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ABSTRACTS AND KEYWORDS

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MONITORING THE REPRESENTATION OF PUBLIC AUTHORITIES IN THE COMMISSIONS COORDINATING THE ACTIVITIES FOR COMBATING CORRUPTION IN THE SUBJECTS OF THE RUSSIAN FEDERATION: CURRENT STATE AND PROSPECTS FOR DEVELOPMENT

Keywords: legal regulation monitoring, corruption, combating corruption, co-operation.

Abstract

Purpose of the study: assessing the current state and development prospects for the representation of public authorities in the commissions coordinating the activities for combating corruption in the subjects of the Russian Federation as well as working out recommendations for improving the structure of these commissions.

Method of study: the main method used is the comparative legal studies method.

Study findings: an assessment is given for the state of the representation of public authorities in the commissions coordinating the activities for combating corruption in the subjects of the Russian Federation. It is noted that enlisting representatives of public authorities in the commissions coordinating the activities for combating corruption in the subjects of the Russian Federation doesn't comply with the requirements imposed by anti-corruption and other laws. For removing this discrepancy the author proposes such measures as: introducing criteria for participation of heads of public authorities in the commissions coordinating the activities for combating corruption in the subjects of the Russian Federation (institutional affiliation, involvement in combating corruption in accordance with the law, professional anti-corruption competence), as well as laying down a prohibition to participate in the commissions for officials with the functions of prosecutorial oversight of the said commissions and officials exercising judicial control over the decisions of these collegial bodies, in the model regulation on the commission coordinating the activities for combating corruption.

Research novelty: monitoring the representation of public authorities in the commissions coordinating the activities for combating corruption in the subjects of the Russian Federation is the first research study aimed at an objective assessment of the structure of the said commissions, its compliance with federal and regional legal regulations, and ways for bringing it to compliance with their requirements.

Practical importance: the mechanisms proposed by the author for bringing the commissions coordinating the activities for combating corruption in the subjects of the Russian Federation to compliance with the requirements of the federal anti-corruption laws can be used in forming and reforming the activities of these commissions.

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GOVERNMENT POLICY IN THE SPHERE OF SPIRITUAL AND MORAL EDUCATION OF THE YOUTH: ISSUES OF IMPLEMENTATION

Keywords: spiritual and moral development, upbringing, educational organisation, moral values, folk traditions, cultural policy, traditions, spiritual culture, young generation, family values, society.

Abstract

The paper presents a justification for the significance of solving the problem of spiritual and moral upbringing of the young generation of the country. The important role of the education system and the paedagogue in solving the problems of education of the students is identified. The topicality of this subject and its significance for the future of the country are defined. Important aspects of protecting and preserving the ethnical and cultural originality of the pluri-ethnic Russian people are touched upon.

Purpose of the paper: to explain the main lines of government policy in the sphere of spiritual and moral education of the young generation in the modern period.

The methodological basis of the study are the socio-cultural approach and the principles of dialectical comprehension of the impact of folk customs traditions, folklore and literature on the spiritual and moral formation of the personality. The axiological approach as the methodology of this study made it possible to identify ethnic cultural traditions as a value and assisted in identifying their moral categories. The analysis and synthesis methods contributed facilitated determining problems in the sphere of spiritual and moral education of the youth.

Study findings: an analysis of implementing government policy in the sphere of education is presented in the paper. A justification is given for the advisability of developing at the federal level a single integral system for education of the individual based on moral values which are traditional for Russia and civic responsibility by means of familiarisation with Russia's historical and cultural heritage.

The practical importance of the study: based on the presented material and conclusions it is possible to further develop and improve the spiritual and moral education of the young generation at the federal regional, and municipal level.

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PROBLEMS OF LEGAL REGULATION OF DIGITAL TECHNOLOGIES USED BY THE CENTRAL BANK OF THE RUSSIAN FEDERATION AND FINANCIAL INSTITUTIONS

Keywords: digital innovations, RegTech, SupTech, payment market, experimental legal regimes, cashless payments, digital economy, blockchain, banking oversight, banking regulation.

Abstract

Purpose of the paper: identifying the prerequisites and problems of legal regulation of digital technologies used by the Bank of Russia and other financial institutions to regulate and oversee payment services, based on doctrinal approaches, foreign and Russian laws, dynamics of development of monetary settlements.

Methods of study: the study is based on the methods of dialectics, formal legal and system analysis, which make possible comprehensively studying the tendencies of the impact of the Bank of Russia on the digitalisation of the payment services market.

Findings obtained. Based on a critical reflection on the powers of the Bank of Russia and other financial institutions to regulate and oversee digital payment services, the decisive role of the regulator in forming the regulatory rules for use digital technologies is identified. The evolution of technological solutions on the part of the Bank of Russia largely determines the transformation of the payment services market. In the Russian Federation, the introduction of digital innovations is limited by the “regulatory sandbox” (experimental legal regimes), which include the financial market.

Research novelty. It is proven that a systemic development of payment industry in Russia can be ensured by the Bank of Russia’s combining both general methods of legal regulation of relations related to the development of new financial technologies and special ones involving the use of experimental legal regimes. The novelty also manifests itself in that, based on the analysis of doctrinal approaches, foreign and Russian legislation, the concept of “digital technologies” is worded and separated from a related term “digital innovations”. It is established that the Bank of Russia uses RegTech and SupTech digital technologies to improve the public administration of the payment market institutions. It is identified that these methods have certain differences as regards different subjects of application, but common regulation goals.

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CONCEPTUALISING THE CATEGORY OF “SOCIETAL CONTROL” UNDER MODERN CONDITIONS

Keywords: social system, influence, civil society, government control, public management, principles of control, mechanism of control, forms of control, lines of control.

Abstract

Purpose of the work: analysing the conceptual foundations and specific features of implementation of societal control considering highlighting some of its essential attributes and determining its place in the government system of controlling bodies and measures taking into account modern tendencies.

Methods of study: theoretical (analysis, synthesis, deduction, analogy, concretisation) as well as practical (observation, comparison, description) methods were applied. Some of the project study methods were used: the logical and hypothetical ones. In the course of preparing the material, the regulatory basis of the federal and regional level was studied and generalised, the pattern of changes in the object of study from a historical retrospective viewpoint was studied using the historical legal method.

The findings of the study attest to the existence of several independent theoretical approaches to understanding the category of “control” which are complementary to each other. A justification is given for the existence of specific attributes of societal control, some features of the organisation of its implementation are identified. The author draws attention to the multifunctionality of societal control and a need for improving the mechanisms of its implementation, for raising the level of social security and protecting the interests of citizens in particular. The system of principles of exercising societal control is considered and analysed, ways of supplementing it are proposed. Specific lines of implementing the controlling function by the community are examined, a need to raise the level of trust of citizens in the public authority institutions expanding specific forms of their co-operation with the controlling bodies is justified. Particular focus is given to the need to extend the legal regulation of societal control issues by means of passing regional regulations considering specific regional features. The advisability of expanding the field of research of different aspects of societal control is mentioned, among other things, by identifying and systemic examination of the activities of various subjects of control, expanding the possibilities for using new forms and ways.

The research novelty of the study consists in focusing the attention on a need to review certain provisions of the current laws on societal control considering the identified contradictions and promising areas. The author proposes his own wording for the category of “societal control”, viewing it as an indispensable component of public administration in a democratic society.

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MODERN APPROACHES TO THE SYSTEMATISATION OF RUSSIA'S INFORMATION TECHNOLOGY LAWS UNDER THE CONDITIONS OF DIGITALISATION: PROBLEMS AND PROSPECTS FOR DEVELOPMENT

Keywords: information society, legal information system, digital transformation, break-through technologies, digital platform, information and telecommunication technologies, public administration, artificial intelligence, Information Code, threats, legal regulation.

Abstract

Topical questions of improving Russia's information technology laws are considered in the paper. The study identified a need for systematising Russia's information technology laws, harmonising the current laws, legal regulations, and consolidating all legal regulations into a single legal system.

Purpose of the paper: considering the problems and looking for the most rational ways to solve them. The study is also aimed at a scholarly understanding of the conceptual approach to developing the Information Code, using legal structures, terms, studying different various views on legal regulation of information relations and the state of legal regulation, examining contradictions and gaps.

Method of study: general scientific methods for solving the problems set, the dialectical and systemic ones, were used in the study. Analysis and synthesis were used for studying the laws.

Findings obtained: the study made it possible to draw a number of well-justified conclusions, including that under the conditions of digital transformation it is necessary to develop and strengthen scientific and legal methods in various areas of progress of the information society. An analysis carried out showed that the primary destination of the Information Code is to determine the constitutional right of citizens to legal information. It is also needed to set out in law the notions related to information circulation and develop requirements for government information systems which should be maintained by the public authorities. In modern times there exists a need for modern research and theoretical approaches that would promote creating a fundamental system of different legal structures as well as systematise legal relations and information processes within the information and legal space ensuring the interaction between information technology laws and various branches of law. It was found that the development of artificial intelligence, robotics and big data should become a promising factor in changing the management model.

Research novelty: the author gives a justification for the conclusion that an interaction between modern conceptual and classical scholarly approaches is needed as well as theories and methods for legal regulation of societal relations in the information technology field under the impact of digital technologies.

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THE 22nd CENTURY AND LAW. REFLECTIONS ON THE FUTURE

Keywords: law, forecasting, legislation, state, justice, information technology, human rights.

Abstract

Purpose of the work: the paper is a follow-up to the research forecast by Sergei Zakhartsev and Viktor Sal'nikov concerning the future of law in the 22nd century in Russia and worldwide. The first part of scholarly justifications is set forth in the paper:

*S. Zakhartsev, V. Sal'nikov, **The 22nd Century: the Law of the Future (Ideas and Reflections)**. The Journal of Theory of State and Law [Teoriia gosudarstva i prava], 2022, No. 1 (26), pp. 80–92.*

Methods used: the dialectical method and scientific methods of cognition developed based on it.

Findings: the paper presents an attempt to look into a distant future. The positive aspects as well as dangers of the future are outlined in brief. Proposals for improving the path are given.

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DEVELOPMENT OF PROVISIONS ON SURETYSHIP IN LAWS, LEGAL DOCTRINE AND COURT PRACTICE

Keywords: ensuring fulfilment of obligations, ways of ensuring, suretyship, debtor, surety, creditor, reasons for emergence and termination of suretyship, rights and obligations of the surety, responsibility of the surety.

Abstract

Purpose of the paper: analysing features of the development of legislative, doctrinal and law enforcement understandings of suretyship as one of the most important ways to ensure the fulfilment of civil obligations, identifying problems in this area, and determining ways to solve them.

Method used: solving the set problems was based on comprehensively applying the methods of system analysis, dialectics, synthesis and deduction, as well as the formal legal method.

Findings: based on the study, conclusions were made that in the Soviet period the scope of using suretyship was rather small and limited to cases of socialist organisations acting as sureties, including for the obligations of their employees. After the Civil Code of the Russian Federation had been passed, the regulation of suretyship relations achieved a qualitatively new level characterised by unprecedented depth and comprehensiveness largely facilitated by the judicial stances of the higher judicial bodies of Russia. The main lines for improving the laws in this sphere were a significant expansion of the reasons for emergence and termination of suretyship as well as that of the rights of the subjects of this agreement. A practically important provision that the death of the debtor and the reorganisation of the legal entity being the debtor does not terminate the suretyship was laid down in the law, in which regard contradictory and sometimes opposite conclusions and opinions were expressed in court practice and modern doctrine.

Research novelty: for the first time in research, the spiritual and moral component of the civil law regulation of relations on suretyship is described in the paper, which is due to the uniqueness of the legal situation where a person having no property interest concludes an appropriate agreement taking on risks of losing his/her own money and participation in court proceedings. A widespread use of suretyship in modern civil circulation clearly attests that the spiritual and moral potential of Russian society has retained the best features of the national mentality, including the desire to provide gratuitous assistance to a person who needs it.

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MONITORING LAW ENFORCEMENT OF SCIENTIFIC DISCOVERIES

Keywords: intellectual property, scientific discoveries, copyright, high technology, patents, exclusive rights, right of authorship, patent monopolies.

Abstract

Purpose of the work: securing a manifold increase in the productivity and efficiency of Russian science, innovations and high-tech business.

Methods used: methods of analysing the state of Russian science, innovations and high-tech economy based on using system approach and concerning the external sphere of legal relations and the sphere of established laws on intellectual property were used.

Findings: the significance and an important result of this paper are that the authors with a 20 years' experience in the field of using and implementing intellectual property propose concrete, practical steps for normalising relations formed around the scientific discoveries problem in Russia. The main 'supplier' of scientific discoveries in Russia shall be 290 scientific research institutes functioning in the system of the Russian Academy of Sciences, industrial research institutes and enterprises as well as private businesses. The main consumers of scientific discoveries shall be Russian state corporations, high-tech business and the consolidated consumer of Russian science-intensive goods and services.

Research novelty: the proposed approach links together, in a systemic way, all spheres of the great research and development cycle, from scientific discoveries to systemic inventive activities aimed at generating new business ideas in the business field.

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SOCIAL ACTIVITY OF PUBLIC ORGANISATIONS IN SMALL CITIES: THE MAIN PROBLEMS AND POTENTIAL

Keywords: non-profit organisation, municipality, civic participation, activity potential, development.

Abstract

Purpose of the paper: an attempt to analyse the level of social activity of public organisations in small towns, outline the existing trends for decrease in this activity and to identify the existing potential for its development.

Method of study. Small towns were chosen, in accordance with the typology of the Town Planning Code of the Russian Federation, by population size. The study used interdisciplinary analysis, different research and methodological approaches combining socio-spatial and socio-territorial identification of the regions of Russia. Qualitative research methods (in-depth interviews and focus groups) and secondary analysis of statistical data were also used.

Findings. Each small town has a rich history and culture constituting together the potential, including that for social self-organisation, for solving topical problems. Civic participation in local communities, activity of public organisations, initiatives of the local population also depend on the type of settlement, level and quality of life. Therefore, social problems of public organisations, their place and role in small towns, socio-economic and socio-cultural impact on the spatial and regional development require more in-depth sociological research. Studies showed the readiness of individuals, social groups, and communities to participate in public activity despite the problems typical for small towns. Relevant legislative, legal and regulatory documents, statistical materials were studied, in-depth interviews with experts and focus groups in target audiences were carried out. The main reasons for low social activity of civil society as well as the main problems of activities of local public organisations were identified. Examining the experience and potential of public organisations and civic participation in local communities is considered topical.

Research novelty. It can be noted that the available works devoted to social activity of public organisations in Russia usually present a regional and/or all-Russian generalisation. This paper identifies specific features of the work and activity of public organisations in small towns.
