

# Monitoring of Law Enforcement Journal, Issue 1-2022:

## ABSTRACTS AND KEYWORDS

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### **ESG PRINCIPLES AND SUSTAINABLE DEVELOPMENT: LEGAL ASPECTS**

**Keywords:** ESG principles, sustainability, standards, information disclosure, supply chains, UN goals, EU legislation, soft law, climate changes, reporting transparency, social responsibility, sustainable contracts, intellectual property.

#### **Abstract.**

Purpose of the study: identifying the legal aspects of entrenching and implementing ESG principles in various social processes.

Method of study: the main method used in this study is the formal legal method.

Results of the study: an analysis of international and regional regulatory frameworks for sustainable development is made. Requirements for the disclosure of information, transparency, reports availability and adherence to ESG principles in social relations have a special importance in the ESG agenda context.

Scientific novelty: the author comes to the main conclusion that to achieve the efficiency of standardisation processes in the ESG sphere, the following issues should become the main points of the ESG agenda discussed at the international and domestic legal level: ensuring maximum transparency and an efficient procedure for assessing the compliance of reports with the requirements in close cooperation between business and competent government agencies, setting up a government infrastructure as the base for appropriate activities controlling and stimulating sustainable development, and standardisation of reports and indicators of compliance according to ESG standards. For an efficient implementation of ESG principles and a wide propagation of sustainable development relations it is necessary to use special legal regulation methods, that is, standardisation and determining compliance with ESG principles (the comparative method) which can be taken as a basis for the processes of ESG principles harmonisation in the world.

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## FROM INTELLECTUAL LAW TO INTELLECTOLOGY

**Keywords:** intellect, intellectual nature, intellectuals, intellectual property, intellectual space.

### **Abstract.**

Purpose of the paper: justifying a natural evolutionary development of modern human and technical sciences towards an integrated science – intellectology.

Methods used: system approach, multifaceted approach, method of Asymmetrical Modelling of Values of the Controlled Object (AMVCO), statistical analysis methods.

Results obtained: a justification is given for a natural evolutionary transition of the traditional system of knowledge based on disciplinary differentiation to a cross-disciplinary integration of scientific disciplines based on results of intellectual activities universal for all scientific knowledge. A single identification of results of intellectual activities is established by the Stockholm Convention in 1967 when WIPO was created. At present, 190 countries of the world are WIPO members and therefore the objects specified in Article 2 (viii) of the Convention are the single identification base for all countries over the world. They are set forth in the Civil Code of the Russian Federation, Part 4, Article 1225. The rights to these results of intellectual activity and means of identification of legal entities equated to them are the main component of non-material actives used in virtually all modern enterprises. The main advantage of these actives is that they are the main source of income and profit in any company.

A stable growth in the registration of patents, rights to trademarks and other intellectual property objects statistically registered over the whole world in the last 200 years shows that mankind is in transition from one qualitative state to a new one: that of biosocial nature transforms into a state of intellectual nature.

Tendencies observed by the author in economy, innovations, science and education, based on direct collaboration with intellectuals on questions of assessing the management of intellectual property rights, allowed to make a number of important research discoveries [1]: to give a more precise definition for the term “intellect”, to discover a third kind of nature as a relatively autonomous and self-developing based on its own specific laws, rules and effects, and as a result to justify the birth of a new branch of science integrating all research disciplines, intellectology, which is built based on its own methodology, methods, language and axioms.

Scientific significance: phenomena of intellectual nature unknown to science before, birth of a new intergrating branch of science, intellectology, and making more precise the meaning of the term “intellect”, together with new elements for structuring the intellectual and scientific space, if they are adressed properly by Russian scholars, in the opinion of the author, should create and form a new paradigm in global scientific research [2].

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## **THE COMPREHENSIVE CONCEPTION OF SUBJECT COMPOSITION OF RESOCIALISATION RELATIONS**

**Keywords:** resocialisation, social adaptation, rehabilitation, social function, probation, social state, crime prevention.

### **Abstract.**

Purpose of the work: developing and formulating the conception of resocialisation relations with a subsequent proposal to enshrine it in the laws of the Russian Federation.

Methods used: dialectics and scientific methods of cognition developed based on it.

Results obtained: the comprehensive conception of resocialisation is outlined. It implies expanding the subject composition of participants in legal relations related to resocialisation activities which allows to transfer resocialisation from the level of a form of prevention of offences by persons having completed a sentence to the level of an effective mechanism for solving social problems. The idea of making the activities aimed at multifaceted resocialisation of different categories of citizens a part of the social function of the modern social and rule-of-law state is put forward. Comparing the concepts and formulating the attributes of resocialisation, social adaptation, and social rehabilitation laid down in Federal Law No. 182-FZ of the 23<sup>rd</sup> of June 2016 "On the Basics of the System for Offences Prevention in the Russian Federation" are carried out. A conclusion is made that the conception could be laid down in a number of legal regulations of the Russian Federation.

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**LEGAL ONTOLOGIES IN MACHINE-READABLE FORMAT:  
A TOOL FOR NAVIGATING LEGAL KNOWLEDGE ON THE SEMANTIC WEB**

**Keywords:** legal ontology, machine-readable law, information system, legal information, semantic web.

**Abstract.**

Purpose of the work: analysing research in the field of legal ontologies, identifying the roles of academic schools of law and legal scholars in creating top-level legal ontologies, subject area ontologies and applied ontologies in law, providing the author's definition for legal ontology in the information space.

Methods of study: methods of synthesis, analysis, generalisation and the comparative-legal method are used in the work.

Results of the study: it is shown that it is necessary to separate the understanding of ontology from the standpoint of philosophy and theory of law, and legal ontologies used in the information space. Legal ontologies in machine-readable format help to navigate legal knowledge on the semantic web to the user (consumer). It is concluded that it would be to create top-level legal ontologies (basic ontologies) based on doctrines in law which would help academic schools of law convert their unique legal knowledge to machine-readable format and form general ontologies of legal knowledge which would become the base for modelling (building) subject area ontologies when used repeatedly. Legal ontologies of specific subject areas should be created based on legal institutions which would allow structuring legal knowledge in specialised areas of law in machine-readable format relying on top-level ontologies. Applied ontologies are created based on basic and subject ontologies by anyone, usually in the form of web applications. The author's definition for legal ontology in the information space is worded. It is proposed to understand it as a model of legal reality of the physical world which finds its use in the virtual space in machine-readable format.

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## **LEGAL MONITORING IN THE RUSSIAN FEDERATION AT THE PRESENT STAGE**

**Keywords:** law-making, legal analysis of laws, legal assessment, law enforcement, monitoring of laws, problems in the implementation of laws, law-making activities, methodology of monitoring, analysis of draft laws.

### **Abstract.**

The development and meaning of legal monitoring at the present stage of transformation of Russia's legal system and legal paradigm is analysed in the paper. A comparative legal analysis of the laws of a number of foreign countries is carried out with a view to identify features of legal regulation of monitoring the laws. A justification is given for the author's position on the need to improve the regulation of legal monitoring by the law, considering the experience accumulated over the recent years, as well as on the need to improve and unify the legal monitoring methodology.

Purposes of the study: identifying the research and practical significance of improving the legal framework for monitoring laws, law enforcement and law-making activities, presenting arguments for improving the legal monitoring methodology.

Methods of study. For achieving the said goals general scientific methods were used: analysis, synthesis, generalisation, and the dialectical method as well as the methods of formal logic, juridical technique and comparative legal analysis.

Results obtained. The modern legal paradigm of the Russian Federation undergoes not only changes in law enforcement activities, but also a transformation of its structure (new legal institutions as well as new branches of laws are rapidly forming). Moreover, not only the efficiency of implementation of laws is especially significant but also the state of current federal and regional laws as well as the law-making activities. To eliminate legal uncertainties in law and the laws, it is needed to improve the existing legal monitoring institution by unifying its terminology, improving the methodology for carrying it out and working out a basic law for regulating features of law-making activities. A position is put forward that it is needed to develop information and communication technologies in carrying out legal monitoring.

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## **ON THE PRINCIPLES OF LAW ENFORCEMENT MONITORING**

**Keywords:** state, legislation, law enforcement, monitoring, principles, anti-corruptional, preventiveness, multifacetedness, promptness, scientific nature, publicity, efficiency.

### **Abstract.**

Purpose of the work: identifying and explaining the main principles of law enforcement monitoring in the Russian Federation.

Method of study: dialectical methods of cognition.

Results obtained. Law enforcement monitoring is so far not reflected in a special Russian federal law. Reflecting the main principles at the federal level is caused by the exclusive competence of the Russian Federation in regard of federal conflict of laws (the Constitution of the Russian Federation, Article 71, item "p"). The following principles of law enforcement monitoring are mentioned and analysed in the paper: multifacetedness, preventiveness, plannedness, scientific nature, promptness, publicity and openness, coordinatedness, and efficiency. Considering that anti-corruption monitoring is an organic part of law enforcement monitoring, it is also considered appropriate to emphasise special principles of anti-corruption monitoring which include: multifaceted use of political, organisational, information and propagandistic, social and economic, legal, special, and other measures, priority use of corruption prevention measures, government co-operation with civil society institutions, international organisations and natural persons. In the concluding section the author sequentially analyses and explains the need for using these principles.

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## **CUMULATIVE PROTECTION OF MEANS OF IDENTIFICATION: GIANT BLUNDERBORE, A USEFUL MIX OR ABUSE OF LAW?**

**Keywords:** intellectual property, exclusive rights, trademarks, geographical indications, names of places of origin of goods, business legal names, trade names, copyright objects, registered designs, abuse of law, compensation for violations of exclusive rights.

### **Abstract.**

Purpose of the work: studying the acceptability and efficiency of protection of trademarks and other means of identification as being at the same time other intellectual property objects, i. e. cumulative protection, identifying its advantages, drawbacks and risks related to it.

Method of study. The author puts forward and tests, using the analysis of legal regulations, business and law enforcement practice, a hypothesis that multiple variants of cumulative protection of trademarks and other means of identification are acceptable, as well as its advantages, drawbacks and risks.

Results of the study. The benefits of cumulative protection of trademarks and other means of identification in different legal regimes within the framework of intellectual property law are described, as well as the risks of such protection to which right holders, their contractees and other persons are exposed. Cases are shown when cumulative protection is unacceptable, and the conduct of right holders claiming benefits from this protection can and should be considered as an abuse of law.

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**SPECIAL FEATURES OF FUNCTIONING  
OF FURTHER VOCATIONAL EDUCATION  
IN THE SYSTEM OF THE MINISTRY OF INTERNAL AFFAIRS OF RUSSIA  
ACCORDING TO STUDENT OPINION POLLS**

**Keywords:** Russia, further vocational education, student opinion polls, police officers, advanced training, lines of development.

**Abstract.**

Purpose of the study: presenting opportunities for developing the potential for further vocational training of police officers in order to increase their human and social capitals. The paper presents a sociological analysis of functioning of the institution of further vocational education of police officers based on the departmental model used in the system of the Ministry of Internal Affairs (MIA) of Russia.

Method used: a comparative analysis of a monitoring poll of students of the All-Russian Institute for Advanced Training of the Ministry of Internal Affairs of Russia in the period of 2011 to 2015 with the authors' poll carried out in 2019 with students of the same institute and its territorial branches as well as of the Retraining and Advanced Training Faculty of Kikot' Moscow University of the Ministry of Internal Affairs of the Russian Federation (N=384).

Statistical data resulting from regular monitoring polls carried out in the period of 2011 to 2015 with a sampling of 18.2 thousand participants in training courses of institutional programmes of further vocational education conducted by the All-Russian Institute for Advanced Training of the Ministry of Internal Affairs of Russia as well as the results of sociological research carried out by the authors constitute the information base of this study.

Results obtained. Specific opportunities for such development are identified in the work: improving the professional level of officers, sharing of best practice, developing legal competencies, developing social communication with citizens, public associations and the media. Subjective (weak initiative of officers) and objective (institutional centralisation) restrictions for the activities of this institution are identified. Lines for increasing the efficiency of further vocational education in the work of Russia's police officers are presented: practical orientation of current curricula, increasing the flexibility and variety of training formats.

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## **A GOVERNMENT SYSTEM FOR MANAGEMENT OF TERRITORIAL DEVELOPMENT: FEATURES AND TENDENCIES**

**Keywords:** region, social and economic development, investments, investment potential, investment attractiveness, territorial development.

### **Abstract.**

At present, territorial development issues become especially topical during the transition of the country to economic growth of the investment type.

Purpose of the study: identifying the dependency between such regional characteristics as the state of investment climate, investment attractiveness, and index of physical volume of investments in fixed assets based on an analysis of state policy in the field of territorial development.

Methods of study. Methods of comparative, statistical and system analysis, deduction, induction, generalisation, and theoretical modelling were used to achieve the set goal.

Results obtained. Studying the basic characteristics of the investment development of subjects of the Russian Federation showed that the subjects of the Russian Federation with a favourable investment climate are as a rule highly investment-worthy. At the same time, there is no direct correlation between the level of social and economic development of the region and the state of its investment climate. It was found that active government support is provided not only for regions with a low level of social and economic development but also those where special economic zones and advanced development territories are created.

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