CONCEPT AND FEATURES OF SUBJECT OF LAW

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The processes of globalization, democratization, humanization and digitalization of society lead to the complication of legal relations, modification of legal entities at the present stage.

The purpose of the study is to analyse the concept and features of "subject of law" in the scientific works of domestic and foreign legal scholars, in the legislation of the Republic of Belarus and other states.

Material and methods. The main materials of the study were the Constitution of the Republic of Belarus, the Civil Code of the Republic of Belarus, the Law of the Republic of Belarus "On Citizenship of the Republic of Belarus", as well as scientific and theoretical approaches to the definition of "subject of law" of the researchers E.N. Trubetskoy, N.N. Alekseev, A.G. Bratko and others. Research methods: analytical, systematic, formal and legal, interpretation of the law rules, comparative and legal, and specific legal analysis.

Findings and their discussion. The concept of "subject of law" for some scholars is still debatable. The problems of determining of "subject of law", its properties and functional purpose are actual. The interpretation of the definition of "subject of law" depends on the authors' commitment to a particular concept of law understanding. So, the main provisions of the theory of positive law are characterized by the definition of Professor G.V. Maltsev (1935–2013), who understands the subject of law as either a person or a certain social organization, endowed with rights and obligations, in accordance with the laws of the state [1, p. 33].

According to Professor Bratko A.G., the subject of law is a person with legal capacity and ability to act. He defined "legal capacity" as the ability to be a bearer of subjective rights and legal duties, and "ability to act" as the ability to exercise the rights and duties belonging to a person by his actions [2, p. 162].

A significant contribution to the concept of "subject of law" was made by the well-known pre-revolutionary lawyer, supporter of the natural law theory, E.N. Trubetskoy (1863-1920), recognizing as the subject of the law anyone who is able to have rights, regardless of whether he actually uses them or not [3, p. 160]. A famous jurist, researcher of philosophy of law N.N. Alekseev (1879-1964), trying to reconcile the positivist and natural-legal interpretations of the subject of law, invested in it a theoretical, value and practical content, emphasizing their historically changing nature [4, p. 83].

Doctor of Law, specialist in Civil Law N.S. Malein (1920-1999) associates the subjects of law with the presence of three legal properties: legal capacity, free will of a person (choice of actions and adequate decisions), legislative fixation in this quality [5, p. 14].

According to the legislation of the Republic of Belarus, the subjects of law can be: the state, administrative-territorial units, individuals and legal entities.

In the Constitution of the Republic of Belarus, the subjects of law are specified by the following words and word combinations: the state of the Republic of Belarus, the people, the citizens, everybody and others.

Individuals are the most numerous category of legal entities. They include: citizens of the Republic of Belarus, foreign citizens, stateless persons, refugees, men, women, etc.

According to the Law of the Republic of Belarus dated 01.08.2002 No. 136-3 "On Citizenship of the Republic of Belarus", citizens of the Republic of Belarus are persons holding the citizenship of the Republic of Belarus and having acquired the citizenship of the Republic of Belarus. Foreign citizens of the Republic of Belarus are persons who are not citizens of the Republic of Belarus and belong to the citizenship of another state. Stateless persons in the Republic of Belarus are persons who do not have evidence of their belonging to the citizenship of another state [6].

The legal personality of an individual includes legal capacity and ability to act. Legal capacity is the enshrined in law ability of the subject of law to have subjective rights and legal duties. As a rule, it begins from the moment of birth and ends with death. The legal personality of a legal entity appears in an inseparable form of legal capacity and ability to act, and begins from the moment of state registration, entry into the Unified State Register of legal entities and individual entrepreneurs and is lost from the moment of exclusion from it.

In accordance with Art. 16 of the Civil Code of the Republic of Belarus, legal capacity as the legal quality of a subject of law is recognized equally by all citizens of the Republic of Belarus. According to paragraph 3 of Art. 20 of the Civil Code of the Republic of Belarus: "All citizens of the Republic of Belarus have equal ability to act, unless otherwise provided by law" [7].

Ability to act is the established by law ability of a subject to acquire, exercise subjective rights and legal obligations by his actions. It depends on age and sanity, ability to realize, manage and control one's actions, be able to bear legal responsibility, can be complete and incomplete (partial).

In paragraph 1 of Art. 44 of the Civil Code of the Republic of Belarus, a legal entity is an organization that owns, maintains or operates separate property, bears independent responsibility for its obligations, can acquire and exercise property and personal non-property rights on its own behalf, fulfill duties, be a plaintiff and defendant in court, has been registered in the established manner as a legal entity or recognized as such by a legislative act [7].

Based on an analysis of the legislation of the Republic of Belarus, it can be concluded that the following main functions are inherent in legal entities at the present stage of development: registration of collective interests, consolidation and capital management, limitation of entrepreneurial risk.

To be recognised as a subject of law, an organisation needs to possess the following defining properties: organizational unity of a legal entity, property isolation, independent civil liability, legal entity speaking on its own behalf.

For comparison, one can consider the Civil Code (CC) of Germany dated 01.01.1900 (as amended on 01.04.2019), in which the characteristic of individuals also includes delictual capacity (the ability to bear civil liability for one's unlawful actions). Here, legal entities are divided into two types: societies (associations of persons having their own structure, common goal, ensuring organizational unity) and institutions (their activities are based on the signing of a constituent document, according to which property is allocated for conducting business) [8].

In U.S. law, only one feature is used to determine the subject of law – legal capacity. U.S. legal entities include: sole proprietor, limited liability company, partnership and corporation [9].

Conclusion. Thus, we see that at the present stage in the scientific and legal literature, in the legislation of different countries there are insignificant, but still different formulations of the concept and signs of "subject of law". Moreover, in connection with the increasing complexity of economic relations at the present stage and the development of such new branches of law as: economic law, information law (network law, Internet law, robot law), new types of subjects of law appear. Already existing legal entities receive their electronic counterpart, paper sources of law are duplicated in an electronic version. Digital intermediaries appear (bloggers, providers, IP-addresses), the issues of endowing the legal personality of an electronic person, a quasi-legal entity, artificial intelligence and a robot are discussed. An electronic state, supranational communities are being formed, digital law is being created [10]. The difficulty in personifying the legislative consolidation of new electronic subjects of law requires the improvement of doctrinal theory, law enforcement practice and legalisation. The task of a lawyer is to foresee trends and create adequate conditions for legal regulation.

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PREVENTION OF CRIME IN YOUTH ENVIRONMENT

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The research topic is relevant, since offence in the youth environment is a part of general crime, and therefore is influenced by the criminal situation that has developed in society. This influence is of particular importance, since the objects of influence are both adolescents and young people undergoing socialization through the development of a future profession, getting an education, participating in various types of sociocultural and political activities.

The purpose of the study is to reveal the main directions of preventing youth offences.

Material and methods. The study of the problems of crime prevention in the youth environment is based on an analysis of the current legislation and statistical materials. The examination of the preventive effect on the behavior of young people required the use of such methods of scientific knowledge as statistical, logical, systemic analysis, as well as synthesis, induction and deduction.

Findings and their discussion. In the Republic of Belarus, issues of offense prevention in the youth environment are given considerable attention both from the side of law enforcement agencies and from the legislative branch. Legal regulation in this area is carried out by two laws: "On the basis of the system for the prevention of neglect and juvenile delinquency", and the law "On the basis of the activity on the prevention of delinquency". The country has created a legislative framework that defines both the subjects of prevention and the main directions of preventive work with various categories of the population. However, the state has not yet been able to achieve a permanent decrease in crime. So, according to the Ministry of Internal Affairs, in January-September 2019, 66.7 thousand crimes were registered in the republic, or 106.5% of the level of January-September 2018 [1].

The priority task of the state and the backbone social institutions (family, church) is the fight against crime in all age categories. Youth crime requires