

ABSTRACTS, KEYWORDS AND REFERENCES

THEORY AND HISTORY OF LAW AND STATE

TESTIMONIES, REGULATION OF LIES, AND DECISIONS OF A CONCRETE JUDGE AS MANIFESTATIONS OF LAW

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Keywords: court, court proceedings, court process, comprehensive theory of law.

Abstract.

In the paper it is shown that law is a complex, controversial, multi-faceted social phenomenon. Examples are given illustrating that law may sometimes come down to testimonies and, more often than not, to a confession of guilt, which, strange as it may seem, can be in the interests of all participants of the proceedings. It is shown that criminal as well as civil proceedings presume a possibility that at least one party to the proceedings can state falsehoods, whereas law in this case, in fact, regulates the procedure of presenting these lies to the judge. In addition, in some cases law is not what the law-maker had in mind but what a concrete judge read and understood in the source of law. The comprehensive theory of law is developed in the paper.

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THEORY AND HISTORY OF LAW AND STATE

AN ALL-RUSSIAN VOTE AS A SUBSIDIARY FORM OF EXERCISING THE CONSTITUTIONAL RIGHT OF THE CITIZENS TO PARTICIPATE IN THE ADMINISTRATION OF PUBLIC AFFAIRS

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Keywords: *referendum, Venice Commission, subsidiary, legal balance, amendments, societal control.*

Abstract.

The purpose of the introspective overview of the development of Russian laws on referendum, international law standards as well as doctrinal comparativistic stances of the Venice Commission presented here is a critical analysis of the procedures of an all-Russian vote, certain aspects of its organisation and holding.

Methodological basis: comparative law (comparativistic), formal juridical as well as concrete sociological methods.

Conclusion made: an all-Russian vote is an independent procedure of direct democracy emerged in the process of formation of new modern supplemental (subsidiary) institutions of constitutional conventionality whose legal foundation is the constitutional right of the citizens to participate in the administration of public affairs.

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THEORY AND HISTORY OF LAW AND STATE

TRANSFORMATION OF THE NATURAL LAW PARADIGM IN THE MODERN ERA AND ITS MEANING FOR THE EVOLUTION OF THE THEORY OF STATE AND LAW

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Keywords: *Plato, stoicism, Hobbes, Locke, Kant, natural law, state.*

Abstract.

Purpose of the paper: justification for the idea that the understanding of natural law as the essence of positive law which became of paradigmatic importance for the theory of law and state was laid down in the teachings of Plato and Aristotle.

Method of study: the dialectical method and specific scientific methods of cognition developed based on it.

Results obtained: it is proven that the natural law paradigm undergoes significant transformations in the modern era. In the antiquity, stoicists extended the concept of state to the Cosmos and identified the principle of "natural rule" governing the state-cosmos in the "natural law". But in the modern era in the natural law model, there emerges a gap between the "natural law tradition" significantly transformed by representatives of rationalism of the 17th century and the "natural rule tradition" followed by their empiricist contemporaries who laid down the foundations of the social contract paradigm. This gap is only overcome by German classical philosophers who formed a new legal paradigm based on the idea of freedom.

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CRIMINOLOGY

CRIMINAL AND CRIMINOGENIC PHENOMENA OF THE POST-TRUTH ERA

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Keywords: truth, law, information, information society, information impact, manipulations, social networks, virtual reality, social consciousness, reliability, trust, lie, fake news, fake fact.

Abstract.

The purpose of the paper is to analyse neoliberal views initially labelled by philosophers and politologists as the 'post-truth era'.

The methodological basis of the study is the dialectical method of scientific cognition. Such methods as the logical, concrete sociological, and other particular methods of studying social consciousness, social and antisocial phenomena, legal realia are used in the work.

Results of the study: the destructive essence of the phenomenon of 'post-truth' is established. The reasons and conditions for its emergence are identified. 'Fake thinking' as the most distinctive attribute of the post-truth era is described. Negative consequences related to the distribution of 'fakes' (that is, content which doesn't conform to reality) are considered.

Conclusions. The concept of post-truth doesn't allow to consider law as an art of good and justice because only law as a universal communication means can counter lies, hypocrisy, chaos. The legalisation of 'fakes' undermines the foundations of public administration, democracy, civil society. The popularity of 'digital provocations' (especially skilfully staged, emotionally intense ones, related to really existing persons or events that have really taken place) is enormous because their nature is manipulative. The domestic law theory which has many achievements in studying social deviations and crisis phenomena is not only able to 'process' the phenomenon of post-truth but also to convince the society in its farfetchedness, unfoundedness, destructiveness. The author comes to the conclusion that, firstly, there exist hard-and-fast truths and universal human values which are immune to the impact of technical progress and are not to be doubted, or the natural course of things will be disrupted, and, secondly, arbitrarily leaving the boundaries of the permissible, even in digital format, is hardly acceptable in a rule-of-law state.

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CRIMINAL LAW

MONITORING THE LEGAL REGULATION OF STIMULATING INDEPENDENT EXPERTS AUTHORISED TO CARRY OUT ANTI-CORRUPTION ASSESSMENTS: EXPERIENCE AND PROSPECTS FOR DEVELOPMENT

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Keywords: *combating corruption, corruption prevention, stimulation, anti-corruption assessment, expert, independent expert, competition, encouragement of winners, award, competition award.*

Abstract.

Purpose of the study: working out proposals aimed at increasing the efficiency of activities of independent experts authorised to carry out anti-corruption assessments.

The academic novelty of the study is determined by the fact that it is the first and only monitoring study of legal regulation of regional competitions of independent experts authorised to carry out anti-corruption assessments in modern Russian legal science.

The practical significance of the study is determined by the fact that it contains recommendations for federal and regional authorities aimed at improving organisational and legal measures to be taken for increasing the effectiveness of activities of independent experts authorised to carry out anti-corruption assessments.

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INFORMATION TECHNOLOGY LAW

RENDERING QUALIFIED FREE LEGAL AID AS A GUARANTEE FOR EXERCISING THE CONSTITUTIONAL RIGHTS OF THE CITIZENS

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Keywords: *constitutional guarantees, quality of free legal aid, qualified legal aid, lawyers, Single Government Portal.*

Abstract.

Purpose of the work: determining the essence of the constitutional guarantee of the right to receiving qualified legal aid in the Russian Federation, examining problematic issues of ensuring the quality of rendering free legal aid.

Method of research used: comparative analysis of the modern state of affairs in the field of legal regulation and constitutional guarantee of exercising the right of the citizens to receiving qualified free legal aid.

Results obtained: the state and development of the institution of rendering free legal aid is studied, an analysis of laws regulating the quality of free legal aid and an analysis of monitoring in the field of rendering free legal aid is carried out. The basic problematic issues of ensuring the quality of rendering free legal aid are identified. As a result of the study, a justification is given for a need to work out, at the federal level, a mechanism of control of compliance of participants of the free legal aid rendering system with professional ethical standards as well as requirements to the quality of rendering free legal aid.

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INFORMATION TECHNOLOGY LAW

ANALYSIS OF LAW ENFORCEMENT OF RELATIONS IN THE SPHERE OF APPLICABILITY OF CONFIDENTIALITY OF COURT PROCEEDINGS

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Keywords: regime, restricted access information, publicly available information, confidentiality, confidentiality of court proceedings, types of confidentiality of court proceedings, transparency of proceedings.

Abstract.

Purpose of the work: improving the scientific and methodological base of law enforcement of the concept of confidentiality of court proceedings.

Method used: system analysis of information legal relations that emerge in establishing the regime of restricted access in court proceedings.

Results obtained: law provisions laying down the concept of confidentiality of court proceedings are analysed, a classification of types of confidentiality of court proceedings is considered, measures for securing the transparency of court proceedings are identified, principles of establishing the regime of restricted access are highlighted, summary information for liability provided for violating the regime of restricted access is given.

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SOCIOLOGY

MONITORING REGIONAL STRATEGIES OF SPATIAL DEVELOPMENT OF RUSSIAN CITIES: MODELLING POLITICAL AND ADMINISTRATIVE PRACTICES. PART 1

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Keywords: *region, city, spatial development, strategies, political and administrative practices.*

Abstract.

Purpose of the paper: presenting the problems of Russian cities in the mainstream of: regional development, harmonisation of the urban space and functioning of the city's social and economic system, working out and implementation of development strategies of cities in regional formation considering the views of different actors: authorities, business, NGOs, social groups and individual citizens, which presumes constant scientific support for the strategies at all implementation stages and monitoring of the effectiveness of the measures carried out.

Method of study: analysis of statistics and sociological survey materials.

The information background of the paper is based on sociological survey data for the Russian Federation on the whole, for its republics, krais, oblasts, autonomous okrugs (districts) and individual cities as well as the results of sociological studies carried out in different cities of Russia categorised by population size, administrative status, social and economic development level and profile, spatial location.

The results obtained are presented in the form of analytical provisions and proposals aimed at improving the system for working out city development strategies, concerning the formation of the strategy content within which the document should include a set of basic and additional sections whose composition depends on the city type. A system of strategic goals and priorities for the main areas of social and economic development of the city is proposed for cities of different types. The spheres are linked to the urban development index: economic development, human capital development, improving the quality of the urban environment, and developing social infrastructure. A set of typical priorities for the city's social and economic development is proposed. As regards the priorities, it is recommended to lay down and make specific the directions of development for this city worked out jointly by all stakeholders and ensuring its competitiveness in the short, medium and long term, to wit: economic development based on modern technologies, human capital development, investment climate improvement, urban infrastructure development, increasing the efficiency of municipal administration, agglomerational integration, and preservation of social and cultural identity.

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SOCIOLOGY

IMPROVING CONTROL AND OVERSIGHT ACTIVITIES: SOCIAL AND LEGAL MEANING AND LAW ENFORCEMENT PRACTICE (INTERACTION BETWEEN THE CENTRE AND REGIONS)

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Keywords: *administrative reform, government control, oversight, legal concepts, protection of businessmen's rights, prevention, screening questions, checklists, risk-oriented approach, values protected by laws.*

Abstract.

Purpose of the paper: to analyse the subject of regulation of Federal Laws "On the Protection of the Rights of Legal Persons and Individual Entrepreneurs in Exercising Government Control (Oversight) and Municipal Control" and "On Government Control (Oversight) and Municipal Control in the Russian Federation" from the standpoint of ensuring the control function of the government and safeguarding values protected by laws.

Methods used: system analysis of the subject of legal regulation, logical and structural analysis of legal concepts, analysis of law enforcement practice of implementation of certain procedures of control and oversight activities.

Conclusions: within the framework of reform of control and oversight activities, the subject of the law regulation should be the protection of rights not only of entrepreneurs but also other subjects of control and oversight as well as values protected by laws. The wordings of a number of key legal concepts should be made more precise and specific. An analysis of law enforcement practice in the sphere of control and oversight activities suggests that improvements in such procedures as detection of unforeseen violations, giving notice of the inspection, initiation of extraordinary inspection, pre-screening inspection, carrying out joint inspections, and integration of control and oversight activities with administrative law are needed. It is shown that reforming of control and oversight activities should start not from changing and amending appropriate procedures but from rethinking the conceptual foundations of implementing the control function of the government.

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DISCUSSION FORUM

PROSPECTIVE CORPORATE MODELS AND DEVELOPMENT CRITERIA IN THE POST-PANDEMIC PERIOD

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Keywords: digital technologies, digital corporations, business models, industrial property, artificial intelligence, online platform, corporations, corporate law.

Abstract.

The purpose of the study carried out in the paper is to establish the trends for development and emergence of new forms of corporate governance models as well as the criteria for evaluating the efficiency of companies' activities under the conditions of drastic changes caused by the digital revolution and accelerated as a result of the crisis caused by the global COVID-19 pandemic. The global digital transformation creates prerequisites for an emergence of new organisational forms of conducting business and the digital transformation process changes the traditional legal institutions. In achieving the research goal the author used methods of system analysis, statistical evaluation and comparative law correlation of business models of modern management processes. The author comes to the conclusion that a stable transition to universal ESG standards (environmental and social factors, quality of corporate governance) is taking place in the process of modern development of corporate law, which requires appropriate legal regulation of modern corporate relations including a detailed laying down of the legal status of digital technological online platforms.

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DISCUSSION FORUM

THE PANDEMIC AND CRIMINALISATION OF SOCIETY: HOW TO PREVENT A VICIOUS CIRCLE

PART 1

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Keywords: coronavirus, criminology, crime, identity of the offender, fraud, domestic violence, cyberbullying, cybercrime, latency, criminological forecast, combating crime.

Abstract.

Purpose of the paper: to offer recommendations for combating crime based on the analysis of quantitative and qualitative crime data for the period of the COVID-19 virus pandemic.

Methods of study: analysis, synthesis, deduction, sociological method, comparative legal method, formal legal method, statistical method.

Results obtained: a justification is given for a forecast for growth of the total number of profit-motivated as well as violent profit-motivated offences interconnected with other negative consequences of the pandemic, offences related to interpersonal and especially

domestic conflicts (domestic violence), political offences, offences committed by labour migrants, and those committed using information and telecommunication technologies. A number of recommendations for reducing the criminalisation of the Russian society are also proposed.

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DISCUSSION FORUM

METATHEORETICAL MODELLING OF LEGAL STANDARDS AND RELATIONS

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Abstract. *Mathematical models and methods of representation of theoretical and metatheoretic (MT) knowledge in the field of legal studies are considered. Universal equations of hermeneutic MT-modelling of legal procedures and functions, axiomatic foundations of the theory of law in the general theory of sustainably developing social systems are presented. Possibilities of interpreting legal standards and relations in terms of bundles of factological space on manifolds of the legal environment of social activity are demonstrated using examples. Manifolds are a sort of relief surfaces (legal landscapes) locally similar to the Euclidean linear space, that is, in a sufficiently wide neighborhood of the tangent point, the same laws are valid in the tangent plane and on the manifold, due to which the properties of the manifold of legal conditions are unambiguously reflected by a set of relations of tangent planes and systems corresponding to them. Individual concepts and axioms of the legal theory are illustrated and justified using diagrams and drawings. Many legal relations are representable only at the MT level of hermeneutic analysis of symbolic formulas of differential geometry.*

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