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ABSTRACTS AND KEYWORDS

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G. DERZHAVIN IN THE OFFICE OF THE MINISTER OF JUSTICE OF THE RUSSIAN EMPIRE: THE HISTORICAL SYMBOLISM AND OUR TIMES

Keywords: G. Derzhavin, Ministry of Justice, traditional values, state reforms.

Abstract

Purpose of the paper: presenting the hypothesis about the symbolic meaning of Derzhavin's biography in the context of the task of preserving and strengthening traditional spiritual and moral values.

Methods of study: general scientific methods of cognition (induction and deduction, analysis and synthesis) are used, as well as the portraying and individualising (portrait) method used in historical and legal disciplines.

Study findings: the paper demonstrates that, based on Derzhavin's biographical facts and his moral qualities known from numerous biographical studies, the image of this statesman can be reconstructed as a model which reflects traditional spiritual and moral values related to law as they are worded in the Foundations of the Government Policy on Preserving and Strengthening Traditional Spiritual and Moral Values.

The interest to Derzhavin's biography is considered in the context of such a value as historical memory and continuity of generations. Such values as life, dignity, human rights and freedoms, patriotism, public spirit, high moral ideals, humanism, mercy and justice were reflected in Derzhavin's actions. The values of serving your Fatherland and responsibility for its fate are specially manifested in Derzhavin's biography.

Research novelty: Derzhavin's biography is considered in the context of the priority of preserving and strengthening the traditional Russian spiritual and moral values in the sense provided in the Decree of the President of the Russian Federation No. 809 of the 9 November 2022.

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**LEGAL REGULATION AND THE MAIN FORMS OF IMPLEMENTATION
OF THE GOVERNMENT'S ANTI-CORRUPTION POLICY
BY CHAMBERS OF COMMERCE AND INDUSTRY OF THE RUSSIAN FEDERATION**

Keywords: corruption, countering corruption, Chamber of Commerce and Industry, anti-corruption monitoring, anti-corruption planning, anti-corruption assessment.

Abstract

Purpose of the work: assessing the state of legal regulation and enshrinement in law of the powers of Chambers of Commerce and Industry of the Russian Federation as well as working out means for improving them.

Methodological basis of the study: dialectical materialism and general scientific methods of cognition of social reality based on it.

Study findings: based on an analysis of legal regulations, specific features of laying down in law of anti-corruption powers of Chambers of Commerce and Industry of the Russian Federation, their content and main forms of exercising these powers are described. Among the anti-corruption powers of Chambers of Commerce and Industry of the Russian Federation, the following ones can be mentioned: participation in collegial anti-corruption bodies, using certain tools for countering corruption (anti-corruption assessment, anti-corruption monitoring, anti-corruption awareness-raising, anti-corruption informing, anti-corruption consulting) as well as participation in anti-corruption law-making, anti-corruption education and anti-corruption planning.

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ANTHROPOLOGY OF PHONE FRAUD USING PRETEXTING: A CRIMINOLOGICAL STUDY

Keywords: mobile communications fraud, crime scenario, social engineering techniques, pretexting, phone fraudster's personality, criminological profile, psychological manipulation, linguistic manipulation.

Abstract

Purpose of the work: preventing the criminal situation of phone fraud committed under the pretext "Your relative is involved in a road accident" using pretexting as a social engineering technique, building the phone fraudster's criminological profile, identifying the main criminogenic and victimogenic factors of interaction between the offender and the victim which can be the basis for working out efficient measures for victimological prevention of phone fraud.

Methods of study: the dialectical method of cognition of objective reality, general scientific (analysis, synthesis, comparison) and specific scientific methods of study including the methods of formal logic and linguistics.

Study findings: it was found that the criminal situation of phone fraud committed under the pretext "Your relative is involved in a road accident" using pretexting presumes the presence of a pre-arranged scenario of its development, remote nature of communication, and manipulating the victim's behaviour using the prosodic features of the offender's voice and speech. A description is given of the criminal situation of phone fraud committed under the pretext "Your relative is involved in a road accident" using pretexting. The criminological profile of the offender's personality is given and the main criminogenic and victimogenic factors of interaction between the offender and the victim, are identified, as well as individual psychological features of the personality of victims caused by age changes. A lack of efficiency in the activities of law enforcement bodies, that is, a low level of detection of such offences, was noted.

Research novelty: special attention is drawn to the need for criminological studies of the model of the fraudster's speech behaviour as an integral component of the strategy of his individual criminal behaviour.

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THE RUSSIAN ARCTIC: LEGAL ASPECTS OF DEVELOPMENT

Keywords: Arctic territories, climate agenda, delivery of hydrocarbons, contractual obligations, terms of deliveries, “take or pay” clause, Northern Sea Route, Northern delivery.

Abstract

Purpose of the study: analysing the legal aspects of development of the Arctic zone and the Far North territories of the Russian Federation including: business activities, the Northern delivery, and supplying raw hydrocarbons. Factors impacting the specific features of legal regulation of supplying raw and consumable materials as well as energy carriers in the Northern delivery system including the specifics of transportation of hydrocarbons along the Northern Sea Route are analysed.

Methods of study: legal analysis of the current Russian laws and international law, practice of their application as well as the comparative legal and formal logic analysis.

Study findings: a conclusion is made about the formation of a special legal regime for the development of the Arctic zone of the Russian Federation including the specific features of the Northern delivery and Northern Sea Route under the modern conditions, a special legal regime for the economic development of the Russian Arctic zone and Far North territories covering both the private law aspects of regulating the delivery and transportation of hydrocarbons and the public law aspects of the international regime of the Russian Arctic zone.

Research novelty: a multi-faceted assessment of the legal regulation of activities in the Arctic region of Russia is carried out including the questions of improving the Northern delivery system and supplying hydrocarbons as well as other raw and consumable materials for the development of the region.

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SOME QUESTIONS OF THE JUDICIAL REFORM IN THE RUSSIAN FEDERATION AFFECTING THE INTERESTS OF NON-PROFIT ORGANISATIONS

Keywords: legal defence, dependence of the jurisdiction of the case on the type of non-profit organisation, liquidation of certain types of non-profit organisations, pre-trial appeal, ruling on the return of statement of claim.

Abstract

Purpose of the work: identifying problems of non-profit organisations which arise when they try to exercise their right to legal defence in the light of modifications made to the current procedural laws of the Russian Federation and looking for way to solve them.

Method of study: the main one used was the method of system analysis of legal regulation in the field of legal defence of rights, freedoms and lawful interests of non-profit organisations which made it possible to identify the differences in appealing the actions (or failure to act) of public authorities depending on the type of non-profit organisations and contradictions in the regulation of similar legal relations. The comparative method of study made it possible to identify differences in the legal procedure or liquidating a non-profit organisation and the absence of a single procedure for making a ruling on the return of statement of claim by courts as well as to show the need to make amendments to the current laws concerning questions of pre-trial appeal.

Study findings: the paper addressed the following topics: problems of non-profit organisations arising in the course of defending their rights, freedoms and lawful interests, dependence of the jurisdiction of cases on the type of non-profit organisation and agency that registered it, jurisdiction of courts to hear cases related to the liquidation of a non-profit organisation, questions of pre-trial appeal.

Research novelty: based on the system approach to studying legal regulations of the procedural laws of the Russian Federation, the absence of single mechanisms for the legal defence of rights, freedoms and lawful interests of non-profit organisations is proven, a justification is given that the jurisdiction of cases against non-profit organisations considerably depends on the type of non-profit organisation and on the kind of interest requiring legal defence, whether it is a public or private one. Factors impacting the acceptance of a statement of claim (or administrative complaint) for hearing are examined. It is found that the question of pre-trial hearing of cases against non-profit organisations should be solved by means of a precise and clear laying down in law of a procedure for pre-trial consideration of complaints.

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MONITORING REGIONAL LAWS ON PAYING BENEFITS FOR CHILDREN UNDER CUSTODY OR GUARDIANSHIP

Keywords: legal regulation, social support, monies, child support, orphan children, custodian, guardian, foster family, subsistence minimum.

Abstract

Purpose of the work: based on a generalisation and analysis of laws of subjects of the Russian Federation regulating paying benefits for children under custody (or guardianship), to develop new scholarly provisions which could be practically important for improving measures of social support for substitute families.

Methods of study: general scientific methods (analysis and synthesis, generalisation, the dialectical method) and special ones: the formal logic method as well as the methods of comparative law and analysis of juridical technique.

Study findings: an assessment is made of the modern state of legal regulation of questions related to regional payments of benefits for the support of children under custody (or guardianship) in subjects of the Russian Federation. It is found that the procedure for determining the amount of monthly benefit for the support of orphan children living in the the families of their custodians, guardians, or in foster families is considerably different from region to region. It is noted that the level of support for substitute families provided in some subjects of the Russian Federation is not always sufficient. A conclusion is justified that it is necessary to make amendments to Item 3 of Article 148 of the Family Code of the Russian Federation establishing that the amount of monthly benefit should be equal or higher than the subsistence minimum for a child in this subject of Russian Federation.

Research novelty: based on the carried out monitoring of regional laws, drawbacks of legal regulation of social support for substitute families are identified, and in order to eliminate them it is proposed to make amendments to the Family Code of the Russian Federation.

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**PROBLEMATICS OF REPLACING THE CONCRETISED PERFORMER
DUE TO A FIDUCIARITY DEFECT IN THE SPECIAL CLASS
OF PERSONAL CONTRACTS FOR PAID SERVICES: "PERFORMER SPECIFIED"**

Keywords: fiduciary relationship, fiducia, fiduciarity defect, personal nature of obligation, personal obligations, personal obligations to render services, personal performance of obligation, concretised performer, concretisant, split fiduciarity, emergence of perception of service provider and concretisant.

Abstract

Purpose of the work: studying questions related to characteristics determining the legal nature of concretised performance and the performer's status in case of a contract for paid services where the direct performer is named, that is, concretised.

Methods of study: general and specific scientific methods of study, i. e. the comparative legal, system legal, and logical methods as well as the method of analysis and interpretation of legal regulations.

Study findings: the conclusion is made that the grounds for choosing the obligor for granting him/her legal value in a personal contract for paid services and, accordingly, the legal consequences in case of its termination must be included in the contract structure by law or agreement of the parties. Trust in the obligor can grant legal value to the choice made but doesn't make an obligation a fiduciary one on these grounds because this characteristic is not integral to the structure of the obligation and doesn't change the legal goal (causa) of the obligation to render paid services due to the fact that the grounds of choice by itself cannot exhaustively cover all of its essential elements. Besides, it is proposed to consider the possibility of individual personal choice of the performer by the customer on certain grounds as a constitutive characteristic of the personal obligation to render paid services.

Research novelty: proposing and justifying that the grounds for choosing the performer by the customer should be considered a constitutive characteristic of the personal obligation to render paid services.

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PROBLEM ASPECTS OF PASSING FEDERAL LAWS ON THE ITEMS OF JOINT JURISDICTION

Keywords: subjects of the Russian Federation, items of jurisdiction of the Russian Federation, items of joint jurisdiction, law-making process, law project, law project concept, conciliation commission, time for consideration of a law project, review of a law project.

Abstract

Purpose of the work: analysing the current procedure for passing projects of laws on the items of jurisdiction of the Russian Federation and subjects of the Russian Federation and working out proposals for improving it.

Methods of study: general scientific methods of cognition and special legal methods (the formal legal and comparative legal ones, and the method of interpreting the provisions of law). A detailed analysis of the provisions of law on the matters under consideration, together with the practice of the Constitutional Court of the Russian Federation and practice of considering law projects in the Federal Assembly of the Russian Federation, is given.

Study findings: a multi-faceted analysis of laws regulating the procedure for passing projects of laws on the items of joint jurisdiction, their practical use in the Parliament of the Russian Federation and challenging the passed laws in the Constitutional Court of the Russian Federation as well as of existing scholarly views on the subject of study is carried out. As a result, the following is proposed: to establish a procedure for determining the item of jurisdiction when a law project is submitted to the State Duma, to make adjustments to the terms for preparing and presenting reviews and amendments for law projects, to take into account the reviews for a law project presented by the law-making body and the supreme official of the subject of the Russian Federation even if their opinions are different, to establish the rules for setting up and functioning of the conciliation commission, to make it possible to submit reviews for amendments to law projects prepared by public authorities of subjects of the Russian Federation when the project is being prepared to the second reading, and to exclude the introduction of new powers for subjects of the Russian Federation at the stage of the second reading of the law project. These and other proposals set out in the paper will contribute to raising the activity of subjects of the Russian Federation, improving the quality of law projects and strengthening the responsibility of the Parliament of the Russian Federation for failure to comply with the procedure for passing laws on the items of joint jurisdiction.

Research novelty of the study: a detailed and comprehensive argumentation for the conclusion on the imperfection of the current legal procedures regulating the participation of subjects of the Russian Federation in passing federal laws is presented, which made it possible to frame proposals aimed at raising the efficiency of participation of subjects of the Russian Federation in the federal law-making process and a better consideration for their interests.

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LEGAL ANOMIE: THE CONCEPT AND ITS CHARACTERISTICS

Abstract

This publication presents an overview of materials of the All-Russian Research and Practical Round Table Conference “Legal Anomia in the Legal System of the Society: Topical Problems” held on the 3rd April 2023 under the aegis of the Volga Region Institute (Branch) of the All-Russian State University of Justice (Russian Law Academy of the Ministry of Justice of the Russian Federation) in Saratov and the Togliatti State University.

The leader of the conference was Aleksandr Mal'ko, Dr.Sc. (Law), Professor, Honoured Scientist of the Russian Federation, member of the editorial boards of the Monitoring of Law Enforcement and State and Law journals, who prepared the materials for this publication. We would like to begin this overview with his address.

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FROM THE NEOCLASSICAL ECONOMIC THEORY TO A MULTI-FACETED COMPREHENSION OF THE ECONOMIC-CUM-LEGAL REALITY

Keywords: economic crimes, economic security, financial activities, Russia's financial sovereignty, shadow economy.

Abstract

Purpose of the work: the paper is a follow-up to research aimed at the cognition of economic-cum-legal activities.

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

Study findings: the paper presents a review of the textbook by A. Khabibulin, E. Anishchenko, A. Anishchenko, V. Anishchenko "Investigation of Economic Crimes. Theoretical and methodological basics of economic-cum-legal analysis of financial activities" devoted to understanding, developing and mastering the most important components of economic-cum-legal analysis of financial activities. It is noted that the theoretical and methodological basics of economic-cum-legal analysis of financial activities set forth in the textbook play a crucial role for obtaining the results of analysis of the economic reality in the light of the events that took place over the world during the recent decennia of modern history. A conclusion is made that the reviewed publication is a pioneering multi-faceted monograph in the field under consideration and contains the theoretical and methodological basics needed to practically achieve Russia's financial sovereignty and ensure its financial security.

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EMPLOYMENT AS A CRUCIAL INDICATOR IN STUDYING REGIONAL INEQUALITIES

Keywords: employment, labour force, labour resources market, labour market, unemployment, government policy.

Abstract

Purpose of the paper: employment of the population is an important direction of social and economic development of the society combining in itself the social and economic results of functioning of the economic system. Studying and analysing problems of population employment encountered in the practice of taking managerial decisions both at the level of the region and the country at large implies continuous research support for this practice at all stages of taking and implementing these decisions.

Methods of study: collecting, processing, and analysing the statistics and materials of sociological studies.

Study findings: various aspects of population employment and the labour market are studied. An analysis of the labour market and population employment in Russia at large as well as in its regions is carried out. The main problems and prospects for the development of Russia's labour market are identified and worded as analytical provisions and proposals aimed at improving the process of managing employment in the region and Russia at large. Problems encountered by the employment service are identified.

Research novelty: the goal of the government employment policy is justified and confirmed. New directions for forming favourable conditions for population employment and providing work force for enterprises are proposed which use: economic stabilisation, raising the quality and competitiveness of labour force, development of staff training systems, and actions of public employment authorities.
