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# The constitutional model of Russian statehood: advantages, disadvantages, ways of development

**Grudinin Nikita Sergeevich**

**Abstract**

The key features of the modern constitutional model of development of the Russian statehood are considered in the context of both advantages and disadvantages of the established foundations of the constitutional system of Russia. It is argued that the Constitution of 1993 continues to successfully fulfill its functions, ensuring stability, dynamism and originality of development of the whole system of state legal relations in the country, as well as civil peace and harmony. It is emphasized that at present the adoption of a new Constitution of the Russian Federation would be a premature step, which is objectively unconditioned and capable of disrupting the achieved socio-political balance, stability and continuity. It is noted that the Constitution and the sovereign Russian statehood should develop evolutionarily through constitutionalization of institutions that can ensure the development of a democratic state under the rule of law. It is proposed to focus on the creation of reliable constitutional and legal guarantees for the development of the party system and the activities of the political opposition, strengthening federal relations and local self-government, stimulating local civic initiative and the formation of a national patriotic idea capable of uniting the entire society for the further successful development of the country. The thesis of consistent improvement of the system of separation of powers, constitutional and legal specification of the status and responsibility of the President of the Russian Federation, allocation in separate constitutional chapters of the procedure for the functioning of the prosecutor's office and the Investigative Committee of the Russian Federation, as well as the bodies of electoral power. The idea of the necessity to unite on a strong and original constitutional basis of the whole society for further successful development of the country and its future prosperity is carried out.

**Keywords**

Constitution, democratic state of law, sovereign statehood, local self-government, federalism, national patriotic idea

# Features of public administration in Bessarabia after its inclusion in the Russian Empire

**Karaman Alexander Akimovich**

**Abstract**

The relevance of this study is due to the significant activation of anti-Russian rhetoric deployed by the official authorities of Moldova, distortion of the history of the development of the Moldovan state. Against the background of the formation of the image of the Mother Country from Romania, the image of a hostile and aggressive state is being formed from Russia, which, in 1812, allegedly dismembered the Moldavian Principality and occupied Bessarabia – the territory between the Prut and Dniester rivers. The purpose and objective of the research is to form reasoned, scientifically based conclusions that refute such a pseudoscientific theory. The research uses general scientific and special research methods – systematic, logical, analysis and synthesis, historical, interpretation and others. The subject of the study was ancient chronicles, normative legal acts, scientific publications of a historical and legal nature by domestic and foreign authors, including Moldovan and Romanian. As a result of the study, the effectiveness of a separate model of public administration in Bessarabia was proved, which made it possible to transform Bessarabia from a sparsely populated and backward territory into one of the most highly developed provinces of the Russian Empire.

**Keywords**

Slavic lands of Moldova, Bucharest Peace Treaty, provisional rule in Bessarabia, Bessarabian region, Bessarabian province, judicial reform of Bessarabia, economy of Bessarabia

# Controversial issues of the legal regulation of first aid by medical professionals

**Pogodina Tatyana Grigorievna, Soboleva Maria Vladimirovna**

**Abstract**

It has been established that the current state of the question of the obligation to provide first aid in medical organizations and outside of them for persons with medical education is characterized by uncertainty. On the one hand, this is due to the absence of a provision in the basic law on health care that defines medical workers as subjects who are obliged to provide first aid, on the other – to the fact that subordinate normative acts assign this responsibility only to certain categories of specialists within the framework of their official duties. A comprehensive analysis of the current normative legal acts, regulating activities in the field of citizen health protection, was carried out, with the aim of correlating the concepts of “first aid” and “medical aid” in the context of the professional activity of medical workers. It has been established that there is a lack of juridical terminology in governmental normative legal acts when defining the concept of “first aid”. It also revealed the lack of a single approach when determining the duties of the categories of workers with higher and secondary medical education in terms of providing first aid as a labor function. A conclusion was made about the necessity of enshrining at the legislative level the obligation of medical workers to provide first aid when performing professional functions and introducing this obligation into the qualification characteristics of the positions of workers in the field of health care, used in the development of job instructions.

**Keywords**

normative legal act, first aid, medical care, medical workers, medical organization, qualification characteristics of positions of employees in the field of healthcare, ethical rules

# The history of the development of the right to equal access for public service in the USSR

**Fedoseev Georgy Dmitrievich**

**Abstract**

The article examines the development of the right to equal access to public service during the existence of the USSR, based on the general principle of equality of Soviet citizens. It is established that the Constitutions of the USSR established the general principle of equality of rights of Soviet citizens in all spheres of public life, including political life, and therefore in the field of public service. It is noted that the Soviet legislation in the field of public service activities did not have a system-forming, complex character; it was significantly characterized by a fragmentary, fragmentary nature. Attention is focused on the ideologization of the civil service, its nomenclature formation. It is established that the presence of a plurality of normative acts of various departmental orientation did not contribute to the streamlining of the public administration system and the passage of public service. It is revealed that in Soviet times, the Imperial Table of Ranks continued to operate in its methodological basis, but was gradually recognized as outdated, however, since the middle of the twentieth century, some of its provisions in the field of military service have been accepted. It is noted that during the passage of public service, employees acquired knowledge and skills of managerial activity, moral qualities; employees were tasked with a high level of service discipline, striving for loyalty party ideals. It is concluded that the regulated constitutional equality of Soviet citizens in all spheres of life formally existed in a declarative form, because the existing political regime based on prohibitive and permissive legal means did not contribute to the development of the right to equal access to public service; the established political Soviet system laid in every civil servant lawful behavior, discipline,

careful attitude to documents, a sense of patriotism. It is recommended to take into account the positive experience in the field of service discipline in the activities of the modern state apparatus.

**Keywords**

Soviet civil service, nomenclature, equal accessibility of public service, ideologization, discipline

# Responsibility of a public partner in the field of public-private partnership in Russian law: problems of legalization

**Shishkin Sergey Ivanovich, Ganusenko Irina Vladimirovna**

**Abstract**

The issues of law enforcement practice of various forms and types of liability to a public partner in the framework of his participation in the implementation of projects of public-private and municipal-private partnerships in the Russian Federation in the modern period were investigated. On the basis of the analyzed judicial practice materials, the authors concluded about the features and problems of applying administrative and civil legal liability for committed offenses under Russian legislation in the field of public-private partnerships. Proposals for improving the legislation regarding the specification of forms and types of liability applied to a public partner as a participant in public-private partnership, including the need to consolidate the concept of social responsibility for both parties as participants in the type of legal relationship, have been formulated.

**Keywords**

public-private partnership, municipal-private partnership, public partner, social responsibility, legal liability, law enforcement, judicial practice

# Financial sovereignty as a fundamental factor in the development of financial legislation

**Vasilyeva Natalia Viktorovna, Pyatkovskaya Julia Valerievna**

**Abstract**

The article examines the category of “sovereignty” in the financial and legal aspect. At the same time, the authors of the article emphasize the increased attention to this issue from the scientific community, expressed in the publication of scientific papers and defense of dissertations. The authors of the article touch upon the discussion of “belonging to sovereignty”, noting that there is only the sovereignty of the Russian Federation and denying the sovereignty of other public-legal entities that are part of the Russian Federation. Along with this, the article emphasizes that in ensuring the sovereignty of the state it is necessary to take into account all areas and levels of public financial activity. The author’s concept of financial sovereignty is given, which emphasizes the independent and autonomous implementation of public financial activity from other states, international organizations, and other entities. Conclusions are made about the collective nature of the category of “financial sovereignty” and its possible manifestations in the budget, tax, and banking spheres. The authors of the article pay special attention to the manifestation of state sovereignty in the sphere of budgetary activity, since it is the budgetary system of the state that is the coordinating and main one, under the influence of which all its other links develop. The article notes the importance of implementing the principle of budget independence to ensure the sovereignty of the Russian Federation. Considering the main areas of budgetary activity, the authors of the article emphasize the important role of independent determination by the relevant public bodies of the forms and types of expenditure, the adoption of expenditure obligations taking into account the restrictions dictated by the principle of federalism, as well as the use of legislatively enshrined mechanisms for the state’s adaptation to changes in the economy. In addition, the need to ensure the sufficiency of revenues coming into the budgets of the budgetary system of the Russian Federation is emphasized, which affects the possibility of implementing all the set public tasks.

**Keywords**

financial sovereignty, financial security, budget sovereignty, budget revenues, budget expenditures

# Features of the legal regulation of the tourist tax in the Russian Federation

**Kolosov Nikolai Viktorovich**

**Abstract**

The features of the legal regulation of the tourist tax in Russia are investigated. This tax was preceded by another payment – a resort fee. The article identifies and examines the differences between the tourist tax and the resort fee. The funds from the payment of the tourist tax do not have a targeted orientation, but can be spent on the development of tourist infrastructure. In this regard, it is concluded that the name of the tax is largely related not to the direction of expenditure of the income received, but to the type of economic activity subject to taxation. The article suggests that revenues from the payment of tourist tax in Russia due to the possible expansion of the geography of application, changes in the procedure for calculating the tax, and a reduction in the number of benefits may potentially be higher than from the resort fee. The analysis of the legislation on tourist tax has shown that the funds from the payment of tourist tax can really strengthen the financial base of local government, become a new significant source of formation of local budgets. At the same time, it was noted that certain elements of taxation under the tax in question need to be adjusted. For example, there is a need to expand the list of persons for whom the cost of temporary residence services is excluded from the tax base. It is proposed to include citizens who left their place of residence for reasons beyond their control (natural disasters, other circumstances of force majeure) and were forced to settle in a hotel or other place of temporary stay. Such an approach will contribute to the implementation of the general legal principle of justice.

**Keywords**

tax, tourist tax, resort fee, budget, budget revenues, object of taxation, benefits and exemptions, tax rates

# On the formation of the territories of the first municipalities in the Irkutsk region (for the 30th anniversary)

**Praskova Svetlana Vasilevna**

**Abstract**

The article examines the process of formation of the first municipalities in the Irkutsk region in the period from 1995 to 1998. It is noted that at that time, federal legislation provided the subjects of the Russian Federation with considerable discretion in determining the territorial basis of local self-government. Any system of municipalities was allowed with minimum fixed requirements for their territory. The main factors that influenced the decision of the Irkutsk region on the formation of municipal territories are highlighted: 1) the actual territories of local communities; 2) the political situation related to the election of the second-convocation members of representative bodies at the regional and municipal levels; 3) the position of local authorities. In fact, 37 municipalities were created at the level of districts and cities of regional subordination. The author comes to the conclusion that there was a choice between the model of single-level municipalities or the preservation of a two-level system of territories of local communities. The choice of the district-city model in official documents is motivated by the fact that at the beginning of the second municipal reform in Russia, only these territories of local communities had their own elected authorities, budget and property. At the level of the territories of the district subordination, there were only elected heads of local administrations, there were no other attributes of a municipality. However, the author believes that an equally important reason for this decision was the complexity of work for regional authorities with a large number of municipalities. In conclusion, it is stated that at that stage the question of any qualitative revision of the actually existing boundaries of local government territories was not raised. The territories of the first

municipalities of the Irkutsk region received their consolidation within the boundaries of administrative-territorial units of the Soviet period.

**Keywords**

local government, municipal structure, territory of the local community, municipal reform, administrative-territorial structure, criteria of territorial organization, single-level model

# To the issue of holding business entities administratively liable based on the results of control and supervisory activities

**Chagin Ivan Borisovich**

**Abstract**

The article analyzes the problems of law enforcement practice associated with changes in the state's approach to the issue of administrative liability of business entities, namely, reducing the administrative burden on business through changes in the state's approach to imposing administrative penalties and through the establishment of special grounds for initiating cases on administrative offenses against business entities. The main attention is paid to two aspects: the ambiguity of interpretation of the norms of the Code of Administrative Offenses of the Russian Federation and the impact of this uncertainty on the business environment. It is emphasized that differences in law enforcement are associated with defects in regulatory legal acts and the wrong choice of methods for interpreting the law. The variability of practice is due to the use by courts of a literal or expansive interpretation of the norms of the Code of Administrative Offenses of the Russian Federation. The solution to these problems requires a comprehensive approach that takes into account the interests of all stakeholders and a timely response from the legislator to changes in practice.

**Keywords**

Initiation of administrative offense proceedings, Control measures, Interpretation of administrative law norms

# Reservations in Russian contract law: general characteristics

**Baturina Alena Arkadievna**

**Abstract**

An analysis of Russian legislation, contractual practice and doctrinal approaches regarding the use of various clauses when drawing up agreements was carried out. The most popular contractual clauses are summarized and classified into two groups depending on the presence of a particular industry in them. Reservations that have a civil legal nature and reservations that have a non-civil legal (diversified) nature are identified. The proposed division of reservations into types according to their legal nature is conditional and does not entail a categorical distinction between them. The features of certain types of reservations are clearly examined and their legal nature is analyzed. Legislative prohibitions and the limits of dispositivity in determining the content of reservations are analyzed. The conclusion is made about the universality of contractual clauses when reaching compromises between counterparties and their impact on the legal nature of the contract as a whole.

**Keywords**

contractual clause, freedom of contract, disclaimer, terms of the contract

# On the legal status of the Russian self-employed in the labor market and in the field of social security

**Paryagina Olga Aleksandrovna**

**Abstract**

It is established that the Russian legislation on the special tax regime “Professional Income Tax” predetermines the specifics of the status of the self-employed in the labor market, prohibiting their participation in labor relations and restricting their entry into civil law relations with former employers within two years after the termination of the employment contract with them. Relations on the implementation of entrepreneurial activities by the self-employed are implemented within the framework of a non-standard form of employment, tend to converge with labor relations, since, in accordance with the law, the self-employed performs work or provides services, like an employee, personally. In the new legislation on employment, the employment of citizens aimed at generating income, which does not contradict the law, is correctly called labor, but the self-employed are not quite consistently classified as employed citizens. It is shown that the introduction of a tax on professional income has led to a significant reduction in shadow employment, however, business allows the substitution of civil law relations with self-employed labor relations. In this regard, the measures provided for by law to counter illegal employment were approved. Taking into account the position of the International Labor Organization on the need to ensure decent work and social protection of all categories of working citizens, as well as foreign experience in ensuring the social and labor rights of the self-employed, it is concluded that it is possible to endow the Russian self-employed primarily with labor rights in the field of collective protection – to unite, collective bargaining, strike. In order to ensure the right of the self-employed to an old-age pension, it was proposed to divide the burden of expenses on insurance pension contributions between the self-employed and their counterparties.

**Keywords**

self-employed, employment contract, civil law contracts, illegal employment, social security

# Major repairs of common property apartment buildings: current status and development prospects

**Senotrusova Evgenia Mikhailovna**

**Abstract**

The analysis of the housing law on the overhaul of the common property of apartment buildings has been carried out. The important positions of the Constitutional Court of the Russian Federation are given. The new norms on the obligation to pay contributions in houses with block sections being phased in, on monitoring the technical condition of houses, on requirements for contractors, and on construction control were evaluated. The conclusion is made about the too rapid change in the Housing Code of the Russian Federation, about the unsystematic and situational nature of the changes being made. It is proposed to adopt a separate federal law or a decree of the Government of the Russian Federation and preserve in the Housing Code of the Russian Federation only the most important norms on major repairs.

**Keywords**

major repairs, common property of apartment buildings, capital repair fund, regional operator

# The institute of joint the commission of a crime in the writings of Russians criminologists of the early twentieth century

**Georgievskiy Eduard Viktorovich, Kravtsov Roman Vladimirovich**

**Abstract**

This article examines the points of view of Russian pre-revolutionary scientists on the institution of joint commission of crime in the early twentieth century. During this period of time, not only works are published that are of a general commentatorial nature or include attempts at comparative analysis with the subsequent development of their own original point of view on the institution, but also works appear in which the institution of joint commission of a crime is considered from a slightly different perspective. Such research is carried out from the historical, criminological, penitentiary, criminal-sociological and criminal-statistical points of view. The institute of joint commission and the aspect of a special part of criminal law, in relation to certain types of crimes, is being investigated. Separate issues of the institution of joint commission of a crime are also being analyzed, and this is beginning to be implemented at the monographic level. The authors conclude that in recent years there has been.

**Keywords**

joint commission of a crime, complicity, incitement, forgery, D. A. Drill, M. N. Gernet, E. Ya. Nemirovsky, P. P. Pustoroslev, I. Ya. Heifets

# Assessment of some quantitative and qualitative indicators of crimes related to giving and receiving bribes and other types of illegal remuneration

**Nikonov Pavel Vladimirovich**

**Abstract**

Statistical indicators of crimes related to giving and receiving bribes and other types of illegal remuneration are analyzed. Their positive dynamics has been determined, which demonstrates a general trend towards an increase in quantitative values. At the same time, there is a tendency to decrease the total number of corruption-related crimes, the reason for which is explained by an increase in accounting and registration discipline. Trend lines have been identified, indicating a multidirectional dynamics of corruption-related crimes and crimes related to giving and receiving bribes and other types of illegal remuneration. An increasing trend of crimes related to giving and receiving bribes and other types of illegal remuneration in the general structure of corruption crimes, which prevail in the structure of corruption-related crimes, has been identified. It is noted that most of the registered corruption-related crimes are cases of bribery, which form the “core” of the studied group of crimes. The results of the analysis of statistical data are summarized, which clearly demonstrate the stable position of crimes of this type in the general structure of corruption-related crimes and the insufficient effectiveness of the efforts undertaken by the state to counteract their commission.

**Keywords**

statistical indicators, corruption crimes, the number and structure of registered crimes, bribery, illegal remuneration, the dynamics of corruption-related crimes, the trend line

# Risk as an element of the national security system

**Ostrovskikh Zhanna Vladimirovna, Rozhkova Anna Konstantinovna**

**Abstract**

The article examines the phenomenon of risk in modern Russian legislation and a transforming society through its essential features: uncertainty of the future and decision-making in the present in the absence of sufficient information about possible adverse consequences. The authors believe that risks can be considered one of the basic elements of the Russian national security system. At the same time, risk, as a concept, must be distinguished from similar phenomena, including threats, dangers, and challenges. The author analyzes the current regulations: federal laws and Decrees of the President of Russia (strategic planning documents in the field of legal support for national security) in the context of identifying risk as a

separate category. A classification of risks is proposed as the most important element in the national security system of the Russian Federation.

**Keywords**

risk, threat, challenge, national security system, strategic planning, Russian legislation

# The criminal legislation of Russia and the republic of Kazakhstan on responsibility for recruitment into terrorist and extremist organizations: a comparative legal aspect

**Prokhorenko Elizaveta Sergeevna**

**Abstract**

This article compares the criminal legislation of Russia and the Republic of Kazakhstan in terms of promoting terrorist and extremist activities. The methodological basis of the study is a comparative legal method used to compare the criminal law characteristics of the provisions providing for criminal liability for recruitment into terrorist and extremist organizations in the Russian Federation and in the Republic of Kazakhstan. The object of the study is public relations regulating responsibility for recruitment activities in the Russian Federation and the Republic of Kazakhstan. A comparison of the legislations of the two countries makes it possible to identify the positive and negative aspects of the norms providing for responsibility for recruitment into extremist and terrorist organizations. Based on the results of the comparison, it is proposed to amend the current Russian legislation in order to improve the application of norms, including alternative actions of the subjective side, in practice. The changes will contribute to reducing the significant number of errors regularly made by the courts. With a complex presentation of the norm in the criminal law, the law enforcement officer often makes mistakes due to subjective interpretation. In this case, it is recommended to exclude the facts of a different understanding of one norm by each law enforcement officer by improving the norms of criminal law on the example of more successful use and application of criminal law by other countries, which will contribute to a significant improvement in the quality of decisions made by the courts following the decision.

**Keywords**

inducement, recruitment, involvement, promotion of terrorist activities, extremist activities, extremist community, extremist organization, criminal liability, recruitment activities, court verdict

# On the question of the role and essence of psychological contact during interrogation

**Tayurskaya Elena Anatolievna, Shishkina Natalia Eduardovna, Shishmareva Ekaterina Vladimirovna**

**Abstract**

The most common investigative action, interrogation, is presented. The article analyzes the content of this investigative action and the main strategies of its production. The main stages of production are considered and special emphasis is placed on such an important element as “psychological contact”. The ambiguity of approaches to this definition is noted, as well as the variety of ways and techniques to achieve this state and its consistency. The features of achieving psychological contact within the framework of the main typical interrogation strategies and the prospects of maintaining it throughout the investigative action are considered. The author’s attitude to understanding the essence of psychological contact and its significance for the realization of the purposes of interrogation is being formed. Some tactical techniques are analyzed to improve the effectiveness of interrogation. The authors note the need for further study of the investigative action in question from the point of view of the psychological foundations and rules of its implementation.

**Keywords**

interrogation, stages of interrogation, psychological contact, tactics, investigative actions, stage, interrogation production strategy

# Problems of development of retrospective statement of outstanding universal value of the world heritage property “lake Baikal”

**Kolobov Roman Yurievich**

**Abstract**

The concept of a retrospective Statement of Outstanding Universal Value of Natural World Heritage properties is critically examined using Lake Baikal as an example. The need to prepare such a statement is determined by the decisions adopted at the forty-sixth session of the World Heritage Committee. It is shown that the absence of such a declaration hinders the preparation of a management plan for Lake Baikal as a World Heritage property and an environmental impact assessment in accordance with the guidelines developed by the advisory bodies of the World Heritage Committee. The range of legal texts to be interpreted in the preparation of the retrospective wording is identified and their detailed analysis is carried out. The necessity of using the nomination documents and their evaluation prepared by the International Union for Conservation of Nature in 1996 for the preparation of the retrospective statement is demonstrated. The concept of the “attribute of a World Heritage property” and its role in the preparation of the formalisation of the outstanding universal value of Lake Baikal is examined. The deficit of scientific attention to the concept of integrity of World Heritage properties is compensated, its role in the protection of World Heritage properties is determined. It is proposed to consider in a retrospective statement the possibility of creating a transnational World Heritage property “Lake Baikal” at the expense of Lake Khubsugul and the Tunka Depression on the principle of geological integrity. One of the possibilities to implement the recommendations of the World Heritage Committee to formalise the buffer zone of the World Heritage Site “Lake Baikal” by including the territories of five settlements, which were not included in its territory according to the inscription decision, is considered. The need for systematic improvement of the legislation on the protection of World Heritage Sites is noted.

**Keywords**

outstanding universal value, statement of outstanding universal value, world heritage, Lake Baikal, international law, environmental law

# The review of the Leading Organization – Federal State Budgetary Educational Institution of Higher Education “Irkutsk State University” on the Dissertation of Tatyana Mikhailovna Petrova on the Topic “Crimes Against Specially Protected Wild Animals and Plants: Qualification, Improvement of the Mechanism of Criminal Legal Counteraction”, Submitted for the Degree of Candidate Legal Sciences by Specialty 5.1.4 “Criminal Law Sciences (Legal Sciences)”

**Zabavko Roman Alekseevich**

**Abstract**

On the basis of a comprehensive analysis of the text of the dissertation, the abstract of the dissertation, the main publications of the applicant Tatyana Mikhailovna Petrova, an independent assessment of the work prepared by her on the topic “Crimes against specially protected wild animals and plants: qualification, improvement of the mechanism of criminal law counteraction” submitted for the degree of candidate of legal sciences in specialty 5.1.4 “Criminal law sciences (legal sciences).” All the necessary structural elements of the work were considered, individual shortcomings were identified that require personal explanation and clarification by the author of the dissertation. An overall positive assessment of the study was given, it was concluded that it meets the necessary requirements imposed by the state.

**Keywords**

dissertation, recall, environmental crimes, especially valuable natural resources, criminal liability