Автономная некоммерческая организация высшего образования

« Институт социальных наук»

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Рабочая программа дисциплины

Иностранный язык

Специальность: 5.1.1 «Теоретико-исторические правовые науки», 5.1.3 «Частно-правовые (цивилистические) науки», 5.1.4 «Уголовно-правовые науки»

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Рабочая программа дисциплины «Иностранный язык» составлена в соответствии с Федеральными государственными требованиями к структуре программ подготовки научных и научно-педагогических кадров в аспирантуре, условиям их реализации, срокам освоения этих программ с учетом различных форм обучения, образовательных технологий и особенностей отдельных категорий аспирантов, утвержденными приказом Министерства образования и науки Российской Федерации от 20 октября 2021 г. № 951.

1. Цели и задачи изучения дисциплины

Цель курса - формирование и совершенствование профессионально ориентированной межкультурной коммуникативной компетенции аспирантов (соискателей) в сфере системного анализа, управления и обработки, развитие языковых навыков и речевых умений на основе межкультурного подхода; обучение самостоятельному применению этих знаний в научной и профессиональной деятельности, в том числе при осуществлении письменного перевода документов информатики и вычислительной техники с иностранного языка на русский, а также для использования иностранного языка как средства профессионального общения в научной сфере.

2. Место дисциплины в структуре программы аспирантуры

Дисциплина «Иностранный язык» относится к Образовательному компоненту «Дисциплины (модули)» программы аспирантуры по специальности 5.1.1 «Теоретико-исторические правовые науки», 5.1.3 «Частно-правовые (цивилистические) науки», 5.1.4 «Уголовно-правовые науки».

3. Требования к результатам освоения дисциплины

В результате изучения дисциплины «Иностранный язык» аспирант должен:

Знать:

- особенности представления результатов научной деятельности в устной и письменной форме при работе в российских и международных исследовательских коллективах;
- деловую и профессиональную лексику иностранного языка в объеме, необходимом для чтения и перевода иноязычных текстов профессиональной направленности;
- общую, деловую лексику иностранного языка, необходимую для ведения деловой дискуссии, презентации;
- тонкости и нюансы правил речевого этикета, характерных для общения на иностранном языке;

Уметь:

- принимать активное участие в дискуссиях на иностранном языке;
- извлекать необходимую информацию из устных и письменных источников на иностранном языке;
- свободно читать и переводить аутентичные не адаптированные статьи по направлению исследования;
- следовать нормам, принятым в научном общении при работе в российских и международных исследовательских коллективах с целью решения научных и научно-образовательных задач;

Владеть:

- навыками анализа основных мировоззренческих и методологических проблем, в т.ч. междисциплинарного характера, возникающих при работе по решению научных и научно- образовательных задач в российских или международных исследовательских коллективах;
- навыками понимания лекций по общим вопросам;
- навыками чтения и нахождения информации в текстах по широкому профилю специальности;
- основными навыками письма, необходимыми для ведения переписки, реферирования, аннотирования и составления резюме;

4. Объем и вид учебной работы

Дисциплина предполагает изучение 1 раздела, 4 тем. Общая трудоемкость дисциплины составляет 5 зачетных единиц (180 часов).

№	Форма обучения	Курс	Общая трудоемкость		В том числе контактная работа с преподавателем			Сам. работа	Промеж. аттестация
			В з.е.	В часах	всего	лекции	Практ. занятия		
1	Очная	1 курс	5	180	48	4	44	96	36

Распределение учебного времени
по темам и видам учебных занятий

п/п	Наименование разделов, тем учебных занятий	Всего часов	Контактная работа с преподавателем			Самост. работа	Промеж. аттест.
			Всего	лекции	практ. занят.		
1	Последипломное образование. Аспирантские исследования. Написание кандидатской диссертации.	36	12	4	8	24	
2	Методы исследования. Использование компьютерных технологий в исследованиях. Презентация исследования.	36	12	-	12	24	
3	Научные конференции. Научные статьи.	36	12	-	12	24	
4	Гранты для аспирантов. Поиск работы для аспирантов.	36	12	-	12	24	
5	Реферат, зачет, экзамен	36					36
Итого		180	48	4	44	96	36

5. Содержание дисциплины

5.1. Содержание раздела и дидактической единицы

Тема 1. Последипломное образование. Аспирантские исследования. Написание кандидатской диссертации.

Научно-ориентированная иноязычная коммуникация в профессиональной сфере с учетом отраслевой специализации. Лексико-грамматические и стилистические особенности жанров научного стиля изложения в устной и письменной разновидностях

Основная литература [1-3]

Дополнительная литература [1-4]

Тема 2. Методы исследования. Использование компьютерных технологий в исследованиях. Презентация исследования.

ИКТ в иноязычной научно-исследовательской деятельности специалиста, коммуникация в профессиональной сфере. Иноязычная терминология в профессиональной сфере.

Основная литература [1-3]

Дополнительная литература [1-4]

Тема 3. Научные конференции. Научные статьи.

Профессионально ориентированный перевод коммуникаций в профессиональной сфере с учетом отраслевой специализации. Речевые стратегии и тактики устного и письменного представления информации по теме научного исследования в конкретной отрасли профессиональной коммуникации.

Основная литература [1-3]

Дополнительная литература [1-4]

Тема 4. Гранты для аспирантов. Поиск работы для аспирантов.

Использование иноязычных инфокоммуникационных ресурсов сети для работы с профессиональными документами.

Основная литература [1-3]

Дополнительная литература [1-4]

6. Фонд оценочных средств для проведения промежуточной аттестации аспирантов по дисциплине.

Форма аттестации: зачет, экзамен.

Содержание зачета:

1. Чтение и перевод со словарем на русский язык оригинального текста по специальности.
2. Изложение на иностранном языке содержания оригинального текста.

По результатам преподаватель выставляет обучающемуся оценку «зачтено» или «не зачтено», руководствуясь следующими критериями:

Оценка	Характеристики ответа обучающегося
Зачтено	- знает систему понятий, категорий учебной дисциплины; - твердо усвоил программный материал, грамотно и по существу излагает его, опираясь на знания основной литературы; - не допускает существенных неточностей; - увязывает усвоенные знания с профессиональной деятельностью; - делает выводы и обобщения.

Не зачтено	- не знает основных категорий и понятий учебной дисциплины; - не изучил большую часть программного материала; - допускает существенные ошибки и неточности при рассмотрении учебных вопросов; - испытывает трудности в практическом применении знаний; - не умеет делать выводы и обобщения

Содержание экзамена:

1. Чтение и перевод со словарем на русский язык оригинального текста по специальности.
2. Обсуждение на иностранном языке содержания оригинального текста.
3. Реферат на английском языке темы, связанной со специальностью и научной работой аспиранта.

По результатам экзамена преподаватель выставляет обучающемуся оценку, руководствуясь следующими критериями:

Оценка	**Характеристики ответа студента**
Отлично	- аспирант глубоко и всесторонне усвоил учебный материал, не совершает грамматических ошибок; - словарный запас усвоен в полном объеме; - аспирант в состоянии обсуждать изученные статьи и обобщать материал
Хорошо	- аспирант твердо усвоил учебный материал, но совершает незначительные грамматические и лексические ошибки; - аспирант в состоянии обсуждать изученные статьи
Удовлетворительно	- аспирант усвоил учебный материал не в полном объеме, совершает существенные грамматические и лексические ошибки; - обсуждает изученные статьи с трудом.
Неудовлетворительно	- аспирант не усвоил значительной части пройденного учебного материала: - совершает большое количество грамматических ошибок, словарный запас беден - аспирант не в состоянии обсуждать изученные статьи

Тексты к зачету и экзамену приложены в Приложении 1.

7. Перечень основной и дополнительной литературы, необходимой для освоения дисциплины

а) основная литература:

1) Гарагуля С.И. Английский язык для аспирантов и соискателей ученой степени. Гум. Издательский центр Владос, Москва, 2015
2) Н.В. Евдокимова. Английский язык для IT-специалистов. – Ростов-на-Дону: «Феникс», 2014
3) В.Н. Вичугов, Т.И.Краснова Английский язык для специалистов в области интернет-технологий.: Учебное пособие. – Томск: Томский политехнический университет, 2012

б) дополнительная литература: (5-8 наименований)

1) О.А. Кашелкина, М.А. Круглова, А.А.Макарова, Л.Б.Саратовская. Computational Thinking. Компьютерное мышление. Учебно-методическое пособие. – М.: «АРГАМАК-МЕДИА», 2014.
2) V.Evans, J.Dooley, E.Pontelli. Software Engineering. Express Publishing, 2014
3) Хромова Т.И. Обучение чтению, аннотированию и реферированию научной литературы на английском языке и подготовке презентаций: учебное пособие/ Хромова Т.И., Корякина М.В.— Электрон. текстовые данные.— М.: Московский государственный технический университет имени Н.Э. Баумана, 2014
4) О. В. Иванова, И. Н. Мороз. Gadgets and Entertainments. Учебное пособие, КИС «Вектор» ID 14597, 2013

8. Перечень ресурсов информационно-телекоммуникационной сети «Интернет», необходимых для освоения дисциплины

1. электронные издания, размещенные в электронной библиотеке
2. компьютерные программы, видеопособия, видеолекции:
3. Интернет-ресурсы:
    a. www.multitran.ru
    b. www.merriam-webster.com
    c. http://www.online-translator.com/
    d. http://www.promt.ru/
    e. https://translate.google.ru/
    f. http://translate.yandex.ru/
    g. http://lingvo.yandex.ru/
    h. http://www.lingvo-online.ru/
    i. http://slovari.yandex.ru/

9. Перечень информационных технологий, используемых при осуществлении образовательного процесса по дисциплине, включая перечень программного обеспечения и информационных справочных систем

При изучении учебной дисциплины предполагается применение современных информационных технологий. Комплект программного обеспечения для их использования включает в себя:

пакеты офисного программного обеспечения Microsoft Office (Word, Excel, PowerPoint), OpenOffice;

веб-браузер (Google Chrome, Mozilla Firefox, Internet Explorer др.);

электронную библиотечную систему IPRBooks;

систему размещения в сети «Интернет» и проверки на наличие заимствований курсовых, научных и выпускных квалификационных работ «Антиплагиат.ВУЗ.РФ».

Для доступа к учебному плану и результатам освоения дисциплины, формирования Портфолио обучающегося используется Для обеспечения доступа обучающихся во внеучебное время к электронным образовательным ресурсам учебной дисциплины, а также для студентов, обучающихся с применением дистанционных образовательных технологий, используется портал электронного обучения на базе СДО Moodle (он-лайн доступ через сеть Интернет

Для проведения лекций используется лекционная аудитория, оборудованная экраном, компьютером и проектором, позволяющим осуществлять демонстрацию презентаций.

Для проведения семинарских занятий используется учебная аудитория, оборудованная компьютером, проектором.

Занятия с инвалидами по зрению, слуху, с нарушениями опорно-двигательного аппарата проводятся в специально оборудованных аудиториях по их просьбе, выраженной в письменной форме.

10. Обучение инвалидов и лиц с ограниченными возможностями здоровья

Изучение учебной дисциплины обучающимися с ограниченными возможностями здоровья осуществляется в соответствии с Приказом Министерства образования и науки РФ от 9 ноября 2015 г. № 1309 «Об утверждении Порядка обеспечения условий доступности для инвалидов объектов и предоставляемых услуг в сфере образования, а также оказания им при этом необходимой помощи», «Методическими рекомендациями по организации образовательного процесса для обучения инвалидов и лиц с ограниченными возможностями здоровья в образовательных организациях высшего образования, в том числе оснащенности образовательного процесса», утвержденными Министерством образования и науки РФ от 08.04.2014г. № АК-44/05вн, «Положением об организации обучения аспирантов – инвалидов и лиц с ограниченными возможностями здоровья», утвержденным приказом ректора от 6 ноября 2015 года № 60/о, «Положением о центре инклюзивного образования и психологической помощи» АНОВО «Институт социальных наук» от 20 мая 2016 года № 187/о.

Предоставление специальных технических средств обучения коллективного и индивидуального пользования, подбор и разработка учебных материалов для обучающихся с ограниченными возможностями здоровья производится преподавателями с учетом их индивидуальных психофизиологических особенностей и специфики приема-передачи учебной информации.

С обучающимися по индивидуальному плану и индивидуальному графику проводятся индивидуальные занятия и консультации.

Приложение 1. Тексты к зачету и экзамену

Текст 1 к зачету:

What is the legal regulation of CCTV? Simply, a body of legal norms to regulate surveillance cameras and their use to observe individuals in a public space. A few years ago, in the mid 1990s when CCTV systems were starting to be installed in town centres across England and Wales any English (or Welsh) lawyer could more or less happily have said regulation isn't necessary according to English law. He or she would have pointed out that there is no right to privacy (at least not independent of property rights) in this country, so there is little a person unhappy about being subjected to surveillance can do. The lawyer might have pointed out that where local authorities spend money on CCTV systems, they have a legislative basis for doing so and furthermore, that a possibility for real control, namely the need for planning permission, had been deliberately abolished in relation to camera installation. Those more concerned with privacy, may have pointed to article 8 of the European Convention on Human Rights which gives even British subjects a right to privacy. A certain amount of jurisprudence from the Human Rights Court could also have been cited to support this line of argument. One could, however, also point to other judgements of the same court underlining the difficulty of satisfactorily proving a measure (already installed) as unnecessary in a democratic society. The more cynically inclined could point to reactive British legislation born of (at least expected) condemnation from the Strasbourg court, making the actual situation worse in the name of fulfilling the letter of the European Convention on Human Rights. One could, however, be certain of one matter, no British court could ever demand legal regulation of CCTV based on the legal situation at the time.

That the tenor of debate has changed, since the 1998 Human Rights Act, there is no doubt. Even British subjects (or are we now citizens?) have a right to privacy, also in public places. With reports of over 4 million cameras in use in Britain, European lawyers seem uneasy. How can so many cameras be regarded as satisfying a test of proportionality. The Home Office, however, pronounces itself "confident" that British CCTV practice is in line with the Human Rights Act (Henderson 2001). The recent hearing of Peck v. United Kingdom in Strasbourg, in spite of the complaint for treatment which can only be described as an ultimate breach of privacy (at least in continental European terms) being upheld, seems to confirm this view. The Court did not appear overly keen to criticise the prolific use of CCTV in Britain. Indeed there is reason to believe that the mere use of CCTV surveillance will not suffice to invoke article 8.

Текст 2 к зачету:

An analysis of the legal literature shows that civil liability is often unreasonably interpreted, not distinguishing between the measure of civil legal liability and the measure of protection. Thus, the team of authors quite unreasonably calls it compensatory liability, “when one of the parties is compensated for the losses incurred by it”; restorative, through this type of liability, violated rights are often restored, the former legal status of subjects is restored (for example, recognizing a transaction as invalid returns the parties to their original financial

Equally, this applies to the position according to which civil liability is compensatory nature (forfeit, penalty interest, fine, cancellation of the transaction, public apology and refutation of slanderous information; compensation for lost profits, seizure of property that was unlawfully in possession; conversion to state revenue, etc.). Vasilievna Shagieva and Alexander Pavlovich Sevryukov, who argue that “civil offenses entail the application of such sanctions as compensation for harm, forced restoration of the violated right, as well as other other remedial sanctions”.

The Civil Code in chapter 25 Responsibility for violation of an obligation does not give a legal definition of the concept of responsibility. Until now, in the theory of civil law, the issue of civil liability is debatable.

One of the common means of civil liability is the recovery of a penalty. According to paragraph 1 of Art. 330 of the Civil Code of the Russian Federation, “a penalty (fine, penalty fee) is a sum of money determined by law or contract, which the debtor is obliged to pay to the creditor in case of non-performance or improper performance of an obligation, inparticular in case of delay in performance.” The commentary to the Civil

Code of the Russian Federation emphasizes that “... civil law provides for a penalty as a way of fulfilling obligations and a measure of property liability for their failure to fulfill or improper fulfillment ...”.

Scientists, arguing that the penalty is the most common measure of liability for offenses, scientists define the following features: the predetermination of the amount of liability, the possibility of recovering for the violation itself (without proof of harm), the possibility of providing a penalty at its discretion or increasing the size provided by law. Tariel Karapetovich Barseghyan, speaking about the forfeit, believes that “the prevalence of this sanction is explained by the fact that it is a convenient and easily applied measure of compensation for losses”.

It seems that another form of civil liability is compensation for losses (Articles 13, 16, etc. of the Civil Code of the Russian Federation). According to Part 1 of Art. 15 of the Civil Code of the Russian Federation, a person whose right has been violated may demand full compensation for the losses caused to him, unless the law or the contract provides for compensation for losses in a smaller amount.

Текст 3 к зачету:

Discretion in law is a phenomenon causing a growing interest of representatives of legal science. Initially, researchers turned their attention to discretion realized by the subject implementing law-enforcement functions — by an administrative or judicial authority. In particular, Barak has studied the issues of judicial discretion in his comprehensive monographs while Rarog and Gracheva paid attention to individual issues of limiting judicial discretion, and Antropov analyzed law-enforcement discretion. While this aspect of legal discretion has been drawing the attention of scientists for quite a long period, its research remains relevant. New papers of Russian and foreign authors are still published, which are dedicated to the discretion of administrative authorities and tools to control such discretion, judicial discretion, limits of discretion in the execution of court orders, and other issues of law enforcement discretion.

Research results of these issues within branch legal sciences demonstrated a clear demand for their systematization and further scientific surveys in the theory of state and law. Abstracting from branch issues showed an imbalance in studying legal discretion — other areas of legal activity except for law enforcement were poorly studied in a respective aspect. Meanwhile, legal discretion in law-making and law-interpretation practice is expressed to the same extent as in law enforcement, which allows distinguishing respective types of legal discretion: law-making and law-interpretation. One can see that along with classical studies of discretion in law application, there are papers dedicated to issues of discretion during the judicial interpretation of legal norms of law-making discretion. In particular, the researchers propose two approaches to this issue: a conventional approach limiting lawmaking discretion by resolutions of legislative bodies and a holistic approach referred to lawmaking discretion of a resolution and other bodies taking part in the adoption of legal acts and affecting it.

This general theoretic complex approach to legal discretion must be extended to criminal law. It will allow for studying and interpreting criminal norms through the prism of legal discretion and for a fresh look at law-making discretion in this branch of law.

This research is intended to define opportunities of affecting subjects implementing individual types of legal discretion (law-making, law-enforcement, law-interpretation) in order to optimize the level of discretion in criminal law and balance its types between each other.

A study of legal discretion as an integrated legal phenomenon and its manifestations in criminal law suggests the use of all scientific methods applied to academic research. Special attention should be paid to using systematic and functional approaches in the research.

Текст 4 к зачету:

The effectiveness of criminal law prevention depends on the correct application of the criminal law, including the precise establishment of space-time boundaries of a socially dangerous act. The analysis of the anti-criminal legislation of Russia has revealed that there is still no definition of the “place of commission of a crime”, and there are gaps in the legal regulation of the place of continuing, remote and multi-subject crimes. This negatively affects the preventive potential of the criminal law, the activities of law enforcement officers, leads to red tape, and mistakes in qualification.

In foreign jurisprudence, certain aspects of the spatial boundaries of a crime are studied within the framework of the concept of environmentalist prevention in the context of territorial risk modeling and rational choice theory. In Russia, as a rule, they are considered, in the context of the principles of the criminal law in the circle of persons.

This article uses an unconventional, criminological view of the problem of establishing the limits of the criminal law in space, with regard to the mechanism of criminal behavior, which is based on the hypothesis that the spatial parameters of the crime are determined on the basis of a dynamic space-time model of the crime that exists in the mind of the delinquent.

The purpose of the study is to identify the factors that determine the spatial characteristics of a socially dangerous act. The conducted research allows resolving the following problems: to analyze the mechanism of criminal behavior; to identify the influence on the choice of the place of commission of a crime of the mental attitude of a person to the committed act and the criminal situation; to explore approaches to understanding the place of certain types of offenses; to formulate proposals for improving legislation.

The originality of the obtained scientific results is largely determined by the use of criminological methods (modeling, questionnaires, and psychological analysis of criminal cases). In order to calculate the probability of the occurrence of socially dangerous consequences of careless and intentional offenses, the Bayesian method of time series forecasting was used. The Bayesian multidimensional model of common components is created with the use of the Monte Carlo Markov Chain algorithm (MCMC) in WinBUGS V.1.4.3.

The empirical basis of the study was the results of a survey of law enforcement officers of the Saratov, Tambov, and Penza regions (N=100) on the limits of the criminal law, identifying correlations of crime indicators on the specifics of law enforcement activities. The survey was conducted with the use of the questionnaire method.

Текст 5 к зачету:

The issue of uniformity in jurisprudence is constantly explored by Russian lawyers. Scholars highlight the desire of the Supreme Court of the Russian Federation to ensure that for all the Russian judiciary's decision-making. Some researchers propose regulatory frameworks to ensure the uniform application of the law, in fact, trying to introduce a precedent system similar to that established in common law countries, as well as in several other ones. Others point out that the decisions of the higher courts of the Russian Federation defacto already have some characteristics of a judicial precedent and should be perceived by lower courts as such.

But it is possible to establish the importance of a unified juducial interpretation in the Russian Federation without getting into this discussion. Provisions of the Constitution of the Russian Federation: Part 2 of Article 4, proclaiming the supremacy of the Constitution and Federal laws, and Part 2 of Article 6 – equality of rights, freedoms and duties of all citizens, as well as corresponding provisions of Articles 7 and 15 of the Criminal-Procedural Code of the Russian Federation, Articles 3 and 4 of the Criminal code of the Russian Federation, as well as other laws, dictate the need for uniform application of legislation regardless of the territorial affiliation of the court.

Especially acutely the need for unity is perceived in the sphere of iatrogenic crime. According to the Investigative Committee of the Russian Federation, in 2019 there were 332 cases related to the criminal activities of medical workers submitted to courts. With a total of 820,414 criminal cases submitted to Russian courts in 2019, this category amounts only to 0.04%. Those cases are effectively «lost» and the absolute majority of judges do not encounter them throughout their whole careers.

If we consider this situation in the context of their general overencumberance, as well as the prevalence of property crimes in the caseload (38.35% of the total number), it is reasonable to assume that judges are deprived of any motivation in studying the specifics of iatrogenic crimes, and the judicial community as a whole – in forming unified positions on them.

Such a situation is bound to create differences in jurisprudence. This circumstance was revealed by analysing sentences by Russian courts in the period from 2011 to 2019 in cases initiated against medical professionals and qualified by investigative authorities under Part 2 of Article 109 of the Criminal Code of the Russian Federation (hereinafter – the Criminal Code) – as causing death by negligence due to improper performance of professional duties. And, quite expectedly – taking into account the specifics of medical profession, the courts were particularly confused by the problems in establishing causality. Case study and problem statement. For maximum clarity, in order to demonstrate this phenomenon, we have combined three verdicts passed from June to September 2019 into one block.

Текст 1 к экзамену:

We have also seen the 1995 European Data Protection Directive put into practice by the 1998 Data Protection Act. By 2003 all CCTV systems controllers were required to register with the Information Commissioner and to ensure they are operating in line with data protection principles. These were made explicitly applicable to all CCTV systems and specifically defined in a Code of Practice for CCTV. Although the legal status of these rules isn't entirely clear, anyone operating a system would be unwise not to adhere to them. Breach of the law, as defined by these guidelines, is a crime and the principles laid down sound rather good: open, fair, proportional. Surely that's regulation of CCTV and quite good too?

Well it is. And yes, one could describe British systems which work by the rules as well regulated. The fact that the regulation came after a great deal of the systems had been installed is, to European minds, a bit peculiar, but then history works in strange ways and it's the end result that counts. To be fair, the end result cannot yet be seen and there are signs that the changed legal situation is making a difference. In June 2003 a High Court ruled that "name and shame" campaigns using CCTV recordings could be illegal. The law contains potential to alter the (mal-) practices which appeared to have been frequent in the past.

The law also contains requirements such as proportionality which, as we will see, could be a key to setting quite different standards and ultimately requiring that systems currently in place in Britain might have to be dismantled. The law has this potential, if it is interpreted and enforced in this way. And here lies the crux. The essence of the threat many regard as emanating from CCTV is not captured well by legislation concerning data protection. A growing net of cameras with the potential to surveil an individual day in, day out may in fact do no more than give that individual the perception of being under surveillance. That is what CCTV systems and even dummy cameras intend to do in order to deter that individual from committing a crime. Regulation dealing with factual gathering of personal data will not be invoked in the vast majority of cases. This is particularly true in light of the recent Court of Appeal decision in Durant v. FSA limiting the definition of 'personal data'.

Even beyond legal argument and assuming CCTV systems will remain fully subject to data protection legislation, for very practical reasons, like the actual resources available to enforce these rules, serious doubts remain that Britain, has effective regulation. Regulatory bodies in the UK notoriously lack resources and are reliant upon the good-will and co-operation of those they are regulating and their activities are frequently triggered by a specific complaint. These issues become all the more relevant in the data protection field where breaches of regulation will not leave any physical trace.

Текст 2 к экзамену:

This article discusses the issues of civil law regulation of transactions concluded by persons incapacitated. In this case, we need to understand who is an incapable person, whether they can conclude an agreement, if so, the legal consequences of these agreements and the existing gaps in the legislation governing the legal relationship.

Article 30 of the Civil Code of the Republic of Uzbekistan stipulates that a citizen who is unable to understand or control the significance of his actions due to mental illness or mental retardation may be declared incompetent by a court in accordance with the procedure established by law, and such a citizen shall be granted guardianship. Hence, for a person to be found incapable of treatment, his inability to understand and control the importance of his own actions must be related to mental illness or mental weakness.

However, it should be borne in mind that the very fact of mental illness or mental retardation, even if these circumstances are known to others or confirmed by a medical certificate, is not a sufficient ground to consider a citizen incapacitated. He can only be declared incompetent by a court.

Also, according to Article 310 of the Civil Procedure Code of the Republic of Uzbekistan, an application for declaring a person incapable can be filed in court by his family members, guardianship and trusteeship authorities, prosecutors, medical institutions and other state bodies, citizens' self-government bodies and public associations. In this case, the application is submitted to the court of the place of residence of the citizen, if the person is placed in a medical institution, in the territory of the institution.

In order to consider such a case, a conclusion issued by a forensic psychiatric examination at the request of the court on the mental state of the citizen is required. The participation of the prosecutor and the representative of the guardianship authority is mandatory (Article 313 of the Civil Procedure Code of the Republic of Uzbekistan). The application of these measures is a guarantee of protection of the rights and interests of the citizen established by law. A citizen is considered incompetent only after the court has made an appropriate decision. In this case, guardianship is established on the basis of a court decision.

If the mental health of a citizen found incapacitated has improved, he may be found competent by a court decision. Such a decision must be based on the relevant conclusion of a forensic psychiatric examination. Recognition of a citizen as capable of treatment shall entail the revocation of the guardianship imposed on him.

If we look at the American legal system, this situation is called “mental incapacity”. The opinions of scientists in this regard are as follows: The mental state of the individual is crucial to making a deal. Every action of a mentally healthy personcan be seen as a product of thinking. Minors under the age of 6 are not deemed to have de facto legal capacity

Текст 3 к экзамену:

Concept of Criminal Law Policy in Crime Prevention. According to Soedarto, legal politics is an effort to realize reasonable regulations with certain situations and conditions. In-depth, it was also stated that legal politics is a state policy through its equipment that is authorized to determine the desired regulations and is expected to express what is contained in society to achieve what is aspired.

Based on the understanding of legal politics as stated above, it can be concluded that the politics of criminal law is an effort to determine which direction to apply Indonesian criminal law in the future by looking at its current enforcement. This is also related to the best conceptualization of criminal law to be applied. A. Mulder also explained in detail about the scope of criminal law politics, according to him that criminal law politics is a policy line to determine;

a) How far the applicable criminal provisions need to be changed or updated;

b) what can be done to prevent crime;

c) how the investigation, prosecution, trial and execution of the crime must be carried out.

Politics or criminal law policies can be said to be part of law enforcement policies. In addition, efforts to combat crime through the making of criminal laws (laws) are essentially also an integral part of social welfare efforts. Criminal law policy becomes very reasonable if it is an integral part of social policy or politics (social policy). Political policies have included social welfare policies and social defense policies.

Based on the description above, criminal law policy is essentially an effort to realize criminal laws and regulations following the circumstances at a particular time (ius constitutum) and in the future (ius constituendum). The logical consequence is that criminal law policy is identical with penal reform in a narrow sense, because as a system, law consists of culture (cultural), structure (structural), and substance (substantive) law. The law is part of the legal substance, the renewal of criminal law, updating the legislation, and includes the renewal of fundamental ideas and knowledge of criminal law. In essence, criminal law policy (penal policy, criminal policy, or strafrechtpolitiek) is a comprehensive or total criminal law enforcement process. Based on the political understanding of criminal law stated above, both by Soedarto and others, the scope of this criminal law policy covers a fairly broad problem, which includes an evaluation of the substance of the criminal law currently in effect for the renewal of the substance of criminal law in the future.

Future, and no less important, is the prevention of Narcotics crime. This prevention effort means that criminal law must also be one of the instruments to prevent the possibility of crime, and also the application of criminal law must have an effective influence to prevent before a crime occurs

Текст 4 к экзамену:

Customary law functioned for a long period since the national and ethnic unity of the Kyrgyz people was not established yet. At the fundamental level, customary law is regarded as representing the old social order (Bennett & Vermeulen, 2009). Due to the fact, that Kyrgyz society consisted of isolated tribes, social relations taking place in them were characterized as a complex. The system of norms in the Kyrgyz society replaced by entire legal field, in fact, such a system was not possible for division, the context of preventing conditions facilitating the commission of specific offenses increased stability of the customary law in Kyrgyz society. Customary law, which is based on habits, as a legal phenomenon dominated in the legal Kyrgyz society sphere until the establishment of the Soviet Republic.

Custom is a peculiar phenomenon that represents the combined experience of previous human communities, passing from generation to generation. In a large encyclopedic dictionary, the custom is defined as a mode of behavior, evolving into certain stereotypes in the process of a person's historical development, and emitting unified actions performed by a large number of people over a long period while maintaining the content and form of such actions unchanged (Prokhorov, 1998). Compared with other social phenomena, customs characterized by the existence of obligatory attributes as continuity in the historical sense, resistance to any side effects, credibility, applicability, and regularity, etc. Becoming the norms of customary law, customs formed during a long historical, centuries— old period when the established rules of behavior could be repeatedly transferred as a legacy to descendants, and their permanent habits.

Research reason is related to concept, essence and content of the customary law, interaction of which with official law have not been properly developed in the studies of legal scholars in Kyrgyzstan. In addition, customs have not been properly reflected as a source of law, either in legislative or in law enforcement practice in the modern legal system of the Kyrgyz Republic. At the same time, there is an objective need for a new assessment of the role and place of customary law in the Kyrgyz legal system. Therefore, we believe that it is necessary to realize the significance of fact in which the Kyrgyz customary law is a stable component of the legal development in our society. The study of the Kyrgyz customary law provides an opportunity to show the evolution of the legal system in Kyrgyzstan.

Research problem in this study is based on the certain omissions in the historical development of our government. According to our opinion, it is necessary to properly study the customary law development in the pre-Soviet period, to conduct a deep analysis of causes and factors that changed customary law. The relevance in this article is the fact that the Kyrgyz customary law is not only a legal phenomenon, but also our spiritual heritage. We consider that the above circumstances give particular urgency to the study of the customary law in Kyrgyzstan.

Текст 5 к экзамену:

The spread of COVID-19, which caused the pandemic, has entailed significant changes in the social and economic conditions of Russian society. As a result of the introduction of restrictive measures aimed at curbing the further deterioration of the sanitary and epidemiological situation, a significant number of citizens changed their way of life. Among other circumstances, the factors of growth in the number of users of social networks, as well as their activity on the Internet, have acquired the greatest criminological significance. The increase in the amount of free time in conditions of forced isolation and the desire of citizens to work remotely have made this situation attractive to the criminals who have begun to exploit the public's fear of the coronavirus. The crime rates have changed.

The growth in the number of criminal acts using IT technologies committed during nine months of 2020 increased by 77% compared to the same period of the previous year. Four of these crimes out of five (81.5%) were committed by theft or fraud, and their increase amounted to 83.5% compared to 2019. Almost every twelfth (8.1%) crime was committed with the aim of illegal production, sale or transfer of narcotic drugs – 29.6 thousand facts in absolute terms, in dynamics – and an increase of 65.5% was observed. New forms of criminal behavior have emerged: sending phishing scam letters to victims on behalf of the World Health Organization, organizing false donations, offering fake compensation for damage from the virus, selling fake drugs, offering dubious medical advice, carrying out hacker attacks on clinics and research laboratories.

The consequences of the impact of the COVID-19 pandemic on the crime rate are being studied increasingly all over the world. General data were analyzed by Brantingham. At the same time, the results of various studies turned out to be ambiguous. The results of a study carried out by Halford et al. showed a 41% decline in all reported crimes in selected areas of the UK. Data from Shayegh and Malpede showed an overall drop in crime of 43% in San Francisco and around 50% in Oakland. Swedish scientists Gerell, Kardell, and Kindgren also found an overall decrease in reported crimes of 8.8%. Ashby and Felson, Jiang, and Xu have indicated a reduction in a common burglary. Australian researchers Payne and Morgan stated that there were no changes in the rates of assault (including sexual) and domestic violence.

On the contrary, an increase in certain types of crime was observed. Data provided by Pietrawska, Aurand and Palmer showed a 64% increase in a burglary from retailers. The negative consequences of social distancing and isolation and their impact on crime were noted by Bump, Mohler, et al., Usher et al., and Bradbury-Jones and Isham. The impact of voluntary home isolation on Internet activity and related crime was noted by Stickle and Felson. Miller and Blumstein pointed out the increase in the victimization of self-isolated citizens from online fraud.

The available theoretical base does not give any correct idea of the changes in crime rates in Russia.