2. Закон «О международной торговой администрации» (2002 г.). Рассматривается регулирование вопросов проведения антидемпинговых расследований, определение наличия демпинга, нормальной стоимости товара, экспортной цены.

Таким образом, анализ НПА ЮАР (таблица 6) показывает, что в стране законодательство в области окружающей среды развито слабо, но при этом много внимания уделяется правам и обязательствам граждан. Также ратифицированы основные международные соглашения в области окружающей среды. Таможенное законодательство ЮАР не предполагает никаких законов в области охраны экологической безопасности.

Анализ нормативно-правовых актов стран-участниц БРИКС в области охраны окружающей среды и таможенного регулирования позволил сделать вывод о том, что страны обладают общими принципами ответственности за экологические правонарушения, несмотря на их заметные отличия в территориальном, историческом и культурном плане.

Таким образом, проведенное исследование экологического и таможенного законодательства стран БРИКС позволяет определить на основе выявленных общих направлений тот факт, что все таможенные органы осуществляют функции по контролю за экологически чувствительными товарами, в частности: продукты дикой природы, лесоматериалы, рыба, опасные отходы и химикаты. Кроме того, в странах растет спрос на товары, произведенные без ущерба природе.

Но в рамках интеграционного объединения действия таможенных органов в области экологической безопасности не закреплены, из чего следует сделать вывод о том, что странам БРИКС необходимо создать нормативно-правовую базу в этой сфере деятельности. Впоследствии, этот проект может приобрести вид подобный «Зеленой таможне» Программы ООН по окружающей среде.

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THE ROLE OF CONSTITUTIONAL LAW CUSTOMS IN MODERN RUSSIAN LAW SYSTEM

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The world we live in now radically differs from the one our parents and grandparents knew. Moreover, the modern world is not the same it used to be yesterday. All the spheres of human activities are inevitably being transformed under the pressure of endless fluctuations and changes. The legal sphere, as the main tool of controlling and regulating people's practice, should adapt to these changes, too.

In this article we do not deal with the legal regulation, we talk about the legal sphere in general. Amendments of the legislation are just a little part of an enormous amount of changes happening in the legal reality. Here we can speak about the mixture of legal families, the appearance of new relationships that need to be regulated (for example, connected with digital communications and businesses) and new tools and frameworks to regulate these relations. All these reflect deeper processes happening inside of the law as a social phenomenon now.

Considering these changes, it is not very hard to see the transformation of the role of different legal sources, too. For example, primacy of a normative act in Russia is now turning into inclusion of many legal customs and courts' decisions in law enforcing process. It is especially noticeable in an entrepreneurial procedure, in the "principle of good will" [1; art. 5], which is now implemented in all institutions of Russian civil law, or during enterprises' bankruptcy cases. It shows that the sources of our legal system of law that did not use to be traditional are becoming more important nowadays. They have a greater influence on legal procedures.

The features mentioned above may be related to the constitutional law, although at the first glance we can see it as a stable branch of law. But it also changes and transforms. On the one hand, there were only four amendments made in Russian Constitution of 1993 (two of them were in February of 2008 [2; 3], one - in January [4] and one - in July 2014) [5]. But on the other hand, the constitutional law consists not only of Constitution itself, but it also includes a serious amount of other legal acts – federal constitutional laws, federal laws, different documents of federal and regional public bodies. If we look at the federal law "About the basic guarantees of electoral rights and the right of participation in the referendum of citizens of the Russian Federation", we will see that since the date of its adoption in 2002 it has been changed ninety-one times, and seven changes happened in 2018 [6]. We can say the same about other documents composing the basis of the constitutional law of Russian Federation. This proves the fact that the constitutional law is a very dynamic branch of law.

All the above facts raise a question: if role of different sources of law changes actively, what will happen with the role of a legal custom in the constitutional law? The conducted study is devoted to this question.

The main goal of the study was to define the role of the constitutional customs in the modern Russian law system. The tasks were:

- to analyze the system of legal sources in Russia,
- to consider the legal customs in Russia,
- to compare the customs in Russia with those in foreign countries,
- to define actual status of the constitutional law customs in Russian law.

During the research we conducted the theoretical analysis of literature devoted to the question under consideration. Thus we analyzed the scientific materials of the constitutional law and theory of state and law of O. E. Kutafin, V. V. Oksamitny, V. M. Syrikh, S. S. Alexeev, dissertational studies of K. N. Tretyakov and M. A. Nekrasov, the Constitution of the Russian Federation and the legislation of regions of the Ural federal district of the Russian Federation – Tyumen region, Sverdlovsk, Kurgan, Chelyabinsk, Khanty-Mansiisky and Yamalo-Nenetsky regions.

Considering the theory, we can say that approaches to the definition of sources of law differ depending on a scientist or a branch of law. Nevertheless, under this term we usually mean something, where the law arises from [7, p. 140]. Different legal schools understand this "something" in their own way. Some of the schools understand the sources of law as ideal, abstract thoughts and experiences of people that produce legal regulation. Others suggest defining this "something" as a piece of material world, act or document, containing obligatory rules of behavior. There are some schools that are sure that "something where law arises from" is a human vision of justice in the world [8, p. 291]. We cannot say that some of them are right, some of them are wrong, but it is clear that the last two schools consider very narrow parts of a volumetric term. That is why we believe that the first definition is the most correct and describes sources of law extremely accurately.

According to the widespread opinion, there are just five sources of law: legal act, court's decision, normative agreement, legal custom and legal doctrine [8, p. 291]. In Muslim countries religious norms are also considered as sources of law [8, p. 292].

The correlation between different sources of law depends on the legal family. In Russia, as it was mentioned above, a normative act prevails over other sources of law. Moreover, a court precedent is not applicable in our country as a legal doctrine. In the legal family of Great Britain, USA, Canada and other countries of British dominion, on the contrary, decisions of courts play more important role than legislative acts [8, p. 295]. By the way, every source of law is included in every legal family or system in this or that form. It is relevant to a legal custom, too.

It brings us to the question of understanding a legal custom.

In the modern Russian legal science, a legal custom is defined as a sustainable rule of behavior in a society, which was recognized as a source of law by the government [7, p. 141]. Its peculiarities are: spontaneity of appearance, absence of an author, nongovernmental, unwritten and repeated character [8, p. 295]. Some authors also underline that these customs have incidental character of appearance [9]. But this wording leads to questions, and the main question here is: "what does it mean – to recognize a legal custom by the government?" There are two answers to this question.

The first answer is suggested by O. E. Kutafin in his fundamental research about sources of the constitutional law.

The scientist gave the most popular example of the constitutional law custom – article 99 of the Constitution of the Russian Federation [10, art. 99]. This article is repeated in Statute of the Gosudarstvennaya Duma of the Russian Federation [11, art. 33], and devoted to an ancient rule saying that the first session of the new parliament's convocation should be opened by the oldest deputy.

Kutafin points out that the constitutional law custom, like other legal customs, becomes itself only when it is placed in a text of a normative act or in a court's decision [12, p. 326]. So, we can even highlight stages of the development of a legal custom: firstly, a sustainable rule of behavior, then, after being placed in a text of a legal act, it becomes a real constitutional custom.

Scientists oppose legal customs to customs which are not implemented in legislative texts or recognized by the government in other form. Kutafin calls these rules "nonlegal habits" and underlines that these are just patterns of behavior of public bodies and authorities that don't have any legal value [12, p. 330].

There are a lot of arguments against this. The specialists in the sphere of theory of state and law start to object, because every rule of behavior, placed in a text of a normative act, becomes just a norm of the legislation and loses status of a legal custom [13, p. 109]. The same is about texts of court precedents, when the rule is in it, it is not a legal custom anymore. This is where the second position appears. V.M Syrikh, the author of this position, is convinced that a legal custom exists when a legislator gives a reference to it in a text of a normative act, as it is made in article 5 of the Civil Code of the Russian Federation [1, art. 5; 13, p. 109].

Analyzing the scientists' attitudes to the meaning of a legal custom we came to the conclusion that this source of law is not well-developed in Russian science. There is no argument in the legal literature that is completely right. We cannot agree with any of them without additions. Each of the presented opinions has disadvantages. Moreover, they are contradictable and exclude one another. That is why we should present the third position avoiding all mentioned failures.

Talking about legal customs of the constitutional law, we understand that this branch of law must be strictly limited and sustainable. That is why legal customs in the constitutional law should not be flexible in a sense of civil law. To avoid flexibility and provide sustainable enforcement of this source of law, it should be placed in a normative act.

But there is a difference between a simple norm of the law in the act of legislation and a custom of the constitutional law. The first appears at the moment of adoption of an act, the second had appeared and had been enforced much earlier than we recognized it by writing down in the text of a normative act. In other words, public bodies enforce rules of law only when and only because they exist as parts of a legislative act. At the same time legal customs were enforced before being written down and could be enforced in the future without a written form.

Speaking about a foreign experience of using the constitutional law customs, we should not forget about the Chinese approach. In China the customs are unwritten, but they regulate very important relationships, such as, for example, amending the Constitution [9]. There is no necessity to write legal customs down or to make references to them in legislative texts in China. They enforce ipso facto, if they need. If they do not have special rules for doing something (for example, for amending the Constitution, as it was mentioned before), Chinese public bodies of power follow the principle "to do as ancestors always did". They use sustainable rules of behavior that appeared much earlier. In other words, they use legal customs.

The genesis of constitutional law customs in China may be explained in a simple way. Legislative procedures here are often delayed and lag from real speed of the social development, that is why legal gaps appear [9]. To fill in these

gaps, Chinese public bodies start to research previous experience and existing practice and make decisions according to the patterns which are commonly used. The way of recognizing constitutional customs here is "silent approval of government" [9]. In other words, if higher public authorities do not oppose enforcing these commonly used rules, they may become constitutional customs in a full sense.

As for amending the Constitution procedure, there is only one article of legislative acts connected with this task. It contains a list of subjects who have the right to suggest a project of future amendments, this list is devoted to the parliament's voting process and defines a number of votes needed to consider amendments act as adopted [9]. Although amending procedure is much more complicated than it is shown in this article and has a lot of details, which are not mentioned by a legislator. Here constitutional law customs become the main governors of all other processes.

In general, we can say that the constitutional law customs in China are real tools of regulating very important public relationships, especially in political sphere. They are sustainable enough to be enforced. But on the other hand the fact of existence of these legal sources is an indication of Chinese legal system's weakness and incapability to react to changes fast enough.

Talking about other examples of using constitutional law customs, we can underline common law countries, especially Great Britain, where these unwritten rules regulate relationships between the King and other public bodies [14]. They are named "constitutional agreements" [14] and this wording reflects its genesis. Once upon a time the King and another body of power negotiated that the King would never do anything or would always do several numbers of actions in a particular way. For example, the Prime Minister's appointment is regulated by the constitutional agreement that the King must give this office to the leader of a political party that has won the last elections [14]. Here constitutional agreements are real regulation tools. Moreover, they express national political system's peculiarities, identity and stability. If the King and all other public bodies follow these agreements, it will mean that everything in government is normal, as it used to be ten, hundred, five hundred years ago.

In modern Russian legislation we can find a few examples of constitutional law customs. It is article 99 of the Constitution of the Russian Federation and a group of regional norms devoted to the inauguration procedure.

The rule that the first session of a new parliament's convocation must be opened by the oldest deputy appeared at the beginning of the twentieth century, when Russian parliament was firstly established. It is a political tradition that reflects the spirit of Russian parliamentarism and due to this is very important.

The other example of a constitutional law custom is about inauguration of federal entities governors. There are not any regulations about it in federal legislation. Only in Statutes of regions there is a mark that the governor gets his power when his predecessor loses it [e.g. 16]. But there are also some interesting customs which have become constitutional law customs, or nonlegal habits, a term suggested by Kutafin.

Special signs of their head officers are envisaged In Statutes and special legislation of Tyumen and Kurgan regions [15; 16]. During the inauguration procedure, head of regional Parliament awards entity's head officer with special jewelry. This tradition began in times, when parliaments of regions had a right to empower their governors. Then tradition transformed into a normative rule and still relevant even though regional parliaments lost their right to empower someone in 2012.

Considering nonlegal habits, we can turn to Sverdlovsk and Chelyabinsk regions' legislation. There is a tradition of adopting a special legal act by which entity's governor empowers himself [e.g. 17; 18]. The legislations of the mentioned regions do not contain any rules concerning this procedure, but the real practice has already been built. It is not infringement of the federal legislation, there are not any mentions of it here. But it shows the regional identity, because not every entity of Russian Federation has similar practice. The same is also actual for signs of the highest officers.

In conclusion we can point out that a legal custom is a special source of law. In the constitutional law, which is considered to be a peculiar branch of law, these customs have a real force only when they are placed in the text of a normative act, in other situations they are just nonlegal habits. The difference between rules of the legislation and constitutional law customs is that the last had been used before being written.

There are several constitutional law customs in Russia. Today they regulate a very particular circle of relationships, connected with political and cultural identity of the Russian Federation itself and its entities. Despite some assertions that these customs are not important, we are inclined to believe that it's not true. In federal governments expressing entity's identity is an important task, and the constitutional law customs help to do that. It is interesting to notice, that despite the prevalence of a normative act as a source of law in Russia, new constitutional law customs and nonlegal habits appear.

Concerning the future of this legal source, it needs to be said that its role may change dramatically. The Chinese example shows that a legal custom is a powerful and useful tool especially in the regulation of public relationships, but from time to time it may certify weakness of legislative procedures. In common law countries, on the contrary, constitutional agreements are interesting rules, which exist like a notification of the King's power and express stability of government's system. Maybe in the future Russian law will treat this untraditional source of law better and the role played by legal customs will change in a good way.

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ЖЕНСКАЯ ПРЕСТУПНОСТЬ В ДОРЕВОЛЮЦИОННЫЙ ПЕРИОД

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Состояние преступности считается одной из весомых характеристик становления общества, специфическим показателем его благополучия. Преступность вообще и женская, в частности, связана с определенными историческими критериями жизни общества, то есть находится в зависимости от политических, экономических, общественных, демографических, культурных и иных критериев жизни людей.

В нынешний период проблема женской преступности заинтересовывает к себе отнюдь не только лишь учёных, юристов и фактических работников, однако и обширную общественность. Каждый год прослеживается повышение числа осуждённых представительниц слабого пола.

Увеличение современной преступности, женской в частности, юристы, социологи, специалисты по психологии, публицисты объединяют с сильными структурными реформами российского общества окончания XX - начала XXI вв. Переломный период, сопряжённый с главнейшей ломкой устоев жизни, воспитанием новейших социальных взаимоотношений и разрушением прежних институтов, неминуемо содействует увеличению общественной напряжённости, переоценке общественно-моральных ориентиров и формированию девиантного поведения населения.

Не менее сложным этапом в истории России была 2-ая половина XIX - начало XX вв. Данный период характеризовался совокупностью процессов индустриализации, урбанизации, бюрократизации, секуляризации, ускорением пространственной и общественной мобильности, формированием представительной общественно-политической власти.

Женская преступность существует уже многие годы, уходя корнями в глубину веков. Период, начиная с конца прошлого столетия до настоящего времени, войдет в историю не только как период демократических преобразований, но и как время крайне негативных количественных и качественных тенденций преступности среди женщин.

В царской России (до 1917 года) женщины не имели больших прав, в основном все население жило в деревне, поэтому крестьянки занимались хозяйством и в свою очередь, сначала зависели полностью от отца, выходя замуж – от мужа. Население было безграмотным, о положении женщины в обществе, а также о ее правах никто не задумывался и не имел никакого представления.

Экономическая зависимость женщин, отсутствие политических и гражданских прав, деспотизм мужчин в семье, наихудшие условия труда на предприятиях, неграмотность основной части женского населения, политическая отсталость, бессознательность и темнота, вызванные вековым бесправием и социальным гнетом, дали основание для развития преступности среди женщин.