

MONITORING THE LAWS OF THE RUSSIAN FEDERATION: THE DYNAMICS AND TENDENCIES OF DEVELOPMENT IN THE POST-SOVIET PERIOD. PART 2

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Keywords: *legal monitoring, law-making activities, Russian laws, constitutional reform, social state, the value component of the Constitution, the laws of the subjects of the Russian Federation.*

Abstract.

In follow-up of the study published in No. 2(39) of the Monitoring of Law Enforcement journal, this paper presents the results of the monitoring of a large-scale work carried out in the country in order to harmonise the laws of the Russian Federation with the amendments to the Constitution of the Russian Federation made in the course of the constitutional reform of 2020, the monitoring being carried out by experts of the Institute of Legislation and Comparative Law under the Government of the Russian Federation.

Purpose of the study: identifying the main tendencies in the development of Russian laws, generalising and analysing the experience of development of the regulatory framework considering the constitutional reforms of 2020.

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

Results obtained: the practice of changes in the Russian laws is considered in the context of forming a social and value model of the Constitution of the Russian Federation. Data on monitoring the reflection of the constitutional novelties of 2020 in the federal laws and the laws of the subjects of the Russian Federation are presented.

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THE ROLE OF LEGAL CLINICS IN THE FREE LEGAL AID SYSTEM OF THE RUSSIAN FEDERATION: HISTORY AND THE PRESENT

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Abstract. *The purpose of the paper is studying the process of development of legal clinics in the Russian Federation as participants of the non-governmental free legal aid system and identifying problem aspects of their operation at the present stage.*

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

Results obtained: an analysis of the historical way of development of legal clinics in Russia as well as the practice of their operation at the present stage showed a lack of a single understanding of the content of their operation. Proposals for raising the efficiency of operation of legal clinics are put forward and justified by the author. A justification is given for the conclusion that there is a need for additional legal regulation of their operation, including the advisability of adopting a standard of operation of legal clinics as participants of the non-governmental free legal aid system.

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ON ESTABLISHING SINGLE REQUIREMENTS FOR THE QUALITY OF FREE LEGAL AID PROVIDED TO CITIZENS AND SECURING CONTROL OF COMPLYING WITH THEM

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Keywords: *constitutional guarantees, free legal aid quality, high-quality legal aid, digital transformation, system approach, legal awareness raising, governmental legal aid information system.*

Abstract. *Legal regulation problems related to establishing requirements for the quality of free legal aid provided to citizens are considered in the paper. It is shown that the problems are of multi-level and multi-faceted nature, therefore filling the gaps in the legal regulation in accordance with the requirements of the federal law is needed to solve them. The development of a draft of methodological recommendations for measuring the quality of free legal aid and controlling the activities of persons providing free legal aid is considered as a necessary practical step. The proposed structure of the methodological recommendations captures: general and specific terms and definitions, a model (requirements) for assessing and ensuring quality, principles and lines for actions to ensure quality, a system of indicators for assessing quality and key measures for ensuring quality, including documenting, measuring, monitoring quality indicators for the provided legal aid and managing claims (complaints).*

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THEORETICAL FOUNDATIONS FOR FORMING THE STRUCTURE OF A METHODOLOGY FOR INVESTIGATING OFFENCES RELATED TO TRESPASSING ON PARTICIPANTS IN PRE-TRIAL PROCEEDINGS

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Keywords: *offence, unlawful trespassing, investigation, criminalistic methodology, participants in pre-trial proceedings, ensuring security, protected persons.*

Abstract.

Purpose of the study. Ensuring procedural security of participants in pre-trial proceedings in a criminal case is an efficient means of promoting preliminary investigation. This task should also be solved by applying appropriate criminalistic knowledge in the course of the preliminary investigation of a criminal case. Due to this, it is necessary to state a need for research of a special criminalistic mechanism for ensuring the security of victims, witnesses and other participants in the criminal procedure (protected persons).

Problems of criminalistic support for the security of participants in pre-trial proceedings in a criminal case are considered in the paper. It is stated that this criminalistic area is poorly studied and needs a thorough research. Absence of a proper theoretical level of criminalistic and methodological recommendations for organising and investigating offences related to trespassing on victims, witnesses and other persons promoting preliminary investigation is noted. Due to this, theoretical foundations for the criminalistic support of the procedure for investigating such offences are laid down. Reasons are given for the need to develop the structure for a group criminalistic methodology (with a new intended purpose) for investigating offences including unlawful impact on the participants in criminal proceedings. A criminalistic justification for joining the considered offences into a single specific group is the community of certain specific features manifesting in the occurrence of the unlawful impact as an element of criminal activities, its typical track pattern.

Conclusions. As a result of the study, the authors come to the conclusion that there are common criminalistically specific features in investigating offences related to unlawful trespassing on participants in criminal proceedings. Such features may be the basis for forming a special group criminalistic methodology for investigating the said offences. The methodology for investigating offences related to exerting impact on the participants in the proceedings should be considered as having a high degree of community regarding the level of specification of criminalistic recommendations. The content and structure of such a criminalistic methodology are determined by the typical criminalistic mechanism for ensuring the security of protected persons as a component of the investigative technology of the procedure of criminal procedural proof.

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CRIMINOLOGY AND CRIMINALISTICS

CRIMINALISATION OF SOCIETY IN THE PERIOD OF THE COVID-19 PANDEMIC

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Keywords: *coronavirus, criminology, crime, identity of the criminal, fraud, domestic violence, cybercrime, latency, criminological forecast, combating crime, vaccination.*

Abstract.

Purpose of the paper: assessing the assumptions for the development of crime published by the authors of this article in their early publications, based on an analysis of the quantitative and qualitative characteristics of crime in the period of the COVID-19 pandemic, and putting forward recommendations for further combating crime.

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

Conclusions: based on the results of the performed study, a number of recommendations for reducing the criminalisation of Russian society was put forward by the authors, a conclusion was also made that setting up a single crime prevention system based on the involvement of the widest possible range of public organisations and law abiding citizens in this work will contribute to an efficient functioning of the welfare state and serve as an additional guarantee of public peace.

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THE LEGAL STANDARD FOR PROSECUTING PERSONS DUE TO AN ALLEGED COMMISSION OF OFFENCES BY THEM IN THE FIELD OF ECONOMIC ACTIVITIES

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Keywords: *criminal proceedings, private-public prosecution, proof, economic offences.*

Abstract.

A special criminal procedural standard of law enforcement has developed in the field of criminal law combating economic crime. It includes several levels of legal prescriptions. It is based on the provisions of the Criminal Procedural Code. Their meaning is made specific and developed in accordance with the legal stances taken by the Constitutional Court of Russia and the Plenum of the Supreme Court of Russia. The third level of this legal standard is formed by institutional legal regulations and their implementation in practice. The legal standard for prosecuting persons due to an alleged fact of commission of offences by them in the field of economic activities operates mainly at the stage of opening a criminal case. Its main feature is a higher measure of the private principle in the investigative legal organisation of the stage of opening a criminal case, which manifests itself in proving the suspicion and its wording.

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THE REHABILITATION NATURE OF BANKRUPTCY PROCEDURES: PROBLEMS AND PROSPECTS FOR REFORMING

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Keywords: *bankruptcy, insolvency, supervision, external administration, bankruptcy proceedings, law bill, creditors, financial rehabilitation, commercial court, trustee in bankruptcy, debt restructuring.*

Abstract.

The purpose of the study is to analyse the problem of low efficiency in using bankruptcy rehabilitation procedures in Russia and the possibility of solving it by adopting the Federal Law No. 1172553-7 "On Introducing Amendments to the Federal Law "On Insolvency (Bankruptcy)" and Certain Legal Regulations of the Russian Federation".

Methods of study: the methodology of this study is based on methods and principles of dialectical and formal logic, method of analysis, methods of observation and generalisation.

Results obtained: the performed study made it possible to make a conclusion that the way out of this situation is introducing of a single efficient rehabilitation procedure providing for a variety of methods for both managing the debtor and measures aimed at overcoming his insolvency. Measures aimed at selling the debtor's property or the entire enterprise as a whole, or the reorganisation of the debtor enterprise are viewed as the most efficient.

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PRINCIPLES OF RELIABILITY IN INFORMATION TECHNOLOGY LAW UNDER THE CONDITIONS OF DIGITAL TRANSFORMATION

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Keywords: *reliable information, access to information, information technology, information society, digital transformation, presumption of reliability.*

Abstract.

Purpose of the paper: identifying tendencies in the development of the right to access information in the Russian Federation on the basis of modern technologies.

The paper covers problems related to the definition of the concept of "reliability of information", justifies the need to study the reliability of information as a principle of information technology law.

Method of study: the work is based on the methods of dialectics and system analysis allowing a multi-faceted studying of processes of digitalisation of reliable information in the context of its legal regulation.

Results obtained: the study made it possible to make a number of well-founded conclusions: under the conditions of the information society, reliable information becomes an important legal resource, and it should become official, open, accessible. It is proposed that the definition of the concept of "reliability of information" should be enshrined in the law.

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QUESTIONS OF DEVELOPING A NEW GENERATION OF THE SYSTEM FOR CLASSIFICATION OF LEGAL REGULATIONS IN THE RUSSIAN FEDERATION

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Keywords: *system for classification of legal regulations, legal information, access to information, information technology, information society, digital transformation, digital platform, systematisation of legislation.*

Abstract. *Problems related to the development of the system for classification of legal regulations as the basis for the systematisation of legislation and development of the legal information system under the conditions of digital transformation in Russia are studied in the paper. The author carried out an analysis of the domestic and foreign experience in the classification of legal information and put forward scientific approaches to developing a new generation of the system for classification of legal regulations.*

Method of study: the paper is based on the methods of dialectics and system analysis which makes possible multi-faceted studying of the processes of classification of legal information in Russia and the foreign experience.

Results obtained: the author put forward approaches justified from the standpoint of information technology law to developing a new digital format system for classification of legal regulations for the current state of legislation as well as to ensuring possibilities for its development in the Russian Federation.

The study made it possible to make the following conclusions: legal information is becoming an important strategic resource in the information society, the national system of legal information should become an official, integrated, multi-faceted, multi-level and open information system based on the principle of territorial distribution on a digital platform, as part of its infrastructure, using modern technologies aimed at the information and legal support of the individual, society and the state.

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FORMING A SYSTEM FOR MOTIVATING CITIZENS FOR A HEALTHY LIFESTYLE AT THE MUNICIPAL LEVEL

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Keywords: *healthy lifestyle, health, sport, support for the organisation of physical culture and sport activities in municipal divisions, development of sport infrastructure in the place of residence, propaganda of healthy lifestyle, quality of life, rational approach to health, health preservation, lifespan.*

Abstract.

Purpose of the paper: setting up conditions for forming a health care and maintenance system for citizens at the municipal level. The development and implementation of organisational and methodological measures aimed at solving this task are impossible without setting up a multi-faceted system of measures considering the specific features of the country at large, its territory, climatic conditions, historical traditions, demographic and economic situation, that is, the scientific approach to forming The National Project for a Healthy Lifestyle of the Country's Citizens. The authors propose to consider the social structure of each municipal division, presence of all age and sex groups, their health conditions and potential possibilities for doing this or that sport, the dynamics and prospects for changes; the typology of the country's municipal divisions, i. e. its administrative and territorial structure, since Russia is a huge country, some territories having utterly diverse specific features; priorities in choosing mass sports for different social groups; staff support for the organisation of physical culture and sport activities in local communities; development of a system for a healthy lifestyle propaganda as an indispensable component of healthy lifestyle.

Method of study: comparative analysis using the average (or most probable) variant of prospective evaluation of demographic forecasts made in accordance with multiple methodologies (those of the Federal State Statistics Service of Russia, the UN Population Division).

Results obtained: the authors propose to form a system for motivating citizens for a healthy lifestyle using thorough studies of the social structure of each municipal division and to set up the "Health Passport of the Municipal Division's Population" identifying the interests and needs of each of the 9 social groups put forward in this paper. Only this approach will contribute to forming a motivation for citizens to do sport and to choose a physical activity corresponding to their wishes and possibilities.

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