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Dear readers,

I would like to present for your attention the fourth regular issue of the journal "Kazan University Law Review" in 2021.

The issue you are holding now has articles on vital questions of theory and practice of Russian and foreign law.

The issue starts with the article by Adeola Olufunke Kehinde, Candidate of Law of the Federal University of Oye-Ekiti, "Impact of COVID-19 pandemic on the environment and the judicial system: the Nigeria context". The author of this article gives the concept of Covid-19, considers its origin, and analyzes the consequences and impact on the environment, in particular, on the Nigerian society. The impact of COVID-19 on the administration of justice in Nigeria has been noted. The study also reflects the various efforts of the Nigerian government to ensure environmental sustainability. An interim conclusion was also made that most of the laws regulating environmental protection were not observed during and after the pandemic, which is also given by the author's assessment.

The issue continues with an article by Candidate of Legal Sciences, Senior Lecturer of the Department of Criminal Law and Criminology of the P.G. Demidov Yaroslavl State University Lyudmila Kuleva "Categorization of criminal acts in the legislation of the post-Soviet countries". The author of this article analyzed the legislative models for the classification of crimes (criminal acts) of the former Soviet republics, and also described their impact on the criminal law consequences. A proposal has been put forward to borrow promising norms for the domestic system of categories of crimes.

I am sincerely glad to present to you the study of the Associate Professor of the Department of Constitutional and Administrative Law of Kazan Federal University, Alsu Khurmatullina and Candidate of Legal Sciences, Associate Professor of the Department of Environmental, Labor Law and Civil Procedure of Kazan Federal University, Larisa Kirillova "The history of the formation and development of the magistracy at the Faculty of Law of Kazan University". The article reveals the features of the second stage of Russian education — the

magistracy, which appeared in the course of the development of the Bologna Declaration in the Russian education system. Important are the highlighted features of master's programs implemented at the Faculty of Law of Kazan Federal University. The authors provide statistical data in numerical terms, reflecting the importance of a master's program for a student today.

With best regards,
Editor-in-Chief
Damir Valeev

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ARTICLES

Adeola Olufunke Kehinde

Candidate of Law of the Federal
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IMPACT OF COVID-19 PANDEMIC ON THE ENVIRONMENT AND THE JUDICIAL SYSTEM: THE NIGERIA CONTEXT

DOI 10.30729/2541-8823-2021-6-4-222-234.

Abstract. T*he coronavirus disease of 2019 (COVID-19) pandemic shocked the world, overwhelming the health systems of even high-income countries. Many health experts believe that the new strain of coronavirus likely originated in bats or pangolins. The novel coronavirus epidemic first broke out in Wuhan and has been spreading in whole China and the world. The incidence of COVID-19 grew steadily in Nigeria, moving from an imported case and elitist pattern to community transmission. The World Health Organization (WHO) declared the novel human coronavirus disease outbreak, which began in Wuhan, China, a Public Health Emergency of International Concern (PHEIC). The rising rates of infections in a number of European countries, the high number of COVID-19 cases in China (the epicenter of the virus at the time), and international flights still operating, made Nigeria particularly vulnerable. The global outbreak of coronavirus disease in 2019 is affecting every part of human lives, including the physical world. The measures taken to control the spread of the virus and the slowdown of economic activities have significant effects on the environment. Older people along with others with underlying medical conditions are at higher risk of mortality. This article examines what Covid-19 is all about, its origin, effects and impact on the environment, particularly the Nigeria society. It considered the effects of COVID-19 on the administration of justice system in Nigeria. It also examined the various efforts by Nigerian government in ensuring environmental sustainability. It was observed that most of the laws governing environmental protection were not obeyed during and after the pandemic, going further, to make necessary recommendations.*

Keywords: *Environmental sustainability, Government, Judiciary, Nigeria Environment Palliative.*

Introduction

Coronaviruses are a group of viruses that can cause disease in both animals and humans. The severe acute respiratory syndrome (SARS) virus strain known as SARS-CoV is an example of a coronavirus[1]. SARS spread rapidly in 2002–2003. However, the new strain of coronavirus is called severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2). The virus causes coronavirus disease 19 which is popularly called COVID-19.

In December 2019, a new type of coronavirus called novel coronavirus, which is globally referred to as COVID-19, was identified in Wuhan, China. China was the first country to experience an outbreak of the disease, the first to impose drastic measures in response, including lockdowns and face mask mandates, and one of the first countries to bring the outbreak under control[2]. The outbreak was first manifested as a cluster of mysterious pneumonia cases, mostly related to the Human Seafood Market, in Wuhan, the capital of Hubei Province[3].

The Covid-19 is associated with symptoms such as fever, difficulty in breathing, cough, and invasive lesions on both lungs of the patients. It can spread to the lower respiratory tract and cause viral pneumonia. In severe cases, patients suffer from dyspnea and respiratory distress syndrome, which are usually developed after an incubation time lasting as long as 2 weeks[4]. The pandemic has a big number of infected patients that far exceeded the equivalents of Severe Acute Respiratory Syndromes (SARS) and Middle East Respiratory Syndrome (MERS), though with a lower fatality rate. After recognizing it is an emergency epidemic, strong measures were adopted immediately by Wuhan local authorities to characterize and control the epidemic, including isolation of suspected cases for treatment, close monitoring of contacts, epidemiological and clinical data collection from patients, and development of diagnostic and treatment procedures[5].

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[1] *Aaron Kandola*. Coronavirus Cause: Origin and how it spreads. Updated on June 30, 2020. https://www.medicalnewstoday. Accessed 21 October 2021.

[2] *Zhu H., Wei L.* & *Niu P.* The novel coronavirus outbreak in Wuhan, China. glob health res policy 5, 6 (2020). https://ghrp.biomedcentral.com/articles/10.1186/s41256-020-00135-6. Accessed 28 September 2021.

[3] Ibid.

[4] Ibid.

[5] Ibid.

This pandemic however had national impacts on the China society. The national impact ranges from the social impact to economic impacts. Different Provinces made their own policies about holiday extension and so on. For instance, the Miss Universe China 2020 which was originally scheduled to take place on 8 March 2020 was postponed to a later date due to the epidemic. Also, the Wuhan Culture and Tourism Bureau postponed a tourism promotion activity as all qualified citizens were assured of their participation in the Bureau's next activity. The Bureau also announced the temporary closure of museums, memorials, public libraries and cultural centers in Wuhan, resulting into the cancelation of all tour groups to and from Wuhan.

Major sports events were also canceled due to the outbreak, as the State General Administration of Sports announced a suspension of all sporting events, while the educational institutions also postponed resumption of schools. The National Education Examinations Authorities canceled all exams including but not limited to IELTS, TOEFL, and GRE exams. Students that were meant to travel abroad were also advised to delay their travels. The civil life was also not left out, as the Civil Affairs Authorities in Shanghai, Hangzhou, and others announced the cancelation of the special arrangement of marriage registration to avoid the spread of the epidemic and cross-infection caused by the gathering of people[1].

The outbreak also had an impact on religion and politics. The economy was not left out as the outbreak had a negative impact on the economy. Millions of workers were stranded, sales of new cars in China were also affected by the outbreak, therefore resulting into the fall of economic activity. During the height of the epidemic in Wuhan, millions of people lost their jobs and this led to the high rate of unemployment in the city[2].

The pandemic led to the use of facemasks and hand sanitizers widely by the public and was required in many locations but as the epidemic accelerated, the mainland market saw a shortage of facemasks due to the increased demand by the public. This pandemic resulted in the slowdown of manufacturing, construction, transportation, and overall economic activity in China.

The government of China, in response to the pandemic, severely restricted international travels, limiting the number of flights to the country while denying entry of foreigners with previously issued visas and residence permits. The government also took steps to discourage Chinese people from returning from overseas. It also responded to the pandemic by implementing a lockdown, when it was discovered that some people tested positive for the coronavirus, despite showing

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[1] Transmission dynamics and control measures of COVID-19 outbreak in China. https://www.nature.com. Accessed 8 October 2021.

[2] Ibid.

no symptoms. Other mandatory actions taken by the municipal and provincial governments supported by the central government include; case detection and contact tracing, quarantine guidance and information to the public, detection kit development, etc.

It is worthy of note that the international community recognized that China made remarkable progress in responding effectively to the outbreak. What made China address the epidemic faster is its ability to finance and mobilize resources combined with its strong governance structure, efficient execution, and solidarity of the whole society.

Methodology

The article relies on the doctrinal research methodology. Doctrinal research is concerned with legal propositions, the sources of data are legal and appellate courts decisions. It is library research; it includes primary and secondary sources. The primary sources are Statutes, Constitution, Acts, and Laws while secondary sources are books, articles etc.

Some primary sources explored here are: the 1999 Constitution of the Federal Republic of Nigeria[1] (as amended) and the Administration of Criminal Justice Act[2]. The secondary sources include books, articles, and journals related to the subject of this research. The internet has turned the whole world not only into a global village, but also a global room. It helps a lot in various researches of various natures. There is no information needed that cannot be obtained from the internet. Thus, the internet is of tremendous help in putting this article together.

How Covid-19 Got To Nigeria

Following the developments of COVID-19 pandemic in mainland China and other countries worldwide, the federal government of Nigeria set up a Coronavirus Preparedness Group to mitigate the impact of the virus if it eventually spreads to the country[3].

The Federal Ministry of Health confirmed the first coronavirus disease case in Lagos State, Nigeria. The case, which was confirmed on the 27th of February 2020, is the first case to be reported in Nigeria since the outbreak in China in January 2020. The case was that of an Italian citizen who works in Nigeria and returned from Milan, Italy to Lagos, Nigeria on the 24th of February 2020. He was confirmed

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[1] The 1999 Constitution of the Federal Republic of Nigeria, Cap C23, LFN 2004.

[2] Administration of Criminal Justice Act 2015.

[3] Ibid.

positive by the Virology Laboratory of the Lagos University Teaching Hospital, part of the Laboratory Network of the Nigeria Centre for Disease Control. Even though the index case came to Nigeria through the Murtala Muhammad International Airport Lagos, the fact that he was first suspected to have had the virus in Ogun State meant that all the people who had contact with him had to be quarantined by the Ogun State Government, and contact tracing of the people on the same flight with him was initiated by the Lagos State Government and the Nigerian Centre for Disease Control (NCDC)[1].

On the 9th day of March 2020, the second case of the virus was reported in Ewekoro, Ogun State, it was a case of a Nigerian who had contact with the index case. After the first and second confirmation of the virus, the number of cases in Nigeria began to grow, initially with Lagos being the epicenter of the pandemic in Nigeria.

In March 2020, borders were shut, lockdowns imposed, interstate travel banned, offices, clubs, and services considered to be non-essential were completely shut. The public sector has also been affected and the low economic activities especially in the oil and gas industry, trade and manufacturing as well as services have significantly impacted government's revenue, leading the Federal Government to revise the 2020 budget down by more than N71 billion. COVID-19 has undoubtedly affected every aspect of our lives in Nigeria[2].

Efforts of Nigerian Government to curb the menace, including the lockdown

Nigeria mounted a swift and aggressive response to COVID-19. The country's initial response included early activation of the national EOC at the NCDC, establishment of the multi-sectoral COVID-19 PTF, and decisive actions to stop international travel and impose a time-limited lockdown in highly affected areas. National and international authorities and experts suggest the use of non-pharmaceutical measures like wearing face masks and gloves, washing hands with soap, frequent use of antiseptic solution and maintain social distance. The lockdown containment measures were aimed at slowing the spread of the outbreak to new states, delaying the progression to community transmission, and increasing health system capacity at the initial phase of the outbreak.

On January 23, 2020, the World Health Organization's International Health Regulations (IHR) Emergency Committee advised that countries should be

[1] *Alagboso C., Abubakar B.* "The First 90 days: How has Nigeria responded to the COVID-19 outbreak?" published June 2020. https://www.panafrican-med-journal.com. Accessed 8 October 2021.

[2] Ibid.

prepared for containment, including active surveillance, early detection, isolation and case management, contact tracing, prevention of onward spread of Covid-19 infection and share full data with World Health Organization[1]. From the moment the first case was reported in Nigeria, the Nigerian government and its different agencies initiated some health, economic, security and social responses to contain the disease and its impact on society.

The Nigerian government, in her efforts to curb the menace, responded to the pandemic by putting in place some key measures stipulated below[2]:

1. Establishment of the body call Presidential Task Force by the Federal Government.

With the COVID-19 outbreak, the full machinery of the presidency was deployed in response to the outbreak. The first step taken by the president was to ban flights from countries with high rates of COVID-19 cases. On March 18, 2020, the government announced a total closure of the nation's airspace and land borders. Federal government grants were also given to fight COVID-19 in various states, while the Nigeria Centre for Disease Control (NCDC) was not left out. The body has been responsible for supporting states in the COVID-19 response, coordinating surveillance of the disease and the public health response nationwide. The NCDC also developed guidelines and protocols, and supporting the accreditation of more laboratories across states in Nigeria.

2. Palliative Measures.

The Federal Ministry of Humanitarian Affairs, Disaster Management and Social Development was tasked with implementing palliative measures across the country. Some measures included disbursement of grants to the poorest households in various states, donation of food items to state governments for onward distribution to citizens and continuation of the school feeding program.

3. Technical and Material Support.

The Presidential Task Force (PTF) provided technical and material support to states for the management of the outbreak. The PTF coordinates material support from the private sector to the government. Private sectors like Sahara Energy Group and ThisDay Media donated a 300-bed capacity isolation center to assist in

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[1] *Siddharth Dixit, Yewande Kofoworola, and Obinna Onwujekwe*. How well has Nigeria responded to COVID-19? Published July 2 2020. https://www.google.com/amp/s/www.brookings.edu/blog/future-development/2020/07/02/how-well-has-nigeria-responded-to-covid-19/amp/ Accessed 28 September 2021.

[2] *Alagboso C., Abubakar B.* "The First 90 days: How has Nigeria responded to the COVID-19 outbreak?" published June 2020. https://www.panafrican-med-journal.com. Accessed 8 October 2021.

the management of confirmed COVID-19 cases, and many more donations were received from well to do Nigerians across the globe.

4. Lockdown.

The lockdown strategy was a drastic and temporary measure implemented with two objectives. The first objective is to slow the spread of the virus across the country, while the second is to buy time for the health system to increase its preparedness[1]. As of March 22, 2020, the initial 30 confirmed cases of COVID-19 in Nigeria were travelers from abroad or their immediate contacts. It was this that informed the initial international travel ban for passengers coming from countries with ongoing high transmission (initially China, Italy and Germany) to minimize rising imported cases. Land borders were closed, all international flights were banned, and mandatory institutional quarantine and testing for international returnees to Nigeria was instituted to reduce further importation of the disease from high-risk countries.

On 30th of March 2020, the President of Nigeria issued series of stringent non-pharmaceutical interventions, which include the stay-at-home orders and cessation of non-essential movements and activities (commonly referred to as a "lockdown strategy") in Lagos and Ogun States and FCT for an initial period of 14 days, extended for an additional 21 days in the same three states and adding Kano State[2]. The states were selected based on a combination of the burden of disease and their risk. Lagos State was the initial epicenter of disease and had the highest number of cases; Ogun State, which shares borders with Lagos State, was the source of the index case, and has a highly urban population with a high rate of movement into Lagos State.

The lockdown included closure of schools and workplaces, bans on religious and social gatherings, cancellation of public events, curfews, restrictions on movement, cessation of interstate and international travel, reduction of market days to a few days in a week, reduction in public transportation carrying capacity to a maximum of 70% and reduction in weekly working hours in the public service. Alongside the federal lockdown in Lagos, and Ogun States and the FCT, many states adopted the same measures as well, including school closure, movement restrictions, and curfews.

5. Mandatory institutional quarantine and testing of international returnees to Nigeria was instituted in order to reduce further importation of the disease from high-risk countries.

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[1] *Dan-Nwafor C., Ochu C. L.* and *Ihekweazu C.* Nigeria's public health response to the COVID-19 pandemic: January to May 2020. https://pubmed.ncbi.nlm.nih.gov. Accessed 8 October 2021.

[2] Ibid.

Effects Of The Lockdown On Nigerians And Inadequate Provision On The Part Of The Government That Imposed The Lockdown

Though the lockdown slowed down COVID-19 transmission, it had undesired collateral effects on social protection, security, economic and daily subsistence for many. It is safe to assume that these negative consequences of the pandemic disproportionately affected women, people living in poverty, petty traders and those dependent on income from small and medium enterprises.

Crime and domestic violence reportedly increased during the lockdown period, as many people were unable to exercise their usual income-generating activities, with effects most pronounced on vulnerable populations and those living in poverty[1]. The adverse effects of the lockdown exacerbated already difficult situations for many, rendering prolonged enforcement of preventive interventions such as lockdown and physical distancing unsustainable[2].

The lockdown policy impacted negatively on majority of people in Nigeria who feed and survive only by what they earn daily[3]. The situation worsened, owing to little or no social welfare packages or palliative assistance provided by the government for the most vulnerable people in society. More so, lack of payment of salaries by state governments, increase in the price of commodities/foods and tariffs on inadequately supplied utilities like electricity are some factors that made the lockdown unbearable.

The Nigerian government has weak institutions, which could potentially spark violence and tension between citizens and political parties. The inadequacy on the part of government was revealed as a result of their inability to respond to the lockdown swiftly. The Nigerian government could not respond to the lockdown swiftly, by supplying money, food, drugs and material reliefs to the vulnerable groups. It is important to state that funds, foods, and materials provided as a palliative in an emergency should not be given as loans to vulnerable people, and bureaucratic bottlenecks should be removed to enable these people to have easy access to services[4].

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[1] Nigeria National Bureau of Statistics and The World Bank. May 2020. Nigeria COVID-19 COVID-19 National Longitudinal Phone Survey.

[2] *Dan-Nwafor C., Ochu C. L.* and *Ihekweazu C.* Nigeria's public health response to the COVID-19 pandemic: January to May 2020. https://pubmed.ncbi.nlm.nih.gov. Accessed 8 October 2021

[3] *Anyanwu M.U., Festus I. J., Nwobi O. C., Jaja C. I.* and *Oguttu J. W.* A Perspective on Nigeria's Preparedness, Response and Challenges to Mitigating the spread of COVID-19. https://www.mdpi.com/2078-1547/11/2/22/htm. Accessed 11 October 2021

[4] Ibid.

The lockdown also had effects on market goods, most especially perishable goods. Due to the lockdown policy in most states, and the policy of markets opening every three days and five days, perishable goods got spoilt thereby causing loss on the part of the traders. Farmers were unable to go to farm to monitor their plants, few of the produce they are able to transport to the market were on high side with respect to price thus most people were unable to afford the commodities. Farmers were making reduced profits by selling in local markets, while urban consumers paid higher prices because of low supplies in the regional markets[1].

Negative Impact of COVID-19 on Judicial System in Nigeria

The impact of Covid-19 on the Nigeria Judicial System cannot be overemphasized. During the lockdown imposed by the Nigerian government, the judicial system was also on the complete shutdown, thereby leading to accumulation of cases unattended to in our courts. Generally speaking, the judicial system in Nigeria is congested and so many cases are in different courts suffering one delay or the other. With the advent of Covid-19 and the lockdown, the situation worsened. The lockdown did not stop criminal activities and criminals were arrested virtually on daily basis by the police without the opportunity for the accused persons to be arraigned within the reasonable time as provided for under Fundamental Human Rights as contained in Chapter IV of the 1999 Constitution of the Federal Republic of Nigeria[2] (as amended) and the Administration of Criminal Justice Act[3] and Administration of Criminal Justice Law of different States across the country. The correctional centers across the country were filled to the brim with people arrested for one offence or the other; so also various police cells. This indeed affected the entire judicial system. In the same vein, civil matters were not left behind, cases that were to be handled by courts especially urgent matters requiring an order of injunction could not be attended to. This led some people to resort to self-help in handling their matters, which also had adverse effects on the society at large.

Negative Impact of Covid-19 On The Environment

Since the outbreak of COVID-19, the impact on the environment cannot be overemphasized. It was observed that medical waste generation increased globally,

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[1] *Aromolaran A.B., Issa F. O.* and *Muyanga Milu.* The unintended consequences of COVID-19 lockdown in Nigeria. https://www.future-agricultures.org/blog/the-unintended-consequences-of-covid19-lockdown-in-nigeria/. Accessed 28 September 2021.

[2] The 1999 Constitution of the Federal Republic of Nigeria, Cap C23, LFN 2004.

[3] Administration of Criminal Justice Act 2015.

which is a major threat to public health and environment. For instance, collection of the suspected Covid-19 patients, diagnosis, treatment of huge number of patients and disinfection of various isolation centers gave rise to the increase of biomedical wastes generated across the country; such a sudden rise of hazardous waste, and their proper management became a significant challenge to the local waste management authorities[1]. Waste generated, from the hospitals (e.g., needles, syringes, bandage, mask, gloves, used tissue, and discarded medicines etc.) should be properly managed in order to reduce further infection and environmental pollution, but it became a matter of concern in Nigeria at a stage.

Worldwide, there have been increase in the production and use of plastic based PPE. To ensure protection against the viral infection, presently people are using face mask, hand gloves and other safety equipment, which increased the quantity of healthcare wastes. However, due to lack of knowledge about infectious waste management, most people dump these items (e.g., face mask, hand gloves etc.) in open places and in some cases with household wastes. Such haphazard dumping of these trashes creates clogging in waterways and worsens environmental pollution[2].

Major economic activities have been crippled worldwide, Nigeria inclusive, since the advent of the Covid-19 pandemic. Owing to the lockdown in major economies of the world, the implication is that the circular flow of income has been significantly constrained since a reasonable proportion of the productive factors are currently lying idle[3]. Most firms are currently shut, thus constraining their capacity to pay tax to the government. There is also a significant reduction in international trade following the closure of seaports and airports to curtail the spread of the pandemic. Ironically, the government's transfers payments have increased considerably, owing to the expenditure on palliatives by various governments across the globe to cushion the effect of the lockdown on citizens[4].

The movement of productive resources, goods and money, constitutes the key to the circular flow. These movements, flow of people, the flow of information, flow of goods and flow of money have met a brick wall since the global lockdown that was induced by the COVID-19 pandemic, thus constraining the circular flow of income across the nations of the world whether developing, less developed, or

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[1] *Zambrano-Monserrate M.A. et al.* Indirect effects of COVID-19 on the environment. http://www.sciencedirect.com. Accessed 7 October 2021.

[2] *Rahman M.M. et al.* The Lancel Global Health; 2020. Biomedical waste amid COVID-19: Perspectives from Bangladesh. https://www.youtube.com/watch?v=gjw8Z11I1bQ. Accessed 26 September 2021.

[3] *Henry Inegbedion.* Impact of COVID-19 on economic growth in Nigeria: opinions and attitudes. https://www.sciencedirect.com/science/article/pii/S240584402101046X. Accessed 28 September 2021.

[4] Ibid.

developed[1]. This is because the lockdown has constrained human and vehicular movement and thus economic activities.

Following the curtailment of household spending and the attendant economic uncertainty, there is a fall in economic transactions, which precipitates loss in firm's revenues[2]. Within a short time after the lockdown, individuals and firms ran out of cash needed to make the required transactions. The situation is further compounded by the curtailment of transport services, which could constrain farming activities and thus jeopardize economic growth, since green revolution is a prerequisite for industrial revolution[3].

While economic growth is crucial to welfare and development, not all economies experience a growth at all times; even economies that experience economic growth sometimes witness economic stagnation and recession[4]. One known major cause of stagnation is deficiency in demand. Nigeria's heavy dependence on crude oil, which is an exhaustible asset, for its foreign exchange earnings has been largely responsible for its inability to make optimistic financial plans that can stimulate economic growth[5]. This has become obvious in the period of the lockdown as a fall in oil prices has constrained government earnings and made her resort to external borrowing.

Recommendation and Conclusion

Coronavirus causes a range of illnesses. It typically affects the respiratory tract, but the effects can extend well beyond the respiratory system. Most cases of Covid-19 are not serious. However, it becomes severe if not urgently attended to, leading to death in some cases. The outbreak of Covid-19 was sudden; this makes it difficult to estimate how often the disease becomes severe or the exact rate of mortality. Finding effective ways to prevent the spread of coronavirus remains a global challenge. However, below are the few suggestions to effectively prevent the spread of this virus, including the duties of the Nigerian government in relation to the welfare of citizens of the country.

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[1] *Feng E.* How COVID-19 Is Impacting the Flow of People, Information, Goods, and Money (2020) (Online). https://medium.com/@efeng/how-COVID-19-is-impacting-the-flow-of-people-information-goods-and-money-9719f80e9f63. Accessed 28 September 2021.

[2] Ibid.

[3] *Henry Inegbedion et al.* Cassava attractiveness in Nigeria: a policy improvement approach. http://ideas.repec.org. accessed 8 October 2021.

[4] Ibid.

[5] Ibid.

1. Nigeria government should increase preventive measures against future occurrence. The preventive measures include sensitization of citizens as to the dos and don'ts of the epidemic, provision of hand sanitizers and face masks (these should be distributed to all citizens without any cost attached), establishment of more health care especially in rural areas. More so, the social distancing policy should also still be maintained.
2. Public health laws should be enacted, and adequate enforcement mechanism should be ensured. In essence, when the public health laws are enacted, there must be compliance to the laws enacted and thus, once a law is created, a body, commission or law enforcement agency should be created alongside. For instance, we have the Environmental Health Officers (commonly known as wole) in Nigeria. This body can be authorized to enforce the laws that have been enacted.
3. The welfare of the citizenry should be the priority of every government. In a bid to increase preventive measures against future occurrence of the pandemic, the citizens' welfare should be of interest to the government. For instance, during the COVID-19 lockdown, the distribution of the palliatives was not even. It is safe to say that the palliatives didn't get to the less privileged, whom the government claimed to be the ones in dire need of the palliatives. The palliative distribution was politicized. Going further, the government before imposing the lockdown policy should have alternatives as to how market produce will be transported to the market, in such a way that prices of food stuffs would not be on the high side. More so, alternative source of income as a result of the stay at home order should have been provided as most of the citizens are employees of private sector. Private school teachers, for instance, could not provide for their daily needs, thereby leading to increase in hunger among the citizens.
4. Funding of hospitals should be prioritized, in terms of equipment and other facilities needed for the well-being of citizens. Government must ensure importation of standard health care facilities and maintenance of such equipment and facilities. For instance, isolation centers of different states must be well-equipped; it's a different thing to have a building for the isolation of those who tested positive to coronavirus, it's another thing to have facilities and equipment necessary for the treatment and care of the patients therein. In the same vein, hospital pharmacies should be well stocked with drugs for different ailments.
5. The most important, when it comes to the health system, is the remuneration of medical practitioners. Medical practitioners should be well remunerated, and their salaries be paid as and when due. If the medical practitioners are well remunerated, they will have a positive attitude towards their

jobs. Patients would be given maximum attention and care. Lack of good remuneration of the medical practitioners is what usually necessitates their going on strike, thereby leaving patients in hospitals unattended to and sometimes lead to the patient's death.

In conclusion, as the government adapts to the COVID-19 pandemic, it is equally important for Nigerians to take responsibility by conforming to these new realities in order to contribute to the effectiveness of the response. This paper has been able to examine the history of coronavirus, having its origin in Wuhan, China. It has also been able to examine how COVID-19 got to Nigeria, the efforts of Nigerian government towards battling the pandemic, the impact of coronavirus on the environment and the judicial system with reference to the lockdown imposed by the government.

Abbreviations:

EOC: Emergency Operations Center
GHG: Green House Gas
NARD: Nigerian Association of Resident Doctors
NCDC: Nigeria Centre for Disease Control
PHEIC: Public Health Emergency of International Concern
PTF: Presidential Task Force

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CATEGORIZATION OF CRIMINAL ACTS IN THE LEGISLATION OF THE POST-SOVIET COUNTRIES

DOI 10.30729/2541-8823-2021-6-4-235-248.

Abstract. *The article analyzes the legislative models for the classification of crimes (criminal acts) of the former Soviet republics and their impact on criminal law consequences. The author puts forward a proposal for borrowing promising norms for the domestic system of categories of crimes. The analysis of the categorization of crimes in the Russian Federation was carried out. An intermediate conclusion is made about the legislator ignoring the rules on the unity of dividing these categories, since in addition to the nature and degree of social danger of the crime, the form of guilt is also taken into account — first as part of a sanction that reflects the nature and degree of social danger of the crime, and then as an independent criterion. In this regard, foreign categorization models are described and presented for comparison.*

Keywords: *categorization of crimes, crime, punishment, form of guilt, criminal offense, social danger.*

In the criminal legislation of the countries of the post-Soviet space, there are various models for the gradation of criminal acts: a five-term model (Moldova); four-term as in the Criminal Code of the Russian Federation (Turkmenistan, Tajikistan, Armenia); a four-term model, the structure of which includes both the categories that are in the Criminal Code of the Russian Federation and those that are not in it (Azerbaijan, Uzbekistan, Belarus); three-term gradation (Georgia); division of all criminal acts into crimes and misdemeanors (Kyrgyzstan, Kazakhstan, Ukraine, Latvia, Lithuania, Estonia).

The Russian categorization of crimes consists of crimes of minor gravity, medium gravity, grave and especially grave crimes (Article 15 of the Criminal Code of the Russian Federation).

Intentional and reckless acts are recognized as crimes of minor gravity, for the commission of which the maximum punishment provided for by the Criminal Code of the Russian Federation does not exceed three years of imprisonment. The legislator refers to crimes of average gravity intentional acts, for which the maximum punishment provided for by the Criminal Code of the Russian Federation does not exceed five years of imprisonment, and reckless acts, for which the maximum punishment provided for by the Criminal Code of the Russian Federation does not exceed ten years of imprisonment. Serious crimes are understood as intentional acts for which the maximum punishment does not exceed ten years of imprisonment, as well as reckless acts for which the maximum punishment does not exceed fifteen years of imprisonment. Especially grave crimes are intentional acts, for the commission of which punishment is provided in the form of imprisonment for a term of more than ten years or a more severe punishment.

An analysis of this norm shows that the legislator ignored the logical rule on the unity of the basis for division, since in addition to the nature and degree of social danger of the crime, the form of guilt is also taken into account — first as part of a sanction that reflects the nature and degree of social danger of the crime, and then as an independent criterion. In other words, the form of guilt, as an indicator affecting the level of social danger, has already been taken into account when categorizing crimes. For example, simple murder is a particularly serious crime, and causing death by negligence is a minor crime.

In this regard, those foreign models look preferable, in which categories are not made dependent on the form of guilt along with punishment (for example, Moldova). In contrast to the Criminal Code of the Russian Federation, the criminal law of Moldova has a five-term categorization of crimes, the basis of which is the nature and degree of harm of the crime: minor crimes (for their commission a maximum deprivation of liberty is provided for up to two years inclusive), crimes of medium gravity (the maximum sentence imposed is five years of imprisonment), grave crimes (the maximum sentence imposed is twelve years in prison), especially grave crimes (the term of punishment established for their commission exceeds twelve years of imprisonment), and extremely grave crimes (for which a life imprisonment is provided) (Art. 16)[1]. This norm rightly does not mention the form of guilt, since it is one of the indicators of such a criterion as harmfulness.

[1] See: Criminal Code of the Republic of Moldova // URL: http://lex.justice.md/ru/331268/ (date of access: 20.12.2021).

Extremely grave crimes are of interest, the commission of which entails the following criminal legal consequences: preparation for them is criminally punishable, they affect the recognition of a particularly dangerous relapse, the imposition of punishment in the form of deprivation of military or special rank, class rank, state awards, the statute of limitations for bringing to prison criminal liability is twenty-five years, and the statute of limitations for a guilty verdict is twenty years. They affect the designation of the type of correctional institution, block the possibility of applying a conditional sentence, parole can be applied after the person has served at least three-quarters of the sentence imposed, the terms of the conviction are canceled after ten years after serving the sentence for their commission. The current domestic categorization is also proposed to be supplemented with crimes of "exceptional gravity"[1]. They are understood as more dangerous acts, for the commission of which it is worth providing only punishment in the form of life imprisonment and the death penalty (terrorist act, genocide, and others). The assignment of such acts to one class is justified by the fact that their commission entails special legal consequences, for example, serving a sentence of imprisonment in correctional colonies of a special regime, release on parole upon actual serving of at least twenty-five years of imprisonment (part 5 of Art. 79 of the Criminal Code of the Russian Federation).

It seems that the introduction of a similar category into Russian legislation is practically not justified. Firstly, when concluding a pre-trial agreement on cooperation (part 4 of article 62 of the Criminal Code of the Russian Federation), with a jury verdict on finding guilty, but deserving of leniency, life imprisonment is not applied (part 1 of article 65 of the Criminal Code of the Russian Federation), for unfinished it is not a crime (part 4 of article 66 of the Criminal Code of the Russian Federation). If the court does not release a person who has committed a crime punishable by life imprisonment from criminal liability due to the expiration of the statute of limitations, then this punishment will also not be applied (part 4 of article 78 of the Criminal Code of the Russian Federation); if the court does not apply the statute of limitations for a guilty verdict to such a person, then this punishment will be replaced by imprisonment for a certain period (part 3 of article 83 of the Criminal Code of the Russian Federation). Thus, the proposed category of crime will not entail clear criminal law consequences. In addition, the list of acts that entail life imprisonment is not large in order to give them an independent place in the categorization of crimes (part 2 of article 105, 277, 295, 317, 357 of the Criminal Code of the Russian Federation).

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[1] See: *Trukhin A. M.* Categorization of crimes and the retroactive effect of the criminal law // Criminal law. 2012. No. 5. P. 122.

In our opinion, the norms of the Criminal Code of Moldova, which establish differentiated penalties depending on the type of recidivism (Article 82), as well as the prohibition of probation of persons who have committed the most serious crimes (Article 90), needs to be borrowed.

E. V. Blagov correctly, in our opinion, notes that since the types of recidivism depend on categorization, they have a different typical social danger, which should be reflected in Art. 68 of the Criminal Code of the Russian Federation[1]. The original version of the Criminal Code of the Russian Federation in this part was more perfect, since it established differentiated rules for sentencing depending on the type of recidivism. Thus, the term of punishment for simple recidivism could not be less than half the maximum term of the most severe type of punishment, for dangerous recidivism of crimes — at least two thirds, and for especially dangerous recidivism of crimes — at least three quarters. Federal Law No. 162-FZ of December 8, 2003 excluded these sizes, and Art. 68 of the Criminal Code of the Russian Federation unified the rules for sentencing — the term of punishment for any type of relapse cannot be less than one third of the maximum term of the most severe type of punishment[2].

As for borrowing the norm on the prohibition of probation of persons who have committed the most serious crimes, we believe that, firstly, when restricting the use of probation, it is worth considering the social danger of the acts committed, which acts as a criterion for categorizing crimes and is expressed in the sanction of the norm, and secondly, the humanization of criminal legislation and the economy of measures of criminal repression should not infringe on the inevitability of punishment, as well as the rights of victims. The special gravity of the crime acts as an obstacle to the application of Art. 73 of the Criminal Code of the Russian Federation, therefore, in order to differentiate liability in the institution of probation, it is necessary to introduce a ban on its use in relation to persons who have committed especially serious crimes. Such acts should entail the most stringent criminal law consequences, among which there is no place for probation.

In addition, it seems expedient from the point of view of differentiation of criminal liability that the Criminal Code of Moldova has such corpus delicti as concealment of a serious crime (Article 323).

In our opinion, the proposal to introduce criminal liability for harboring serious crimes has the right to be implemented in domestic legislation, since serious crimes, as well as especially serious ones, are predominantly intentional (with the exception of 4 elements of serious negligent crimes) and the most socially dangerous. Why

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[1] See: *Blagov E. V.* Actual problems of criminal law (General part). Yaroslavl, 2008. S. 181–182.

[2] See: Federal Law of December 08, 2003 No. 162-FZ "On Amendments and Additions to the Criminal Code of the Russian Federation" // Consultant Plus.

is a citizen, realizing that he is hiding a person who has committed such a serious crime as, for example, a qualified robbery (part 2 of article 161 of the Criminal Code of the Russian Federation), or intentionally causing serious bodily harm (parts 2, 3 of article 111 of the Criminal Code of the Russian Federation), should avoid criminal liability? At the same time, it is logical to differentiate criminal liability for concealment of crimes "vertically" by highlighting 2 compositions: part 1 — concealment of serious crimes not promised in advance (crime of minor gravity); part 2 — not promised in advance harboring especially grave crimes (crime of medium gravity).

In the criminal legislation of Turkmenistan[1], Tajikistan[2] and Armenia[3] there are the same categories of crimes as in the Russian code, only the established terms of punishment for their commission differ. A distinctive feature of the categorization of crimes, enshrined in the Criminal Code of Turkmenistan, is the presence of two criteria for dividing crimes (the degree of severity and the form of guilt), although the amount of punishment depending on the form of guilt is not graded, which seems justified from the point of view of the unity of the basis for division. So, for example, for intentional and negligent crimes of minor gravity, the maximum punishment is in the form of imprisonment for a term not exceeding two years; for intentional and negligent crimes of medium gravity — not more than eight years; for intentional and reckless grave crimes — up to fifteen years (Article 11).

The categorization of crimes in Turkmenistan is a means of differentiating criminal liability. In particular, it establishes differentiated sizes of the minimum possible punishments depending on the type of recidivism, which is determined taking into account the categories of crimes (Article 62). In our opinion, such an approach should also be manifested in the domestic criminal law, as mentioned above. The borrowing of the norm on the prohibition of imposing a conditional sentence on persons who have committed especially serious crimes (Article 68) and the introduction of criminal liability for harboring serious crimes (Article 210) is also seen as positive.

In the legislation of Tajikistan and Armenia, the categories of crimes are taken into account when determining recidivism, preparing, determining and imposing punishment, determining the type of correctional institution, as well as when exempting from liability and punishment, when establishing the terms for the

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[1] See: Criminal Code of Turkmenistan // URL: http://online.zakon.kz/Document/?doc_id=31295286 (date of access: 12/20/2021).

[2] See: Criminal Code of the Republic of Tajikistan // URL: http://online.zakon.kz/Document/?doc_id=30397325#pos=191;-54 (date of access: 12/20/2021).

[3] See: Criminal Code of the Republic of Armenia // URL: http://www.parliament.am/legislation.php?ID=1349&sel=show&lang=rus#3 (accessed 20.12.2021).

expiration of a conviction and the specifics of the criminal liability of minors, when constructing elements of crimes. It should be noted that in the criminal codes of these states, as well as in Turkmenistan, the concealment of serious crimes is criminalized (Article 347 of the Criminal Code of Tajikistan, Article 334 of the Criminal Code of Armenia).

The Criminal Code of Azerbaijan, along with less grave (they are punished for a term of not more than seven years in prison), grave (the maximum imposed deprivation of liberty does not exceed twelve years), especially grave crimes (they are punished for a term of more than twelve years in prison) freedom) highlights acts that do not pose a great public danger (the maximum sentence imposed does not exceed two years in prison or a milder punishment is established) (Article 15)[1]. Thus, as well as in the Criminal Code of Turkmenistan, the limits of punishment for a particular category are not graded depending on the form of guilt, which ensures the unity of the basis for division. Moreover, the Criminal Code of Azerbaijan also establishes differentiated rules for imposing punishment in case of recidivism of crimes (Article 65) and criminal liability for harboring a grave crime not promised in advance (Article 307).

The Criminal Code of Uzbekistan contains a similar four-term categorization, but the limits of punishment for each of the categories differ from those enshrined in the Criminal Code of Azerbaijan, with some of them being the most specific. So, for example, for the commission of intentional less serious crimes, the law provides for imprisonment for a term of more than three years, but not more than five years, and for the commission of serious crimes, it provides for imprisonment for a term of more than five, but not more than ten years (Article 15)[2]. Establishing clear limits of punishability makes it possible to exclude the intersection of members of the categorization of each other.

It seems that in order to comply with the logical rule that the members of the classification should be mutually exclusive, in Art. 15 of the Criminal Code of the Russian Federation, clear limits for each category of crime should also be indicated: "Crimes of medium gravity are acts for the commission of which the maximum punishment provided for by this Code exceeds three years, but does not exceed five years of imprisonment; Acts for the commission of which the maximum punishment provided for by this Code exceeds five years, but does not exceed ten years of imprisonment, are recognized as serious crimes. At the same time, the lower limit of punishment for minor crimes, as well as the upper limit for especially

[1] See: Criminal Code of the Republic of Azerbaijan // URL: https://online.zakon.kz/m/document/?doc_id=30420353#sub_id=150000 (date of access: 12/20/2021).

[2] See: Criminal Code of the Republic of Uzbekistan // URL: http://online.zakon.kz/Document/?doc_id=30421110 (date of access: 12/20/2021).

serious crimes, are defined in Part 2 of Art. 56 of the Criminal Code of the Russian Federation, therefore, do not require repeated mention in Art. 15 of the Criminal Code of the Russian Federation.

The Criminal Code of Uzbekistan, like many of the acts analyzed above, contains a ban on the application of a conditional sentence to a person who has committed a particularly serious crime (Article 72), and also establishes criminal liability for the commission of harboring a serious crime (Article 241).

The Criminal Code of the Republic of Belarus contains the following categories of criminal acts — crimes that do not pose a great public danger, less grave, grave and especially grave crimes (Article 12)[1]. The first category includes intentional and reckless crimes, for the commission of which punishment is provided in the form of imprisonment for not more than two years or another more lenient punishment. For less serious intentional crimes, a maximum penalty of six years' imprisonment is established, as well as imprisonment in excess of two years for reckless acts related to this category of crime. Grave and especially grave crimes are intentional, for the commission of the former, the established punishment does not exceed twelve years of imprisonment, and for the commission of the latter, the punishment is in the form of imprisonment for a term of more than twelve years, life imprisonment or the death penalty. At the same time, preparation for crimes that do not pose a great public danger is not punishable.

Such a gradation of crimes affects the establishment of types of recidivism, the definition of the type of correctional institution, the definition of punishments (in particular, deprivation of military or special rank, confiscation), other measures of criminal liability (conviction with a suspension of punishment, conviction with conditional non-application of punishment), types of release from criminal liability and punishment, the terms of repayment of a criminal record, the establishment of the features of the criminal liability of minors, the construction of elements of crimes. It is worth positively assessing the approach of the Belarusian legislator to the definition of legally established differentiated terms of punishment for different types of recidivism (Article 65), the rule on the inadmissible imposition of conditional non-imposition of punishment on a person who has committed especially serious crimes (Article 78), establishing liability for harboring serious crimes in part 1 tbsp. 405 along with liability for concealment of especially grave crimes, as well as the construction of an unlawful exemption from criminal liability using the sign "grave or especially grave crimes" (Article 399).

The latter provision is also relevant for the Russian system, since the Criminal Code of the Russian Federation contains in part 2 of Art. 299 composition of

[1] See: Criminal Code of the Republic of Belarus // URL: http://pravo.by/document/?guid=3871&p0=hk9900275 (date of access: 12/20/2021).

unlawful bringing of a person to criminal liability, combined with accusing a person of committing a grave or especially grave crime, but for some reason does not construct an adjacent composition of illegal exemption from criminal liability using the specified qualifying feature. It seems that in Art. 300, it is necessary to construct a new composition: "The same act, combined with unlawful release from criminal liability in a case of a grave or especially grave crime, or causing major damage or other grave consequences" (part 2).

The legislation of Georgia has a three-part categorization: less serious, serious and especially serious crimes, which affects the definition of recidivism, the choice of a correctional institution, the imposition of punishment, release from liability and punishment, the calculation of statute of limitations and the expiration of a criminal record[1]. At the same time, in Art. 12 establishes that the criterion for gradation of categories is not the nature and degree of public danger of the act, but the maximum punishment in the form of imprisonment. For the commission of intentional and reckless less serious crimes, a punishment not exceeding five years' imprisonment is provided; for committing intentional grave crimes, it does not exceed ten years, and for committing reckless grave crimes, it exceeds five years; for the commission of especially grave crimes that are exclusively intentional, imprisonment for a term of more than ten years or indefinite imprisonment is provided.

Of interest is the criminal legislation of the Kyrgyz Republic. According to the Criminal Code, which was in force until January 1, 2019, all criminal acts, depending on the nature and degree of public danger, were divided into crimes of minor gravity (intentional with a maximum sentence of two years in prison and negligent with imprisonment for up to five years), less serious (deliberate with a maximum imprisonment of five years and negligent with imprisonment for more than five years), grave (intentional acts for which a prison sentence of more than five, but not more than ten years) was established) and especially grave crimes (deliberate acts with threatening imprisonment for more than ten years for their commission)[2].

On January 1, 2019, the Code of Misdemeanors was put into effect, and a separate norm on the classification of crimes appeared in the criminal law of Kyrgyzstan, which recognizes the maximum term of imprisonment rather than public danger as the only criterion for grading crimes. Currently, less serious crimes are left in the Criminal Code (for which a punishment not related to

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[1] See: Criminal Code of Georgia // URL: https://matsne.gov.ge/ru/document/view/16426?publication=236 (date of access: 12/20/2021).

[2] See: Criminal Code of the Kyrgyz Republic 1997 // URL: http://base.spinform.ru/show_doc.fwx?rgn=233 (Accessed: 12/20/2021).

deprivation of liberty, or imprisonment for a term not exceeding five years), grave (imprisonment for a term of five, but not more than ten years) can be imposed and especially grave crimes (imprisonment for more than ten years or life imprisonment) (Article 19)[1]. Such amounts of punishment, established for a particular category of crime, are the most optimal, since they do not depend on the form of guilt and outline clear limits.

A misdemeanor is understood as "a guilty, unlawful act (action or inaction) committed by the subject of the misconduct, causing harm or creating a threat of harm to an individual, society or state, the punishment for which is provided for by this Code"[2]. Such a definition does not reflect the specifics of a criminal offense, since it contains only an indication of the signs of a crime: guilt, wrongfulness, public danger, punishability. At the same time, the law on misdemeanors duplicates many provisions of the criminal law: on principles, insanity, guilt, complicity, circumstances excluding the wrongfulness of an act, on punishment and its appointment. It seems that this kind of illegal act could take place in the criminal law. So, in the Criminal Code, it would be worth pointing out that this category is taken into account in the institutions of the General Part (unfinished crimes, punishment, exemption from liability, statute of limitations, criminal record), as well as fixing the offenses in the Special Part, since both misdemeanors and crimes are varieties of criminal deeds. The main difference between a misdemeanor and a less serious crime is a formal sign, that is, the prohibition of an act by the Special Part of the Criminal Code or the Code of Misdemeanors.

The Criminal Code of Kazakhstan, along with such categories as crimes of small, medium gravity, grave and especially grave crimes, singles out a criminal offense as a type of criminal offense[3]. Crimes and criminal offenses, differing in the degree of public danger, are combined in the second section "Criminal offenses". In this act, a criminal misdemeanor is understood as "a guilty act (action or inaction) that does not pose a great public danger, caused minor harm or created a threat of harm to an individual, organization, society or state, for the commission of which punishment is provided in the form of a fine, correctional labor, attraction to public works, arrest, expulsion from the Republic of Kazakhstan of a foreigner or a stateless person". The definition, in our opinion, suffers from inaccuracies. Firstly, in the doctrine, social danger is understood as the property of an act to

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[1] See: Criminal Code of the Kyrgyz Republic 2017 // URL: http://base.spinform.ru/show_doc.fwx?rgn=94723 (Accessed: 12/20/2021).

[2] Code of Misdemeanors of the Kyrgyz Republic // URL: http://cbd.minjust.gov.kg/act/view/ru-ru/111529?cl=ru-ru (date of access: 20.12.2021).

[3] See: Criminal Code of the Republic of Kazakhstan // URL: https://online.zakon.kz/document/?doc_id=31575252 (date of access: 12/20/2021).

cause harm, therefore, in the definition there is a duplication of terms. Secondly, the phrases "not representing a great public danger" and "insignificant harm" are evaluative. Thirdly, pointing to the sign of guilt, public danger and punishability, the legislator did not mention the prohibition of these acts by the criminal law, while the definition of the concept of "crime" contains this sign.

The category of criminal offenses included some crimes of minor gravity (beating, causing minor bodily harm, contracting a venereal disease, etc.), a number of administrative offenses (disclosure of medical secrets, disclosure of information about the private life of a person, bringing a minor to a state of intoxication, etc.)[1]. Thus, the Code distinguished between a crime and a criminal offense, since the latter has the least public danger than a crime, but more than an administrative offense, and does not entail a criminal record[2]. For the commission of a criminal offense, reduced penalties (fines, correctional and public works) are established, it affects the rules for sentencing, is one of the conditions for exemption from criminal liability and punishment (the statute of limitations is one year), acts as a constructive sign of the offenses (in Art. Article 419 establishes criminal liability for a knowingly false denunciation of a criminal offense, and Article 433 establishes liability for deliberate concealment of a criminal offense from registration).

The Criminal Code of Kazakhstan, as well as in the acts discussed above, establishes the criminal legal consequences that entail the commission of a particular category of crime. Of interest is Art. 49 of the Criminal Code, in which the application of such punishment as deprivation of a special, military or honorary rank, class rank, diplomatic rank, qualification class and state awards is not made dependent on the category of crime.

In the Criminal Code of the Russian Federation, the deprivation of a special, military or honorary title, class rank and state awards is applied only when a person is convicted of a grave or especially grave crime (Article 48). It seems that this significantly limits the possibilities of the court in imposing a sentence, the content of which dictates the need to take into account the circumstances of the commission of a particular crime. This type of punishment is not mentioned in any of the sanctions of the articles of the Special Part of the Criminal Code of the Russian Federation, which indicates it as a means of individualizing responsibility.

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[1] See: *Rogova E. V.* Prospects for fixing the category of criminal offense in the legislation of some countries of the near abroad // Criminal law: development strategy in the XXI century: materials of the XII International scientific and practical conference. M., 2015. S. 507–508.

[2] See: *Akhmetova L. E.* Institute of criminal offense in the new Criminal Code of the Republic of Kazakhstan // Criminal law: development strategy in the 21st century: materials of the XIV International Scientific and Practical Conference. M., 2017. S. 593.

Numerous examples support the idea that the court should apply Art. 48 of the Criminal Code of the Russian Federation, taking into account the circumstances of the committed act, regardless of the category of crime. So, for example, the honored doctor of the Russian Federation did not provide assistance to the patient (parts 1, 2 of article 124 of the Criminal Code of the Russian Federation — crimes of small and medium gravity), the honored worker of science of the Russian Federation violated copyright (parts 1, 2 of article 146 of the Criminal Code of the Russian Federation — crimes of minor gravity), an honored teacher of the Russian Federation committed indecent acts against his student (part 1 of article 135 of the Criminal Code of the Russian Federation — a crime of minor gravity), a police major exceeded his official powers (part 1 of article 286 of the Criminal Code of the Russian Federation — a crime of medium gravity), etc. .d. Limiting this type of punishment to the categories of grave and especially grave crimes significantly reduces the possibility of its use in practice. Therefore, one should borrow Art. 49 of the Criminal Code of Kazakhstan.

In the Criminal Code of Ukraine, criminal offenses are also divided into crimes and criminal offenses. It is worth noting that at the end of 2018, the Verkhovna Rada of Ukraine approved a draft law on the introduction of a criminal offense as a type of criminal offense that has a lower degree of public danger, does not entail a criminal record, for which punishments are provided that are not related to deprivation of liberty[1]. Along with it, minor crimes were singled out (for their commission the main punishment is provided in the form of a fine in the amount of not more than ten thousand non-taxable minimum incomes of citizens or imprisonment for a term not exceeding five years), grave (for their commission the main punishment is provided in the form of a fine of in the amount of not more than twenty-five thousand tax-free minimum incomes of citizens or imprisonment for a term not exceeding ten years) and especially grave crimes (for their commission the main punishment is provided in the form of a fine in the amount of more than twenty-five thousand tax-free minimum incomes of citizens, imprisonment for a term exceeding ten years or life imprisonment), that is, in fact, the category previously referred to as "crimes of minor gravity" migrated to criminal offenses (Article 12)[2]. It is worth noting that the legislator made a gradation of crimes not only on the basis of punishment in the form of imprisonment, but also a fine, thereby comparing these punishments.

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[1] See: Criminal offenses: 5 aspects of the novel that all Ukrainians should understand // URL: https://zib.com.ua/ru/print/135393-ugolovnie_prostupki_5_aspektov_novelli_kotorie_dolzhni_ponim.html (date of access: 20.07.2019).

[2] See: Criminal Code of Ukraine // https://online.zakon.kz/Document/?doc_id=30418109&sub_id=110000&pos=150;-18#pos=150;-18 (date of access: 12/20/2021).

In the Criminal Code of the Republic of Latvia, along with less grave, grave and especially grave crimes, criminal offenses are distinguished, for the commission of which a deprivation of liberty for a term of not more than two years or a more lenient punishment is provided[1]. An attempt to commit such acts is not criminally punishable; the statute of limitations for criminal liability is six months in some cases, and two years in others. The actually served term, which allows a person to be released on parole from punishment, is at least half of the sentence imposed for committing a criminal offense. The categorization of criminal acts in Latvia is a clear separation of one category from another by establishing the minimum and maximum possible limits of punishment. For example, for the commission of less serious intentional crimes, imprisonment for a term of more than two years, but not more than five years, is prescribed, for the commission of intentional serious crimes, imprisonment for a term of more than five years, but not more than ten (Article 7). "This approach of the legislator eliminates the vagueness in understanding the categories and testifies to the completeness of the content of each category"[2].

Useful from the point of view of implementation in domestic legislation is Art. 313 of the Criminal Code of Latvia, which establishes differentiated liability for harboring grave and especially grave crimes.

The Lithuanian legislator also outlines the boundaries of the categories of intentional crimes, but singles out small crimes (the maximum punishment does not exceed three years in prison), medium gravity (for their commission the maximum punishment exceeds three years, but does not exceed six years in prison), grave crimes (the maximum punishment exceeds six years of imprisonment, but does not exceed ten) and especially grave crimes (the maximum punishment exceeds ten years of imprisonment) (Article 11), as well as criminal offenses (Article 12). The latter variety is an act for which a punishment is established that is not related to deprivation of liberty, with the exception of arrest[3]. A criminal offense is one of the conditions for exemption from criminal liability, establishes reduced penalties (in particular, a fine, arrest), affects the deferment of punishment and the statute of limitations. At the same time, careless crimes do not belong to any of these categories, despite the fact that in the Special Part of the Criminal Code of Lithuania there are offenses that provide for a careless form of guilt.

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[1] See: Criminal Code of the Republic of Latvia // URL: ugolovnij-zakon-latvii.pdf (accessed 20.12.2021).

[2] *Zubkova V. I.* Criminal legislation of European countries: a comparative legal study. M., 2013. S. 84.

[3] See: Criminal Code of the Republic of Lithuania // URL: Criminal Code of Lithuania (date of access: 12/20/2021).

The Estonian Criminal Code is aware of crimes and misdemeanors[1]. Crimes have two categories (two degrees of severity — Art. 4 of the Criminal Code of Estonia). For the commission of a crime of the first degree, fixed-term imprisonment for a term exceeding five years or life imprisonment is provided. Imprisonment for crimes of the second degree does not exceed five years in prison, and a fine is also provided for this category. Each of these categories includes both intentional and reckless acts, which seems doubtful, since the most dangerous crimes should hardly include acts committed with a reckless form of guilt. For the commission of a misdemeanor, the main punishments are in the form of a fine, arrest or deprivation of the right to drive a vehicle. Moreover, if a person commits a misdemeanor and a crime, then he will be liable only for the crime.

Thus, the analysis of the criminal legislation of the countries of the post-Soviet space made it possible to identify provisions that can be taken into account when improving the Russian law. Positive from the point of view of borrowing by the Russian legislator are: 1) compliance with the logical rule on the unity of the basis for dividing the classification (Article 16 of the Criminal Code of Moldova, Article 15 of the Criminal Code of Azerbaijan); 2) establishing clear limits on the punishability of each category of crime in order to comply with the logical rule of mutual exclusion by members of the classification of each other (Article 15 of the Criminal Code of Uzbekistan, Article 19 of the Criminal Code of Kyrgyzstan, Article 7 of the Criminal Code of Latvia, Article 11 of the Criminal Code of Lithuania); 3) the imposition of punishment in the form of deprivation of a special, military or honorary rank, class rank, diplomatic rank, qualification class and state awards for committing a crime of any category (Article 49 of the Criminal Code of Kazakhstan); 4) the establishment of differentiated rules for imposing sentences in case of recidivism of crimes (Article 82 of the Criminal Code of Moldova, Article 62 of the Criminal Code of Turkmenistan, Article 65 of the Criminal Code of Azerbaijan, Article 65 of the Criminal Code of Belarus); 5) a ban on the application of a conditional sentence to a person who has committed especially grave crimes (Article 90 of the Criminal Code of Moldova, Article 68 of the Criminal Code of Turkmenistan, Article 72 of the Criminal Code of Uzbekistan, Article 78 of the Criminal Code of Belarus); 6) criminalization of harboring not only a particularly grave, but also a grave crime (Article 323 of the Criminal Code of Moldova, Article 210 of the Criminal Code of Turkmenistan, Article 347 of the Criminal Code of Tajikistan, Article 334 of the Criminal Code of Armenia, Article 307 of the Criminal Code of Azerbaijan, Article 241 of the Criminal Code of Uzbekistan, article 405

[1] See: Estonian Penitentiary Code // URL: https://v1.juristaitab.ee/en/zakonodatelstvo/penitenciarnyy-kodeks (accessed 20.12.2021).

of the Criminal Code of Belarus, article 313 of the Criminal Code of Latvia); 7) construction of a qualified composition of unlawful exemption from criminal liability using the feature "serious or especially serious crimes" (Article 399 of the Criminal Code of Belarus).

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THE HISTORY OF THE FORMATION AND DEVELOPMENT OF THE MAGISTRACY AT THE FACULTY OF LAW OF KAZAN UNIVERSITY

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Abstract. *The article discusses the features of the second stage of Russian education — magistracy, which appeared in the course of the development of the Bologna Declaration in the Russian education system. The structure of the Bologna system is also analyzed. The features of master's programs implemented at the Faculty of Law of the Kazan Federal University are revealed. The statistics of the demand for master's programs among students is presented. An analysis of the norms of the current legislation on education showed that the development of legal education does not stand still, and along with the changing requirements for graduates, master's programs are also changing. In 2018, the Faculty of Law revised the structure of the master's program and provided applicants with an updated list of master's programs, each of which had its own characteristics, discussed in the study.*

Keywords: *jurisprudence, magistracy, educational program, faculty of law, KFU.*

With the adoption of the Bologna Declaration in 1999, the process of unification of national higher education systems and the creation of a single European higher

education area was launched[1]. The Russian Federation signed this Declaration on September 19, 2003 and officially joined the process of forming a unified pan-European educational process[2], which became the basis for the transformation of a two-level education system (specialist, postgraduate) into a three-level one (bachelor's, master's and postgraduate studies). From that moment to the present, there has been an endless series of changes in educational standards (SES, SES-2, FSES3, FSES3+ and FSES3++), which have made master's programs the only format at the second level of education in most areas. Jurisprudence is no exception here.

It should be noted that among the teachers of Russian universities there is no consensus on the advisability of changes in the education system[3]. Accession to the "Bologna Convention" was seen as a measure aimed at simplifying the emigration of wealthy families from Russia abroad[4]. The innovation was also evaluated as a means of reducing the cost of education[5].

Thus, the magistracy today is the second stage of the two-level system of higher education, following the bachelor's or specialist's degree. According to Part 3 of Article 69 of the Federal Law "On Education"[6], the direction of a master's degree may or may not coincide with the specialization of a bachelor or specialist. In the first case, we are talking about obtaining by the undergraduate more complete and in-depth knowledge, practical skills in the field in which education was received earlier, in the second case, about obtaining new knowledge, skills and abilities in another professional field. At the same time, we can talk about a master's program as a second higher education only if the existing graduate diploma issued after 2012 contains the entry "specialist" in the appropriate column or there is already a document on the completion of a master's program in another direction.

The development of the magistracy at the Faculty of Law of Kazan University began in the early 2000s. The first master's program of the Faculty of Law was devoted to international law and politics and was one of the significant results of the grant implemented by the Department of Constitutional and International Law

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[1] European Higher Education Zone. Joint Statement of the European Ministers of Education ("Declaration of Bologna"), Bologna, 19.06.1999. The text of the Statement is posted on the Bologna Process in Russia server http://www.bologna.mgimo.ru

[2] http://www.garant.ru

[3] Most Russian universities oppose the reform of higher education [Electronic resource]. URL //http://NEWSru.com (accessed 07/29/2021).

[4] The difference between a master and a bachelor [Electronic resource]. URL //http://answer-plus. ru/o-magistr.htm (Accessed 20.08.2021).

[5] *Adibekyan O. A.* Magistracy: Past and Present // World of Science and Education. 2017. No. 2 (10).

[6] Federal Law of December 29, 2012 No 273-FZ "On Education in the Russian Federation" // Rossiyskaya Gazeta. December 31, 2012 No. 303.

of Kazan University together with the Catholic University of Louvain (Belgium), the Free University of Brussels (Belgium), the Institute of International Law. Tobias Michel Karel Asser (Netherlands), University of South Paris-XI (France) and the Institute of Foreign and International Law of the University. Goethe (Frankfurt am Main, Germany) as part of the Tempus program. The project was funded by the European Training Foundation of the European Union.

This master's program was prepared by the faculty of the Faculty of Law under the guidance of the Deputy Dean for Academic Affairs Tyurina Natalia Evgenievna and included 4 profiles: constitutional, international, civil, criminal. The first set of undergraduates for the full-time department was in 2005, consisting of 7 people.

The impetus for the development of the magistracy at the faculty was the final transition to a two-level education system and the graduation of the first bachelors. In 2014, master's programs appear in several key areas at once: "Civil Law, Family Law, Private International Law", "International Protection of Human Rights", "Criminal Law, Criminology, Penitentiary Law", "European Civil Procedure and Enforcement Proceedings". The teachers of the opened master's programs were not only leading professors of the Faculty of Law, but also specially invited foreign scientists. And the program "International Protection of Human Rights" was developed within the framework of the Consortium of Universities under the auspices of the Office of the United Nations High Commissioner for Human Rights.

In 2015, the master's programs "Constitutional Law, Municipal Law", "Modern Forensic and Expert Activities" appeared.

The next milestone in the development of the magistracy was 2016, which was marked by the improvement of existing master's programs and the development of new directions. The profiles "Alternative methods of resolving legal conflicts", "Right of natural resources and energy", "European and international law" appeared (within the framework of the Tempus project of the European Commission for the development of a master's program in European and international law "European and International Law in Eastern Europe" at 2014–2016), "Legal Support for Business", "Criminal Proceedings in Russia and Foreign States", "Legal Support for Administrative and Educational Activities". The profile "Constitutional law, municipal law" was renamed into "Lawyer in public authorities", the profile "Civil law, family law, international private law" — into "Modern Russian private law".

In 2017, the profiles "Legal Regulation and Law Enforcement", "Litigation Lawyer in Civil, Arbitration and Administrative Procedure" were opened (as a result of the combination of the profiles "European Civil Procedure and Enforcement Proceedings" and "Alternative Methods for Resolving Legal Conflicts"). Also, the first enrollment for the English-language profile "Legal support of international business" was carried out.

The development of legal education does not stand still, and along with the changing requirements for graduates, master's programs also change. In 2018, the Faculty of Law revised the structure of the master's program and presented applicants with an updated list of master's programs, each of which had its own characteristics:

— "Master of Laws" is an interdepartmental master's program that combines several independent profiles at once. It is distinguished by a modular principle of construction, which allows undergraduates to study along an individual educational trajectory and combine disciplines from different branches of law within one profile.

In 2019, the Master of Laws combined such areas as: "Litigation lawyer in civil, arbitration and administrative proceedings", "Criminal law of Russia and foreign countries", "Criminal proceedings of Russia and foreign countries", "Private law and business", "Theory and practice of legal regulation", "Lawyer in public authorities", "Medical law".

— "Legal support of business" — a program prepared by the Department of Entrepreneurial and Energy Law. In 2017, Kazan Federal University and the Immanuel Kant Baltic Federal University signed an agreement on networking, thanks to which the Business Legal Support program acquired the status of a network.

— "International protection of human rights" — one of the first master's programs of the Faculty of Law and the first in Russia master's program in the field of human rights protection, was prepared by the Department of International and European Law. Graduate students of the profile traditionally gain experience in scientific and practical activities, the best students have the opportunity to take part in the Summer School on Human Rights of the European Inter-University Center for Human Rights and Democratization (EIUC) in Venice (Italy) and undergo a two-week internship at one of the European universities EIUC.

— "European and International Business Law", also prepared by the Department of International and European Law. The profile is in English, developed by combining the profiles "European and international law" and "Legal support of international business".

In 2019, in response to the challenges of our time, the Faculty of Law introduced a new master's program "Lawyer in the Digital Economy", focused on developing the skills and competencies required in the development of the digital economy in undergraduates.

As the magistracy developed, the number of directions increased, and the number of applicants also increased. So, if in 2010 13 people were enrolled in the master's program in the specialty 030900.68 "Jurisprudence", then in 2020–275.

The forms of education also became diverse. The first enrollment of undergraduates in jurisprudence for a part-time course (duration of study is 2 years 5 months) was in 2014, and for a part-time study (duration of study: 2 years 5 months) — in 2018. The composition of undergraduates studying at the Faculty of Law is also expanding, the number of representatives of countries near and far abroad is growing.

Today, the master's program at the Faculty of Law of Kazan Federal University is:

- more than 10 different master's programs (with international and professional public accreditation) aimed at training lawyers in the most sought-after areas of professional activity (Lawyer in the field of digital economy, European and international business law, Anti-corruption activities, International protection of human rights, Legal analytics, Legal support of business, Preliminary investigation and justice in criminal cases, Trial lawyer in civil, arbitration and administrative proceedings, Private law and business, Legal protection of citizens' rights in criminal cases, Lawyer in public authorities);
- various forms of education on a budgetary and contractual basis in full-time, part-time and part-time (for the profile "Legal Support for Business") forms;
- more than 700 undergraduates, including foreign citizens — representatives of the near (Turkmenistan, the Republic of Kazakhstan, the Republic of Uzbekistan, the Republic of Tajikistan) and far (Iraq, China, Mozambique, Burundi, Côte d'Ivoire, Palestine) abroad;
- highly qualified teaching staff, educational activities are carried out by leading professors and scientists of the Kazan Federal University, practicing lawyers, including representatives of the legislative, executive and judicial authorities;
- a continuous educational process for all undergraduates during the COVID-19 pandemic, involving the use of distance learning technologies for organizing current forms (conducting virtual lectures, seminars, organizing various forms of interactive contact work between a student and a teacher, including organizing teamwork) and intermediate control (test, exam);
- preparation for research and teaching work;
- the possibility of employment in leading international and Russian law firms and other organizations, in public authorities, including courts and prosecutors.

Admission to graduate programs is based on the results of entrance examinations. Form of conducting entrance examinations to the magistracy: written. Tasks include theoretical questions on various branches of law. According to the results of the admission campaign in 2021, the average score for admission to the budget was 84 points.

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