

**ABSTRACTS AND KEYWORDS**

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**THE POSITION OF THE STATE DUMA  
IS BASED ON THE BASIC CONSTITUTIONAL VALUES**

**Editorial note.** The editorial of our journal has interviewed the Plenipotentiary Representative of the State Duma of the Federal Assembly of the Russian Federation at the Constitutional Court of the Russian Federation Ms. M. Bespalova, Ph.D. (Law). The interview was conducted by the journal's Editor-in-Chief, Professor O. Rybakov, Dr.Sc. (Law).

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**THE DECISIONS OF THE CONSTITUTIONAL COURT  
OF THE RUSSIAN FEDERATION  
ON THE CONTROL OF REGIONAL LAWS:  
A MONITORING OF IMPLEMENTATION IS NEEDED**

**Keywords:** Constitution of the Russian Federation, federation, laws of subjects of the Russian Federation, Constitutional Court of the Russian Federation, enforcement of decisions of the Constitutional Court of the Russian Federation, legal monitoring.

**Abstract.** The paper presents the authors' vision of the constitutional nature of judicial monitoring of regional law norms and based on this, the features of relevant decisions of the Constitutional Court of the Russian Federation (hereinafter the CC of the RF) are expounded and the mechanism for their implementation is analysed. The specificity of execution of such decisions is caused by their extension to similar legal norms of all other laws of subjects of the Russian Federation. This is related to the increased importance of legal monitoring in the mechanism of implementation of decisions of the CC of the RF concerning regional legislation. In the paper, the conclusion is made that it is necessary to improve the mechanisms for implementing decisions of the CC of the RF by the law-making bodies of subjects of the Russian Federation, to which end, it is proposed: to expand the functions of the Ministry of Justice of the Russian Federation and its regional structural divisions by including in the sphere of legal monitoring both regional laws and acts of review by the Constitutional Court; to increase the role of prosecutorial oversight of the implementation of decisions of the CC of the RF in the field of regional laws; to develop a system of informing about the decisions of the CC of the RF as regards the assessment of laws of subjects of the Russian Federation, to improve the criteria and procedure for recognising regional legal regulations similar to the provisions subjected to monitoring of law norms by the Constitutional Court.

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## **MONITORING THE ACTUAL EFFECT IN THE SYSTEM OF LEGAL MEANS OF IMPROVING THE REGULATORY ENVIRONMENT**

**Keywords:** legal means, legal regulation, actual impact, legal norm, regulatory environment, purpose, indicators, regulatory impact assessment, actual impact assessment, actual impact monitoring.

**Abstract.** The goal of this paper is to justify the role and purpose of actual impact monitoring in the system of legal means of improving the quality of regulatory environment in the Russian legal system. The study analyses the evolution of legal means and measures for forming quality indicators for regulatory policy and introducing expert support for normative activity.

The research method is based on combining formal legal and comparative legal methods of cognition of legal phenomena with methods of social cognition, as well as adaptation of statistical information to studying legal processes.

The author comes to the conclusion that, due to an active reform of laws in the economical field, there appeared in the Russian practice of rule-making many unrelated kinds of assessment of legal regulations, without a single terminology and purpose. It is proposed to focus on the mechanism of actual impact monitoring using quantitative analysis of regulatory efficiency indicators laid down by the developer agency, considering this a rational approach to the systematisation of existing types of economic and legal assessment of legal regulations. A justification is given for the position that actual impact monitoring is a tool for implementing the “regulatory guillotine” as a set of measures aimed at improving the quality of regulatory environment in the Russian economy.

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## **PROBLEMS OF UNCERTAINTY IN LAW-MAKING: AN ANALYSIS OF CORRUPTION-GENERATING PROPERTIES OF LEGAL RULES**

**Keywords:** corruption, corruption-generating factors, properties of legal rules, systemicity in law, legal assessment, defects of law.

**Abstract.** The problem of corruption-generating properties of legal rules is considered in the paper. The task is set to explain how a change in generally accepted properties of legal rules entails, as a result of certain defects, that rules laid down in legal regulations start producing unlawful corrupt behaviour of subjects of the law. The authors describe distortions of such properties of legal rules as their generally binding nature, formal definitiveness, systemic interrelatedness and being supported by the power of state coercion. The authors' attention is focused on the criticism of the officially approved "Technique for carrying out anti-corruption assessments of legal regulations and their drafts". Various aspects of systemicity of legal rules in the context of the concept of corruption generation are specially considered. The cause of corruption-generation properties of legal rules norm is identified as the primary textual uncertainty arising due to deficiencies of juridical technique or non-legal intentions, after which there arises, in the process of implementation of law, an uncertainty in the addressees and systemic connections of the legal rule which is interpreted in a special way in the course of interaction of the corrupter and corruptee. A corruption-generating rule—not being essentially a legal one—until it has been identified as corruption-generating, continues to be supported by the power of state coercion which leads to negative social consequences.

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**PROBLEMATIC ASPECTS OF DETERMINING THE NORMATIVITY OF LEGAL REGULATIONS SUBJECT TO INCLUSION IN THE FEDERAL REGISTER OF NORMATIVE LEGAL REGULATIONS OF SUBJECTS OF THE RUSSIAN FEDERATION: AN OVERVIEW OF REGIONAL PRACTICES**

**Keywords:** legal rule, normative legal regulation, criteria of normativity, regional law-making, law enforcement, federal register, legal activity.

**Abstract.** The paper presents an overview of practical activities of territorial bodies of the Ministry of Justice of the Russian Federation carried out to determine the normativity of legal regulations to be included in the Federal Register of subjects of the Russian Federation. The author uses a method of analysis allowing to identify the main approaches of specialists of territorial bodies of the Ministry of Justice of the Russian Federation to determining the attributes of normativity of legal instruments based on law-making regulation in this area considering the law enforcement practice of higher courts. Based on the comparative legal analysis of regional laws, the author formulates a definition for the normative legal regulation of the subject of the Russian Federation, puts forward a classification of “problematic” legal regulations to be included in the Federal Register (illustrated by concrete examples) which cause the most difficulties in establishing their normativity. A justification is given for the author’s conclusion that the main juridical technique prerequisite for the emergence of problems in determining the normativity of a legal regulation is a lack of uniform law-making requirements and methodological approaches to identifying the criteria of normativity of a legal regulation, which generates a heterogeneous law enforcement practice.

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## **MONITORING THE PRACTICE OF APPLYING LAWS ON THE CONTRACT SYSTEM AND PROSPECTS FOR THEIR IMPROVEMENT**

**Keywords:** indicators of procurement activities, competition, effectiveness, efficiency, savings, methods for determining the supplier, contract execution, termination of the contract, schedule, forecasting, government economic policy.

**Abstract.** The paper is devoted to the insufficiently studied question of monitoring the implementation and assessment of the state of regulations on public procurement activities.

Methods of study used: the formal legal, statistical, and comparative legal methods.

The paper presents a justification for a need to rethink and present in more detail the generally accepted criteria for assessing the quality of laws approved by regulations of the Government of the Russian Federation in the field of procurement activities. These criteria for assessing the public procurement process, firstly, are determined by the economic nature of procurement, their relationship with the budget process, and do not always reflect the formal legal content, secondly, they are derivative from the principles for regulating procurement relations fixed in the law, since it is these principles that determine the general line of controlling, assessing and forecasting the results of the execution of the budget as regards procurement. The author puts forward a list of assessment criteria depending on the principles for ensuring competition, effectiveness and efficiency of procurement which are the most important ones within the scope of the subject of study.

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## **ON PROBLEMS IN STEPPING UP THE PROTECTION OF PUBLIC INTERESTS IN CIVIL AND ADMINISTRATIVE PROCEEDINGS: LEGAL MONITORING**

**Keywords:** legal monitoring, court proceedings, public interest, access to justice, judicial reform, civil lawsuit, indefinite range of persons.

**Abstract.** In this paper, the author analyses the current state of protection of public interest in civil and administrative court proceedings, identifies the patterns of legal transformations determining the participation of social institutions in court proceedings. A study of laws and judicial practice in this area allowed the author to conclude that it is necessary to carry out legal monitoring on a more global scale, with a view to show the key problems which the society, as a complex and multi-layered institution, may face as well as a need to solve them in court. At present, it is the court that is the only independent authority capable of balancing public and state interests. In this context, it is necessary to develop universal procedural constructions ensuring access to justice for citizens, groups of citizens, public associations and other nonprofit organisations in order to provide protection of public interest if it was repeatedly violated and at least one member of society suffered material and moral damage.

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**QUESTIONS OF INTERPRETATION AND APPLICATION OF CERTAIN PROVISIONS OF THE LAW “ON ADDITIONAL MEASURES OF SUPPORT FOR FAMILIES WITH CHILDREN” CONCERNING THE IMPROVEMENT OF LIVING CONDITIONS: AN OVERVIEW OF COURT PRACTICE**

**Keywords:** right to housing, housing conditions improvement, social guarantees, family, children, maternal (family) capital, court practice, law enforcement.

**Abstract.**

The goal of this work is to summarise and assess the state of court practice in applying the provisions of the Law “On Additional Measures of Support for Families with Children” pertaining the allocation of maternal (family) capital funds for improving housing conditions. Using the basic general scientific dialectic method of cognition as well as the method of modelling, inductive and deductive logic, generalisation of law enforcement experience, court practice materials of courts of general jurisdiction of subjects of the Russian Federation (Samara and Arkhangelsk Regions, Komi Republic) as well as the legal stances of higher judicial instances of the Russian Federation are studied, proposals regarding the interpretation of provisions of the Law “On Additional Measures of Support for Families with Children” under consideration are simulated. Identifying topical issues of application of the provisions of this Law and studying problems of its interpretation in the consideration by the courts of controversial issues arising in allocating maternal (family) capital funds for improving housing conditions allowed the author to conclude that this category of cases is important for exercising the right of citizens of the Russian Federation to decent housing as well as the right to social guarantees arising in connection with the birth of children. The paper demonstrates the complex interdisciplinary nature of laws governing the legal relations in the studied field. Examples of consideration of such cases given in the paper indicate the need to apply the provisions of civil, housing, and family law as well as laws in the social sphere.

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## **THE IMPACT OF CRIMINAL LAW POLICY ON THE DEVELOPMENT OF ECONOMY**

**Keywords:** legal norm, legal regulation, law enforcement practice, business activities, unjustified criminalisation, regulation of economy by means of criminal law, irreparable harm.

### **Abstract.**

Purpose of the paper: studying the negative impact of law enforcement practice in economic criminal cases on economic development and working out lines of introducing amendments into criminal law.

Method of study: comparative analysis.

Results obtained. The acuteness of the problems highlighted in the paper is indicated by the fact that the President of our country was getting back to this topic many times in his annual Addresses to the Federal Assembly of the Russian Federation. An analysis of factors of law-making and law enforcement nature that became a hindrance for economic development is given in the paper, the impact of criminal law policy on the development of business activities in Russia is shown. Based on the analysis carried out, proposals for eliminating the deficiencies of criminal law are put forward, causes of unsatisfactory work of law enforcement bodies in investigating and trying economic criminal cases are exposed, and measures for improving law enforcement in the sphere of criminal prosecution of businessmen are proposed. In order to accelerate social and economic development, it is needed to restore trust between the government and business, and radically remove sanctions of punitive nature against businessmen acting in good faith from the criminal law.

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**LAW ENFORCEMENT MONITORING  
AND REGULATORY IMPACT ASSESSMENT:  
NEW TECHNOLOGIES OF GOVERNANCE FOR A NEW SOCIETY**

**Keywords:** project of the Saint Petersburg State University Assessments Centre technique, law enforcement subjects, monitoring method, regulatory impact assessment.

**Abstract.** Monitoring in general and law enforcement monitoring in particular are becoming new technologies for assessing the quality of public administration. Government agencies seek to create and use them, however, the state of knowledge in this field in Russia doesn't meet the demands of times. The authors describe a project of a new law enforcement monitoring technique developed at the Saint Petersburg State University Assessments Centre, adding to it their own—sociological—view on the problem.

The paper raises methodological questions that must be solved for improving the law enforcement monitoring technique. To this end, a critical analysis of typical definitions is carried out and the sociological approach is formulated. It is proposed to expand the list of subjects of monitoring as well as to include new techniques for its implementation using the "methodological matrix" framework.

The paper analyses the regulatory impact assessment as an area of law enforcement monitoring and identifies their common and special parameters.

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## **THE TASK OF ENSURING THE SECRECY OF IDENTIFICATION IN INFORMATION TECHNOLOGY LAW**

**Keywords:** digital economy, institution of secrecy, depersonalisation of personal data, big data, laws, law enforcement practice, institution of identification, principles of identification.

**Abstract.** Issues of development of law enforcement in the field of identification in digital economy as well as patterns related to identification using big data and interrelation of the institution of secrecy and area of identification are considered in the paper. A system of principles of legal regulation is proposed and a justification is given for the need to introduce a new type of secrecy, the secrecy of identification.

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