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• ПРОСПЕКТ •

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Dear readers,

I would like to present for your attention the second 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 Doctor of Legal Sciences, Professor, of the Department of Constitutional and Administrative Law of the Togliatti State University, Honored Lawyer of the Russian Federation Natalia Bobrova. Her article "Features and intrigues of constitutional reform-2020 in Russia" reveals certain aspects of the large-scale constitutional reform that took place in Russia in 2020. The author considers this event not only from the legal, but also from the political and social points of view.

The issue is continued by the article by skilled researcher from Kazan Candidate of Legal Sciences, Associate Professor, Department of Civil Law, Kazan (Volga Region) Federal University Ainur Demieva, titled "The problem of legal equality in providing actor access to resources, markets, and forms of economic activity". The paper is devoted to the problems of ensuring legal equality in providing citizens with access to resources, markets and forms of economic activity and the possibility of establishing standards of professional preparedness of subjects of active economic activity.

The "Conference reviews" section contains two articles.

I am very pleased to introduce the research of Valery Golubtsov Doctor of Legal Sciences, Head of the Department of Business Law, Civil and Arbitration Procedure, Perm State University, Judge of the Seventeenth Arbitration Court of Appeal and Olga Kuznetsova Doctor of Legal Sciences, Deputy Dean of research activities, Professor of the Law Faculty, Perm State University "Perm readings on methodological problems of civilistic research".

The issue is continued by the article by representatives of Kazan University, Guzel Valeeva, Nigina Nafikova and Yulia Nasyrova about the past event. This article is a review of scientific events in Kazan Federal University in spring 2021.

With best regards,
Editor-in-Chief
Damir Valeev

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Natalia Bobrova

Doctor of Legal Sciences, Professor of the Department of Constitutional and Administrative Law of the Togliatti State University, Honored Lawyer of the Russian Federation

FEATURES AND INTRIGUES OF CONSTITUTIONAL REFORM-2020 IN RUSSIA[1]

DOI 10.30729/2541-8823-2021-6-2-121-135

The need to reform Yeltsin's Constitution-1993 has long been justified by Russian scientists. However, the unspoken moratorium on intrusion into the text of the Constitution has long held back the actualization of its large-scale reform. But the point changes of the Constitution on the initiative of the President were carried out: consolidation of the subjects of the Russian Federation; increase the term of the President from 4 to 6 years, State Duma — from 4 to 5 years; introduction of the Institute of the Government's annual report to the State Duma; change the name of Chapter 7 of the Constitution and the appointment of deputy attorneys general and all prosecutors; unification of the Supreme Court of Russia and the Supreme Court of Arbitration of the Russia; et al. Announced by Vladimir Putin in a Message to the Federal Assembly of the Russian Federation 15.01.2020 constitutional reform was unexpected. The author for the first time drew attention to the following aspects of constitutional reform-2020: 1) transit of power-2024 as the original reason for Vladimir Putin's declaration of constitutional reform; 2) idea of the constitution of the State Council as a distraction from the main idea of the transit of power and a spare option; 3) discrepancy between official rhetoric and the true motives of the initiators; 4) strengthening the powers of the President of the Russian Federation against the background of decorative increase in the powers of the

[1] The reported study was funded by RFBR and SC RA, project number 20-511-05003.

Parliament and the Constitutional Court of the RF; 5) use of the effect of surprise and authority of the legendary personality in promoting the idea of zeroing out the terms of the legislature of the current President of the RF; 6) intrigue around the way to legitimize constitutional reform-2020; 7) convergence of the powers of the State Council of the RF and the President of the RF in determining the main directions of the state's domestic and foreign policy. Despite sharp criticism of some aspects of the reform by Russian constitutionalists, the author concludes that this is a sovereign matter of the country, itself Russia's own sovereign business. The people legalized this reform by a plebiscite in the form of trust in the government and Putin. No one from abroad has the right to tell Russia and the Russian people how to live.

Keywords: *Russian Constitution, Reform-2020, constitutional amendments, President, transit authorities-2024, Constitutional Court, plebiscite, Trust in power, criticism of reform*

Introduction

It is known that the 1993 Constitution of the Russian Federation was drafted in the interests of President Boris Yeltsin. It establishes a super-presidential mechanism of power with enormous powers of the President, wholly dependent on it by the Government and the "manual" State Duma[1]. President may dissolve Duma (Art. 84 of the Russian Constitution). It's impossible in a classical presidential republic. He dissolves the Duma in case the Government raises the question of trust (Art. 117,3 of the Russian Constitution), and in the case of the Duma's three-time disapproval of the nomination for the post of Prime Minister (Art. 111,4 of the Russian Constitution). The Duma can be dissolved even if the President proposes the same candidacy three times. It was in 1998, when Yeltsin three times nominated 35-year-old Sergei Kirienko to the State Duma. Duma for the third time was forced to agree.

President Vladimir Putin proposed to introduce changes to the Russian Constitution on January 15, 2020 during the Address to the Federal Assembly of the Russian Federation[2]. On January 20, 2020, he introduced a bill on amending the Constitution of the Russian Federation to the State Duma[3], and also approved the composition of a working group to finalize the amendments. The Working Group spent just over

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[1] *Bobrova N. A.* Constitutional system and constitutionalism in Russia. M., 2003. P. 186–210.

[2] President of the Russian Federation's message to the Federal Assembly of the Russian Federation // Rossiiskaya gazeta = Russian newspaper. 15.01.2020.

[3] The Russian Federation's Law on the Amendment to the Russian Constitution of July 21, 2014, no. 11-FKZ (Federal constitutional law) "On the Federation Council of the Federal Assembly of the Russian Federation" // Russian Legislative Assembly. 2014. No. 30 (Part I). Article 4202.

a month in shock review of the proposals. She rejected several hundred proposals and supplemented the President's bill with two dozen new provisions.

At the same time, the bill was sent to all subjects of the Russian Federation and in a short period of time approved by the legislative (representative) authorities of the regions. The State Duma passed a federal constitutional law on March 11, 2020. On the same day, it was approved by the Federation Council. The next step is the signing of the law by the President, after which the law comes into force. Taking into account the highest significance of the amendment made by the deputy of the State Duma, cosmonaut of the USSR Valentina Tereshkova, the President sent the law to the Constitutional Court of the Russian Federation in order to check its compliance with the Constitution. We are talking about an amendment, which has been called a conditional name — the "zeroing" of the previous terms of the legislature of the incumbent President. In other words, the amendment allows Vladimir Putin to run again in future presidential elections.

The Constitutional Court very quickly (in two days) adopted the Constitutional Opinion on the constitutionality of the law introduced by Vladimir Putin.

As the President in the Address to the Federal Assembly immediately announced that amendments to the Constitution will be put to the plebiscite, the next stage — a nationwide vote. "As the people will say so it will be!" — Vladimir Putin said in the Message.

Initially, the nationwide vote on amendments to the Russian Constitution was scheduled for April 22, 2020. (150th Anniversary of Vladimir Lenin's Birth), but it was delayed because of the pandemic covid-19. Vladimir Putin noted that the health of citizens is the top priority. After improving the epidemiological situation in Russia, he announced a new voting date — 1.07.2020 r. By that time, on June 24, 2020, a grand parade was held on Red Square to dedicate the 75th anniversary of the Victory. Voting could be made within seven days of the nationwide vote, starting on June 25, 2020.

Surprise and speed of constitutional reform — first intrigue

The need for constitutional reform was proved by many scholars immediately after Boris Yeltsin's resignation on December 31, 1999. But this issue was especially acute before the 20th anniversary of the Russian Constitution, when in the winter a "march of dissenters" swept through Moscow (dissenting from the results of the December 2011 State Duma elections)[1].

[1] *Avakian S. A.* Is constitutional reform needed in Russia? // Constitutional and municipal law. 2012. No. 9. P. 2–9; *Avakian S. A.* Ten reasons for constitutional reforms in Russia // Independent newspaper. 16.10.2012; *Bobrova N. A.* 20 years and 20 flaws of the Russian Constitution // Constitutional and municipal law. 2013. No. 3. P. 33–38; *Bobrova N. A.* Contradictions and shortcomings of the Russian Constitution // Constitution of the Russian Federation: Sozial Landmarks, Implementation practices. Barnaul: Altai State University, 2014. P. 79–82.

However, all the years of Yeltsin's Constitution were dominated by the thesis that it was unacceptable to change it, a kind of moratorium on amendments, the concept of a "living constitution" under which the Constitutional Court develops constitutional space. The authorities proceeded from the irrelevance of the adoption of the Law on the Constitutional Assembly of the Russian Federation. In 2008, President Dmitry Medvedev proclaimed the thesis about the irrelevance of "constitutional itch".

The President of the Constitutional Court of the Russian Federation, Valeriy Sorkin, published the article "The Letter and the Spirit of the Constitution". In this publication, he stressed the immutability of the text of the Constitution. Of course, he acknowledged the obvious imperfections of the Constitution, but emphasized that they can be corrected by "point" amendments, as well as by rulings of the Constitutional Court.

Years passed, the government was not going to carry out any full-scale constitutional reform. Point amendments, often very significant. But they were taken unnoticed., without much discussion. For example, in 2014, the former erroneous name of Chapter 7 "Judicial Power" was replaced by the correct name "Judicial Power and Prosecutor's Office". At the same time, the society only later noticed that not only had the title of the chapter changed and the error had been corrected, but the powers of the President had been expanded. Apparently, the name of the chapter changed only because it was necessary to expand the powers of the President. Thus, if until 2014 deputy attorneys general of the Russian Federation and all prosecutors were appointed by the Prosecutor General (prosecutors of the subjects of the Russian Federation — in coordination with its subjects), after 2014, the appointment of prosecutors became the President's responsibility. There is no more agreement with the regions, so that regional leaders have no influence over regional prosecutors. The rule of law must be unified. Deputy Attorney General since 2014 is also appointed by the President (in agreement with the Federation Council). At the same time, the Federation Council's dependence on the President has been strengthened by the introduction of the institution of appointed senators, which was not the case before.

But in general, nothing serious happened with the text of the Constitution.

And all of a sudden — Early Annual President's Address to the Federal Assembly and an unexpected announcement on the need for large-scale constitutional reform. At the same time, Putin proclaimed that the reform would be carried out on the basis of the current Constitution, which has not exhausted its potential.

Surprise and speed of reform-2020 — her first intrigue[1].

Putin's Address to Parliament Did Happen Earlier Than Expected, no one waited and reform, as was not expected and the resignation of the Government. The President announced his resignation the next day.

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[1] *Sorkin V. D.* The letter and spirit of the Constitution // Rossiiskaya gazeta = Russian newspaper. 09.10.2018.

In other words, at the time of the constitutional reform's announcement, there were no serious prerequisites for its beginning: there was no revolutionary situation, no opposition rallies, no particular anxiety at all. The reform was announced not under pressure of any circumstances, but on the initiative of Vladimir Putin. The intrigue is that the President used the surprise effect. He prefers to be fully in control of the situation rather than adjusting to the situation.

The main reason for constitutional reform-2020

The main reason for the unexpected presentation of the reform in the Message to the Parliament was the need to give an answer about the actively mooted problem, which was conditionally called "transit of power-2024".

Theses of the upcoming reform were voiced in the President's Message. The thesis on the prohibition for dual nationals to hold public office was welcomed. And although such a ban has already been in the current legislation (it didn't stop some individuals from violating it), the calculation was on the chorus of approval, accentuating this moment, as well as focusing on caring for children. Even when it was announced that the Duma had increased its powers in forming a government, there was a sense of some understatement and intrigue, because Vladimir Putin was not going to move to a parliamentary republic, as repeatedly stated. He emphasized that only the presidential republic is suitable for Russia with its multi-ethnic people, territories and mentality.

But when the President announced the need to grant the State Council constitutional status, many began to talk about the fact that this is the answer to the question of the transit of power-2024, Namely: Vladimir Putin to become Chairman of the State Council in 2024. But this was only the beginning of the basis of intrigue. Valentina Tereshkova's amendment revealed the meaning of constitutional reform, its pace and features.

The Constitutional Court's opinion on the constitutionality of the reform

Many assumed that the Constitutional Court of the Russian Federation will be abolished, because several vacant places are empty for many years, and the President did not nominate judges for vacancies to the Federation Council. However, the Constitutional Court of Russia has been reduced from 19 to 11 judges, but not abolished, as it is needed by the authorities for conclusions on the possibility of implementing the decisions of international courts, and also to give conclusions on amendments to the Constitution at the request of the President of the Russian Federation.

This new power of the Constitutional Court, given to him by the reform, has been tested for the first time to legitimize this reform itself-2020. The Constitutional Court

on 16.03.2020 handed down its opinion[1]. The very procedure of adopting amendments as a result of the nationwide vote is an "invasion" of the chapter 9, inventing a new way of adopting amendments. And meaningfully these amendments affect the 1st and 2nd chapters of the Constitution, but are formally placed in other chapters. And this breaks the established structure of the Constitution. A.A. Jagarian notes that the Opinion does not pay due attention to how the drafted changes relate to the logic expressed in the structure of the Russian Constitution. However, this structure has a meaningful meaning, characterizes the importance in the Constitution of norms with the highest imperative, and at the same time correctly allows to reveal the meaning, purpose of specific institutions"[2]. Thus, the concept of marriage is an element of the status of the individual, as well as social guarantees of the status of pensioners, etc., but not an element of the functions of the state.

It turns out that the authority of the Constitutional Court was required in order to once and for all close the talk of "ticklish moments" of reform-2020. The new authority of the Constitutional Court to consider draft federal constitutional laws at the request of the President of the Russian Federation is to assign political responsibility to the Constitutional Court for unpopular or questionable from the point of view of the principles of democracy bills. But, I think, the Constitutional Court is preserved for another purpose and for this reason is not transformed into a constitutional chamber of the Supreme Court, as it happened as a result of the 2010 revolution in Kyrgyzstan. The thing is, no president. even the most popular, is not immune from the situation of confrontation with the State Duma and its adoption of a law contrary to the interests of the president. In this case, the Constitutional Court may issue a resolution on the unconstitutionality of the Law and thus act as an additional guarantee of the stability of the president's status. Perhaps, in this capacity, the Constitutional Court and retained its existence in the updated Constitution of the Russian.

Dmitri Shustrov, analyzing the Law on the Amendment to the Constitution of the Russian Federation of 14.03.2020 and the Constitutional Court's Conclusion on Its Constitutionality, states: "The amendment law, in which the law that came into force obliges the Constitutional Court to check the constitutionality of a part of the

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[1] The conclusion of the Constitutional Court of the Russian Federation on March 16, 2020, No. 1–3 "On compliance with the provisions of Chapter 1, 2 and 9 of the Russian Constitution, which did not come into force the provisions of the Russian Constitution Amendment to the Constitution of the Russian Federation "On improving the regulation of certain issues of organization and functioning of public power", and the russian Constitution's compliance with Article 1 of the Act in connection with the request of the President of the Russian Federation" // URL: http: //dok.ksrt.ru/decision/KSRFDecision459904.pdf (дата обращения: 19.08.2020).

[2] *Jagaryan A.A.* Corrected to believe? Subjective notes in connection with the Conclusion of the Constitutional Court of the Russian Federation dated 16.03.2020 No. 1–3 // Constitutional and municipal law. 2020. No. 8. P. 15.

same Law that has not entered into force, resembles a fairytale story about Baron Munchausen, who grabbed himself by the pigtail,… he pulled up and pulled himself and the horse, which was squeezed with both feet like tongs (...). For important political and legal issues such as constitutional reform, such an approach (...) is unacceptable and could easily be avoided. (...) The granting of these powers ad hos and pro futuro to the Constitutional Court of the Russian Federation can (...) be assessed as a pragmatic political step that allowed the legalization and cover of the proposed amendments by the authority of the Constitutional Court, which recognized them as relevant to the provisions of Chapters 1, 2 and 9 of the Russian Constitution"[1].

Criticism of opponents of Russian constitutional reform

From the first day after the introduction and publication of the draft law on amendments, it became the subject of sharp criticism both abroad and in Russia, and opposition parties, mostly not represented in the State Duma, such as "Yabloko" (this party, however, cannot be fully attributed to the non-parliamentary opposition, as it is represented in regional parliaments).

Literally everything was criticized, including the inconsistency of the location of the amendments, contradictions with the principles of the constitutional order, enshrined in Chapter I "Basics of the Constitutional Order". The procedure for making amendments was attacked.

In mid-May 2020, ex-diplomat, scientist and politician Nikolai Platoshkin was arrested and placed under house arrest. He just created his own political movement. According to the official version, he was arrested in connection with the initiation of a criminal case against him for extremism and almost for calls to overthrow the constitutional order, although at all rallies and assemblies Platoshkin did not call for the overthrow of the constitutional order, but on the contrary, called within the framework of the Constitution and in accordance with the current legislation to vote, but to vote against. In this his position was at odds with the position of the Communist Party.

The Communist Party initially called for a boycott of the vote, and subsequently called for a vote against the amendments. The Communist Party admitted that the boycott position cannot bring any positive effect, but only, as the members of the Communist Party stated, "will untie the authorities' hands on the path of fraud". In addition, the vote was not on the Referendum Act in the Russian Federation, but on the facilitated version in accordance with the Regulation approved by the Presidential Decree.

Vladimir Putin called the criticism strange, noting that the changes, on the contrary, limit the power of the head of state. "If today the president himself approves

[1] *Shustrov D. G.* Constitutional control over constitutional change in post-Soviet states // Constitutional and municipal law. 2020. No. 8. P. 64.

the head of the government with the consent of the State Duma, and then without any consent of the country's parliament appoints ministers (...), the situation changes dramatically. Now the decision on the nominations will be taken by the parliament".

Vladimir Putin also said that "the absolute majority of Russians support amendments to the Constitution"[1].

Before the all-Russian vote, passions were growing stronger every day, the degree of ideological opposition was rising. In the media there was a politicized dissection of this kind of referendum, when the main thing is not arguments, but labeling and the use of emotionally loaded expressions, which lead away from calm conversation and scientific truth, perceived by some with delight, others — extremely negatively.

In the information stream to refer to the all-Russian vote purposefully launched a pejorative term "unreferendum", the authors of which, positioning their position as the truth in the last instance, present it at the same time on behalf of what they believe to be the majority of reasonable Russian citizens.

Some constitutional scholars took such a roll in the information space with extreme concern, and Viktor Cherepanov even created an information platform on the ruins of the Scientific And Expert Council of the Central Electoral Commission of the Russian Federation, of which well-known scientists were a member in February 2020: S.A. Avakian, N.A. Bobrova, S.V. Kabyshev, E.A. Lukyanova, V.A. Cherepanov and many other constitutionalists and politicians.

On the forum's email address (forum@legal-sense.ru) Viktor Cherepanov urged calmly, "not engaged in politics" to consider exclusively legal issues of "general russian voting". Although it is not clear how a constitutionalist can not engage in politics in his thoroughly politicized science. It is no coincidence that Friedrich Engels called constitutional law the most prostituted science.

Features of voting on constitutional amendments–2020

We'll do only legal analysis. The cover of the current Russian Constitution is written: "Adopted by popular vote on 12 December 1993". Why isn't it written that it was adopted in a referendum? But the definition of the word "referendum" means "popular vote".

Every Russian constitutionalist knows that even then, when the Constitution was adopted in 1993, this anomalous and not every person understood the difference between the concepts of "referendum" and "popular vote" arose. After all, these concepts in terms of common sense and scientific theory should be identical. It is enough to look in any political and legal dictionary or textbook to make sure of this. However, the Constitution of the Russian Federation was adopted not by the law on the referendum, which was in force at that time, but by a special Regulation

[1] YouTube-канал (Address date 14.06.2020)

approved by the Decree of President Boris Yeltsin. Therefore, a separate term and a separate concept was required to justify the adoption of the Constitution not under the Referendum Act, under which the Constitution would not have been adopted, but by decree, which made it easier for Yeltsin's team to approve the Yeltsin Constitution through a plebiscite. The terms of recognition of the results of this plebiscite were much simpler and easier than those laid down in the rules of the referendum.

History in a sense repeated itself in the conditions of constitutional reform 2020, when the plebiscite on approval of the reform was given the name — "common-russian vote". But why this plebiscite can't be called a referendum? First, because in this plebiscite the conditions for recognition of its results differ from the more rigid conditions for recognition of the referendum result. The plebiscite will be considered to have taken place if at least half of the electorate takes part in the voting, and the amendments will be considered approved by the people if not less than half of those who took part in the voting vote will vote for them.. Half of the population is not required to encourage amendments. The requirement to approve amendments in at least two thirds of the subjects of the Russian Federation seems to be made redundant, as they have already been approved by two thirds of the legislative assemblies of the regions. Secondly, the referendum on the Constitution is held only when it is either completely changed, or changes are made to Chapters 1, 2 and 9 of the Constitution of the Russian Federation. This is a response to the question of why the Working Group on Amendments to the Constitution of the Russian Federation could not amend these chapters. Then a referendum would be required with all the ensuing consequences (risk of people disapproving).

Thirdly, Part 1 of Article 135 of the Russian Constitution states: "The provisions of Chapters 1, 2 and 9 of the Constitution of the Russian Federation cannot be revised by the Federal Assembly". And that's the most important thing! If even the Duma by three-fifths of the deputies and the Federation Council by three-fifths of the total number of its members voted for amendments to Chapters 1, 2 or 9 of the Constitution of the Russian Federation (and this is at the current ratio of forces with the predominance of the United Russia faction is not difficult!), the Constitution still does not allow to make these amendments, as "in accordance with the federal constitutional law convenes the Constitutional Assembly" (Part 2 of Article 135 of the Russian Constitution). But there is no Constitutional Assembly, because the law on it has not been passed.

There is an important intrigue here: it is possible to update the Constitution without affecting the rigid 1, 2 and 9 chapters of the Constitution. Otherwise, there would be a heated debate over Articles 8 and 9 of the Constitution (on property), Part 2 of Article 13 of the Constitution (the inadmissibility of establishing any ideology as state or binding), Article 10 of the Constitution (optimal consolidation of the principle of separation of powers, checks and balances), etc. "Don't scratch where it doesn't itchy", — Prime Minister Viktor Chernomyrdin said.

Now there must be three forms of plebiscite in the textbooks: 1) referendum; 2) popular vote; 3) Nationwide voting. "People's vote" is held in a special order (v. 3 p. 135 of the Constitution of the Russian Federation): participation of the Constitutional Assembly is mandatory. The President has applied another form of legitimization, which he is not forbidden to carry out.

The opposition's criticism of Vladimir Putin that he allegedly chose an unconstitutional path to legitimize amendments is groundless. The absence in the text of the Constitution of such a tool of approval of amendments as a nationwide vote does not mean that the non-constitutional path is unconstitutional. Moreover, other actors of the law of the legislative initiative and even in the order of the people's initiative could take the initiative to hold such a vote.

But so far this way of legitimizing amendments through the nationwide vote is the object of sharp criticism[1].

Other intrigues Russian constitutional reform

The working group to finalize the Amendment Act included only 12 lawyers out of 75. This was the subject of particular criticism, especially since some members of the group did not even read its text. Olympic champion Elena Isinbayeva thanked the President for her inclusion in the working group and admitted that "it was not necessary to read the Constitution before, but it turned out to be an interesting book". Her speech immediately became the subject of anecdotes. But overall, it must be admitted, the working group was called upon to present a diverse slice of society, and it is unlikely that the composition of the same Constitutional Assembly would have been better. Actor and director Vladimir Mashkova proposed an amendment banning the rejection of Russian territories. Pianist Denis Matsuyev and director Alexander Kalyagin proposed an amendment on the importance of culture.

Ella Pamfilova, the head of the Central Electoral Commission of the Russian Federation, said that "all, even the most expensive mechanisms of taking into account the opinion of citizens will be involved in the russian vote, because legitimacy is expensive"[2].14.62 billion rubles allocated for plebiscite. She later spoke almost about Freud. She stated bluntly that "the amendments have already entered into legal force, and the approval of their people is the plebiscite promised by the President".

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[1] *Lukyanova E. A.* How Putin's constitutional amendments will come into force // Vedomosti. https://www.vedomosti.ru/politics/articles/2020/03/02/824277-putinskie-popravki; *Bulygina A. A.* Amendments to the Russian Constitution: Adoption order // Fundamental and Applied Research: XXXIV International Scientific and Practical Conference, 2020. P. 98–102; *Sokolov M. V.* Problems of legal regulation of the all-Russian vote on amendments to the Russian Constitution // Skif. Student science questions. 2020. No. 3 (4). P. 157–161; *Starostina I. A.* Nationwide vote in the context of the 2020 constitutional amendments // Constituzionnoe i munizipalnoe pravo = Constitutional and municipal law. 2020. No. 8. P. 18–23.

[2] Cited by: *Kuzmin V.* Hear everyone // Russian newspaper. 05.03.2020.

But the enactment of the amendments means that they are already legitimate. Who needed another legitimization of the amendments that have already come into force is another intrigue. The President needed the legitimization, as it is necessary to approve the amendment on the "zeroing" of the presidential terms of the current President of the Russian Federation. And everyone understands that the essence is not in how and in what way the legitimization is carried out, but in the way of transit of power, which allows this amendment. It is this amendment that does not suit Vladimir Putin's political opponents both at home and abroad.

It should be noted that for many citizens this particular criterion was the determining factor in answering the question of how to vote for amendments: if our enemies are against these amendments, then we vote in favour.

President Putin did not call this plebiscite a referendum from the very beginning. Moreover, the referendum on amendments to chapters 3–8 of the Russian Constitution should not be held at all: "Amendments to chapters 3–8 of the Russian Constitution are adopted in accordance with the order provided for the adoption of the federal constitutional law, and comes into force after their approval by the legislative authorities of at least two-thirds of the subjects of the Russian Federation" (Article 136 of the Russian Constitution).

In fact, all amendments have already entered into legal force before the plebiscite, which is also the intrigue of constitutional reform-2020. The question arises: can further legitimize what has already become legal? After all, there is no greater or lesser pregnancy. It seems that the people were aware and even forgave Vladimir Putin this original guile, knowing full well that he needs the support of the people and is waiting for his approval.

The Main Amendment is indeed veiled in the general mass of diverse, part significant, and part decorative amendments. Some amendments have a place in the current legislation, and some add contradictions to the text of the Constitution, not formally affecting, but actually affecting chapter 1 "Basics of the Constitutional Order" and Chapter 2 "Rights and Freedoms of Man and Citizen".

Voters understood and forgave Putin political guile because they did not object to the main amendment — the possibility of staying in power after 2024. The Russian people, realizing what presidents can be, looking at presidents such as Gorbachev and Yeltsin, and more than breading the consequences of their power, no longer suffers from the thirst for "change". The 1990s were too tragic.

All-Russian vote as a plebiscite on trust in power

Approval of the amendment on the zeroing of the presidential term of the current President of the Russian Federation — the main intrigue of reform 2020. As a result, the vote on amendments was perceived by citizens as a kind of plebiscite on trust

in Vladimir Putin. And there's nothing wrong with that. People were going to vote for Vladimir Putin. It was a plebiscite of confidence in the incumbent President and agreement with the amendment of Valentina Tereshkova.

The people were well aware that the essence of the vote, and the whole reform is the trust of the government, in giving the incumbent President of the Russian Federation the opportunity to run in the next elections. And the people supported the President. There were silent versions of political futurologists about who would be President in 2024, and maybe even before, as they would like.

The first version of the "transit of power-2024" in the form of the opportunity to become the Chairman of the State Council after the amendment of Valentina Tereshkova turned into a back-up option. Perhaps the option of transiting power in the form of the State Council played the role of a distraction from the prepared, but until the time of the not announced main amendment.

The intrigue of constitutional reform 2020 is that it became a plebiscite on the trust of the government and, on the contrary, the plebiscite on the trust of the government became the hallmark and core of this reform.

Let's pay attention to another intrigue. The fact that Valentina Tereshkova introduced this amendment on the day of its adoption by the State Duma in the final reading created a presumption on the principle: "you can't, but if the legendary woman cosmonaut asks for it, it is possible".

According to Article 134 of the Russian Constitution, proposals for amendments to the Russian Constitution can be made by the President, the Council of the Federation, the State Duma, the Government, the legislative (representative) bodies of the subjects of the Russian Federation, as well as a group of at least one-fifth of the members of the Federation Council or members of the State Duma.

One fifth of the State Duma is 90 deputies. Making an amendment by one MP is a violation of Article 134 of the Russian Constitution. But this violation was "not noticed" because according to the laws of psychology there is an effect of surprise. It is also very difficult to object to a legendary personality. The question arises: why Valentina Tereshkova did not make her amendment to the Working Group of which she was a member? In that case, there would be no surprise effect.

The same effect that occurred at the Congress of People's Deputies of the RFSR in May 1990, when the MP of the RFSR, Professor Aleksey Kazannik, lost his seat in the Supreme Council of the Russian Federation to Boris Yeltsin. It was so unexpected that no one thought about the obvious violation of the procedure: it is impossible to give up a seat in the elected body, but it is possible to resign. Then there are by-elections for the vacated seat.

Interestingly, during the meetings of the working group with a similar amendment (on granting Putin the lifelong status of the president) was made by Senator Ekaterina Lakhova. But the amendment was rejected because of its monarchical

nature. In addition, Lakhova did not take into account the main thing — there was no time and no place.

Some intrigues during the Russian vote-2020

The authorities were not indifferent to how many voters would come to the polling stations and how many voters would vote at all. Electronic voting was first tested. The authorities were concerned about the problem of voter activity.

The leadership of Moscow allocated "a million prizes" to the voters: voters who came to the polling stations were able to simultaneously take part in the drawing of certificates for payment of goods and various services, including parking lots, providing discounts in cafes and restaurants. The action called "Million Prizes" launched 10 billion rubles into the economy. The head of Moscow's Department of Trade and Services, Alexei Nemeryuk, explained that such actions are taking place around the world in the post-epidemic period to stimulate business's exit from the recession.

For their part, business representatives also expressed readiness to provide discounts and bonus shares in more than 3,000 stores. Residents received through the portal "Active Citizen" more than 2 million gift certificates, which can be paid for goods and services. Certificates can be implemented by December 31, 2020. The calculation was that this action would not only raise the turnout for the vote on the amendments, but also stimulates up to 10 billion rubles of consumer demand, which fell during the pandemic[1].

Meanwhile, opponents of the 2020 reform have also stepped up, inventing new ways of provocation. a video of a voter who voted electronically was circulated on the Internet, and then he came to the polling station, where he was given a ballot paper. He filmed it himself and eventually took the administrative responsibility for the double vote.

Some opponents of the reform, trying to discredit it by any means, outplayed themselves. Thus, a voter from Samara, citing illness, called the precinct election commission with a request to vote at home. And when a member of the electoral commission arrived with an electoral urn, he handed her his passport and two passports of family members. He zealously convinced the commissioner that his wife and daughter had deliberately left him a passport so that he could vote for them. And they can't do it themselves. He gave the example of legislation in other countries where family members are allowed to vote. "And that's FINE," he insisted. As a result, he received three applications asking to vote at home: one statement for himself, two for family members. Received three ballots and voted. After that he went to the prosecutor's office and declared a gross violation of

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[1] РБК. https://www.rbc.ru/economics/11/06/2020/5ee1e3259a794722bfd7ce4f?utm_source=yxnews&utm_medium=desktop&utm_referrer=https%3A%2F%2Fyandex.ru%2Fnews (дата обращения: 13.09.2020).

the electoral law by the precinct commission. The provocateur expected that the effect of discrediting the legality of the vote would compensate him for material damages in the form of an administrative fine. However, he outplayed himself and let his curators down. He did not take into account that illegal voting for one person entails administrative responsibility, and for two — criminal. As a result, a criminal case was opened against both the "vigilant" voter and a member of the precinct election commission. These are the culbits that happen with political games.

Some findings

As we can see, this article presents sharp criticism of the Russian constitutional reform 2020 on all its main aspects. No one denies that the official rhetoric that accompanied the reform of the Russian Constitution, and the true goals of its initiators, are not without some element of guile. But there is no politics without guile at all. The official rhetoric was based on strengthening the balance of power, increasing the powers of both houses of parliament and the Constitutional Court of the Russian Federation. In a sense, the increase in the powers of these bodies did occur, but it was compensated by a new increase in the powers of the President of Russia.

However, the author believes that criticism of the reform is an internal matter of Russia, which is, in fact, under pressure of internal and external threats, literally in the ring of the enemy information environment. On September 17, 2020, the European Parliament adopted a resolution against Russia in connection with the events in the Republic of Belarus. This Resolution requires Russia to abandon the constitutional amendments-2020. This requirement is nothing more than interference in Russia's internal affairs and sovereignty. The Russian state and the Russian people declare: "Hands off Russia!". Russian scientists themselves will deal with the shortcomings and merits of their constitutional reform, the main advantage of which is the popular approval.

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THE PROBLEM OF LEGAL EQUALITY IN PROVIDING ACTOR ACCESS TO RESOURCES, MARKETS, AND FORMS OF ECONOMIC ACTIVITY

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The article is devoted to the problems of ensuring legal equality in providing citizens with access to resources, markets and forms of economic activity and the possibility of establishing standards of professional preparedness of subjects of active economic activity. The conducted research allowed to come to the conclusion that the initial imperative of legal equality of possibilities of use of natural and technical resources, financial provision, access to the market, possession of intellectual rights and other components which make up potential participation in economic activity is necessary, which does not exclude establishment of special (required) criteria. In addition, in itself the implementation of other profitable activities should not be an obstacle to participation in various forms of economic life organization (including bidding and public procurement system, etc.). The necessity of non-linear (differentiated) approach to the solution of the problem of access to economic relations of a wide range of persons with no special training is substantiated. On the one hand, in relation to active economic activity in general, there cannot be set a general census on special professional training. On the other hand, it is necessary to provide satisfaction of requirements of quality and safety of products, manufacturability of production and exclusion of its negative influence on health of people, general and special safety.

Keywords: *active economic activity, legal equality, market, access to resources, professional qualification, training standards.*

For most citizens today, the question of securing their livelihood is quite acute. All subjects initially inevitably face the need to determine the form of inclusion in social life, which would provide them with the basic means of existence. The

parameters of such a choice are not random, they are usually predetermined by a range of both subjective (education, skills, personal aspirations) and objective (resources, market situation, etc.) opportunities and conditions. Then the subject enters into the available to him and conditioned by the chosen form, interaction in society and receives a certain financial result.

The problem of providing that part of the income that citizens need to live (meritorious goods, unconditional income, a living wage, etc.) is closely related to the issue of legal equality in providing access to resources, markets and forms of economic activity.

Because with the objective distinction of subjects on the most various parameters and characteristics, the legal organization of the economy should not create advantages and unfair restrictions for others. Therefore, when deciding the question, a) about access to this or that segment of the market (inclusion in trade or other networks, participation in procurement), b) about the use of certain resources (including natural resources), c) also participation in the economic life of the country in this or that form cannot in itself serve as grounds for refusal to obtain the possibility of such participation.

Thus, concerning access to separate components of the market space, this means that in conditions of competitions, tenders, grants, the system of state purchases, organized tenders, etc., bans or restrictions are not allowed only because of a certain organizational and legal form or type of active economic activity. Undoubtedly, there can be such restrictions, but they must be associated with other special criteria and indicators (availability of necessary qualifications, technology, etc.), but in no way with the type of activity of the subject that carries it out.

This provision means that all participants of active economic activity should have equal legal, not actual conditions of participation. If the needs of production or, say, the implementation of an investment project, require a certain amount of equity or borrowed capital, then this indicator can act as a limitation. The same applies to the criterion of the use of a certain technology, which, more often than not, is related to whether the applicant is the owner of the relevant exclusive or non-exclusive intellectual rights. We also believe that so far in our legislation the problems of ensuring such equality have not been fully resolved, because citizens are deprived of the very possibility to possess many intellectual rights, and therefore initially find themselves in a worse position compared to other actors[1].

[1] Currently, in accordance with clause 4 of the Action Plan ("road map") of the implementation of the mechanism of management of systemic changes in the regulatory and legal regulation of business "transformation of the business climate", "intellectual property", approved by RF Government Decree of 03.08.2020 No. 2027-r draft Federal Law "On Amendments to Part Four of the Civil Code of the Russian Federation", which provides for amendments to existing Russian legislation

It appears that the admission of this or that subject to activity on the market does not mean the refusal to establish additional conditions and prohibitions, including to ensure the rights and legitimate interests of counterparties of this subject. In this sense, the totality of possible restrictions, such as the availability of collateral for participation in bidding, is included in the content of legal personality in the implementation of the relevant type of activity and does not act as a restriction of rights within the meaning of article 55 of the Constitution of the Russian Federation. However, in the absence of such conditions the possibility of access to resources and market segments must be equal (equally accessible).

This understanding of the issue in question creates the potential for economic growth of the actors and can serve as a platform for combining their interests for a cumulative effect (the creation of cooperatives or the joining (syndication) of bids at the bidding). For example, the Uniform Procurement Regulation of the State Corporation "ROSTECH" allows participation of collective participants in bidding[1]; the Uniform Industry Procurement Standard (Procurement Regulation of the State Corporation for Atomic Energy "Rosatom") provides for procurement from small and medium businesses[2].

The other aspect concerns access to resources that open up the possibility of doing business successfully. Conceptually, there is evidently a need here for a system which could consist in allocation of a special niche of resources for those actors which potentially cannot (due to their size and volumes) compete with giant companies (for example, preferences under Article 10 (12) of Federal Law No. 69-FZ of April 1, 2020 "On Protection and Promotion of Capital Investment in the Russian Federation[3] are granted only for investments of at least 300 billion rubles). Such a system could be built on the semblance of the system of state and municipal procurement.

The introduction here of special criteria, which can actually serve as an obstacle, is also reasonable and justified, since the conditions for the use of a number of resources (water areas, land, radio frequencies, etc.) imply the presence of financial or other assets, the possession of special competence, etc.

Finally, an independent aspect of the problem of ensuring legal equality of persons acting in the market space is the provision of equal access to forms of partici-

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[1] See: Unified Regulation on Procurement of Rostec State Corporation: approved by the Supervisory Board of Rostec State Corporation (Minutes of 18.03.2015 No. 2) // [Electronic resource]. URL: https://rt-capital.ru/tender/ (access date: 31.03.2021).

[2] See: Unified Industry Procurement Standard (Regulations on Procurement of the State Atomic Energy Corporation "Rosatom") // [Electronic resource]. URL: http://zakupki.rosatom.ru/Web.aspx?node=eosz (date of reference: 31.03.2021).

[3] See: Federal Law of April 1, 2020 No. 69-FZ (ed. on 30.12.2020) "On protection and promotion of capital investments in the Russian Federation" // C33 RF, 2020. No. 14 (part 1). art. 1999.

pation in economic life. Unfortunately, we observe poorly motivated elimination of a citizen (actor) from various forms of economic activity not only when he himself directly participates, but also when he takes part in the studied activity through one or another organizational and legal form of a legal entity, i.e. he is eliminated not only from the "field" of civil-law regulation as an active participant of the economy, but also from those forms that are "secondary". For example, historically long established and well-established form of economic activity is a production cooperative (artel)[1]. In accordance with Article 4 of the Federal Law of 08.05.1996 No. 41-FZ "On Production Cooperatives" the number of members of the cooperative may not be less than five people. Consequently, three people can not form a cooperative, as the law establishes the minimum number of members of the cooperative. The question arises why, why, with what logic did the legislator set such a minimum number of members of the cooperative? How can we check this logic, by what parameters and criteria? The same questions arise with respect to the investment partnership, the parties to the contract of which can only be commercial organizations, as well as non-profit organizations in the cases established by federal law[2] (i.e. a citizen-entrepreneur cannot be a member thereof. Considering the legislation and the practice of its application, a citizen cannot actually receive income by participating in a simple partnership, since any such activity is interpreted as "entrepreneurial"[3]. Obviously, there is ground for discussion, reflection and appropriate solutions[4]. As a special phenomenon of economic activation and

[1] See: Article 106.1.–106.6 of the Civil Code of the Russian Federation (part one) from 30.11.1994 No. 51-FZ (ed. from 09.03.2021) // C33 RF, 1994. No. 32. art. 3301; Federal Law No. 41-FZ of 08.05.1996 (ed. on 30.11.2011) "On Production Cooperatives" // SZ RF, 1996. No. 20. art. 2321.

[2] See: Clause 3, Article 3 of the Federal Law of 28.11.2011 No. 335-FZ (ed. 27.12.2018) "On investment partnership" // C33 RF, 2011, No. 49 (part 1) Art. 7013.

[3] See: item 2 of article 1041 of the Civil Code of Russian Federation (part 2) from 26.01.1996 No. 14-FZ (ed. 09.03.2021) // C33 RF, 1996. No. 5. Art. 410.

[4] It would be appropriate to cite some data regarding the importance of artels in the USSR during Stalin's rule: "Artels occupied 6-10% of total production, but gave up to 80-90% of the variety of the assortment. In the first five-year plan (1928-1933) it was planned to increase the number of members of artels 2.6 times. In 1941 it was decided that the new artels would be exempt from most taxes and state control over retail pricing for two years. The state imposed one condition — prices for products must not exceed by more than 10% the price of similar products of state enterprises. To avoid abuses by bureaucrats, cost limits were imposed on artels for raw materials, transport, etc. During the war many artels produced weapons and necessities for the front. After the war, additional benefits were introduced for artels composed of disabled people. For many who had lost their health at the front, this form of labor organization provided sustenance and an opportunity to be treated and live" (Industrialization in the USSR, the first five-year plans / Alex Hodinar. [Electronic resource] // URL: https://adne.info/industrializaciya-v-sssr/ (accessed 19.05.2021)).

citizen participation in investments can be the so-called "collective investing"[1]. Which in our country is only at the initial phase of development[2].

According to the Federal Antimonopoly Service, the problem of equal access to resources and market segments can be partially solved by introducing amendments to the law "On Protection of Competition" related to the development of trade and purchasing unions — associations of small forms of economic activity, different from cartels, in order to compete in a certain market with big businessmen[3]. To solve the problem of equal access to state resources is also aimed at the Strategy of Competition and Antimonopoly

Thus, the initial imperative of legal equality of opportunities to use natural and technical resources, financial security, access to the market, the possession of intellectual rights and other components that make up the potential to participate in economic activity, which does not exclude the establishment of special (required) criteria.

At the same time, there is a big topical problem, which sounds in various tribunes: the possibility of establishing standards of professional preparedness of subjects of active economic activity. There is a need to highlight to the legislator benchmarks for the purpose of developing a flexible system of indicators, criteria for standards of training of subjects of active economic activity, providing, ultimately, the quality of products, environmental protection, rights and legitimate interests of consumers.

To date, there is no need to introduce a general qualification of special professional training of persons engaged in active economic activities, because this problem is resolved in another way. Requirements for product quality and safety, manufacturability of production, exclusion of negative impact of production on human health, general and special safety are and should be implemented in an evolutionary way, according to the development of interrelated social, economic and legal institutions.

At present the provision of the necessary professionalism in the market is determined by the formation of the intra-market infrastructure, requirements to the availability of specialists, the operation of the licensing system, etc. In par-

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[1] See: *Sleptsova J. M., Shishkanova E. M., Yakovlev A. B.* Problems of normative regulation of the financial market in the Russian Federation in part of the market of subjects of collective investments // Banking Law. 2017. No. 5. P. 65–71.

[2] See: Federal Law of 02.08.2019 No. 259-FZ "On attracting investment using investment platforms and on amendments to certain legislative acts of the Russian Federation" // NW RF. 05.08.2019. No. 31. Art. 4418.

[3] See: FAS is preparing a regulatory framework for the formation of procurement unions in Russia [Electronic resource] // Interfax. 2020. 30 June. URL: https://prozakupki.interfax.ru/articles/1821 (access date: 15.06.2021).

ticular, in a number of separate segments of the market, additional restrictive and permissive rules have already developed, which are based on the fact that only participants having special training and equipment are allowed to carry out active economic activities (rules of the relevant self-regulating organizations, securities and banking market regulators, electricity market, etc.). Universalization of requirements to the conditions and management of production has led to the fact that they have the same meaning for all who are engaged in the relevant production (regardless of the organizational forms and types of economic activity).

The differentiation of levels of access to the market (segments for "professionals" and "non-professionals"), in fact, is a special technique of legal regulation. Nevertheless, the problem of sufficient training of actors exists. The study of the practice of entrepreneurial and other active economic activities shows that a significant part of difficulties, disputes, errors arises due to the insufficient level of preparation and awareness in the conduct of affairs, including in cases of bankruptcy or when the actor is or may be brought to property liability[1].

This state of affairs in the domestic economy is due to various factors, including the lack of attention from the state to this issue, funds for training and education, etc.[2] Only for certain types of other profitable activities certain education, passage of qualification tests (examinations)[3] or other additional training requirements (for example, for arbitration managers)[4] are provided. There are few general mandatory training requirements (in particular, there is training in labor protection — Art. 225 of the RF Labor Code)[5].

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[1] It should be taken into account that in the sphere of civil turnover liability may occur regardless of guilt (clause 3 of Art. 401 of the Civil Code). For more details see e.g.: Generalization of judicial practice in the field of intellectual property / L. Novoselova [et al.] // Act. 2019. No. 6. P. 19–35; *Romanova I. N.* Preventsii i compensatornosti insuraniya v svobodnom mekhanizm resilience of subjects of entrepreneurship to the negative consequences of economic activity // Pravo i ekonomika [Law and Economy]. 2019. No. 5. P. 39–42; Legal concept of robotization / ed. by Yu.A. Tikhomirov, S.B. Nanba. Moscow: Prospect, 2019.

[2] Thus, the literature notes that small entrepreneurs are afraid of such costs (see: *Dymova Yu.* Key innovations of the legislation of the outgoing year // EJ Lawyer. 2017. No. 50. P. 2).

[3] See: Fundamentals of the Legislation of the Russian Federation on Notariate": approved by the Supreme Court of the Russian Federation 11.02.1993 No. 4462-1) // Vedomosti SND and VS RF. 1993. No. 10. Art. 357; Federal law from 31.05.2002 No. 63-FZ. Op. cit.

[4] See: Art. 20, 20.1 of Federal Law #127-FZ from October 26, 2002 (op. cit.).

[5] In other cases, general preparation for business is done dispositively. See e.g.: Order of the Ministry of Economic Development of Russia from 19.02.2020 No. 77 "On approval of the Procedure, timing and forms of presentation of information stipulated by paragraph 5 of the Rules of the Joint Stock Company "Federal Corporation for Development of Small and Medium Entrepreneurship" monitoring the provision by federal executive authorities, executive authorities of subjects

There is also concern that the emergence of new forms and activities, the emergence of previously unknown technologies and communications, not covered (not provided) by existing rules (standards) can have the most significant impact on the safety of customers, partners, and others[1].

Therefore, training standards should be a flexible system of indicators, criteria, and benchmarks aimed at three objectives: 1) compulsory training; 2) voluntary training; 3) implementation of the state's obligation to create and provide actors with the necessary data (information). In accordance with this or that task, different methods of influence must be applied, and their degree of compulsion is not the same. In some cases, they are compulsory and, more often than not, are established by the state, in others, indicators of the level of preparedness may be developed and introduced by the actors themselves or by their communities (including associations and self-regulatory organizations)[2]. The state already takes certain measures to assist in the implementation of voluntary training[3].

Thus, a nonlinear (differentiated) approach is needed to solve the problem of access to economic relations for a wide range of persons with no special training. On the one hand, with regard to active economic activity as a whole, there cannot be a general census about special professional training. On the other hand, it is necessary to provide satisfaction of requirements of quality and safety of production, manufacturability of production and exclusion of its negative influence on health of people, general and special safety. Of course, this is possible only in an evolutionary way, at different rates and in divergent forms, according to the development of interrelated social, economic and legal institutions.

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of the Russian Federation, local governments support to small and medium enterprises and organizations that form the infrastructure to support small and medium-sized businesses // URL: https://normativ.kontur.ru/document?moduleId=1&documentId=360659 (date of reference: 15.06.2021).

[1] In principle, this is exactly what we see in the case of new data transfer systems, methods of calculation (payment) or new legal institutions included in the legal system without prior preparation (in particular, this applies to the "contract of equity participation in construction").

[2] This way of introducing standards can be called "voluntary" and also covers mastering accounting and tax accounting, human resources, marketing, etc.

[3] For example, in recent years Russia has launched a number of programs to support small and medium-sized businesses, the purpose of which is not only financial and property assistance to entrepreneurs, but also information (creation of federal and regional information systems, official sites to provide subjects of active economic activity with relevant information), educational (development of training programs for specialists), etc. (see e.g: *Klimakina I.* Support for small business: programs 2020-2021 [Electronic resource] // URL: https://www. business. ru/article/1360-podderjka-malogo-biznesa-2019-gos-programmy (date of reference: 15.06.2021)).

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CONFERENCE REVIEWS

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PERM READINGS ON METHODOLOGICAL PROBLEMS OF CIVILISTIC RESEARCH

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The article reviews the interregional Russian forum of classical law university science "Perm Methodological Readings". It was organized for the 8th time in Perm, Russia. Perm Methodological Readings — a joint project of Perm State National Research University and Kazan Federal University. This project is dedicated to the memory of Mikhail Yurievich Chelyshev, an outstanding scholar of civil law, a great specialist in the issues of methodological research, Doctor of Legal Sciences, Professor of Kazan and Perm Universities.

This article reveals certain aspects related to the holding of this event in 2020 in the walls of Perm University. Separately, we should note that the importance of both the project itself and the value of Mikhail Chelyshev's contribution is con-

firmed by the fact that the event took place in spite of the restrictions caused by the pandemic.

Keywords: *scientific event, Law Department, Perm University*

Perm Methodological Readings — a joint project of Perm State National Research University and Kazan Federal University was and remains the main satellite project of Perm Congress of Legal Scholars — a multidisciplinary interregional Russian legal forum with more than ten years of history. The goal of Perm Methodological Readings is to help young researchers in civil law to develop and correctly apply methodological foundations in their research, to discuss with the leading experts the key changes in the procedure of training and certification of scientific personnel as well as to improve traditional and develop new methodological approaches to the study of civil law. A striking example of the latter is the interdisciplinary method of civil law research, a significant contribution to the development of which was made by Professor M.Yu. Chelyshev, whose memory is devoted to the Perm readings on the methodological problems of civilistic research.

This year Mikhail Yurievich, the author of such a significant scientific event for Russian civilistics, would be 50 years old. The subject of discussion of the experts, honorary guests and participants of the VIII Perm readings was the study of the scientific heritage of Mikhail Yurievich and the methodological significance of the scientific works of Professor M. Chelyshev, the potential of his theory of the system organization of inter-branch relations of civil law.

In addition, participants touched on other topical issues: the reform of the nomenclature of specialties in law, the methodology of the study of the legal nature of cryptocurrency, the evolution of substantive research in civilistics and its relationship to the new technological reality, the use of works and modern terms in scientific and educational purposes, the theoretical and practical significance of civil thesis, civil research atypical legal relations, the problems of applying the historical and legal method.

The subject of discussion, as well as the objectives of the Perm Readings determined the "professional qualification" of its participants: they are traditionally researchers of civil law with PhD degrees, professors, heads of departments, members of the expert council of the Higher Attestation Commission on Law. Every year the geography of participants of the scientific event expands. Thus, in recent years Perm Readings have been attended by participants from Moscow, Kaliningrad, Pskov, Kursk, Irkutsk, Krasnodar, Volgograd, Kazan, Nizhny Novgorod, Saratov, Chelyabinsk, Ufa, Ulyanovsk, Saransk, Yekaterinburg and Novosibirsk.

Involvement of famous representatives of the modern civilism in Perm and such a wide geography of the event's participants is the result of joint work of the organizers of the Perm Readings — Perm State National Research University, Kazan (Volga Region) Federal University and the largest legal publishing house "Statut". It is gratifying to acknowledge and hear the opinion of colleagues that the organizers annually manage to attract to the discussion of methodological problems so many participants and experts from leading scientific and academic centers of the country, chairmen and members of dissertation councils, representatives of the Higher Attestation Commission under the Ministry of Science and Higher Education of the Russian Federation.

The holding of methodological readings and the very fact of their existence are caused by the problems of application of methodological tools and the current state of modern research in the field of civil law research. Methodological basis of any research is its basis — it is a postulate, on which the development of any science is based. Organizers, experts and participants of the Perm Readings regretfully admit that such a basis of modern civil law research suffers from serious drawbacks: trivial copying of typical material, application of a common set of methods without regard to the topic of research, their descriptive nature, identification of methods with the techniques of formal logic, formal indication, but not actual application of such methods. The description of research methodology has now, in this regard, become one of the key characteristics indicative of its quality.

That is why attracting attention to the very methodology of research should become the main task of modern science. This issue should be of interest not so much to research supervisors and consultants, as to future and novice researchers of civil law themselves.

In conclusion, it should be noted that, as before, all scientific results of Perm Readings are published in a special periodical — scientific journal "Methodological problems of civilistic research" — the successor of independent collections-annuals of 2016-2018. Moreover, all the articles of the round table participants without exception are traditionally available on the official website of the journal (metodol59.ru), and the materials of the round table are available on the website of the Perm Congress of Legal Scholars (permcongress.com).

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SCIENTIFIC EVENTS IN KAZAN FEDERAL UNIVERSITY IN SPRING 2021

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The article tells about the events held at the Faculty of Law of Kazan (Volga Region) Federal University in the period after the pandemic of coronavirus, when some restrictions that did not allow to hold events in a handshake format were lifted. The management of the Faculty made an important decision to hold all the traditional events for the Faculty of Law in the old, time-tested format. The article highlights three events: XVII All-Russian judicial debates 2021, XVI International scientific-practical conference Derzhavin readings, I legal workshop "School justice 2021" for schoolchildren. The article reveals the scientific and educational and scientific-practical component of the events. It also describes the assistance of professors, researchers and

representatives of the judicial and law enforcement system in the conduct of events significant for the Faculty of Law. The main stages of these events and their participants are highlighted. The article reveals the current issues of legal reality raised in the framework of the events, as well as talks about the results, which were reached when discussing these legal problems.

Keywords: *scientific event, Law Department, Kazan (Volga Region) Federal University*

On April 23–24, 2021 Kazan (Volga Region) Federal University hosted the XVII Student Model Trial "All-Russian Court Debates 2021". This year the event returned to its traditional format of lively meetings and joyful hugs.

The opening ceremony began on April 23 at 10 a.m. Moscow time, one of the most beautiful classrooms of KFU Faculty of Law — Physics 1 — was filled with noise and greetings. The first to speak were Timirkhan Bulatovich Alishev, Pro-Rector for External Relations of KFU, and Liliya Talgatovna Bakulina, Dean of the Faculty of Law of KFU; they noted how important the face-to-face format was for the model trial, and thanked all participants for their dedication to science, and said warm words of guidance. The opening ceremony was also attended by Deputy Chairman of the Arbitration Court of the Volga Region Igor Smolensky, Deputy Chairman of the Arbitration Court of the Republic of Tatarstan Marat Gumerov, Deputy Chairman of the Supreme Court of the Chechen Republic Timur Lamerdonov, lawyer of the Bar Association of the Republic of Tatarstan Olga Kamaletdinova, Senior Legal Support Assistant to the Prosecutor of the Republic of Tatarstan Irina Petrova, Managing Partner of ANP Zenit Vadim Kuzovkov and others.

The start of the scientific activity of the event was given by master classes from leading lawyers and experts in their field of law. Dmitry Abushenko, Doctor of Legal Sciences, Professor of Civil Procedure of the Ural State Law University, spoke on "Frontier branch problems on the example of set-off in enforcement proceedings". The master class on criminal proceedings was presented by Damir Nizamov, lawyer of the Kazan City Bar Association and counselor of ANP "Zenit".

The first day ended with first-round fights. There were 18 fights simultaneously: six in the criminal section and eight in the civil section. Judges of the Supreme Court of the Republic of Tatarstan — Fakhriev Marsel, Bikmukhametova Evgeniya, Ibragimov Irek, Khisamov Azat. And also Aydar Sultanov (Head of Legal Department of PJSC NizhnekamskNefteKhim); Vyacheslav Gusyakov (Deputy Chairman of the International Union of Lawyers); Timur Lamerdonov, Deputy Chairman of the Supreme Court of the Chechen Republic; Associate Professor of the Civil Procedure Law Department of Rostov Branch of Russian State University of Justice, Candidate of Legal Sciences, retired judge — Nikolai Samsonov; Candidate of Legal Sciences, associate professor of the chair of business law, civil and arbitration

process of Perm State National Research University — Denis Fedyaev; Doctor of Legal Sciences, professor of the chair of civil process of Ural State Law University — Dmitry Abushenko; Doctor of Legal Sciences, Professor of the Chair of Civil Procedure of the Ural State Law University — Sergey Degtyaryov; Chairman of the Tyulyachi District Court of the RT — Bikmiev Ramil; Director of the Kazan Institute (branch) of the All-Union State Law University, Candidate of Legal Sciences, The head of the second department on investigation of especially important cases of Investigation Department of ICRD on RT, colonel of justice — Adiatullin Rustem; The senior assistant of the Head of Investigation Committee of ICR TF, colonel of Justice — Marat Makhmutov; Salapov Alexander — the Head of 384th Military Investigation Department of Investigation Committee of RF for Kazan garrison; Military Prosecutor of Kazan garrison Bazhenov Sergey; Lawyer of Law Chamber of RT, Pavel Mazurenko and others.

The results of this stage are traditionally announced only the next day. So, the morning of April 24 — the second competition day — began with the announcement of the results of the first round and the presentation of certificates, and then began the second round of the event. During this stage of the competition participants evaluated evidence on the relevance and admissibility, wrote drafts of procedural documents, studied procedural documents for compliance with the law, as well as demonstrated their theoretical skills in the chosen proceedings.

The second stage ended with only 4 teams left in each section, which met in the final battles and showed who is worthy to wear the title of winner of the All-Russian Judicial Debates 2021. The judges of the final round were: D. B. Abushenko, Professor of Civil Procedure of the Ural State Law University; S. L. Degtyarev, Professor of Civil Procedure of the Ural State Law University; Deputy Chairman of the International Union of Lawyers, retired judge, Candidate of Legal Sciences V. Y. Gusyakov; Deputy Chairman of the Supreme Court of the Chechen Republic T. M. Lamerdonov; Head of the Legal Department of PJSC Nizhnekamskneftekhim A. R. Sultanov; Candidate of Legal Sciences, Associate Professor of the Business Law, Civil and Arbitration Procedure Department of Perm State National Research University D. A. Fedyaev; I. A. Khasanshin, Judge of the Arbitration Court of the Republic of Tatarstan, Candidate of Legal Sciences; R. M. Abdrakhmanov, Deputy Head of the First Department for Investigation of Especially Important Cases of the Investigation Department of the Investigation Committee of the Russian Federation for the Republic of Tatarstan; A. N. Shemuranov, Judge of the Supreme Court of the Republic of Tatarstan E. E. Safonov (Kazan Garrison Military Court), Judge of the Supreme Court of the Republic of Tatarstan B. G. Shamsutdinov, Senior Investigator of the 5th Division for Investigation of Especially Important Tax Crime Cases of the Investigation Department of the Investigation Committee of the Republic

of Tatarstan, Lieutenant of Justice J. V. Nagaev-Kochkin, Senior Investigator of the 5th Division for Investigation of Especially Important Tax Crime Cases of the Investigation Committee of the Investigation Committee of the Republic of Tatarstan, Lieutenant of Justice Serebryakov R. M. The prizes in the Civil Litigation section were distributed as follows:

1st place *(Team A 44-21 Kazan (Volga Region) Federal University)*
Alina Faizova
Letfullina Karima
Kochkin Andrei
2nd place *(Team A 32-21 Perm State National Research University)*
Dmitriy Yuzhakov
Maxim Stepanov
Polina Vyatkina
Pershina Alexandra
3rd place *(Team A 05-21 Ural State Law University)*
Ruslan Atamanov
Vladislav Merzlyakov
Denis Muravyov
Alexander Italmasov

The prizes in the Criminal Litigation section were distributed as follows:

1st place *(Team B 06-21 Ural State Law University)*
Anna Sizykh
Alexandra Fileva
Pavel Larionov
Irina Safronova
2nd place *(Team B 34-21 Lomonosov Moscow State University)*
Vladislava Dmitrenko
Polina Nekhorosheva
Mikhail Khimichev
Camilla Sarina
3rd place *(Team B 04-21 Kazan (Volga Region) Federal University)*
Diana Galiullina
Regina Fatykhova
Renata Malikova
Regina Khusnulina

The 17th Student Model Trial "All-Russian Court Debates 2021" was held with the support of the Federal Agency for Youth Affairs (Rosmolodezh), the Russian Resource Center, the Student Scientific Society of the Faculty of Law at KFU, Pravo.ru, ANP Zenit law firm, and the Republic of Tatarstan Chamber of Lawyers "Zakony i Fakty".

It is important for the Faculty of Law at KFU to see every participant, who was happy to return with us to the traditional format of the model trial "All-Russian Judicial Debates. And, as Igor Smolensky said, "the presence of each student here is already a personal victory, as representatives of their schools.

A new event for the School of Law was the I "School Justice 2021" legal workshop for high school students, which was held in absentia **on May 15, 2021,** and in-person **on May 18, 2021**.

Students from Polytechnic Lyceum No. 182, Gymnasium No. 93 of Kazan and Gymnasium No. 1 of Chistopol took part in the workshop. Thanks to this competition the schoolchildren had an opportunity to feel themselves in the role of a lawyer.

"School Justice 2021" is a model trial based on a pre-presented story. Teams compete against each other in rounds, defending their own positions on court cases, arguing and proving the correctness and validity of their legal position. This competition is aimed at developing the students' creative abilities and interest in scientific activity, as well as at helping them choose their future profession, as schoolchildren were able to visit the role of specialists. The event was held as part of the "Sirius.Summer" program.

The winners were pupils of Gymnasium No. 93 and Gymnasium No. 1 (Valeeva Lyaysan and Larionova Daria). The second place was taken by the team of students of Polytechnic Lyceum No. 182.

The jury consisted of:

— Doctor of Legal Sciences, Professor of the Department of Theory of State and Law, Dean of the Faculty of Law Liliya Bakulina,
— Maria Talan, Doctor of Legal Sciences, Professor and Head of the Department of Criminal Law,
— Guzel Burganova, Senior Lecturer of the Department of Criminal Procedure and Criminalistics,
— Lydia Bakulina, Candidate of Legal Sciences, Associate Professor of the Department of Criminal Law.

The interest of schoolchildren in the legal workshop proved to be not only high, but also professional. The children expressed a desire to participate in debates in future years, which is the main result for us.

Bringing back the fall tradition in spring, the annual event — XVI International Scientific and Practical Conference "Derzhavin Readings" — was held on **May 24–26, 2021** within the walls of Kazan Federal University.

The event was devoted to the theme: "Transformation of social and legal reality in modern conditions". The conference is distinguished by close cooperation between Kazan Federal University and the All-Russian State University of Justice. This year did not change the tradition: the event was attended by professors and students of the All-Russian State University of Justice and its branches.

The first day of the conference, May 24, prepared a cultural program for the students, which included excursions to historical places of Kazan. On the same day the Supreme Court of the Republic of Tatarstan hosted a round table on "Digitalization of Justice: Risks and Prospects for Development". There was also a press conference attended by the Minister of Education and Science of the Republic of Tatarstan and the rectors of Kazan Federal University and the All-Russian State University of Justice.

The second day of the event was more eventful. It began with the laying of flowers at the spontaneous memorial at the gate of the secondary school No. 175 in memory of the victims of the tragedy which took place on the morning of May 11, 2021. The laying of flowers also took place at the monument of G. R. Derzhavin, which is a tradition for the International Scientific and Practical Conference.

Later, a plenary session was held in the Imperial Hall of Kazan Federal University, which this year especially delighted the audience. It began with welcoming remarks by Olga Aleksandrova, Rector of the All-Russian State University of Justice, Rustam Minnikhanov, President of the Republic of Tatarstan, and Ilshat Gafurov, Rector of Kazan Federal University, Mikhail Galperin, Russian Federation Commissioner to the European Court of Human Rights, Deputy Minister of Justice of the Russian Federation, and Anzor Muzayev, Head of the Federal Service for Supervision of Education and Science.

President of the Republic of Tatarstan Rustam Minnikhanov noted in his welcome speech that the legacy of Gavriil Derzhavin, his literary and legal works are important and interesting in terms of the development of our state.

Rector of Kazan Federal University Ilshat Gafurov, in turn, reminded that this is the sixth time the forum has been held at Kazan Federal University together with the Russian Ministry of Justice and touched upon relevant issues, contributing to the improvement of the legal system and creating incentives for the development of law enforcement practice.

At the opening of the conference, the Rector of KFU was awarded the Gavriil Derzhavin Medal by order of the head of the Ministry of Justice of Russia for effective assistance in solving the tasks entrusted to the department. The Silver Medal "For Assistance" was awarded to Riyaz Minzaripov, First Vice Rector of KFU.

Then the floor was given to the Director of the Institute of Legislation and Comparative Law under the Government of the Russian Federation, RAS Academician, Doctor of Legal Sciences, Professor Talya Khabrieva, who, often addressing Valery Lazarev, made a presentation to the guests on "The generation of law resources in modern social transformations".

It is worth noting that three graduates of Kazan Federal University, Talia Khabrieva, Valery Lazarev and Evgeny Sultanov were members of the organizing group on amendments to the Constitution of the Russian Federation. After a short

break the Russian Federation Commissioner for the European Court of Human Rights, Deputy Minister of Justice of the Russian Federation, Doctor of Legal Sciences Mikhail Galperin made a report on "Global Challenges for International Law". The last speaker of the plenary session was the poet, member of the Union of writers of the Republic of Tatarstan, the first laureate of the Republican literary prize of Derzhavin. The last speaker of the plenary session was the poet Renat Magsumovich Kharisov, a member of the Union of Writers of the Republic of Tatarstan, the first laureate of the Republican literary prize after G. R. Derzhavin, the laureate of the State prize of the Russian Federation, who spoke with the theme: "His genius thought in Tatar...": Tatar Translations of Gavriil Derzhavin's Writings in the Context of Dialogue between Russian and Tatar Literatures".

The guests of the plenary session were also Deputy Director of the Federal Bailiff Service, Deputy Chief Bailiff of the Russian Federation, Lieutenant-General of Internal Service Zakharkina Elena, Chairman of the Constitutional Court of the Republic of Tatarstan Khusnutdinov Farkhat, Chairman of the Supreme Court of the Republic of Tatarstan Ilgiz Gilazov, Member of the Board of Trustees of the Faculty of Law at KFU Musin Fanis, Minister of Justice of the Republic of Tatarstan Rustem Zagidullin, Head of the Department of the Ministry of Justice of the Russian Federation in the Republic of Tatarstan Skirda Maxim, Head of the Office of the Federal Bailiff Service of the Republic of Tatarstan, Chief Bailiff of the Republic of Tatarstan Zakirov Anvar, Director of the Kazan branch of Russian State University of Justice Sharifullin Ramil, Director of the Kazan Institute (branch) of All-Russian State University of Justice (RPA of the Russian Ministry of Justice) Garayev Magnavi.

Honorary participants of the XVI International Scientific-Practical Conference "Derzhavin Readings" were: Liliya Bakulina, Doctor of Legal Sciences, Professor, Dean of the Faculty of Law of KFU, Valeev Damir, Doctor of Legal Sciences, Professor, Deputy Dean for scientific activities of the Faculty of Law of KFU, Doctor of Legal Sciences, Professor, Assistant of the Head of the Nizhny Novgorod Academy of the Ministry of Internal Affairs of Russia for Innovative Development of Scientific Activities Baranov Vladimir, Doctor of Legal Sciences, Professor Institute of Legislation and Comparative Law under the Government of the Russian Federation, Vice President of the Union of Criminologists and Criminologists Zaytsev Oleg, Doctor of Legal Sciences, Professor of the Institute of Legislation and Comparative Law under the Government of the Russian Federation Valery Lazarev, Doctor of Legal Sciences, Professor of the Kutafin Moscow State Law University, Honorary Prosecutor of the Russian Federation, Senior Counsel of Justice, Senior Partner of Legal Group "Yurakademia: Kutafin and Partners", President of the Union of Criminologists and Criminologists Igor Matskevich, Doctor of Legal Sciences, Professor of O. E. Kutafin Moscow State Law University Pioniatovskaya Tatiana,

Doctor of Legal Sciences, Professor of O. E. Kutafin Moscow State Law University, Soviet and Russian legal scholar Rarog Alexey.

Then there was the scientific part of the event — the work of sections and round tables, which took place over two days (May 25–26). This year 6 sections were organized:

— General theoretical problems and consequences of the transformation of social and legal reality in the modern world;
— Modernization of the public administration system: experience and prospects);
— Strategy of development of criminal policy of Russia at the present stage;
— Current problems of application of civil and business law in new areas of legal regulation: digital assets, biomedicine, robotics; nanotechnology, protection of personal rights, property and corporate interests in the light of the COVID-2019 pandemic;
— Evolution of the Constitutional and Legal Arrangement of Russia: Conceptual Directions and Results;
— Digitalization of Russian civil proceedings and enforcement proceedings at the present stage.

In parallel with the work of the sections were eight round tables on the topics:

- "A new model of state regulation of educational activity;
- "Digitalization of Justice: Risks and Development Prospects";
- "Implementation of anti-corruption policy in the Republic of Tatarstan at the present stage. Digitalization as one of the effective tools of anti-corruption";
- "Modern information technologies and their application in educational activities in higher education: possibilities and limits";
- "Formation and development of doctrines of statehood and federalism (to the 100th anniversary of TASSR)";
- "Preservation of native languages and national unity in a multinational state: problems and prospects from the experience of the Institute of Philology and Intercultural Communication of Kazan (Volga Region) Federal University";
- "G. R. Derzhavin and his era: worldview and poetics";
- "Derzhavin and his time in literary and cultural dialogues and in the focus of contemporary problems of the methodology of teaching humanities disciplines.

The section dedicated to "new models of state regulation of educational activity" was headed by Anzor Muzayev, the head of the Federal Service for Supervision in Education and Science. He told the participants about the upcoming amendments, which include the transition to indefinite accreditation with periodic confirmation of the quality of education. Noteworthy is the proposal, according to which those organizations that are already accredited will automatically be-

come open-ended. Anzor Muzayev also spoke about the proposals to move away from the old system of FSES and switch to the so-called accreditation indicators. At the same time the head of Rosobrnadzor expressed his desire to discuss with the heads of educational organizations the amendments and make adjustments to these proposals.

Especially for the student participants were organized scientific activities in the form of competitions and games:

— Intellectual Game on the History of the Russian State and Law, dedicated to Peter I and his era;
— A judicial oratory contest.

The XVI International Scientific and Practical Conference "Derzhavin Readings" ended with summarizing: speeches of the moderators of the sections and roundtables, preparing a resolution, which was formed by the results of the conference, and the awards ceremony for the winners of the intellectual game and judicial public speaking skills competition.

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