are other examples of states in which religion is of importance, these states do not have enough power on the international arena.

Another issue with Vatican is a debate of influence. Some experts consider that international relations have more effect on Vatican than vice versa. The best justification is the Conclave and the elections of the new Pope. According to political researches, the choice

of the new Pope always depends on political atmosphere not only in Vatican and Italy, but also on the international arena. For instance, last three Popes were elected based on their nationality or origin in the time when Catholic Church searched to extend its influence. Pope John Paul II was Polish and was elected just before the USSR collapsed and Poland was ready to return back to the Church. His successor was German and his papal activity was connected with getting back the Catholic influence in Western Europe. His papacy was the period when Catholic lobby regained its strength in the European Union. Pope Francis is of Argentinian origin and is considered to be the link between Catholic Church and Latin American countries. Hence the undeniable influence of international events on Vatican politics.

Considering the fact that Vatican reacts to certain political events, the state also shares its opinion of culture. Vatican, however, resorts itself to giving comments only about issues concerning Vatican itself or the Catholic Church [5]. The state has officially banned or condemned a lot of music videos, movies and books. It served as an effective commercial and granted some of the entries to the list controversial and even iconic status.

Such activity is regarded as ambiguous as it grants unwanted attention to the things that are officially condemned. It corresponds with the role and the image of the Vatican state itself: most researchers conclude that Vatican stands out as a beacon of the international arena – it attracts attention to the most controversial issues society faces, even though the outcome does not match the expectations.

Furthermore, as Vatican has certain political and social value, it has the power to promote its political interests. At times it creates another debate concerning the relevance of Vatican's lobby. Religious views on abortions, science, euthanasia and homosexuals are considered outdated and archaic. The lobby, however, still serves as the only opposition to progressive European politicians and is still regarded as the voice of the people and of consciousness.

The same role Vatican holds not only on the regional European level, but also on the global level. As the UN observer state, the Holy See assists fighting against poverty, global warming and diseases [6]. The Vatican City state serves as one of the deterrents from waging aggressive war against Muslim rebels of ISIS and proclaims the principle of peaceful coexistence above all other.

The ambiguous nature of Vatican allows for inclusion to different scientific fields. It can be studied by theologians, political and social scientists. The complexity of the Holy See as the object of studies allows for a complex and all-embracing research of this polysynthetic system.

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PREVENTIVE DETENTION: IN WHAT CIRCUMSTANCES IS IT ARBITRARY?

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Article 5 of the European Convention on Human Rights (ECHR)[4] provides the right to liberty and security of person. A similar provision is contained in Article 9 of International Covenant on Civil and Political Rights (ICCPR)[13]The latter also prohibits arbitrary arrest and detention. Although, it is not expressly stated in these articles, they are both applicable to cases of preventive detention. It was confirmed by the Human Rights Committee (HRC)[14] as well as by the International Court of Justice (ICJ) in its decision of the Diallo case[3]

Detention is the holding of a person against their will depriving them of their freedom physically to go to or leave a certain place[6] Preventive detention is taking a person into custody without criminal charge or trial, and depriving them of their personal liberty for the reasons of public security, particularly, for the purpose of preventing commitment of a crime[9] In this case an individual is predicted to commit a crime in the future and is detained at an earlier time and with less evidence than the ordinary criminal law would otherwise allow[11]

We shall distinguish preventive detention from another type of detention – pre-trial detention. Pre-trial detention is a holding of a person charged with a certain crime. In this case the crime has already been committed and the charges are brought against the detainee. This is the main difference between these two forms of detention.

This, however, means that preventive detainees are entitled to fewer rights than those detained on criminal charges. Requirements to judicial procedure established in Article 6 of ECHR do not cover the pre-“charge” phase of a prosecution, and in particular the process of criminal investigation prior to charging [10].This was confirmed in the case of Escoubet v. Belgium [7].

The right to be free from arbitrary arrest and detention consists of two elements: arrest and detention shall not be arbitrary by its nature and shall comply with the principle of legality. The principle of legality implies that preventive detention must be based on grounds and procedures provided by law. Here not only provisions of the national law themselves are important, but they also must comply with the provisions of the international law and with the rule of law.

A detention, that is not arbitrary, requires that an arrest must be reasonable in all the circumstances and that detention must be necessary in all the circumstances [15]. Firstly, for an arrest to be reasonable, a reasonable suspicion that a person is likely to commit a crime shall be present. According to a case of Fox, Campbell and Hartley v. UK, even in cases of terrorist suspectsstates shall provide «at least some facts or information» to demonstrate suspicion of involvement in terrorist activities.Having a «reasonable suspicion» presupposes the existence of facts or information which would satisfy an objective observer that the person concerned may have committed the offence.In this case the ECtHR confirmed that even relevant «previous convictions for acts of terrorism» were not sufficient to comply with the suspicion requirement[8].

Secondly, a person shall be informedof the reasons for their arrest [13].As it was established in the case of Adolfo Drescher Caldas v. Uruguay the description of reasons for detention provided to a person in preventive detention must go beyond a mere reference to the legal basis for detainment. It shall enable the detainee to understand the substance of the complaint against him [2]. However, in the case of Diallo the ICJ states, that the notification of the decreeat the time of the arrest would have informed Mr. Diallo sufficiently, since it would

have indicated the purpose he had been arrested for and would have allowed him to take the appropriate steps to challenge the lawfulness of the decree[3].

As for the requirement of necessity, preventive detention used for reasons of public security is only considered necessary «where the person constitutes a clear and serious threat to society which cannot be contained in any other manner»[5].This requirement was also established by the ICJ in the Diallo case. Mr. Diallo, the Guinean citizen who resided and operated his business in Zaire (now Democratic Republic of the Congo, DRC), was deprived of his liberty by DRC for an exceptionally long time and later expelled from the country. The authorities did not try to ascertain whether his detention was necessary. Notably, throughout the whole proceedings, the DRC has never been able to provide grounds which might constitute a convincing basis for both, detention and expulsion. Allegations of “corruption” and other offences have been made, but no substantial evidence has been presented to the Court to support these accusations. These claims did not give rise to any proceedings before the courts. The purpose of arrest and detention was to authorise an expulsion measure. Thus, the Court considered arrest and the detention arbitrary [3].

ECtHR stated that any system of mandatory detention on remand is *per se* incompatible with Article 5 § 3 of the European Convention. Therefore, the domestic authorities shall determine and demonstrate the existence of concrete facts that would outweigh the rule of respect for individual liberty [16].In this situation acertain balance between a public interest of security and a private interest of personal liberty has to be found.

Thus, the next criteria is that preventive detention shall be proportionate to the threat, which means that each period of detention must be necessary and justified. Every decision to keep a person in detention should be open to review periodically so that the grounds justifying the detention can be assessed [1].This was confirmed by the HRC in the case of A v. Australia. A is a Cambodian national who arrived in Australia by boat together with his family and other Cambodian citizens. Shortly after his arrival, he applied for refugee status. However, his application was formally rejectedand he was preventively detained for a period of more than 4 years, during which he was transferred between different detention facilities. The State party did not provide any reasons, which would justify the continued detention of the applicant. For example, the fact of illegal entry may demonstrate a need for investigation and there may be other factors, such as the likelihood of absconding and lack of cooperation, which may explain detention for a period. These factors were absent and, thus, the detention of A was considered arbitrary.

In the other case concerning Mr. Bergmann’s preventive detention the final verdict of the court was different. Bergmann is a German national who was convicted in 1986 for several sexual offences for 15 years of imprisonment. The national court also ordered his preventive detention of 10 years which was the maximum period permissible at the time. However, in 1998 the duration of preventive detention was allowed to be prolonged for an unlimited period of time. After Burgmann served his prison sentence and spent 10 years in preventive detention, the detention was retrospectively extended. He was placed in a special detention centre for people with mental illnesses. The ECtHR found that his preventive detention was not arbitrary. It was confirmed that despite his advanced age he could still be considered a danger to the public due to his sexual deviance. There was a high risk that he would commit serious sexually motivated crimes if released. This preventive detention was falling under the scope of of Article 5 § 1 (e) of the ECHR which is the detention of persons of unsound mind [12].

To conclude, case law of international judicial bodies, such as the ICJ or ECtHR, provides us with a variety of unique situations and circumstances, however, there is one test for a preventive detention not to be arbitrary. Preventive detention shall be firstly, legal, secondly, reasonable, thirdly, necessary and, finally, proportionate.

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DESTRUCTION OF THE ENVIRONMENT DURING ARMED CONFLICTS: QUESTIONS OF RESPONSIBILITY

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"The environment is not an abstraction but represents the living space, the quality of life and the very health of human beings, including generations unborn", stated the International Court of Justice[4, para.29].It is beyond doubt that our environment is in dire need of being protected.

Environmental damages, as they appear in armed conflicts, primarily have two sources of origin. They may be the side-effect of actions which are aimed at specific targets (environmental collateral damage) or may occur as a result of actions aimed to specifically destroy the environment in order to debilitate the enemy [8, para.2-5].

History has plenty examples of enormous environmental destruction during armed conflicts. For instance, during the Vietnam Warchemicals were used to destroy crops to starve the enemy, bulldozers were used to defoliate forests to clear perimeters for military use. Between 100,000 and 2 million hectares of land and forests were destroyed [2]. For the first time in war history humans tried to manipulate the climate in order to harm the enemy, using the so-called "environmental warfare" [8, para.8].Second Gulf War has also led to environmental damage on a large scale: approximately 4 to 7 million barrels of crude oil are supposed to have entered the sea because of a deliberate torching of oil wells. Because of the NATO attacks in Yugoslavia in 1999, many chemicals burned into the air or poured into the soil and river, some of them have reached the level of 3,000 times higher than permitted. This has led to hospitalization of dozens of people. Some days the number of people evacuated from the town and surrounding villages reached 80,000, approximately one-tenth of the population [7].

However, only few rules in the modern laws attempt to protect the environment against the harmful consequences of armed conflict. Additional ProtocolI (AP I) to the Geneva Conventions prohibits the use of "methods or means of warfare which are intended, or may be expected to cause, widespread, long-term and severe damage to the natural environment" [5, art.35].ENMODConvention prohibits the use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party [1, art.1]. Convention has a different scope of application than AP I as the Protocol refers to the effects on the environment, whereas the Convention refers to prohibition of a special technique "for changing - through the deliberate manipulation of natural processes - the dynamics, composition or structure of the Earth, including its biota, lithosphere, hydrosphere and atmosphere, or of outer space"[1, art.2].

Article 8 (b) (iv) of the Statute of the International Criminal Court defines this war crime as "intentionally launching an attack in the knowledge that such attack will cause… widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated". Moreover, Hague Convention contains indirectrule for protection of the environment stating that it is especially forbidden to "destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war" [3, art.23].

In order to apply these rules it is necessary to establish a widespread, long-term and severe damage to the natural environment. Although, these criteria are subjective and are determined by the court in each case.

Existing rules aimed to protect the environment are not effective at all. Rules of the Hague Regulations are limited to the protection of the environment on the territory of the opposite party, therefore, the environment is not protected against destruction on a party's own territory [8, para.45]. These gaps are not covered by regulations that directly protect the environment. Whilst the ENMOD Convention is thought to establish provisions on the means of warfare, which are considered futuristic, and does not cover damage to the environment resulting from the use of traditional weapons [8, para. 49], AP I requires such a high threshold for damage that even the most large-scale effects are not covered.

Therefore, due to the absence of efficient norms most of the environmental damage caused by armed conflicts remains not compensated.

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УДК 349.23/24

THE PROBLEMS OF USAGE OF THE REGIONAL MULTIPLIERS FOR WORKERS OF THE FAR NORTH AND EQUIVALENT AREAS

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Under the governing law, each person, who is working or living in the extreme climatic conditions of the North, is entitled to reimbursement for additional material and physiological costs [3]. However, it has not always been like this. Normative acts of the Soviet Republic from 1918 to 1922, including the first Code of Labor Laws - 1918, did not provide [1] any guarantees or compensations for residing or working people in the remote areas of the country. The situation changed with the adoption of the Labor Code of the RSFSF – 1922 [1] and such legal guaranties were established in Article 82 that became a precondition for their further development and improvement as the special regulations in the Far North exactly. Basic "regionalization" of the USSR was carried out in 60-years and resulted in the adoption of the List of the Far North and equivalent areas in 1967, acting to these days. Then there was a process of establishing many guarantees in these areas for workers in the 70s - 80s.

The Russian Federation has saved and continued to apply the guarantees established by Soviet Acts so far, therefore, there are some problems in the sphere of realization of these guarantees. Moreover, currently there is a gap in the contemporary legal regulation which causes some problematic issues.

According to Article 316 of the Labor Code of the Russian Federation, the payment for working people in the Far North and equivalent areas is carried out with the usage of regional multipliers and percent surcharges [4]. When resolving disputes, courts take into account that the establishment of multipliers to payment in the former USSR was of a temporary nature and the fact that these multipliers might be extended for workers of areas not belonging to the Far North and equivalent areas [2]. Therefore, the Supreme Court of the Russian Federation found the actions of establishment the payment with the usage of 1,3 as multiplier instead of usage of multiplier of 1,7 because the last one provided by the Council of Ministers Decree of July 8, 1974., was established during the construction of the Baikal-Amur Mainline (BAM) in order to stimulate workers, so this multiplier cannot be considered as regional.

The question of the payment of the regional multiplier remains to be uncertain in the situations where the location of the holding company and the place of the actual work of an employee are different. For example, a legal personality as a holding company is not in the Northern region but the employee actually works in the areas of the Far North either:

1) in separate divisions or subdivisions;
2) or on a rotational basis;
3) or on a business trip.

According to part 1 of Article 316 of the Labor Code of the Russian Federation, the regional multiplier is established for workers, whose companies are located in the regions of the Far North [4], so it can be concluded that in all the situations mentioned, the regional multiplier is not charged. However, the judicial practice interprets this provision in a different way.

The Supreme Court noted that the difficulties with defining the regional multiplier arise from the fact that the concept of ‘place of work’ is not explained in the Labor Code of the Russian Federation. The Court explained that this concept should be understood as a

specific organization, its representation, branch or other detached subdivision located in area [2]. If the holding company and its separate divisions or subdivisions are located in different areas, the place of work of the employee is specified in relation to this separate unit in accordance with the provisions of Article 57 of the Labor Code of the Russian Federation [4]. For example, if an employee worked in Moscow and then he or she was transferred to the subdivision of the company located in Norilsk, he or she is entitled to get a payment with the usage of the regional multiplier and right to additional leave in the areas of the Far North.

The Supreme Court also emphasized [2] that in the calculation of the payment the regional multiplier should be applied because it is established on the place of actual performance of employee`s duties regardless of the location of the holding company which the employee has the labor relations with.

However, courts considered it unreasonable to apply the regional multiplier, when employees work in the northern regions on a business trip because of temporal nature of work and in such situation the permanent employee`s place of work is located outside the northern territories.

In this case, the Supreme Court pays particular attention to the fact that the majority of the employers have a desire to formalize the work in the Far North and equivalent areas as business trip.

For example, a woman was relocated to the subdivision of a construction company in Moscow as a coordinator of the construction project on Sakhalin for one year. The employer considered it as a business trip. However, the court ruled that it cannot be considered in this way because the employee carried out the work functions in Yuzhno-Sakhalinsk throughout the period of the employment contract and did not have other places of work. Consequently, she is entitled to all the privileges established for this region. In other case, the employee of the building trust went on business trips to the Far North and demanded the payment at a higher rate, but court dismissed the claim because it was established that he was 43 days on a business trip in the last 3 years.

Article 302 of the Labor Code of the Russian Federation clearly indicates [4] that the employees working on a rotational basis in the northern regions are entitled to regional multipliers.

However, the majority of the employers organize work on a rotational basis as a business trip, too. For example, the man was employed as a welder in the Sverdlovsk region but he does not have the workplace on the location of the organization. He was sent to Magadan area and was doing monthly shifts there. Every day the employee spent 11-12 hours working and lived in a dormitory. The court held that in accordance with Article 8 of the Labor Code of the Russian Federation [4], the local acts which worsen the position of the workers in contrast with established labor legislation cannot be applied. So, if the employee actually works on a rotational basis, he is entitled to benefits provided for him, even if the employer has not installed work on a rotational basis officially.

Employers are not usually ready to provide all the guaranties and compensations for the workers of the Far North and equivalent areas, but these benefits are established under the governing law so they must abide by them in order not to violate the rights of their employees.

Outlining the above, it is offered to make up for the lack of legal regulation on the matter by supplementing part 1 of Article 316 of the Labor Code of the Russian Federation with the following regulation:

‘If the location of the holding company and the employee`s actual place of work are different, the employee is entitled to a regional multiplier in the case of working in the Far North and equivalent areas on the grounds of constant work’.

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УДК 301

PUBLIC AWARENESS ON SAFETY OF NUCLEAR POWER REACTORS

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Nowadays nuclear power is an essential part of the global fuel balance. Nuclear power currently contributes about 11% of world electricity supply. Nuclear energy, according to forecasts of the International Energy Agency, will grow steadily over the next 20 years. Nuclear power capacity worldwide is increasing steadily but not dramatically, with almost 60 reactors under construction in 15 countries [4].

Humanity is coming to recognize nuclear power as an attractive option because of its almost complete absence of carbon dioxide emissions and the wide availability of uranium, which serves as fuel.

Beside of a technical debate over benefits, compromises and risks, it is the public perception. The difficulty is that concerns over the safety of nuclear power often make it unpopular among the public. Consequently, public awareness and recognition of the safety of nuclear reactors is necessary.

The arguments against nuclear energy first appeared in the mid-1970s. Groups like the Union of Concerned Scientists have put forward a requirement that the safety of operating nuclear power plants was accountable to the public. The other groups like Public Citizen, Friends of the Earth and Greenpeace emphasized in its position not only the potential danger of Nuclear Power Reactors, but also the lack of their economic efficiency [2, 4].

The development of the nuclear industry enterprises should include safety standards to protect people and the environment from harmful effects of ionizing radiation, which leads to a radiation risks.

Nuclear energy is a controversial and sensitive subject in society, because it strongly relates to public health and safety. Public awareness on issues scientific and technical concepts of Nuclear Power Reactors safety is important. Undoubtedly, nuclear safety is a collective responsibility.

The purpose of this study focused on the issue of public awareness on the Nuclear Power Reactors safety by the example of Tomsk Polytechnic University students' awareness and their attitude to the nuclear reactors safety, since Nuclear Power Reactor is located near Tomsk.

Methods. Survey and analysis were used as the research methods.

Safety of Nuclear Power Reactors

From the outset, there has been a strong awareness of the potential hazard of both nuclear criticality and release of radioactive materials from generating electricity with nuclear power.

As in other industries, the design and operation of nuclear power plants aims to minimise the likelihood of accidents, and avoid major human consequences when they occur. There have been three major reactor accidents in the history of civil nuclear power – Three Mile Island, Chernobyl and Fukushima.

These are the only major accidents to have occurred in over 16,000 cumulative reactor-years of commercial nuclear power operation in 33 countries [3].

However, the evidence shows that nuclear power is a safe means of generating electricity. The risk of accidents in nuclear power plants is low and declining. The consequences of an accident or terrorist attack are minimal compared with other commonly accepted risks. Radiological effects on people of any radioactive releases can be avoidable.

Process

A survey of students conducted during the spring semester showed their confidence in the safety of the nuclear industry of the Tomsk region.

The research was carried out on total 45 first year students of Institute of Non-Distractive Testing who have provided the subjects of this study. The investigation took place from February to March, 2016. The surveys were made up of questions that measured students' awareness and attitude toward nuclear power.

The students responded the following questions with a choice of the available answers:

1. Do you support the use of nuclear power?

a) disagree (26,6%)
b) agree (68,9%)
c) don't know/no answer (4,4%)

2. Do you trust in safety of Nuclear Power Reactors?

a) distrust (33,3%)
b) trust (57,7%)
c) don't know/no answer (8,9%)

3. What do you think of safety of Nuclear Power Reactors facilities?

a) quite safe (33,3%)
b) a little dangerous (51,1%)
c) dangerous (8,9%)
d) don't know/no answer (6,6%)

4. What is your attitude to the operational safety of Nuclear Power Reactor near Tomsk?

a) positively support (20%)
b) carefully support (51,1%)
c) gradually discontinue usage (13,3%)
d) immediately discontinue usage (8,8%)
i) don't know/ no answer (6,6%)

The results demonstrate the students' support **the use of nuclear power**. While expressing concerns about safety, research shows students' confidence in the safety of nuclear reactors including the operational safety of Nuclear Power Reactor near Tomsk.

For those scientists and engineers who have dedicated their lives to the development of this technology most of the problems posed in the public awareness have been part of their concern for a long time. The nuclear industry cannot afford merely to point to a very creditable safety record in justification of its present action and future plans. There is a collective responsibility on all participants in this conference to address the critical issues.

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INFLUENCE OF DRUNKENNESS TO CRIMINAL REESPONSIBILITY: CASE STUDY ANALYSIS

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From the earliest times it is known about effects of alcohol and other intoxicating substances to people. It removes communication barriers, reduces stress level and brings people together during joint drinking. But at the same time, alcohol and other drugs alternate normal flow of mental processes and has significant impact on person's behavior. In general, the action of various intoxicating substances is characterized by attention decline, reduced speed of reaction and discoordination of perception. In addition, it leads to inadequate emotional evaluation of actions as well as their unlawfulness and public danger.

In jurisprudence, the following concept of drunkenness is given: "Drunkenness is a mental state that refers to condition caused by intoxication by alcohol or other neurotic substances". Also it is characterized by vegetative and mental disorders. According to social studies, alcoholism is generally treated negatively. The scientific relevance of the topic is attributable to the place of drunkenness in the structure of composition of a crime, specifically guilt of a person. Drunkenness is a condition in which a person is not fully aware of the actual nature and (or) social danger of his actions (inactions) or controls them as a result of taking intoxicating substances. In respect to criminal responsibility, being drunk is expected to be seen as aggravating circumstance. At the same time, it is reasonably noticed that most fairly would be to include the state of being drunk as a qualifying feature for violent and careless crimes, because public danger especially rises for those categories. However, for non-violent crimes being drunk does not play that major role attributable to complication of commission of criminal intent.

It is very important to distinguish levels of drunkenness: at certain extent, very large amount of alcohol makes the person insane and thus he is not subject to criminal responsibility. However, this fact should be carefully proven in fair trial. In general, under Article 23 of Criminal Code of Russia, people who committed crimes while being drunk are subject to criminal responsibility.

T.A.Lesnievsky-Kostareva in 1993 offered an idea to extend the punishment for drunk violent crimes for one third of maximum [2]. Many authors rise the problem of fighting alcohol and drug addiction. Also, antisocial behavior is often linked to taking drugs.

In the previous Criminal Code of Russia 1960, drunkenness could be an aggravating circumstance upon courts' discretion. It is needed to say that only in 12% of cases the court explained why drunkenness was not regarded as aggravating circumstance [1].

Some authors offered to fix drunkenness in criminal law as an automatically aggravating circumstance. The reasoning was the following: granting to courts any discretion in assessment of aggravating circumstances may led to contradictions in uniform law enforcement, thus undermining Criminal Code [3].

Scientific novelty of the subject is the following: under current Criminal Code, drunkenness can be considered as mitigating or aggravating circumstance as well as it may not affect criminal responsibility at all. According to Art. 61 part 2, any circumstance may be taken as mitigating. However, in 2013 a provision was added (Art.63 part 1.1) that drunkenness may be considered as aggravating factor at the discretion of court. From the methodical point of view, this legal provision appears to be unique.

The analysis of judicial practice was carried out. 40 criminal cases involving drunk guilty people were studied.

When considering drunkenness as an aggravating factor, courts argue that the drunk state is directly related to commission of a crime or was one of the reasons of unlawful behavior.

Drunkenness affects consciousness and mind of a person and makes people take hasty decisions that would never be taken in sobriety. Also, being drunk was regarded as an aggravating circumstance in all studied cases of public criminal assaults and abuses of police officers/administration. These two objects of a crime – public security and constitutional order – are under enhanced protection of criminal law and alcohol blunts awareness of that thus it is the main reason of offense.

However, taking into account all circumstances and details of committing a crime, court may be persuaded not to assess drunkenness as aggravating factor despite unusual aggression, for example during exceeding justifiable defense, fight after drinking together or household quarrel. In addition, courts quite often do not regard drunkenness as an aggravating nor mitigating circumstance, pointing out that it has not been documentary proven. In some cases, they argue that "there are no grounds for acknowledging drunkenness as an aggravating circumstance". Due to the fact that legislation gives legal assessment to drunkenness, law enforcement bodies (courts) should explain their decision on considering or not this factor as an aggravating circumstance. Nevertheless, courts are still inconsistent in theft cases, for instance. In our honest opinion, the reasoning in acts of justice should be more thorough and convincing. It would be beneficial for unification of law enforcement practice. Indeed, such recommendations were given by Supreme Court of Russian Federation in 2015[4].

It is worth noting that in almost all cases the accused people pleaded for a trial in a special order, admitted guilt and repented. This was considered as mitigating circumstances. From it our assumption can be supported that drunkenness seriously distorts the intelligent and strong-will components of a person's behavior. For that reason, it is one of essential reasons of criminal behavior.

In no case drunkenness was assessed as a mitigating circumstance, although it is theoretically possible under Article 61, part 2 of Criminal Code of Russia. Maybe courts are consistent with letter and spirit of criminal law and policy and for that reason reluctant to consider as mitigating those circumstances that are already listed as aggravating. In addition, a link between criminal policy and state priorities is noticed. Today a strong campaign for healthy lifestyle and against harmful addictions is going on in Russia. Probably it is related to the interpretation and legal meaning of the essence of mitigating circumstances. In general, these circumstances indicate less public dangerousness and damage of a crime (exceeding the limits of necessary defense), or even "justify" the guilty person (for example, committing a crime on compassionate grounds). Meanwhile, a person increases his level of aggression and, consequently, the possibility of antisocial behavior by taking alcohol. That is why any legal indulgence is excluded.

To sum up, courts choose to fight drunkenness as antisocial behavior in their practice. Moreover, considering the same circumstance both as mitigating and aggravating brings controversy in criminal law.

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УДК341.215.2

MODERN METHODS OF STRUGGLE AGAINST TRANSNATIONAL CRIMINAL ORGANISATIONS

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Nowadays, international activity of criminal structures has increasedin the conditions of globalization, which is compounded by the danger of blurring the borders, expansion and interpenetration of economic markets that have been previously isolated or tightly controlled by the states. It establishes the conditions for the emergence of new, previously unknown, forms of international crime.As a result of these changes in the structure of trade, finance and information it creates a situation where crime is not related with boundaries of states anymore.

As it can be seen, the international community is interested in how to prevent the negative impact of transnational organized crime.Vladimir Platov said in his interview that transnational crime is the main threat of the XXI century. "This threat is considered to be much larger than a terrorism that does not have the necessary forces and facilities to jeopardize the functioning of the state."[2] Indeed, the criminal organizations currently possess strong power and stable structure. They use the globalization's values to harm international community. Therefore, the part of world that has not been corrupted by transnational organized crime needs to invent methods of struggle against this danger.

First of all, there is The United Nations Convention against Transnational Organized Crime is the first document that has tried to define what a transnational crime is and how to fight against this phenomenon. According to A. Efimova, "the signing of the Convention was an important milestone in the fight against transnational crime"[1].

The convention describes the basic types of illegal activities of transnational criminal organizations (money laundering - Article 6; corruption - Article 8, participation in the criminal activities of a criminal group Article 5), methods that States Parties can use for the purpose of combating and eradicating transnational crime.The Convention contains provisions on mutual legal assistance, extradition, as well as conducting of joint investigations.

The Convention against Transnational Organized Crime universalizes general concepts and principles to oppose crime. It is noteworthy there are also many other agreements that consider criminal activities in specific areas and measures they take for curbing. There are the UN Convention against corruption, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the United Nations program on crime and criminal prevention justice in 1991 and etc.

It would be a mistake for the state not to take into account regional specifics. Yu.N. Salnikov said: "The international cooperation in the fight against transnational organized crime at the regional level is reflected in the development and adoption of such a legal framework that would allow to carry out a program of joint struggle of law enforcement, taking into account the features and main characteristics of the neighboring countries and regions in which they have established the interaction of transnational criminal organizations"[3].A prime example is the Council of Europe, which has normative base to counter transnational crime. Since the beginning of the European Council they have fixed the basic conventions such as the European Convention on Extradition of 1957, the European Convention on Mutual Assistance in Criminal Matters, the European Convention on the suppression (Suppression) Terrorism of 27 January 1977. Many states, including the Russian

Federation, signed these documents and tried to follow the example of the European Union. In particular, Russia tried to fix the same normative base as part of the CIS to establish cooperation in the fight against crime in the region.

Witness intimidation also complicates investigations and interferes with legal structures to bring to justice the criminals. At this point, there are not so much conventions and practices on protection of crime victims and witnesses. Yu. N. Salnikov said: “the international community encourages the use of new methods in addition to the established practice”[3]. For example, the protection of victims is the central theme of the two protocols to the "Convention against Transnational Organized Crime".

States establish structures that can resist transnational crime. Various international organizations aimed at fighting against illegal activities are a guarantee of protection of people against lawlessness and injustice. We can divide these organizations into the structures that are engaged in the statistics on crime, also they form normative base (United Nations Office on Drugs and Crime, the Council of Europe) and the structures involved in the suppression of criminal activity (the European Police Organization, Interpol).

In order to increase the effectiveness of counteractionof transnational criminal organizations, international cooperation should be developed in order to find new methods of struggle against globalized crime. States should continue to strengthen normative base at the international and national level. Moreover, when new actors start to play important role in global processes, Governments are to involve non-governmental organizations in fight against international crime. Vladimir Platov referred to the statistics of French experts who highlighted that "there is a possibility of successful use in the fight against organized crime groups of non-governmental organizations such as the anti-mafia. The Italian Government has have such practice and it has increased the suppression on Italian mobs"[2].

It will be strong strike against the crime if world community limits the main methods of transnational criminal organizations: there are corruption and violence. The development of practices and norms for the elimination of bribery, as well as the establishment of guarantees for the protection of witnesses and victims of crime will be able to improve the efficiency of investigations and law enforcement organizations, and transnational criminal organizations will lose the opportunity to prevent this counter, due to deprivation of influence on the process.

Restriction of the impact of transnational criminal organizations can also be achieved through the reduction of commodity circulation of illegal goods such as weapons, drugs, counterfeit, that are so profitable for criminal networks.The only purpose of any transnational criminal organization is to obtain a big profit. Quiet a heavy blow will be done if world community deprives them of cash. It will not mean that the organization will collapse, but its negative impact will be weakened, increasing the chances for the law enforcement agencies to destroy the criminal structure.

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УДК81.1

NATIONAL AND CULTURAL SPECIFICITY OF THE CONCEPT “LAUGHTER” IN RUSSIAN AND ENGLISH LANGUAGE CULTURES (ON THE MATERIAL OF ENGLISH AND RUSSIAN PROVERBS)

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“A man is not poor if he can still laugh”
A. Hitchcock

Laughter is a phenomenon, which we encounter every day in our life. Thing, which we used to take for granted,now has become the object of scientific researches, especially in biology.We already know about the effects of laughter on the human body, health, immunity and mental state. Moreover, it is a prevalent topic for cultural discussions because every nation has its ownnotion about laughter and special type of its reflection in art, literature, music etc. Thus, an attitude to laughter, associations connected with this phenomenon can help to reveal national identity. The **aim** of our research is to study the specificity and to make a comparative analysis of the concept “laughter” in the English and Russian language cultures.

Nowadays there are many scientific and publicistic works devoted to the issue of laughter [Subbotina, 2015; Fedosova, 2015; Balina, 2005; Redkozubova, 2008 et al.]. Linguistic studies where revealed national characteristics of the concept of laughter have a special significance for us. The material of our study is Russian and English proverbs, the choice caused by the fact that there is depicted basic unit of human thinking code.

Cultures are different, but all of them have certain features, judging by which we mean that a particular phrase or action relates to comical. Following A.A. Moroz [2] we agree that there are 5 such kind of traits. Firstly, it is a negative attitude to the object of laughing, power of which depends on the scope of use (joke, irony, satire, self-irony).Secondly, the subject of laughter always look down to the object of laughter, what causes by the fact that subject has already passed that stage and object does not look like something fearful. Then, in the object causing laughter,we notice a contradiction, inconsistency and duality, what means that it is always non-elementary, two-pronged. One more feature is that in generation and perception of ridiculous there is always an element of aesthetic and intellectual pleasure. Last one isthat creating and recognition jokes requires high intellectual efforts.

In order to determine what is the difference between the concept of laughter in Russian and English cultures, we need to build a nominative field, which consists of establishment and description of linguistic resources, nominating the concept and its individual features[5].The main representative words and phrases, objectified concept of laughter in Russian proverbs are “смех”, “смеяться”, “насмешить”, “смешно”, “улыбаться”, “хохотать” etc. Difference between these lexical items lies in a power of laughter expressions. All of these nominative cases without context usually have positive connotations, but it could be changed when they are used in some phrases. Especially in Russian culture laughter often connected with sin, and the laughter expression identify how something related with evil [3].“Мал смех, да велик грех” – means that even a moderate laughing leads sin.One more example is “Что грешно, то и смешно” demonstrates us inverse proportionality means that sin always causes laughter. The concept of the sinfulness of laughter exists in Russian culture due to Christianityand has its own deep and difficult structure. Of course, there are not only negative senses of laughter. Another thing that causes laughter is absurdity and silliness: «Красивый — на грех, а

дурной — на смех". The word "дурной"in this proverb has the meaning of something foolish and silly. In addition, shame and disgrace can cause mockery, but only if it belongs to someone else, not to the subject of laughter: "Людской стыд — смех, а свой — смерть"[4]. Of course, laughter in Russian language culture can have positive origin. "Нет лучше веселья сердечной радости" means that the best motivation to rejoice is a sincere heartfelt joy, and there is no negative connotation.

In English language culture, laughter represented by such words like "laughter", "laugh", "mockery", "ridicule", "joke", "jest" etc. During the analysis, we can notice, that in English culture laughter has much more positive connotations than in Russian, and it is not correlated with sin. Usually it used when we talk about some positive phenomenon that transcending negative: "A clear conscience laughs at false accusations". The ability to laugh at yourself is encouraged, in contrast to the Russian paradigm, which says that just a someone`s shame can cause laughter and your dishonor is "deadly": "He is not laughed at that laughs at himself first" [1]. Besides the fact that laughter in English culture has no common with a sin, it has the highest value: "Laughter is the best medicine". Surely, analogue of this proverb exists in Russian language, but it doesn`t constitute the main semantic core of the concept.

However, in spite of many contradictions between concept of laughter in English and Russian language cultures, they are similar to each other on some manifestations. For example, both of them have an affirmation that laughter often causes opposite effect like cry. "Несмейся – плакатьбудешь" and "If you laugh before breakfast you'll cry before supper" [1] talk about that. Also, there is a similar proverb which related to two-faced person: "Одни глаза и плачут и смеются"[4] and "To cry with one eye and laugh with the other" [1]. In addition, there is one of the most popular proverbs about relevance of laughter in some situations: "Смех без причины — признак дурачины" and "A fool is known by his laughing". All of these similarities demonstrate that our cultures have a lot of common basic mental setups.

Thus,we can say that the English and Russian concept of laughter has a complex structure thatbased on the cultural, national and historical features of the nation`s development.

Both of them have common and different reasons for laughter, distinguished attitude to the subject of laughter and its relationships with the object. Moreover, they have many things in common, however, in the English language culture we can find an advantage of positive assessment of laughter than in Russian culture, where in the core of concept lies the setup about ambivalence of laughter`s nature. Prospects for future research is to study the specifics of this concept in the national literature.

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THE DEATH PENALTY: FOR AND AGAINST

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The question of application of such form of punishment as the death penalty has been one of the most debated and controversial issues for the past several centuries. This problem affects not only people associated with jurisprudence, but also society as a whole. Its urgency is also connected with the fact that now many states are going to mitigate legislation and abolish the death penalty. From criminal law issues it has become a socio-political one. Depending on particular social conditions and situationsthe discussion on the abolition of the death penalty is the “light” that “goes out”. Professor V.E. Kvashis wrote “The attitude to this measure of punishment is the question of moral dominant of each person; attitude of society is an indicator of the prevailing morals and mentalities in it, a measure of how much it is imbued with the ideas of justice, humanity and civilization”. From this it follows that the death penalty should be considered not only as a criminal policy tool, but also as a social and cultural phenomenon[1].

The death penalty is possibly one of the oldest forms of criminal punishment. This penalty is known to all nations of the world from biblical times. Historically the death penalty has passed from the ancient custom of blood revenge, which took place before the emergence of the state and was expressed in the principle of retaliation, i.e. “an eye for an eye”,“a tooth for a tooth”.It was considered a disgrace to a victim and his relatives if the victim was not avenged. With the emergence of the state this punishment was considered as the most reliable, effective and the cheapest one and was adopted by many legislators of the world. We find the mention of it in laws of Babylon, Assyria, the Hittite Kingdom, Egypt, Ancient Greece, Rome, the Byzantine Empire, etc. The most common types of capital punishment were decapitation, burning, breaking on the wheel and quartering[2].

In Russia the first record of the death penalty was in the Dvina Charter (1398) for theft committed for the third time. Pskov Judicial Charter (1467) extended a range of offences for which the death penalty was imposed. The Codes of Law (1497; 1550) had the death penalty for more crimes. With the introduction of such legislation as the Code of 1649 andPeter the Great’s Military Articles the death penalty became more stable in conditions of the feudal-landlord relations. According to the Code of 1649 the death penalty was prescribed for 63 crimes and the Articles contained 123 cases of its imposition. Different methods of putting to death,including barbaric ones, were used especially during the reign of Ivan the Terrible. In the reign of Elizabeth the execution of death sentences was first suspended and then it was abolished, but not for long.

From the beginning of the XIX century and up to the Civil War in the Russian Empire such two kinds of the death penalty as shooting and hangingwere used. From 1920shooting was the only way of the death penalty in Russia.

May 16, 1996 President Boris Yeltsin declared a moratorium on the death penalty in connection with Russia’s entry into the Council of Europe so now it is replaced by life imprisonment in the Russian Federation[1].

The RF Constitution proclaimed Russia as a democratic constitutional state and strengthened the position according to which man, his rights and freedoms are the supreme value and basic human rights and freedoms are recognized innate and inalienable.

In addition, Art. 18 of the RF Constitution states that rights and freedoms of man and citizen are directly applicable. Thus the basic human rights have acquired direct legal effect.

In accordance with the RF Constitution a priority of criminal law is to protect rights and freedoms of man and citizen. However, the death penalty denies an inalienable right to life. At the same time it makes an offender subject only to criminal law of the state in accordance with Art. 44 of the RF Criminal Code. The Constitutional Court reinforced this position in its Resolution of 1999 which stated that the death penalty can't be imposed before the introduction of jury trials in all regions of Russia. However, the Resolution of 2009 indicated that the introduction of jury trials throughout the Russian Federation does not mean the possibility of the death penalty because during 10 years there was a stable legal practice of not using the death penalty as a form of punishment in Russia.

If we turn to foreign countries, the death penalty is used by courts in the United States both at the federal level and at the state level of some number of states. In the Middle East the ancient methods of implementation of the death penalty are used. They use such methods as stoning, beheading with a sword and hanging. In Iraq, Iran, Afghanistan, Singapore, Malaysia criminals are put to death by hanging. In Saudi Arabia beheading is used; furthermore, in this country there are whole dynasties of executioners who hand their "craft" down in their families. China has carried out a mass execution of people who kept brothels, persons convicted of corruption enterprise, etc[2].

Currently there are two theoretical positions in relation to the problem of the death penalty. Some scholars and practitioners act entirely against the use of the death penalty and for its immediate abolition explaining that by immorality and inconvenience of such a punishment. Others support the use of the death penalty considering it not only as a legal limit but as an offender's physical destruction which ensures complete security of the public against this person's criminal acts.

Opponents of the death penalty say that human life is an undisturbed and inalienable good so the death penalty is unfair.

According to the Italian philosopher Beccaria the inviolability of human life is based on the contract which the man apparently concluded when joining the society. On the basis of this agreement each person gives to society part of his freedom to protect the rest of his freedom and other goods. But people do not want to sacrifice it and give other people their own right to life and risk it as the most precious of all their goods.

Opponents of the contract theory as the basis of the injustice of the death penalty believe that mancan give his right to life to another person in certain cases. They argue that this kind of punishment is just retribution for committing specific crimes. According to this statement, some people deserve a deprivation of life caused by their evil deeds.

Thus the death penalty is not a necessary element for the society and the state. But maybe the death penalty is useful when it deters potential criminals from committing crimes.

Perhaps the deprivation of life of a guilty one saves the lives of many innocent people.

Opponents of capital punishment assert that the death penalty does not frighten or discourage people inclined to violent crimes.

The history of nations and judicial chronicles talk about the absence of the fear of the death penalty and show that where there were cruel laws, there were frequent crimes. In England in the first quarter of the 20th century the statutes contained more than 200 threats of the death penalty for a wide varietyof crimes but there were no any other countries where crimes were done so frequently. At the same time in France with more lenient laws serious crimes were committed much less.

The death penalty is not a deterrent. According to the researchers of this issue, the person who committed the crime hopes to escape punishment whatever it was. So there is no difference whether he was sentenced to life imprisonment or the death penalty.

One of the most common arguments in support of abolition of the death penalty is a reference to miscarriages of justice.

There is no doubt that in the old days the executions of innocents were very frequent. This was mainly from the fact that methods of discovering the truth were extremely imperfect. The number of executed innocent people was very large. But in spite of the improvement of the judicial system, court errors are not excluded.

Opponents say it is impossible to eliminate the evilcompletely not hurting the innocent convict bymeans of imprisonment, because imprisonment brings physical illness, moral disorder, and inability to work as a consequence of long disuse of known abilities.

The death penalty deprives the offender of the opportunity of self-correction.

To execute the man who has found the seeds of corrections would be to deprive a future harmless man of life, to take away an opportunityto atone for his offence by honest and industrious life. Who needs the death of such a man? What purpose is achieved in this case? According to the tenets of the religion a repentant person is worthy of indulgence; he is not being outcast; he is a participatoron an equal basis with othersof all goods promised by religion.

In response to these arguments defenders of the death penalty say that man can sacrifice his own life voluntarily due to unforeseen reasons and from this he does not suffer the salvation. The offender released from the death penalty instead of taking care of the redemption of the first offence often makes new ones. If you can make change in some criminal, this change can be superficial; it is difficult to vouch for the depth and sincerity of his repentance. Convicts, who noticed what exactly are required of them, learn to dissemble and deceive. And does it concern the salvation of souls and the correction? Suppose you were able to bring the convicted person to repentance. Do you think that you did more to save him than if you had him sentenced to death? This is not so. The legislator is not a killer; he gives a convicted person time for repentance. And nothing in this measure is able to make a change beneficent for the salvation of the soul like the death sentence.

Defenders of capital punishment giveone of the strongest proofs in favour of the death penalty that is the voice of the people, their legal convictions, their conscience.

There are different facts proving that people recognize the death penalty as a just punishment, e.g. the crowd waiting for execution is irritated when finds out that the criminal is pardoned; people sometimes took on the role of the executioner when the convict avoided punishment by the pardon; in some countries where capital punishment had been abolished people demanded the restoration of this punishment in their petitions; people being present at the execution of the killers were absolutely convinced that this kind of punishment was the only means of fair justice; bloody penalty is necessary to satisfy the family of the murdered person, etc.

The objections of opponents are the following: irritation of the crowd, whose bloody spectacle is deprived by the pardon of the guilty person, is a manifestation of their most brutal instincts. It is both shameful and unreasonable for the legislator to obey such instincts. Killing the guilty person by the crowd now is a very rare phenomenon and moreover severely persecuted by the law. It is said that people consider death as the only just punishment for murder. But firstly, if this is so, then the duty of the legislator is to soften, refine rude concepts of people demanding retention of the ancient principle of blood for blood; secondly, all of these references are based on the surface observation; neither governments nor individuals that link to these events do not bother to examine the opinions of the people closer.

Many supporters of the death penalty say that this type of criminal punishment is not economically sound. Why do taxpayers have to pay for life-long maintenance of criminals?

But some studies conducted in the US and Canada indicate that the execution of capital punishment in these countries is more expensive than life imprisonment. The study of this issue,which was held in New York in 1982, showed that the first stage of appeal in the

case where one can be sentenced to death cost an average of $ 1.8 million which was twice more expensive than the price of imprisonment duringforty-five years [3].

According to the recent statistics the number of respondents advocating the death penalty has been greatly reduced. This suggests that there is a trend away from the death penalty.

We have conducted our own survey in order to clarify the attitude of 118 first-year students of the Law Institute of the Siberian Federal University to the death penalty. Most of the surveyed students believe that the death penalty should be again used in Russia. So 56 % of the respondents were for the death penalty and 44 % of the respondents were against it. The main reasons for imposition of the death penalty are the following: this type of punishment is just retribution for the committed crime (56 students) and there is a probability of repeated commission of an offence (19 students). The opponents of the death penalty are convinced that there is a possibility of judicial errors (43 students) and social death for an offender is worse than his physical death(22 students).

Many researchers believe that this problem can't be properly studied only by analyzing the results of public opinion polls or through peer reviews.

It is assumed that a simple calculation of public attitudes towards the death penalty may be misleading or unreliable for the adoption of a legal or a political decision, because the essence of relationship between knowledge and social behavior is unknown. It is also noted that social attitudes change significantly especially in relation to serious crimes that cause strong emotional reactions.

It is interesting to note that both supporters and opponents of the death penalty expressed firm belief in the rightness of their position. And those and others demonstrate poor knowledge of the organizational side of the death penalty. This discrepancy casts doubt on the reliability of the public settings as the sole basis for legislative changes.

This issue is controversial and it is unlikely that people will come to a consensus. Why are there different opinions within society? After careful consideration of this issue we have come to the conclusion that the attitude towards the death penalty depends on the "prism" through which one looks at the problem. For example, it is possible to consider the death penalty from the legal position as a negative phenomenon since a probability of judicial error is very great. Through the prism of everyday life for many people only such form of punishment as the death penalty might seem the fairest one for certain types of crime.

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COMPARATIVE ANALYSIS OF FAMILY LAW IN RUSSIA, CHINA, JAPAN AND INDIA

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Even ancient philosophers marked the need for the family and imparted it national importance. For example,Plato, whose words have not lost their relevance even nowadays, wrote: "Every marriage should be useful for the country" [3]. Indeed, only in family can people really develop their potentialities and abilities.

The purport of our research is to identify the similarities between seemingly different legal systems of Russia, China, India and Japan in the area of family law.

There are different viewsregarding the existence of the possibility to contrast the law systems of these countries, and if there is, in what way this ratio will be manifested. According to the theory of local civilizations, there are primary and secondary (or peripheral) civilizations, and among them there is some kind of interaction [5]. Primary civilizations are the most ancient ones (e.g. China and India), their origin arose due to the same reasons, have common features because of the similarity in formation – law systems of these countries are also similar.

As A. Koptev mentioned, peripheral civilization "may keep on pre-civilizational level or be represented by a neighboring civilization ... The line between civilizations is confronted mobile depending on the degree of assimilation caught in their impact on people or the degree of coincidence with its ethnic territory" [1]. Such relationship can be we traced in China and Japan. Russia also refers to peripheral civilizations.

According to the formation approach, whose representatives were Marx, Engels, Lenin, etc., society passes through certain stages - the socio-economic formations in its development [2]. That is why we are considering Russia and Japan in one period of time, while India and China - in a different one when all these countries were at the stage of the slavery and the early feudal formation.

However, there is also another point of view. According to the Russian doctor of law N. Tarasov, the legal systems of different states can hardly be compared [4].

We have compared family law of the four countries according to the following criteria: family structure, marriage and divorce procedures and inheritance.

Old Russian **family** was large, father-centered; it consisted of several generations living together with a senior man being the head of the family. There was a clear distribution of responsibilities. In case of mother's death father took care of his children, and in the case of mother’s remarriage - the guardian. Parents had the right to send their children to slaves. There was a huge practice of forcible tonsure of children.

The key sphere of family law is **marriage** and its conditions. In Russia, the minimal age of marriage for men and women was 15 and 13 years old respectively. To become spouses people had to be free from another marriage and get the consent of parents. The third marriage was prohibited. Absence of kinship and one faith were also necessary.

We also paid a special attention to the peculiarities of divorce institute. In Russia it was allowed only in cases of physical death of one of the partners, adultery, the inability of the husband to the marriage or the wife to childbearing, becoming a monk or having a ‘contagious’ disease.

In Russian **hereditary** succession the sons had privileges. If there were sons, then daughters got nothing (heirs just had the duty to marry them). The inheritance was divided

equally, but the younger son also received his father's yard. Illegitimate children had no inheritance rights, but if their mothers were slaves-concubine, these children get the freedom after father's death. Only rich nobles had the right to bequeath to the daughter.

In China at the ancient times, the father of family could sell the children, except the eldest son. There was impunity for murder of a son, grandson, and daughter by father, mother, and grandparents as beatings dominated. **Family relationships**, the position of senior and junior in the family, influenced the severity of punishment for a family crime.

Terms of marriage in China were as follows: absence of kinship, equal status of estates, the required age of marriage for men and women was from 16 to 30 and from 14 to 20 respectively. There was a lack of mourning for husband and parents. Marriage could have be done without the consent of the intending spouses.

The **divorce** was encouraged in the case of violation of conjugal duty. Demand could be brought by any member of the family. The divorce procedure was available in case of husband's violence, wife's rebellious behavior to father-in-law, wife's barrenness or dissolute life, jealousy, garrulousness, seriousillness orstealthy usage of the family property.

In China the **hereditary** succession was most frequently used. After the father's death all holdings were equally inherited by all the sons. The widow had the right to manage the family property and to get the part of it on her own funeral. Married daughtershad no right to inheritance; unmarried should have bought a half of the brother's inheritance. The eldest son or grandson inherited the rank. In the total absence of heirs in the male lineunmarried daughter could become the heir. Bequeather had no right to deprive his son of the inheritance.

In Japan a wife had a large degree of autonomy, though the man took the role of head of the family. Often, the husband could not live with his wife. According to **family relations** leaving without a legal reason was forbidden.

The consent of the parents and all the relatives was vital in the process of **marriage**. There were 2 main principles - equal class and social status and "integrity" of premarital relations.

The participation of all family members was necessary in **divorce**. The main reasons for initiating this procedure were: the absence of spouse, disobedience, diseases.

In Japan there was a hereditary succession. In that case **inheritance** became the property of the eldest son of the main wife. He must have been not a drunkard or seriously ill. The rest of the family members were eliminated.

Finally, in India the head of the family was not the owner of the family, but he was the main caregiver. The position of women in accordance with family structure was humiliated.

Marriage was recognized as a sacred duty. The principle of polygamy was established everywhere but there was a prohibition of marriage among their relatives to the sixth degree.

Reasons for **divorce**included rough vices of one of the spouses, drunkenness, grumpiness, extravagance, incurable disease, barrenness during 8 years of married life.

After parents' death **inheritance** was divided among the sons or fully conveyed to the eldest son, who was the guardian to the younger ones.Daughters were eliminated, but in case of marriage brothers were due to select a quarter of their parts for dowry.

Having analyzed family law of the said countries we are convinced that the structure of a family in all four countries is approximately the same. That can be connected with the specific socio-economic formation that the countries belonged to at the stage of historical development under consideration. Marriage relationships are similar in India and China which were affected by their belonging to primary civilizations, having the same origin and thus similar legal aspects. For the reasons stated above, Japan and India have a lot of similarities under the criterion 'inheritance procedure'.

Having considered different points of view we have come to the conclusion that the legal systems of different countries can be compared on various grounds. Conversely, formational and civilizational approaches in determining interconnection between the countries are seemed to be the most effective. Moreover, we came to the conclusion that for the most complete analysis the aforementioned approaches should be used together.

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PRE-UNIVERSITY LEGAL EDUCATION AND ITS IMPORTANCE

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According to the tradition particular attentionis turned to higher legal education, the role and position of which in formation of legal professionals are undeniable. However, it's rather difficult to give students, who usually have a low level of legal culture, fundamental and special training in the field of jurisprudence for five or six years of studying. So the lack of professionalism of judges, prosecutors, investigators, notaries, lawyers causes complaints very often [3]. Legal education should be multistage and continuous in virtue of its special professional, psychological and ethical requirements. In this regard the problem of pre-university legal education becomes especially important as its system is either not developed or does not work in many regions of our country.

The requirements for the content of education are defined in the federal law "On education in the Russian Federation". It must ensure such a level which corresponds to the world level of general and professional culture of society, to the world level of the formation of man and citizen who will be integrated into contemporary society and aimed at its improvingand strengthening a legal state[4]. Unfortunately, the general civil and professional legal culture, which is necessary today for the construction of civil society and a legal state, is far from the desired level. In a great measure it is caused by problems of the content of pre-university legal education, by the underdevelopment of its system, by the lack of the necessary continuity and harmonization of pre-university and university education.

Legal culture is the part of the general culture. Obviously that the level increase of legal education, which is based on legal culture, is extremely necessary not only for people with the legal profession, but also for society as a whole [3].

I have conducted interviews with 48 learners of 10^{th} and 11^{th} grades in Krasnoyarsk secondary schools.The majority of young people don't have enough ideas about the main state law (the Constitution of the Russian Federation), they don't knowforms and means of implementation and protection of their rights and performance of their duties. For instance, the interviewed learnersonly know such duties of man and citizen according to the Constitution of the Russian Federation as paying taxes and joining the army. The knowledge of rights of man and citizenaccording to the RF Constitution is limited to their awareness of such rights asfreedom of speech and freedom of choice. And under the freedomthey understand absolutely unlimited actions (e.g. "I doeverything I want"). The thought that any freedom is limited by the freedom ofanother personor that any freedom implies dutiesnever came to theirminds. The learnerscan't determine whether they have right or duty to education or voting, etc.

Lack of basic legal knowledge prevents young people from participationin public life at any level. Tolerance to violation of rights, non-fulfillment of duties, disorder, offences, arbitrariness and lawlessness is produced. This legal ignorance is "fertile ground" for accepting"anti-rules" and it leads to deviation from the law. It's possible to change so undesirable state by purposeful and gradual fostering man's moral and legal behavior since childhood.

Professional education has levels. The specialty "jurisprudence" is mainly associated with higher education. There is no primary or secondary professional legal education but the demand for such education exists. Firstly, this demand is connected with the isolation of vast section of legal clerical work in the structure of the general clerical work, which is necessary

nowadays not only for the court, law enforcement agencies but also for local self-government bodies, public associations, business organizations, private entrepreneurs. Secondly,it's connected with the increasing demand for primary legal services. The legal qualification is necessary in both cases.

Legal jobs canbe carried out by persons who have primary, secondary or higher legal education according to the degree of difficulty of practical questions. It is not rational and economically disadvantageous to prepare professionals of high qualification for performing legal tasks of simple and medium complexity. This will have a negative impact on the social authority and the status of the legal profession. A multilevel approach to legal education is more promising. It lets align all "floors" of legal education more clearly and improve the legal educational system taking into account new methodological, theoretical, organizational ideas.

The main goal of the development and implementation of the concept of the pre-university legal education is to create auniform regional (inter-regional) system of sucheducation which provides the formation of socially active citizens and also professional lawyers with different levels oflegal education who are able to solve problems of the required level of complexity[2]. The concept implies solving the following tasks: formation of the system of knowledge about the law and the state; development of moral and legal philosophy and thinking; ensuring of assimilation of moral and legal values and principles; formation of respect for moral, law, bodies of the representative and executive authorities, court, law enforcement agencies; development of the ability to distinguish lawful from unlawful behavior; training skills of active implementation of civil law roles; formation of values of negative attitude to offences; rehabilitation of offenders; forming knowledge and skills needed for performing of legal tasks of different levels; training and retraining of teachers of the basics of law, integration with higher education.

The principles of designing and implementation of development of pre-university legal education are the following: support from the public authorities and local self-government; mandatory civil legal education; continuity and consistency of pre-university legal education and its accessibility; multi-level nature of pre-university legal education; freedom of choice of the level (degree) of pre-university legal education; raising the social status of pre-university legal education; support of the initiative aimed at the development of pre-university legal education; achievement of consistency with higher legal education [1, 3].

Programs of civil legal education can be realized in educational institutions of primary education, basic education, secondary (complete) general education, primary and secondary vocational education. Civil legal education programs are directed to the solution of problems of formation of a person's moral and legal culture, skills and abilities of active implementation of social roles with the legal nature. At every level of education legal knowledge and skills should be given according to the age characteristics, legal capacity of learners, the real need for mastering and implementation of a social and legal role, taking into account the requirements of each stage of the educational process and specifications of various educational institutions[1]. For example, pupils of grades 1-5 can be told about children's rights, moral and legal rules of behavior at school, at home and in the street, etc. They can also be informed about the role of those officials who maintain public order and they can be taught to respect them.

In the 6^{th} and 7^{th}grades new legal knowledge and skills that teenagers need in their daily lifeare formed. The foundations for understanding the law and the state and associated phenomena are laid down in 8^{th} and 9^{th}grades. In the 10^{th} and 11^{th} grades knowledge and skills that are necessary for each person entering an adult life are formed. Programs of professionally oriented pre-university legal education are aimed at creating conditions for learners' conscious choice of the legal profession and quality preparation for entering law school [2].

Primarylegal education could be a prerequisite for secondary or higher vocational education (technical, natural, human, social, etc.) in the context of the proclamation of the country's rule of law. And it could serve to develop and strengthen legal culture of society, enrich citizens'legal awareness and also increase the quality of the Russian law significantly.

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LIMITS TO FREEDOM OF EXPRESSION: ECtHR CASE LAW ANALYSIS

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Nowadays immense flows of information are being generated and spread all over the world, which makes it almost impossible to imagine day-to-day life without sharing ideas and exchanging opinions.

International law recognises freedom of expression as a core value, which is protected under Article 10 of the European Convention on Human Rights 1950 (“the European Convention”). Accordingly, it includes freedom to hold opinions and to receive and impart information and ideas.

In the interpretation of European Court of Human Rights (“ECtHR”, “the Court”), freedom of expression constitutes one of the essential foundations of democratic society and one of the basic conditions for its progress and for each individual`s self-fulfilment [4].

Existence of pluralistic views is vital for promotion of creativity and critical thinking. For these reasons in *Jersild v Denmark (1994)* ECtHR notes that freedom of expression is applicable not only to “information” or “ideas” that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb [3].

Implementation of abovementioned principle is crucial for getting closer to rule of law ideals, overcoming people`s blind obedience and stimulating their constructive activity.

Freedom of expression concept covers not only an opportunity to articulate anything you are concerned with, but the possibility to keep silence as well. However, the ECtHR case law on this so-called “negative” right, meaning that nobody shall be compelled to express oneself, is scarce.

For instance, in *Gillberg v Sweden (2012)* the Court did not support argumentation of the applicant who under the university supervision carried out the research project focusing on Deficits in Attention, Motor Control and Perception (DAMP) in children and then refused to make obtained materials available in attempt to keep patients` confidentiality. The Court`s reasoning was based on assessment of the data in question as a matter of public interest [1].

First of all, the scope of the right to freedom of expression is determined through the general framework established by the rights, freedoms and legitimate interests of other people protected against any abuse:

1. Freedom of expression should not interfere in the right to respect for private life, guaranteed under Article 6 of the European Convention (“no violation of individual interests” rule).

Basically legal disputes arise on the grounds of competing interests’ collision, which could be resolved only if the proper balance is achieved.

On this point, the analysis of the famous *Von Hannover v Germany (2012)* seems to be an appropriate illustration. In this case, the applicant was the elder daughter of the late Prince Rainier III of Monaco. Since the early 1990s the applicant has been trying – often through the courts – to prevent the publication of photos about her private life (taken during her skiing holiday), in the press.

Ruling the case the Court notes, “freedom of expression includes the publication of photos”, but “this is nonetheless an area in which the protection of the rights and reputation of others takes on particular importance, as the photos may contain very personal or even intimate information about an individual or his or her family”. The Court also reiterates that,

in certain circumstances, even where a person is known to the general public, he or she may rely on a "legitimate expectation" of protection of and respect for his or her private life [6].

However, the conclusion is strictly dependent on the particular circumstances. For example, *Lingens v Austria (1986)* discusses the situation where the journalist was fined for criticising the activity of political parties' leaders. It was outlined that a choice to become a politician implicates person`s awareness of increased public attention and agreement to close scrutiny of his or her every word and deed by both journalists and the public at large. The Court stated, "freedom of the press affords the public one of the best means of discovering and forming an opinion of the ideas and attitudes of political leaders" [4].

2. Freedom of expression should not undermine commonly recognised values and principles, which support normal society functioning ("no violation of public interest" rule).

Handyside v the UK (1976) case is a great example for it. The applicant was a proprietor of the publishing firm, which released the Schoolbook containing among other things the information on legal and illegal abortion, venereal diseases, pornography, etc., and planned to distribute it through the ordinary book-selling channels.

While it is obviously not forbidden to discuss these topics, the fact that the books were primarily aimed at school-children of the age of 12 and upwards, was decisive to recognise the purpose of its prohibition (protection of the morals of the young) as a legitimate one [2].

Secondly, the right to freedom of expression could be subject to restrictions, which are prescribed by law, necessary in democratic society and refer to certain conditions, specified in para. 2 Article 10 of the European Convention.

Such justifying conditions includes, inter alia, the interests of national security, territorial integrity or public safety, the prevention of disorder or crime, the protection of health or morals, maintaining the authority and impartiality of the judiciary.

For instance, the ground of "national security" was raised to restrict freedom of expression in *Observer and Guardian v the UK (1991)*, where the English courts imposed injunctions on the publication of the book Spycatcher, whose author used to be employed by the British Government as a senior member of the British Security Service. While the Court admitted contents of the book to be harmful for national security, it noted that since the Spycatcher had been already published in the USA, its confidentiality was destroyed. As a result, there was no reason to prohibit release of the book in the UK [5].

All in all, the right to freedom of expression, being one of the main achievements and values in modern times, still is not an absolute one as its exercising may adversely affect lives of other individuals or the society as a whole. Compliance with the Golden Rule 'Treat others the way you want to be treated', formulated centuries ago, is simple to prevent crossing the line.

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PUBLIC SAFETY AS AN OBJECT OF LEGAL PROTECTION UNDER THE CRIMINAL LAW

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An object of offence is one of the *corpus delicti* elements[5]. Presence of all these elements constitutes the grounds to hold a person responsible (Art. 8 of Russian Criminal Code). Thus, the correct definition of object for particular body of crimes will increase the quality of enforcement process declining the risk for a person to be sentenced unfoundedly. Due to its fundamental nature the topic seems to be relevant.

ConventionallythecriminallawdoctrineofRussiaconsidersanobjectofoffenceasthesyste mofsocialrelations that are protected by the criminal law and injured by a crime commitment[5]. Concerning another point of view an object of offence is people in any form of cooperation: a separate natural person, a group or society as a whole[4]. Mentioned positions are converged in regards to the key aspect of an offence object definition stating that an object is the part of social reality aimed and infringed by an offence or its threat. In its turn, the controversial question whether social relations or people are harmed is insignificant neither practically nor formally because the topical object is well-defined in the law. To be more consistent the position that treats social relations as injured applies.

The totale numeration of legally protected objects is specified by the Special part of the Criminal Code in the headings of its sections and chapters that are set out in significance order[5]. The Chapter 24 of Russian Criminal Code is entirely devoted to the protection of 'public safety'. However, the general concept of this phenomenon does not exist in theory as well as in practice. Therefore the topic of paper can be treated as important and essential. To find out the fundamental characteristics of the 'safety' notion a comparative method of scrutinizing particular definitions was chosen.

Paradoxically the current Statute dated 28.12.2010 № 390 "About safety" does not contain the 'safety' definition but only the main principles and contain of safety maintaining activity. Conversely, the void Statute dated 05.03.1992 № 2446-1 concerning the safety matters does include it. According to the Art. 1, 'safety' implies the resistance of vital interests of a person, society and state to internal and external threats. 'Vital interests' are constituted of the needs which being satisfied to ensure the existence and progressive development of a person, society and state. The Statute also provides for 'safety threat' definition – it encompasses multiple conditions and factors that can be dangerous for vital interests of a person, society and state. These definitions should be treated as the current legal position unless another point is not stated.

Now let analyse the branch Statutes to ascertain the general features of 'safety'. Art. 1 of the Statute dated 21.12.1994 № 69 "About fire safety" establishes the following notion of safety – it implies the resistance of a person, property, society and state to fires. In respect of the Art. 1 of the Statute dated 21.07.1997 № 116 "About industrial safety" the industrial safety is the resistance of vital interests of a person and society to accidents and the consequences. According to Art. 3 of the Statute dated 21.07.1997 №117 "About the hydraulic structures safety" the safety is the hydraulic structures feature that provides for the protection of life, health and legal interests pf people, environment and business entities. In compliance with Art. 1 of the Statute dated 10.01.2002 № 7 "About the environment protection" environmental safety means the resistance of environment and vital interests of a person to possible negative influence of business and other activity, environmental or man-

caused emergencies and its aftermaths. Art. 2 of the Statute dated 27.12.2002 № 184 “About technical regulation” says the safety is derived from the absence of inadmissible risk connected with infliction of harm to life and health of citizens, property of a natural or legal person, state or municipal property, environment, life and health of animals and plants.

Several state standards are operating too. Due to Sec. 2.1.3 of the State Standard dated 01.01.1996 concerning “Emergency safety” the safety means the resistance of population, objects of national economy and environment to the dangers of emergences. Sec. 3.2.5 of the State Standard dated 26.12.1994 in regard to “Man-caused emergency safety” stipulates that industrial safety during emergencies implies the resistance of population, factory staff, national economy objects and environment to dangers caused by industrial emergences and disasters. Finally, adhering to Sec. 3.1.5 of the State Standard dated 01.01.2000 respecting “Fire safety of manufacturing process” the safety implies the resistance of citizen rights, natural objects, environment and inventory to the consequences of emergences, accidents and disasters.

The characteristic ‘public’ means that the phenomenon extrapolates over the interests of not a sole person but society and a state in a whole. In its turn, resistance should be interpreted as the ability of object to oppose effectively various dangers (an inner aspect).Furthermore, public safety embraces diverse ways to decrease, weaken, eliminate and prevent the dangers and threats to the safety[2]. This is the rational step because mentioned elements directly influence on the outer aspect of safety through eradicating the causes of destruction factors.

Moreover, it is essential to take the criminal consequences into account. A committed offence against public safety results in the harm caused to vast, personally and numerically undetermined range of public interests. The harm itself might be of different nature: physical and material damage, disturbance of public order, disarrangement of normal functioning of social institutes, etc[3].

Therefore, it is possible to outline the following characteristics of ‘public safety’: the state of resistance; the absence of dangers or its threats; the absence of harm infliction risk. At the same time, a danger is regarded as the capability of something to cause the material harm or place in jeopardy of it[5]. In its turn, according to the Russian explanatory dictionary the ‘risk’ is construed as the probability of peril, misfortune[1]. So, in fact, the threat and risk are of the same nature. Consequently, the absence of dangers or its threats and absence of harm infliction risk are merged into the single feature – the absence of dangers or its threats (an outer aspect). Finally, the concept implies the following: mechanism of dangers prevention; the caused harm must be extensive, personally and numerically undetermined.On balance, the author hopes that his paper contributes to the development of both theoretical and practical aspects of juridical thought.

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INTERNATIONAL RELATIONS & CHAOS THEORY

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History knows an array of attempts which were aspired to find an answer to the one intricate question: ‘How does everything work?’ There are myriads of theories explaining how the world functions. There are even theories which pretend to be the ‘theories of everything’ (for instance, ‘String Theory’). However, with all the scientific progress we still cannot say with certainty which theory is actually right. This paper is devoted to the observation of international relations (IR) from the perspective of Chaos Theory.

First of all, we need to define the term ‘theory’. According to the Longman Dictionary of Contemporary English, theory is an idea or set of ideas that is intended to explain something about life or the world, especially an idea that has not yet been proved to be true [3].

IR Theory is full of contradictions. There are paradigms that have diametrically different views on the nature of IR and rules in accordance with which they function. Disagreements between IR paradigms led to serious disputes, wide known as ‘the Great Debates’.

But what if all the existing paradigms in their striving for victory in this breathtaking contest go in for the lowest possible denominator? What if the system of international relations is more complicated than it seems to be?

The idea of complicity of international relations was suggested by postmodernists. According to them, international relations are too complex to simplify them as classical paradigms do.

While thinking it over, I arrived at an idea of connection between IR Theory and Chaos Theory.

Chaos theory is a branch of mathematics that deals with nonlinear dynamical systems. A system is just a set of interacting components that form a larger whole. Nonlinear means that due to feedback or multiplicative effects between the components, the whole becomes something greater than just adding up the individual parts. Lastly, dynamical means the system changes over time based on its current state [1].

In order to understand the theory of chaos without the risk of being lost in the labyrinth of mathematical computations, we need to remember one concept which was coined by Edward Lorenz, an American mathematician and meteorologist. This concept bears the name ‘Butterfly Effect’. The main idea of this concept is that small causes may have large effects and even a very small change in initial conditions may create a significantly different outcome.

I found that this theory illustrates the functioning of the system of international relations very precisely. With a great probability you will agree with my statement that no one can predict an outcome of the Syrian conflict with a clock precision. It is absolutely impossible because there are so many factors the change of which can ruin all the predictions.

If international relations are chaotic, another two questions appear: ‘Does the chaos need to be controlled?’ and ‘How to control the chaos?’There are different points of view. For instance, Steven R. Mann in his article ‘Chaos Theory and Strategic Thought’ regards chaos as an opportunityto put a country under control. He states that in order to rule the chaos it is necessary to infect its parts by the virus of ideology [5]. His opinion influenced a lot on the

US policy-makers. Who knows, maybe the US invasion of Iraq in 2003 was an attempt to create the chaos and then infect it by the virus of democracy (Pic. 1).

Pic. 1 – Butterfly Effect

Another view was suggested by Michael Hardt and Antonio Negri in their book 'Empire'. This work presents an idea of a complicated structure (so called Empire) which pretends to take control of every single sphere of our life. Everything is under the control of capital and the only way to get rid of it is to create chaos [2]. So, they consider the chaos as a remedy, not as a disease.

Another chaos proponent is Stephen Wolinsky. In his work 'The Tao of Chaos: Essence and the Enneagram' he calls us not to refuse but to accept the chaos. As a result, the chaos would organize itself without any interference [4].

From my point of view, the chaos is a natural state of international relations. In the case when there are so many countries with different cultures, development rates, various national interests, the chaos becomes an inevitable phenomenon. The only thing we can do is to create norms, which would prevent the chaos from self-destruction. The international law is certainly about it. For example, if there were no Chemical Weapons Convention and The Treaty on the Non-Proliferation of Nuclear Weapons the existence of the world would be questionable.

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THINKING OF “I” AS A REASON OF EXISTENCE

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Philosophers have been concerned with “I” of a person for last 400 years. The main problem connecting with trying to explain its origin is the impossibility to define our “I” exactly, to outline its features. We cannot attach other features to our “I” which we would be sure of. This research deals with the reasons of the origin of that question; to be exact it presents the philosophy of Rene Descartes, and also Martin Heidegger’s “Discourse on Thinking” and Merab Mamardashvili’s “Cartesian Meditations”. The attempt to analyze the main ideas of these philosophers is presented at the end of this research.

Rene Descartes and his famous exposition "I think, therefore I am" established a new milestone in the history of philosophy; due to him, the question “What am I?” was asked.

While at university, Descartes realized that there is nothing we can believe and can be absolutely sure of, his travels making him more sure of that. He wanted to find the truth, wanted to find the knowledge he could be absolutely sure of. And Descartes invented his own way of thinking comprised of four statements. He was very successful in learning exact sciences and habituated himself to clear and consistent meditations. Next, he used this method in philosophy to find basic knowledge for his philosophy system. Having discarded everything he knew before to learn what the truth is, he arrived at his famous exposition as a result. Trying to doubt in this exposition and in his ability to think, he concluded: “My existence is confirmed by my doubting” [3].

It is precisely our ability to doubt in our existence that proves the verity of our existence. As a result, Descartes raised the question: “What is Thinking “I”?”

There is a connection between cogitation and the existence of a subjective “I” in the exposition of Descartes’ “I think, therefore I am”. First of all, it is necessary to find out what the cogitation is to be able to define “I” and understand where it is.

Martin Heidegger tries to define cogitation in his “Discourse on Thinking”. In the beginning of this work he encourages us to think. He guesses there is something that causes cogitation except thinking and an object of thinking. And it activates cogitation because it does not have any other abilities; it wants to comprehend, to understand itself.

So, what do we call “cogitation”, “cogitable”, “thought”? Where is it? It needs memory. The essence of memory is fixation of species, their cognitive aggregation in the past, present and future as a counter to their fading. The most complicated thing is fixating the past because it is gone and it does not suggest anything stable, therefore it is wrong to say that there is only one essence in memory. Recollection and retrospect are also inherent to it and are necessary to keep the spirit entire. So, something that causes thinking needs memory to be able to comprehend itself.

Then Heidegger adds that the essence of cogitation is also in the correct reaching of the purpose of thinking. For this reason, we need to try to keep our thoughts clear and think only about real things; otherwise, our thinking in the wrong interpretation of the meanings of words will lead us to wrong conclusions.

The Being determines the essence of cogitation. And cognition is cognition itself when our mind perceives and recollects it with inexpressible species, by itself. Our “I” is something that encourages us to think and it is something kept in our memory [1].

One more research that can help us to analyse our “I” is a series of lectures “Cartesian Meditations” by Merab Mamardashvili. The author tries to understand and explain the philosophy of Rene Descartes and his way of thinking not as much on the basis of his research papers, as on his letters and notes.

“I think, therefore I am” is the main thesis of Descartes. It is the most clear and incomprehensible one, according to Mamardashvili, because the deepest awareness of the world and its structure is locked in it. Yet he clarifies that we do not think because we exist and so we prove our existence by that; but vice versa: we exist because we think. We already exist. And it is an important remark in the Descartes` philosophy. The concept “Time” did not exist for him, everything was in an infinite act.

Descartes supposed that all he was thinking about, notably thinking that he existed, was the absolute truth. But he understood we cannot generate the truth, we must know it, so it has to exist. In fact, it is an *idea*. According to Plato, a person or, to be exact his soul, does not learn anything new, he just recollects it. Next, Descartes realized that only God could give him these ideas because He is the Creator of the world and this world exists for some reason. According to Mamardashvili, thinking as a process cannot be broken into pieces, we can just think and devote ourselves to thinking [2]. Thinking does not proceed from another act of thinking, this process is going on naturally, it is the foundation for itself. And, more importantly, a person is a complex object taking thinking from God and corporality from the world. Descartes meant that there is freedom in this word that lives according to laws, and this freedom takes the top position. Cogitation gives us freedom. There is always a free place for us in this world, and we can be a foundation for new laws with the help of the process of thinking. The cognition is the creator of everything that concerns us.

So, what is our “I”? We already know exactly that we cannot exist without thinking about ourselves. And if we think about it we should define our place in our conscience.

Let us start by saying that our “I” is immaterial. It is not necessary to have a healthy body to think about ourselves. If we lose some part of our body, our “I” does not disappear or change. Only the body will change. Even if we lose some part of our brain, we understand that we exist because we are conscious: I think, therefore I am.

Our “I” is definitely lies in our conscience. If we imagine that we are our personality which is our specie aggregated from our empirical and theoretical experience, then this specie must be kept somewhere. As Heidegger remarked, our “I” is somewhere in our memories about ourselves. However, we can draw a conclusion that this specie makes our mind analyze our experience to learn about ourselves. This is a highly illogical point. When we think about our own specie we understand that it is only our specie, it is the way we comprehend and imagine ourselves. And yet this specie is as if something alien to us, although in theory we have to be it.

There are two points, which oppose this conclusion. Firstly, according to the Hegelian concept of transition from quantitative to qualitative changes, our specie of ourselves changes only at some moments of our life when new memories, characterizing our personality, replace old ones and it is impossible not to pay attention to incongruity between our old specie of ourselves and the real experience. If we proceed from this, our “I” must be changed and we should feel it, yet in reality, as Mamardashvili observed, our cogitation about ourselves is continuous and our “I” does not change.

Secondly, the fact of comprehension of ourselves means we know nothing about ourselves, and the thought of our existence appears at that very moment. In other words, we know that we exist before the first analysis and our specie is not necessary.

As a result, our “I” in the process of thinking is not in memory. Notwithstanding, Heidegger develops an important idea that there is something that encourages us to think. It gives us an opportunity to think of ourselves. As we have already understood, this something

is our “I”. And if “I” is neither in memory, nor in a body or anywhere else but its existence is doubtless, then we should appeal to the interpretation of Descartes in Mamardashvili's research. He says that thinking creates laws by conation of conscience. As we do not need a body, any experience or any emotions for the thought of thinking, then the only place where “I” can be privy to with its description and reason of thinking is, in fact, the act of thinking itself.

Thus, we can see a clear connection between the act of thinking and comprehension of our existence as “I”. When we think we know that we exist. “I” appears when we think and dies when thinking stops. Nobody can remember the moment when he did not think but knew he existed. Everybody who was thinking knew exactly that it was he who was thinking.

And when we are trying to understand our cogitation we are trying to understand our own “I” at this very moment. The Descartes' philosophy gives us an answer: our “I” was born because we had thought about it.

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SWAHILI AND MWIINI: COMPARISON OF NOUN CLASSES

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The article is devoted to the comparative analysis of the Swahili and Mwiini noun classes and deals with the structural-semantic and functional peculiarities. The research is carried out on the basis the materials received from Mwiini informant. The given research is important because we were trying to find a new approach in classification of noun classes, which is relevant for the status of the Swahili language and its dialects.

The Swahili language, also called Kiswahili is a Bantu language spoken as a mother tongue or as second language on the east coast of Africa. Swahili is used as a lingua franca in much of Southeast Africa in such countries as Tanzania, Kenya, Uganda, Rwanda, Burundi, Mozambique, and the Democratic Republic of the Congo. Swahili is the most popular language of Sub-Saharan Africa. It is spoken by approximately 50 million people. Modern standard Swahili is based on *Kiunguja,* the dialect spoken in Zanzibar, but there are a lot of dialects of Swahili, some of which are mutually unintelligible. One of the most interesting dialects of the Swahili language is Mwiini (or Bravanese) spoken by the bravanese people who were the inhabitancies of Brava. Brava was situated on the cost of Somalia but it was ruined several years ago during the Civil War by the militaries. Both Swahili and Mwiini take the same place in the Guthrie's classification of Bantu languages: Niger-Congo, Atlantic-Congo, Volta-Congo, Benue-Congo, Bantoid, Southern, Narrow Bantu, Central, G. The status of Mwiini is not clear yet and some scientists consider it a distinct language [2].

Swahili and Mwiini are agglutinative, i.e., grammatical functions are expressed by adding prefixes and suffixes to roots. Swahili and Mwiini nouns belong to 15 different classes, a feature common to Bantu languages [2]. Six classes indicate singular nouns, five indicate plural nouns, one class indicates abstract nouns, one class indicates verbal infinitives used as nouns, and three classes indicate location. Some noun classes can be semantically defined. For instance, nouns beginning with *m–* in the singular and *wa–* in the plural denote animate beings, especially people, e.g., *mtu* «man» *watu* «men». The same prefixes are attached to adjectives and numerals that follow nouns, e.g., *mtu mmoja «one man»*, '*watu wawili «two men»*. Table 1 shows the nominal and concordial prefixes associated with the various classes with differences between Swahili and Mwiini marked by the red color:

Table 1

class	nominal	ajectival	posessive	relative
1	m-, mu-	a-	va:	-ye-
2	va-	va-	va:	- o -
3	mu-	u-	va:	-o-
4	mi-	i-	ya:	-yo-

5	i-	li-	la:	-lo-
6	ma-	ya-	ya:	-yo-
7	ci-, sh-	ci-	ca:	-co-
8	zi-, s-	zi-	zya	-yo-
9	n-	i-	ya:	-yo-
10		zi-	za:	-zo-
11	l-	lu-	la:	-o-
10	n-	zi-	za:	-zo-
14	u-, w-/uw-	u-	va:	-o-
15	ku-	ku-	ka:	-po-, -ko-

Nouns allocation intended:

1/2. Mwiini: m-, mv- (previous to vowels)/va-; Swahili: m-, mw- (previous to vowels) /wa-

Table 2

Swahili		Mwiini		English
sgl	pl	sgl	pl	sgl
mtu	watu	muntu	vatu	man
mwana	waana	mvana	vaana	child
mzee	wazee	mzere	vazere	old man

3/4. Mwiini: m-, mu-, mw- (previous to vowels) /mi-; Swahili: m-, mw- (previous to vowels)

Table 3

Swahili		Mwiini		English
sgl	pl	sgl	pl	sgl
mti	miti	muti	miti	tree
mji	miji	muyi	miyi	city

5/6. Mwiini: i/ ma- (usually augmentative); Swahili: -, ji-, j- / ma (usually augmentative)

Table 4

Swahili		Mwiini		English
sgl	pl	sgl	pl	sgl
jiwe	mawe	ijive	majive	stone/big stone

sikio	masikio	ishkiro	mashkiro	ear
jicho	macho	ito	mato	eye

7/8. Mwiini: ci-, sh (previous to k, p, t, f, s, c)/zi, s- (previous to k, p, t, f, c); Swahili: ki-,ch/vi-,vy

Table 5

Swahili		Mwiini		English
sgl	pl	sgl	pl	sgl
kitanda	vitanda	cili	zili	bed
kichwa	vichwa	cita	zita	head
kitu	vitu	cintu	zintu	thing
kikapu	vitapu	shkapu	skapu	bascket
kikosi	vikosi	shpande	spande	piece

9/10. Mwiini: n- / n-; Swahili: n-, ny-, m-, -/ n-, ny-, m-, -

Table 6

Swahili		Mwiini		English
sgl	pl	sgl	pl	sgl
njia	njia	nira	ndira	road
nuymba	nuymba	numba	numba	house
ngombe	ngombe	ngombe	ngombe	cow
mbuzi	mbuzi	mbuzi(mbusi)	mbuzi	goat
ndege	ndege	nuni(nyuni)	nuni	bird
samaki	samaki	nsi	nsi	fish

11/12. Mwiini: 0 / n-; Swahili: -

Table 7

Mwiini		English
sgl	pl	sgl
Itambi	ntambi	gulf
Limi	ndimi	tongue
Lkambara	nk'ambara	rope
Lfuo	nfuo	cost

14. Mwiini: ku-, x- (previous to p, t, k, c)/k- (previous to a, o, u); Swahili: -, u-

Table 8

Swahili	Mwiini	English
ulimaji	kurima	tillage
umaskini	xsula	need
usingizi	katura	dream
mahala	mahala	place

Markers of lokative noun classes in both Swahili and Mwiini are realized just in syntagm. The nouns are indicated by polysemous suffix -ni. For example:

nyumba-ni (Swahili) numba-ni (Mwiini)
house-LOC house-LOC
in house in house

It is acceptable to demarcate classes according to the categorical data [Громова 1995: 97]. So there are classes in Swahili and Mwiini with substantive semantic (1, 2, 3, 4, 9, 10, 11 classes). For instance: muntu – vatu («man – men», 1 – 2 classes); muti – miti («tree – trees», 3 – 4 classes); numba – numba («house – houses», 9 – 10 classes); lkutta («wall», 11 class). Second group form substantive-grammatical classes 5, 6, 7, 8. This classes have a substantive implication but markers demonstrate paradigmatic characteristics (augmentative, diminutive). For example: ijive («big stone», 7 class).

It is also possible to divide substantive classes by animacy hierarchy criteria [2]. In both Swahili and Mwiini 1 and 2 classes contain animate nouns. Moreover animate nouns of other classes sequence using the markers of 1/2 classes, for instance crippled people belonging to 5 class:

ki-guu huyu
5Cl-cripple DEM
this cripple

In conclusion, Swahili and Mwiini classes are generally highly motivated semantically and have a lot of common points as shown above. Beyond this particular demonstration, much remains to be done. This article contains a common comparison of noun classes. Next step implicates the morphosyntactic distribution and complex lexical analysis.

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УДК 342.7

LEARNERS' RIGHTSANDTHE WAYSOF THEIR PROTECTION IN ACCORDANCE WITH THE FEDERAL LAW ON EDUCATIONIN THE RUSSIAN FEDERATION

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The main participant of the educational process is a learner. The educational process is a system of relations, aimed at the realization of learners' right to education under the constitution.

The legislation in the sphere of education needed modernization.This problem could be solved by adopting a new legal act. And the federal law No. 273 "On Educationin the Russian Federation" came into force on 29 December 2012 which defined legal,organizational and economic basis of education in the Russian Federation.

The right of everyone to education including preschool, comprehensive, vocational education and free higher educationon a competitive basis in state or municipal educational establishments is guaranteed not only by the Constitution of the Russian Federation but also by a number of international documents in particular the Universal Declaration of Human Rights.

According to Article 2 of the federal law "On Educationin the Russian Federation" education is a unified purposeful process of teaching and learning for the benefit of society. It is realized in the interests of a person, family, society and state. It is the total combination of knowledge, abilities, skills, values, experience and competence of certain size and complexity. It concerns intellectual, moral, creative, physical and (or) professional development of a person, meets his educational needs and interests. This definition is more complete and detailed than previous one [1].

The ways of protection of the right to education are no less important in modern time. They can be divided into two categories: non-judicial (self-defense, public involvement, administrative methods of protection) and judicial ways of protection.

The previous educational laws did not contain separate norms dealing with civil rights of learners and their parents (legal representatives). Article 45 of the Federal Law No. 273 is an educational innovation[2].

The state control (supervision) in the educational sphere is another way of enforcing the law and protecting the right to education. In this case the subject of the control is the observance of the rules established by the legislation of the Russian Federation in the educational sphere. The executive authoritiesthat manage educational institutions and research organizations control this body of rules.

Thus the legal rights and the ways of protection of the right to education will lead to the successful functioning and improvement of the existing Russian educational system. They will reduce violations in this sphere.

It should be mentioned that the rules for learners have been systematized and unified in the educational legislation for the first time. Before that time the rules for learners in different educational programs (levels) were only occasionally mentioned and even didn't have any legal definition. Currently the provisions of Article 33 of the federal law "On Educationin the Russian Federation" cover all educational levels from preschool education to postgraduate education.

According to this federal law No. 273 the concepts of "learning person" and "learner" are not identical; the first one has a wider meaning and will be applied to anyone who is

mastering an educational program.Thus, learning persons are those who are mastering primary, general secondary and advanced educational programs [2].

Article 45 of the federal law No. 273 is devoted to the protection of learners' rights, in accordance with which learners or their parents(legal representatives) have the right to protect them in "the Commission for settlement of disputes between participants of educational relations". They have right to use any methods of protection which are not prohibited by the legislation of the Russian Federation. They may complain to the competent state authorities (courts, prosecution bodies, federal service bodies, the Commissioner for the child's rights and his territorial representatives, etc.)[2].

In order to find out how modern pupils and students know their educational rights and ways of their protection we have carried out a survey.The survey included the following questions:

1) When was the federal law "On education in the Russian Federation" adopted?
2) Is there any difference between the concepts of "learning person" and "learner"?
3) What basic learner's rights do you know?
4) How do you protect your educational rights in a conflict situation?
5) Have your learner's rights ever been violated?
6) What should be changed in order to ensure the observance of learner's rights by all participants of the educational process?

The survey of 87 pupils of the municipal budget educational establishment "Gymnasium" in Abakan showed that the respondents almost have no idea about their rights, possible ways of their protection and existence of the competent authorities that can help them in case of violating their rights.

The survey of 97 students of the LawInstitute of the Siberian Federal University in Krasnoyarsk showed that the students have a generalidea about their rights. Most of the students are aware of the difference between the concepts of "learning person" and "learner" andthey supposethe right to education to be one of the main rights.

The findings of the two surveys are different. Thestudents' knowledge of theireducational rights can be explained by thechoice of their future profession, by their basic legal training.

The result of the research work is that we can state the existence of such a problem as a lack of learners' awareness of their educational rights and the ways of their protection.

One of the solutions to this problemcan bethe organization of elections for the post of "Learners' Ombudsman" on a voluntary basis in educational institutions. This person will help learners in case of violation of their rights by clarifying the methods of their protection. In addition, educational establishments should inform their learners of the ways of protectionof their educational rights by creating special billboards, holding seminars, etc.

Another possible solution is the organization of mediation services, i.e. the intervention of a neutral third party in an educational dispute for the purposeof enabling the two sides to reach a compromise solution to their differences.

The problem in question is urgent nowadays and it needs further development.

In conclusion it should be noted that this research work promotes the development of legal culture among students and moreover can be considered as a contribution to the formation of a legal state.

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VISUAL EFFECTS IN FILMMAKING AND THEIR POTENTIAL USE FOR STUDENT PROJECTS

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Visual effects (abbreviated VFX) are the processes by which imagery is created and/or manipulated outside the context of a live action shot. Visual effects involve the integration of live-actionfootage and generated imagery to create environments which look realistic, but would be dangerous, expensive, impractical, or simply impossible to capture on film. Visual effects using computer generated imagery have recently become accessible to the independent filmmaker with the introduction of affordable and easy-to-use animation and compositing software.

Visual effects are often integral to a movie's story and appeal. Although most visual effects work is completed during post-production, it usually must be carefully planned and choreographed in pre-productionand production.A visual effects supervisor is usually involved with the production from an early stage to work closely with production and the film's director design, guide and lead the teams required to achieve the desired effects.

VFX can be categorized into:

- Simulation FX
- Matte painting
- Compositing

Simulation FX

A physics engine is computer software that provides an approximate simulation of certain physical systems, such as rigid body dynamics (including collision detection), soft body dynamics, and fluid dynamics, of use in the domains of computer graphics, video games and film. Their main uses are in video games (typically as middleware), in which case the simulations are in real-time. The term is sometimes used more generally to describe any software system for simulating physical phenomena, such as high-performance scientific simulation.

Pic.1 - Rise of the Planet of the Apes

Matte Painting

A matte painting is a painted representation of a landscape, set, or distant location that allows filmmakers to create the illusion of an environment that is nonexistent in real life or would otherwise be too expensive or impossible to build or visit. Historically, matte painters and film technicians have used various techniques to combine a matte-painted image with live-action footage. Throughout the 1990s, traditional matte paintings were still in use, but more often in conjunction with digital compositing.

Pic. 2 - The Thing

Compositing

Compositing is the combining of visual elements from separate sources into single images, often to create the illusion that all those elements are parts of the same scene. Live-action shooting for compositing is variously called "chroma key", "blue screen", "green screen" and other names. Today, most, though not all, compositing is achieved through digital image manipulation.

Pic. 3 - The Avengers

Visual effects are not only used by professional filmmakers but they are also available for students to make such projects as short films and other videos. My project partner and I are in the process of writing a script for our first short film as part of our Project Management Course. Itis going to be a story of two traveling friends in a post-apocalyptic fantasy world, therefore, a lot of visual effects will be used to create destroyed surroundings in scenes that will be set in the city. According to the plot, the main characters will possess enhanced neural and telekinetic abilities and all of them are going to be portrayed with the help of visual effects. One of the other problems for us that are going to be solved by visual effects is action scenes with firearms. For students like us it would be too expensive and simply illegal to use real weaponry for shooting the action scenes (although it is a normal thing for big movies), so we will use airsoft guns that are much cheaper and safer and add such things as muzzle flares and shells during the post-production.At the moment though, we cannot present any completed footage as we are planning to start the productionthis summer and next year we hope to show you the final results of our work.

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RUSSIAN STUDENTS' EVERYDAY LIFE. HISTORY AND MODERNITY

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Modern historical science takes a great interest in everyday subjects. Scientists came to the conclusion that without the study of history of everyday life it is difficult to get close to the true representation of the period. In addition, everyday life in some forms changes the worldview of a particular social group.

Students played an important role in the Russian society in the 19th centurythat is why it is important to consider everyday life of this social group. At the same time, it is interesting to compare it to students' everyday life today and to identify how the life and leisure of Russian students have changed over the last more than a hundred years.

The daily life of university students in the 19th century was significantly different from the present. First of all, it is worth noting the status of a student in the 19th century and the attitude of society to this status. In the Russian Empire, not everyone had an opportunity be a student. Students had to pay for studies, thereforeonlywealthy people could get education. During Nicholas's I reign, higher education had a closed class character. Education was limited, only nobles could become students, therefore it was a privilege and students were proud of their title. I.A. Goncharov wrote in his memories about student life, "Students were proud of their rank and valued lessons, seeing general sympathy and respect towards themselves. They walkedproudly along the streets in Moscow, flirting their titleand crimson collars"[5]. Students evoked trust and respect from society. After enteringuniversity, studentswere feeling immense pride in themselves and the taste of great victory. The vast majority of students regardedtheir studies seriously. It is important to note that in the 19th century, in the first place students endeavored to obtain knowledge, and for the most part,they wanted to do science. However, students sometimes were lazy and careless. According to K.S. Aksakov [2], and I.A. Goncharov [5], these students didnot stay long atuniversity. There were also those who went to university to receive a diplomabut this was an exception rather than the rule.

The status of a student in the Russian society changed over a century. Article 43 of the Russian Constitution affirms the right of every citizen to education[6]. In other words, education, including higher education, became available to general public,thus the student status ceased to be special, available only to a specific, privileged group of people. Respectively, the number of students increased substantially. If in 1852 the number of students of the Russian Empire was 3758 [1], then in 2013-2014 in the Russian Federation in state universities there were about 4.762 millionyoung people[6]. At the same time, the prestige of higher education decreased. Most students are not engaged in science, mainly young people go to university in order to receive a diploma.

It should be noted that there were two types of students in Russia in the 19th century: kazennokoshtny and svoekoshtny students.Kazennokoshtny was a student who was fully supported by thestate,a svoekoshtny student lived at his own expense. And, of course, because of the differences in the question of financing everyday life these two types of students had their own characteristics.

In the first place, we consider kazennokoshtny students. As has been said, the government fully funded the lives of those students. As F.I. Buslaevrecalled, "Everything was official government, from clothes and books recommended by professors for lectures to

tallow candles, writing paper, pencils, pens and ink with a penknife” [3]. In addition, students received rooms in a dormitory. It was at the university, which minimized the way to the place of lessons. Seven to ten people lived together, often with their old friends,each having his own desk for classes. Also in the room,there was a single sofa for everybody. Students slept in dortuaries, that is, in a common bedroom. In addition, there was also a common dining room where students had breakfast, lunch and dinner on schedule.

Life was troubledin dormitories. According to F.I. Buslaev, “In our room there wasn’t a single moment in which a quiet angel flew over us. The din and the noise were often in my ears” [3].Of course, they were engaged in learning in such conditions. To comply with the orders in each room, they chose a headman –a "senior" who was a connecting link between the students and the administration. Subinspektor was theclosest superior,keepingthe record of misconduct. Students could be punishedby"soldatchina” for a serious infraction."For the first time, as a threat and a warning to others, the guilty was wearing only a soldier uniform instead of his uniform and was exposed to shame; if the offense was repeated a student had his forehead shaved"[3].Students were very afraid of this kind of punishment, they sympathized with those who were subjected to it.

The lifestyle of svoekoshtnye local students did not change cardinally with entering university, they continued to live at home with their parentsbut nonresident students were forced to rent an apartment. Three or four people lived together, usually with theirfriends from high school. They hired a cook who prepared breakfast, lunch and dinner, and a servant who did housework in the apartment.

Modern nonresident students also get a place in a dormitory or rent an apartment. In contrast to the students of the 19th century, modern students have to do housework as well in addition to homework. Depending on the type of the dorm,students’ accommodation hasits own peculiarities.Rented apartment is a very expensive pleasure for students. In this connection, students need an additional income,e.g. they often work in catering.And, of course, this work keeps them away from their primary responsibilities. Such problems did not arise among students in the 19th century. The most common additional earnings were conditions, i.e.private lessons. The cost of one condition on average was about five rubles. Students also worked part time as translators, particularly they worked with books by foreign authors in Russian publishing houses. In other words, additional income was directly linked to intellectual labor and was only for the benefit of students.

As for the entertainment, it must be said that literature in the 19th century had a special importance in the life of students. As a student, E.F. Timkovskywrote: "Any teaching requires rest and diversity. Reading a book was the most pleasant distraction for me..."[9]. However, it is worth recalling that books at that time were very expensive, they were a luxurynot everyone could afford. And those who could afford it supplied their friends with books. In particular, Y.I.Kostenetskii wrote thatstudent Zhivotkevich introduced him to Griboyedov’s comedy "Woe from Wit", which all students copied and learned by heartat that time [7].And this was not an isolated case.

In the modern age literature is still important for students. A large number of bookshas become accessible to all citizens, the special feature being that students actively use the opportunity to read books in electronic format, since it is more accessible.

Itshould be noted that in the 19th century students’ company of friendsbegan to form, which gradually turned into clubs and societies. Students got together, drank tea and read poetry, talked and argued with each other. However, from the time of the Decembrist Uprising the government began to treat similar meetings with apprehension. Security Department believed that students’ clubs, not even political, were a threat to the monarchy.

As for public students' organizations now, there is a great deal of them,they are allowed by the state andstudents have the right to create organizations and to be active.

Modern students have a wide choice of entertainment. The reason is globalization and the constant development of scientific and technical progress. Each person has an opportunity to do what he or she really likes, the only limitation being a certain amount of money.

To conclude, life and leisure of Russian students have really changed. There are good trends such as freedom in all spheres, access to information and there is always room for fun, but there is a downside. Modern students in majority do not aspire to gain high-quality knowledge, they do not engage in scientific work, they often say “We study at university for the diploma”.

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PROBLEMS OF EFFICIENCY OF APPLICATION OF CRIMINAL PUNISHMENT IN RUSSIA

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The effectiveness of criminal punishment is areal ability to facilitate the attainment of the aims of re-establishment of social justice, correction of convicts, crime prevention and to obtain the result required by criminal lawunder the condition of the best use of means at the optimum time and with minimum expenses.

Nowadaysthe situation in Russia is that firstly criminal punishment can be unreasonably lightor heavy and it does not lead to correction of significant groups of people who have committed crimes but leads to further increase of their danger, their isolation from society and recidivism. Secondly, society is forced to spend disproportionately large sums of moneyon execution of punishment and mitigation of consequences of punishment enforcement in particular on re-socialization of the individual, ensuring the minimum living conditions for the people who lost homes, jobs, work skills, family, and health. Thirdly, punishment leads to criminalization of society in which the proportion of the citizens subjected to criminal sanctions and assumed certain elements of the underworld subculture and mostly dissatisfied with the existing state orderis becoming excessively high.

On the basis of the provisions of the Criminal Code of the Russian Federation [4] as well as various researches and monographsof such jurists and scholars as J. Jakubowski, V. Egorov, I. Bentham, L. Feuerbach it is possible to single out the following criteria of the effectiveness of criminal punishment[1]:

1)achievement of the aims of criminal punishment;

2) decline in recidivism;

3) ensuring of inevitability of criminal responsibility for breaking the law.

The percentage of recidivism is growing in Russia as it is seen from Table 1.

Table 1 – Statistics for recidivism in Russia

Year	2010	2011	2012	2013	2014	2015
Reportedcrimes	2628,8	2404,8	2302,2	2206,2	2166,4	2352,1
Recidivism	975,3	978,8	1071,8	1094,2	1163,3	1296,0
	37,1 %	40,7 %	46,6 %	49,6 %	53,7%	55,1%
Growth	----------	+ 3,6 %	+ 5,9 %	+ 3%	+4,1%	+1,4%

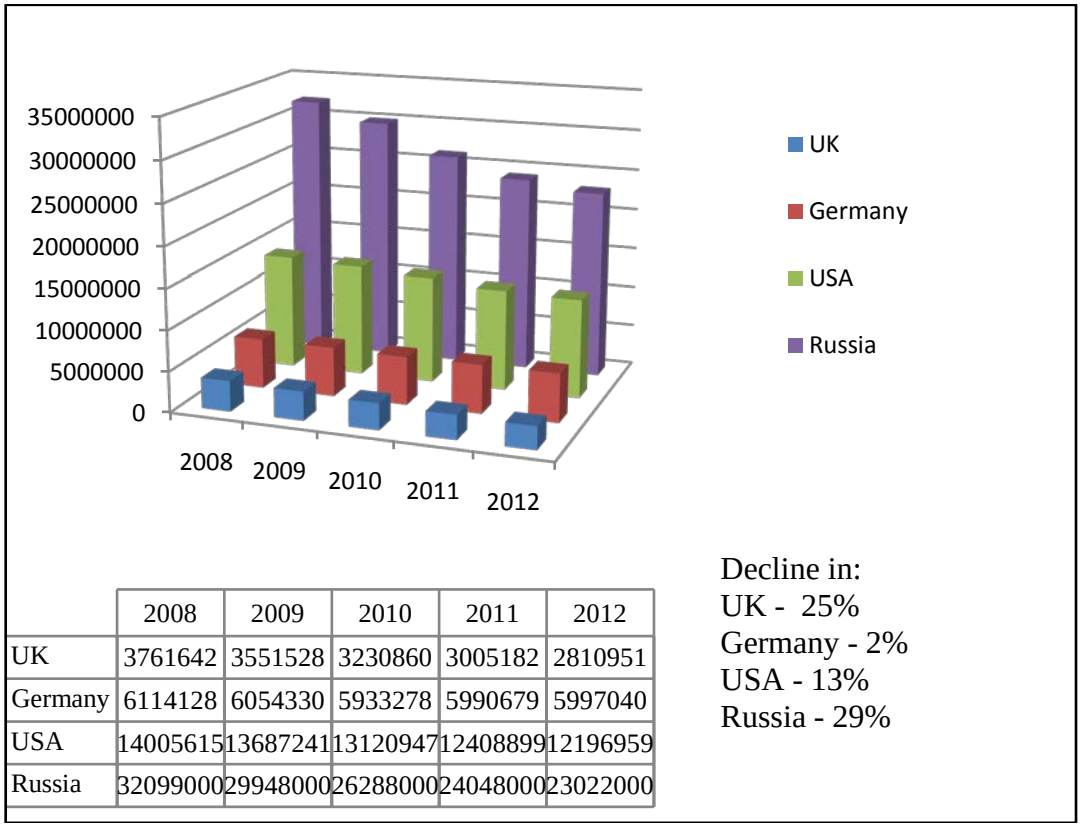
As a socio-legal phenomenon the dynamics of crime is influenced by two groups of factors:

1) social factors that determine the very nature of crime, its social danger (the causes and conditions of crime, the demographic structure of the population, migration and other social processes and phenomena influencing crime commission);

2) legal factors that affect the identity of crimes to one group or another or even classification of an offence as a crime (amendments tothe criminal legislation to extend or

narrow the scope of the criminal and punishable sphere which change the classification and qualification of crimes, ensuring the inevitability of punishment, etc.)[2].

Statistics indicate that despite the decrease in committed crimes from 2008 to 2012Russia hadthe highestcrime rate in comparison with other countries under consideration. For example, the ratio of crime per 10,000 people in the United States of Americawas417 and in the Russian Federation it equaled1596.



	2008	2009	2010	2011	2012
UK	3761642	3551528	3230860	3005182	2810951
Germany	6114128	6054330	5933278	5990679	5997040
USA	14005615	13687241	13120947	12408899	12196959
Russia	32099000	29948000	26288000	24048000	23022000

Decline in:
UK - 25%
Germany - 2%
USA - 13%
Russia - 29%

Chart 1 – Statistics for committed crimes

The following chart shows that the crime rate has increased in Russia since 2014.

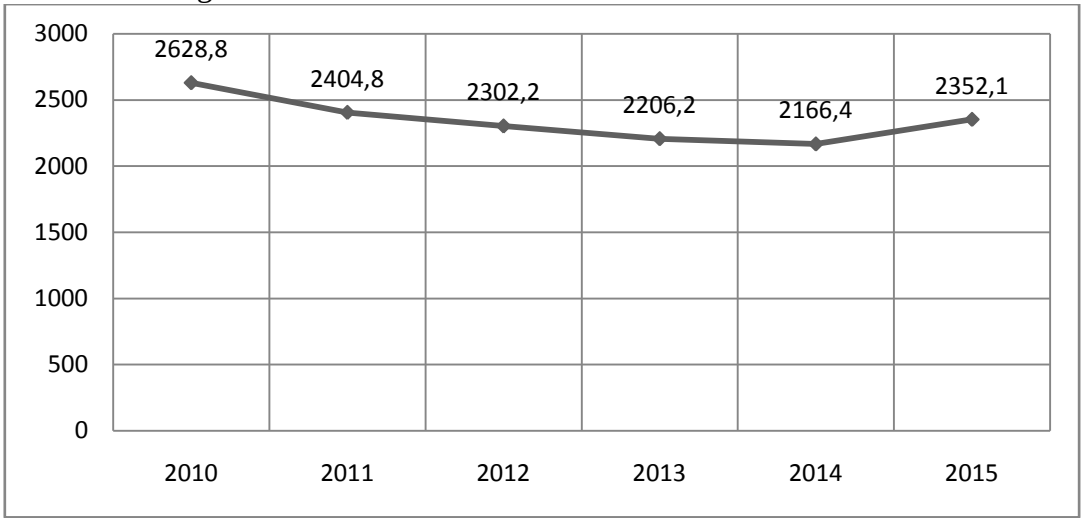


Chart 2 – Statistics for committed crimes in Russia (2010-2015)

The given statistical data are one more proof of inefficiency of the existing system of punishment in Russia.

In order to find out alternative variants of punishment that don't exist in Russia we have studied different types of punishment used in Great Britain, the United States of America, Germany and France[3].

For instance, in Great Britain and the United States of America such kind of punishment as probation is applied [9]. Probation is a period of time during which a person who has committed a crime has to obey the law and be supervised by a probation officer [8].In Germany there is a practice of imposition of the property fine whichrepresents a single payment to the state revenue, the amount of which is determined by a certain percentage of the total value of the condemned property[7]. Such fines perform the function ofwithdrawal of the convicted person's property that is alleged to be received by criminal way and that brings them closer with confiscation of property. A distinctive feature of punishment in France isthat the minimum term of imprisonmentis 10 years [6].

The low level of a person's legal awareness is the reason for committing so many crimes. People who do not know the consequences commit illegal actions and do not plead guilty, because theydon'tconsider their actions illegal[5].Stricterkinds of punishment are prescribed for light and average crimes and not tough enough for heavy and especially serious crimes. And improper keeping of places of imprisonment leads to frequent runaways from the settlement or penal colony. The growth of criminal subculture leads to an increase in crime commission andrecidivism. People who accepted prison life seek to return to the prison environment in which their socializationtook place.

We have found several solutions to the problem of inefficient administration of criminal punishment which all together can correct the situation.

Development of legal culture among schoolchildren by introducing lessons of jurisprudence into the school curriculum for educational institutions and conducting class hours with officials of state institutions in the sphere of criminal law can be a key factor in cultivating respect for law and order. The work of psychologists with children from disadvantaged families may prevent them from choosing a criminal lifestyle in the future.

It would be appropriate to inflict punishments for light crimes in the form of correctional work. Deprivation of liberty should be used for offences against the personwhile such punishment as the death penalty cannot be used to any offender. For crimes against property a fine may be imposed. For crimes in the sphere of economic activity priority should be given to such kind of punishment as complete confiscation of property of all family members without deprivation of the right to fill certain positions.

One of the most effective forms of punishment in our opinion is probation, which is used in the US and the UK, and involves placing the convicted personunder certain duties and restrictions under the official's supervision.

Changing of prison conditions could affect the offender's wish to return to prison adversely.For example, if you put prisoners in cells of 3x4m² for 1-2 persons as in Great Britain, the offender's desire to return to the jail will be much smaller, and the development of criminal subculture may be stopped due to the termination of multilateral communication for the perpetrator.

The change of the term of imprisonment for crime commission up to 1-3 months may have a positive effect on the offender in future. This kind of "shock-therapy" allows the criminal to rethink their wrongful conduct and will not allow the person to integrate into the prison subculture.

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