

ABSTRACTS, KEYWORDS AND REFERENCES

THEORY OF LAW AND STATE

MONITORING THE LAWS OF THE RUSSIAN FEDERATION: THE DYNAMICS AND TENDENCIES OF DEVELOPMENT IN THE POST-SOVIET PERIOD

V. Luk'ianova, A. Pavlushkin

Vlada Luk'ianova, Ph.D. (Philosophy), Head of the Laboratory for Legal Monitoring and Sociology of Law of the Institute of Legislation and Comparative Law under the Government of the Russian Federation, Moscow, Russian Federation.

E-mail: vlada.lukianova@rambler.ru, analytics1@izak.ru

Aleksei Pavlushkin, Ph.D. (Law), Leading Researcher at the Laboratory for Legal Monitoring and Sociology of Law of the Institute of Legislation and Comparative Law under the Government of the Russian Federation, Moscow, Russian Federation.

E-mail: analytics@izak.ru

Keywords: *legal monitoring, law-making activity, Russian laws, systematisation of laws, codification of laws.*

Abstract. *The article presents the results of monitoring of Russian laws carried out by experts of the Institute of Legislation and Comparative Law under the Government of the Russian Federation. Special attention is paid to studying special features of law-making in the Russian Federation, also in the context of the 2020 constitutional reform in the Russian Federation.*

Purpose of the study: identifying the main trends in the development of Russian laws, generalisation and analysis of the experience of development of the regulatory framework, considering the constitutional reformations of 2020.

Methods of study: for achieving this goal, both general scientific methods (analysis and synthesis, generalisation, the dialectical method) and special scientific methods were used: the formal logical method, methods of comparative law and juridical technique analysis.

Results obtained: the practice of changes in the Russian laws is considered in the context of adjusting the general principles of legal regulation of economic activity in the Russian Federation taking into account the real conditions and problems of socio-economic development of the country and the need to ensure a balance of public and private interests. The main trends in the development of Russian laws are identified and the content of each of them is expounded. It is shown that the state of the system of Russian laws at any given time is determined by the intensity of law-making which ensures the adaptation of the system to changes in the conditions for conducting economic and other activities, on the one hand, and the direction of the systematisation processes, including the codification of laws which makes it possible to codify the results of its development, also in codified instruments, on the other. The data of monitoring the reflection of the 2020 constitutional novelties in the laws of Russia and the subjects of the Russian Federation are given.

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THEORY OF LAW AND STATE

SOVEREIGNTY, STATE AND ORGANISED CRIME: THE AXIOLOGICAL ASPECT

S. Zakhartsev, D. Maslennikov, V. Sal'nikov, I. Seliverstov

Sergei Zakhartsev, Dr.Sc. (Law), Professor, Academician of the Russian Academy of Natural Sciences, Corresponding Member of the Russian Academy of Rocket and Artillery Sciences, Head of the Department of Public Defence and Organisation of Law Enforcement Activities of the Russian State Social University, Moscow, Russian Federation.

E-mail: sergeyivz@yandex.ru

Dmitrii Maslennikov, Dr.Sc. (Philosophy), Professor at the Department of General Humanitarian Disciplines of the Private Higher Education Institution "Institute of Law" (Saint Petersburg), Saint Petersburg, Russian Federation.

E-mail: dwm61@inbox.ru

Viktor Sal'nikov, Dr.Sc. (Law), Professor, Meritorious Scientist of the Russian Federation, Honorary Worker of Higher Professional Education of the Russian Federation, Honorary Officer of the Ministry of Internal Affairs of Russia, Academician of the Russian Academy of Rocket and Artillery Sciences, Editor-in-Chief of the Journal "Legal Science: History and the Present", Saint Petersburg, Russian Federation.

E-mail: fonduniver@bk.ru

Il'ia Seliverstov, master's student at the Saint Petersburg Academy of the Investigative Committee of the Russian Federation, Saint Petersburg, Russian Federation.

E-mail: i9602533366@gmail.com

Keywords: *Augustine, Hegel, Kant, Habermas, sovereignty, state, law, organised crime, value, justice.*

Abstract.

Purpose of the work: elucidating the conceptual interrelation of such categories as sovereignty, state, organised crime, and moral and legal values.

Methods used: the dialectical method and scientific methods of cognition developed on its basis.

Results obtained: the moral and legal foundation of a true state consists of the idea of justice, the idea of the state as a subject of world history and the idea of the state as a sovereign which are different modi of a single substantial moral and legal value embodying the supreme idea of absolute good. The destruction of these value-based foundations leads to the erosion of difference between a true state and a "band of robbers" (Saint Augustine). The mechanisms of such transformation of the state in today's world are related to the increase in the scale of organised crime and the complexity of its structures. In concluding the paper, a justification is given for the conclusion that the sovereignty of the state begins from the development of a sovereign legal ideology based on a sovereign philosophy of law.

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CONSTITUTIONAL LAW

MECHANISMS FOR BUILDING PUBLIC TRUST IN GOVERNMENTAL POWER INSTITUTIONS

D. Makarenko

Dmitrii Makarenko, expert at the Federal Institute for Certification and Intellectual Property and Business Valuation, Moscow, Russian Federation.

E-mail: d.g.makarenko@gmail.com

Keywords: *public trust, social rule-of-law state, political system, government institutions, behaviour spiral, officer's conduct ethics.*

Abstract.

Purpose of the work: studying the role and importance of trust between the society and the government at the current stage of development of the Russian Federation as the main factor in the development of a social rule-of-law state.

Method of study: synthesis and scientific forecasting, expert evaluation, comparative analysis of legal relations within the framework of the systemic approach.

Results obtained: a brief analysis of the state and lines of research in the implementation of the principle of trust and certainty of legal regulation as the basis of the principle of public trust is presented. The behaviour of citizens who trust the government a priori and have the right to rely on its good faith, have different expectations arising from the good faith of the government's which makes them feel protected.

It is shown that one of the main objectives of law is to make human actions to a certain extent predictable and to ensure the possibility of mutual agreement and coordination of actions. Behaviour in accordance with the principle of faith and trust is the all-encompassing beginning of rule of law and is the fundamental norm not only for the legal system but for the entire system of law, morality and decency. A number of proposals concerning the implementation and development of trust in society which determines the essence and efficiency of the impact of law in the Russian Federation are put forward.

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CONSTITUTIONAL LAW

ACTIVITIES OF PUBLIC LEGAL BUREAUS AS A CONDITION FOR THE REALISATION OF THE CONSTITUTIONAL RIGHT OF CITIZENS TO GET FREE QUALIFIED LEGAL AID

O. Rybakova

*Ol'ga Rybakova, Ph.D. (Law), Senior Researcher at the Department of Research and Education Activities of the Scientific Centre for Legal Information under the Ministry of Justice of Russia, Associate Professor at the Department of Constitutional and Municipal Law of the Kutafin Moscow State University (MSAL), Moscow, Russian Federation.
E-mail: orro21@yandex.ru*

Keywords: *constitutional rights of citizens, constitutional guarantees, qualified legal aid, free legal aid, public legal bureau, raising legal awareness, legal informing, legal information, Ministry of Justice of the Russian Federation.*

Abstract.

Purpose of the work: analysing activities of public legal bureaus as the main participants in the public free legal aid system promoting the creation of favourable conditions for the realisation of the constitutional right of citizens to get qualified legal aid.

Methods of study: the comparative legal method, analysis, and synthesis are used in the paper.

Results obtained: a need for extending the network of public legal bureaus in the whole territory of the Russian Federation is justified, and a need for additional legal regulation of the activities of public legal bureaus for increasing their efficiency is identified.

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INTERNATIONAL LAW

THE EVOLUTION OF LAW IN THE POST-PANDEMIC ERA: THE WORLD'S EXPERIENCE IN TECHNOLOGICAL INTEGRATION AND CYBER SECURITY

A. Kartskhiia, Dzh. Ibragimov

Aleksandr Kartskhiia, Dr.Sc. (Law), Professor at the Department of Civil Law Disciplines of the Gubkin Russian State University of Oil and Gas, Moscow, Russian Federation.

E-mail: arhz50@mail.ru

Dzhavid Ibragimov, Ph.D. student at the Department of Civil Law Disciplines of the Gubkin Russian State University of Oil and Gas, Moscow, Russian Federation.

E-mail: javid-ibrahimov@yandex.ru

Keywords: *data protection, cyber defence, cyber threats, personal data, data processing, information protection, BRICS countries.*

Abstract. *The paper is devoted to analysing improvements in legislation on data protection and cyber security using the case of the BRICS countries under the conditions of the COVID-19 post-pandemic and its impact on the prospects for the development of legal institutions based on a comparative legal analysis of Russian and foreign legislation and law enforcement practice. The new legislation, in the opinion of the authors, built on the principles of comprehensive protection of the rights and legitimate interests of the individual, effective cyber data protection, should facilitate achieving an optimal protection of the personal interests of citizens and the national interests of the state and society.*

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INTERNATIONAL LAW

ON SUPRANATIONAL PROTECTION OF BUSINESS LEGAL NAMES

A. Belin, A. Vashchekin

*Artem Belin, lawyer, Federal Network of Bookstores "Chitai-gorod", Moscow, Russian Federation.
E-mail: mrartembelin@yandex.ru*

*Andrei Vashchekin, Ph.D. (Economics), Associate Professor, Professor at the Department of Information Technology Law, Informatics and Mathematics of the Russian State University of Justice, Moscow, Russian Federation.
E-mail: vaschekin@mail.ru*

Keywords: *international private law, business legal name, supranational protection, Paris Convention for the Protection of Industrial Property.*

Abstract.

Purpose of the work: analysing supranational protection of such a means of individualisation as the business legal name, and studying the opportunities for using it. International treaties of the Russian Federation are studied and analysed for the presence of provisions on supranational protection of business legal names. Treaties used in the study were concluded by various international associations in which the Russian Federation participates: the Commonwealth of Independent States, the Eurasian Economic Union, the Paris Union (members of the 1883 Paris Convention), and the World Trade Organization.

The problem of difference between the terms of the official Russian translation of the 1883 Paris Convention for the Protection of Industrial Property and its English version as well as related legal difficulties are considered separately.

Methods of study used: the formal legal method, synthesis, analysis, induction and deduction.

Results obtained: the study showed that it is possible to implement the supranational protection of business legal names within the framework of private international law regulations. That said, of all mentioned international associations the Paris Union is the only one unambiguously allowing business legal name protection. However, the domestic understanding of this means of individualisation is somewhat different from the meaning of this concept in other jurisdictions, including the Paris Union countries. The authors come to the conclusion that the Russian legal definition for the business legal name differs from the one laid down in the regulations of the Commonwealth of Independent States which impedes setting up efficient instruments for the protection of the right to business legal name within the framework of the said regional integrative associations.

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INFORMATION TECHNOLOGY LAW

ENSURING THE RIGHT TO INTERNET ACCESS AND OBLIVION IN THE DIGITAL SPACE OF THE RUSSIAN FEDERATION

A. Zharova, V. Elin

Anna Zharova, Dr.Sc (Law), Associate Professor, Senior Researcher at the Institute of State and Law of the Russian Academy of Sciences, Moscow, Russian Federation.

E-mail: anna_jarova@mail.ru

Vladimir Elin, Associate Professor at the Department of State & Law and Criminal Law Disciplines of the Plekhanov Russian University of Economics, Moscow, Russian Federation.

E-mail: elin_vm@mail.ru

Keywords: *information society, knowledge society, information processing methods, global information space, UN, EU.*

Abstract.

An analysis of ensuring by law such human rights as right to oblivion and right to Internet access is carried out in the paper. An analysis of the implementation of these rights in the digital space and tendencies in their regulatory legal support using the examples of documents of the UN and EU made it possible to conclude that countries are becoming aware of the need to develop legal requirements for applied models and algorithms, considering technical solutions which promote ensuring the implementation of human rights in the digital space. Without setting up a system of accountability and oversight of the activities of technology companies, system control over the algorithms used, it is virtually impossible to minimise possible information risks and threats creating the danger of harming the national interests of the state in the information sphere.

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INFORMATION TECHNOLOGY LAW

OVERCOMING PROBLEMS OF UNCERTAINTY OF CRITERIA AND USING DIGITAL TECHNOLOGIES FOR ASSESSING THE QUALITY OF FREE LEGAL AID

M. Sergin

Mikhail Sergin, Dr.Sc. (Technology), Professor, Head of the Department of Research and Educational Activities of the Scientific Centre for Legal Information under the Ministry of Justice of the Russian Federation, Moscow, Russian Federation.

E-mail: mikhail.sergin@scli.ru

Keywords: *uncertainty, criteria for the quality of free legal aid, raising legal awareness, constitutional guarantee, digitalisation of assessment of the quality of legal aid.*

Abstract. *The existing uncertainties in identifying common criteria of quality of free legal aid are considered. A review of theoretical studies and practical experience in forming a set of criteria for assessing the quality of free legal aid is carried out. Criteria of quality of free legal aid provided to citizens, based on the principle of rationality of the resulting evaluation series and considering the impact of modern digital solutions in the field of legal aid, are proposed. Modern technological approaches to the use of digital solutions for controlling the quality of provided free legal aid are presented. A conclusion is made that it is necessary to promptly resolve the uncertainty of the criteria of quality of free legal aid and to ensure using digital technologies for a better satisfaction of citizens with the quality of the constitutional guarantee for getting legal aid.*

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INFORMATION TECHNOLOGY LAW

**LEGAL SUPPORT FOR TELEMEDICINE SERVICES AND DIGITAL TRANSFORMATION:
THEORETICAL AND METHODOLOGICAL QUESTIONS**

V. Bulanova

Valeriia Bulanova, Ph.D. student at the Institute of State and Law of the Russian Academy of Sciences, Junior Researcher at the Sector of Information Technology Law and International Information Security of the Institute of State and Law of the Russian Academy of Sciences, Moscow, Russian Federation.

E-mail: valeriya777@gmail.com

Keywords: *information technology, information society, digital transformation, telemedicine, telemedicine services, patients, biotechnology, electronic medicine, interactive medicine.*

Abstract.

Purpose of the paper: legal support for telemedicine services under the conditions of digital transformation.

The paper covers problems related to telemedicine which should render high-quality telemedicine services using digital technologies and provide high-quality diagnostics, treatment and prevention of diseases and injuries as well as carrying out research and assessing of the patient's health. The paper presents the key principles of organising information interaction in the Single Digital Healthcare Environment.

Methods of study: the work is based on the methods of dialectics and system analysis which make possible a multifaceted study, in the modern information society, of an important component of using telemedicine technologies in the healthcare system as well as of the introduction of digital technologies in the field of medical services which promotes the development of preventive personalised medicine ensuring efficient government administration.

Results obtained: the author's definition of the concept of "digital environment of trust in providing telemedicine services in the field of healthcare" is proposed.

The author proposes to develop and approve a document, the concept of information and legal support for the provision of telemedicine services by government as well as non-government medical organisations in the Russian Federation, reflecting a system of views on the state of information and legal regulation, priority lines and prospects for the development of the telemedicine services system as well as its role in the single national information and legal space in the field of healthcare.

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DISCUSSION FORUM

ETHICAL EXPERT EXAMINATION OF RESEARCH IN THE FIELD OF GENETIC TECHNOLOGIES AS A FORM OF SOCIAL PRACTICE UNDER THE CONDITIONS OF LEGAL UNCERTAINTY

A. Grigor'ev, E. Kholopova

Aleksei Grigor'ev, Ph.D. (Law), specialist at the OOO [LLC] "Centre for Expert Examinations and Legal Protection", Kaliningrad, Russian Federation.

E-mail: g585ag@gmail.com

Elena Kholopova, Dr.Sc. (Law), Ph.D. (Psychology), Professor, Senior Researcher at the Law Institute of the Immanuel Kant Baltic Federal University, Kaliningrad, Russian Federation.

E-mail: elchol@mail.ru

Keywords: *ethical expert examination, genetic technologies, researcher's responsibility, experts' responsibility.*

Abstract. *Technological challenges caused by advances in the field of genetic technologies used for editing the genome of biological objects facilitate the formation of new social relations not balanced by the possibilities of their international and national regulation. The emerging conditions of legal uncertainty in assessing the dangers of research in the field of genetic technologies are to a certain extent resolved by ethical expert examination of such studies which, while not overcoming this uncertainty, allows to timely identify manifestly dangerous and unlawful lines of research.*

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ABSTRACTS, KEYWORDS AND REFERENCES

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