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Dear readers,

I would like to present for your attention the third regular issue of the journal "Kazan University Law Review" in 2023.

The issue you are now holding in your hands contains articles on topical issues in the theory and practice of Russian and foreign law.

The issue starts with an article by Orkhan Hasanov, Postgraduate student of the Law Faculty of the Baku State University, "The concept of Corporate Social Responsibility (CSR) and its role in business sphere". The author emphasizes from the first pages of the study that CSR is becoming an important initiative and a significant feature in the business development of companies around the world. Over the last decade, the scholar analyzes, CSR has made significant progress and is directly related to environmental problems and challenges of society. Importantly, the concept has also become widespread in developing countries due to the adoption of various regulations by business participants. The purpose of this study is to determine the role and significance of CSR initiatives from the perspective of socially responsible business. The study reveals a strong link between CSR initiatives and business activities. Following this, the paper also presents arguments against CSR and difficulties in implementing CSR initiatives. In this paper, the author discusses the concept of CSR and its role in the field of business.

The issue continues with a study by Darya Artemova, Candidate of Legal Sciences, Associate Professor of the Justice Department, and Olga Romanovskaya, Doctor of Legal Sciences, Professor, Head of the State and Legal Disciplines Department of the Penza State University, "The status of a constituent entity of the Russian Federation: issues of formation and legal development". The article considers the concept of the status of the subject of the Russian Federation, highlights its signs and structural elements. The author's definition of "constitutional status of the subject of the Russian Federation" is presented. At the same time, the possibility of introducing the concept of "constitutional-legal form of the subject of the Russian Federation" is analyzed. The artificiality of opposing the two declared categories is shown. The article investigates the possibility of changing the status of a constituent entity of the Russian Federation, which is subject to constitutional requirements: mutual consent of the Russian Federation and the constituent entity of the Russian

Federation and compliance of the procedure with the norms of a special federal constitutional law. This means that the established model of federalism is not static, the transformation of the subject composition of Russia is possible (its reasons may be different). However, the constitutional indication of the necessity to adopt a federal constitutional law has not been fulfilled until now (for more than thirty years of the Constitution's history). The article presents an original approach to the study of the status of a subject of the Russian Federation through the prism of its economic and legal position.

I am sincerely glad to present to you the study by Sergey Degtyarev, Doctor of Legal Sciences, Professor of the Department of Civil Law Disciplines of the Ural Law Institute of the Ministry of Internal Affairs of Russia, "The evolution of the aims of compensation for moral damage from the pre-revolutionary to the present period (from personal offense and compensation in favor of public places to personal enrichment and "consumer extremism")". The article analyzes the aims pursued by injured persons in compensating them for moral damage in the form of monetary equivalent in the pre-revolutionary (pre-Soviet) period, the Soviet period and at present. The civil punishment for personal offense in the pre-revolutionary period and the practice of using the received money by the victim in that period and at present are investigated. It is concluded that in recent times the institute of compensation for moral damage is used only for personal purposes, sometimes for property enrichment and even "consumer extremism".

The next research is presented by a collective of authors: Ivan Zolin, 1st year adjunct of the Ural Law Institute of the Ministry of Internal Affairs of Russia, and Nikolay Teteryatnikov, Candidate of Legal Sciences, Head of the Department of Civil Law Disciplines of the Siberian Law Institute of the Ministry of Internal Affairs of Russia, "On the legal character of public-private partnerships". The authors of this article analyze the evolution of contract law in the context of public-private partnerships, focusing on the development of public-private partnership agreements in Russian law. The study also reviews the transition from private law principles to public law principles; it discusses the unique problems arising from the dual interests of the state and private parties. The study reveals the key statements of the Federal Law on public-private partnership and its compliance with the principles of civil law; questions are raised about the need to duplicate legal norms and principles. The complexity of harmonization of civil law norms with the norms characteristic of public-private partnership is emphasized.

Finalizing this issue is a study by Yakov Soldatov, Candidate of Historical Sciences, Associate Professor of the Department of Civil Law, and Viktoriya Galkina, First-year Master's student of the Department of Civil and Business Law of the "TISBI" University of Management, "The actual problems of regulating election campaign financing". The article reviews the analysis of law enforcement practice

of the procedure for financing election funds in order to identify defects in the legislative regulation of these legal relations and to develop possible solutions to eliminate emerging problems. The issue of election financing in Russia and its interrelation with the increasing role of money in politics is considered. The authors of the article argue on the topic of the dispute about the necessity of public financial reporting of political parties: about the approach of public financial reporting requirements and access to mandatory open detailed reporting. The issues of distortion and inconsistency of official reporting of funds are raised. The issue of ineffective control over the sources of receipt of financial resources to the funds of parties and candidates is considered. A number of recommendations were made to solve the current problems in the area under consideration.

With best regards,
Editor-in-Chief
Damir Valeev

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Orkhan Hasanov
Postgraduate student of the Law Faculty of the Baku State University

THE CONCEPT OF CORPORATE SOCIAL RESPONSIBILITY (CSR) AND ITS ROLE IN BUSINESS SPHERE

DOI: 10.30729/2541-8823-2023-8-3-119-123

Abstract. *CSR is becoming an essential initiative and a significant sign in the development of business companies throughout the world. Over the last decade CSR has witnessed important progress which addresses environmental sensitivities and societal challenges directly (European Commission 2006). Another important point is that this concept has been widely accepted in the developing countries through adoption of various regulatory documents by the business participants. The purpose of this project is to identify the role and importance of CSR initiatives in terms of socially responsible business. The study reveals a close connection between CSR initiatives and business activity. Following this, an argument against CSR and difficulties with the implementation of CSR initiatives are also embodied in this project. This paper will explore the concept of CSR and its role in the business sphere, wherein a more favorable climate for all business actors, discussions on contrast arguments and at last, summation of the main points will be emphasized too.*

Keywords: *Corporate Social Responsibility, European Commission, European Union, socially responsible business, social, environment.*

1. Background

Socially responsible in business expresses consideration of Corporate Social Responsibility (CSR) initiatives while implementing minimum legal requirements and social obligations (European Commission 2006). Indeed, CSR term has turned into an invaluable concept, basically related to the internationalization of business and societal challenges in recent years. Then this has brought about different types of economical points such as sustainability and competitiveness (European Commission

2006). The fact that the business sphere needs a more favorable climate in which ownerships are evaluated not only for high productivity, but also for making a right supplement and contribution to the societal challenges. All governments as well as business actors are responsible for ensuring a favorable climate to try and fix the problems. In this vision, organizational structures of the European Union (EU) and its society encourage the business actors to get more significant results in the present social climate. This is an example of how CSR initiatives are important not only for the companies, but also the EU policy (European Commission 2006).

The regulation process of social responsibility usually consists of political, organizational, and socioeconomic factors. This suggests that social responsibility in business will be more effective if the regulation process is within the framework of principles of society. Most importantly, socially responsible is a political process and should be supported by business actors and politics (European Commission 2006). In this vision, this project exposes crucial initiatives of CSR which have a significant effect on both society and business[1].

2. Close connection between social responsibility and business activity

Social responsibility is an inseparable factor of business, which has a strong connection with CSR initiatives. First, the concept of CSR embraces the reality of a social responsibility which imposes a lot of obligations on business companies (European Commission 2011). According to internationalization of business and globalization, large companies (national, transnational, multinational) have gradually accepted the profits of delivering CSR initiatives in their different places (Slaughter 1997). Based on these arguments, all obligations should be answers to people's expectations or constraints too. Accordingly, fair business activity and reduction in unemployment level are also purposes of CSR initiatives (European Commission 2011). The fact that a successful business depends on a strong community, so all business actors must play a key role for this purpose by implementing CSR initiatives (Slaughter 1997).

CSR initiatives and the European Union mechanism

CSR initiatives need effective regulation under the political and organizational mechanism. The fact that international organizations and governments have an undeniable role in this process. There is a broad consensus on the socially responsible business and regulatory strategy in the European Union (European Commission 2011). Furthermore, it is quite significant though that this process begins by including business education, business practice and awareness. The European Commission

[1] Corporate Social Responsibility, Responsible Business Conduct, and Business & Human Rights. Overview of Progress // European Commission: [Electronic resource]. — URL: https://ec.europa.eu/docsroom/documents/34963?locale=en%20%3E (date of address: 04.08.2023).

shows important initiatives while creating regional action in the case of the social responsibilities in business (European Commission 2011). Indeed, business actors have great influences on their operations and individuals, but political and social supports are crucial in problem-solution approach (European Commission 2011). Obviously, invaluable role of CSR was emphasized by the European Commission (March 2005 Spring Council) in contributing to sustainability and social welfare (European Commission 2011). Other important patterns embodied on the EU agenda are the sustainability of business and better work climate which addresses in the face of implementing CSR initiatives. At this conference, strengthening high-tech and competitive climate were underlined as key elements for more socially responsible business.

Social responsibility in the context of public policy

The concept of CSR also covers the spheres of fairness and human rights directly (European Commission 2011). From this point of view, it is possible mainly for CSR initiatives to take place instead of public policy. However, it may show differences in the view of interests, situations, political and financial deficiencies. There are a lot of similarities between them (Companies Act 2006). For instance, better labor conditions, high-quality health service, delivering high-tech, rational use of natural resources, environmental sensitivities, enhancing eco-innovation, powerful environmental management mechanism, reduction in regional unemployment level (Companies Act 2006). It should be emphasized that implementation of those purposes affects positively on quality of life directly. As stated previously, socially responsible business is very important to prevent ecological problems. In the same way provision of those factors will be important progress towards the future.

Social dialogue

All aspects of CSR play a key role for enlargement of social dialogue too (Companies Act 2006). In other words, high level social dialogue is a guarantor of core labor standards, social protection, and development of the economy. In this sense, social dialogue opens large opportunities in various spheres of society so business companies must continue to prefer focusing on their corporate social responsibility in the view of becoming more socially responsible[1].

3. The Definitive Argument against CSR

It is commonly accepted in business that defense of free ownerships incentives social conscience and corporate responsibility (Milton 1970). This also contributes

[1] Companies Act. 2006. Part 4. Section 39 // UK Public General Acts: [Electronic resource]. — URL: legislation.gov.uk (date of address: 21.08.2023).

to answering the societal challenges while undertaking obligations in the terms of becoming socially responsible. In the same way, consideration of minimal labor standards and imposing responsibilities on companies are highly discussed factors too. Furthermore, socially responsible business is not accepted as meaningful in the academic sphere, because the artificial person is an abstract term. In other words, business companies may have abstract responsibilities in some situations (Milton 1970). However, it is possible that artificial person takes direct responsibilities for the lawful acts. The fact that financial sanctions and other punitive measures are imposed on an artificial person in some cases (Milton 1970). For instance, freezing of bank accounts and suspension of action are available measures for illegal matters (Milton 1970).

Difficulties with the implementation of CSR initiatives

Some discussions on the concept of CSR are directed at only individuals and managers who are considered to have liabilities for business activities. Equally, other actors of the community also have direct responsibilities to the rules of the society which come from business traditions originally. The doctrine of "social responsibility" follows that business companies have only one responsibility — rational use of resources within the framework of lawful acts (Milton 1970). According to this, different types of difficulties appear in business like implementation of CSR initiatives and realization of socially responsible terms. These two factors are important to clarify key problems and encourage companies to take more initiatives and obligations. In relation to the opinion poll, the majority of business sphere support crucial positive aspects of political and lawful regulations due to the difficulties (Milton 1970). In other words, the key point is that business companies have not enough power to provide all requirements of CSR, so they need more political and social support. That is why work climate, environmental problems and unemployment level are observed as the main problems between business companies and society. It should be emphasized that all measures must be adequate to societal challenges (Milton 1970: Slaughter, 1997).

Two concepts as possible solution ways

Two concepts are more significant in the field of social responsibility: principle and consequences (Milton 1970). Initially, the requirements are massive so solution ways must cover any categories of the community. In addition, parts of the principle like tax policy, constitutional, parliamentary, and judicial provision are common and important factors to tackle artificial problems (Milton 1970). Indeed, the principle must consist of an effective mechanism which determines cooperation and combination between companies and government organizations. According to research, this strategy is essential to achieve a quicker and more suitable solution way for current problems (Milton 1970). Additionally, research shows that cooperation

and effective results may not always be observed due to the interests of business actors. According to Milton Friedman's opinion, notable effects of this methodology may only be observed in a free society (Milton 1970)[1].

4. Conclusion

In conclusion, business companies are becoming more socially responsible in both regional and global contexts as well as CSR having an overall essential impact on the community. Socially responsible assumes the interests of the community by taking obligations to consumers, providers, shareholders, and stakeholders, as well as other individuals. Therefore, CSR initiatives are widespread and important concept in today's world. In the same way, the concept of CSR includes and attempts to clarify environmental sensitivities, social welfare, and fiscal interests of the investors too (Slaughter 1997). The concept of CSR is an approach which emphasizes a correct balance between economic, social, and ecological prospects so it comprises a well-organized strategy. For instance, assessment of ecological factors, planning operational strategies, social growth monitoring, appreciating socioeconomic influences and calculation of results are included in it too. This implies that it is compulsory for all business actors to be socially responsible. Defiance matters can cause equally punitive measures in attitude to corporations, so they must carry out CSR initiatives. Indeed, CSR initiatives encourage business actors and individuals to search possibilities in business. Undoubtedly, all measures are important steps to improve the life conditions.

References

Brent D. Beal. Corporate Social Responsibility: Definition, Core Issues, and Recent Developments. 2014. Sage Publications, Inc. 112 p. (In English)

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[1] *Brent D. Beal.* Corporate Social Responsibility: Definition, Core Issues, and Recent Developments. 2014. Sage Publications, Inc. 112 p.

Darya Artemova

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THE STATUS OF A CONSTITUENT ENTITY OF THE RUSSIAN FEDERATION: ISSUES OF FORMATION AND LEGAL DEVELOPMENT

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Abstract. *The article considers the concept of the status of the subject of the Russian Federation, highlights its signs and structural elements. The author's definition of "constitutional status of the subject of the Russian Federation" is presented. At the same time, the possibility of introducing the concept of "constitutional-legal form of the subject of the Russian Federation" is analyzed. The artificiality of opposing the two declared categories is shown. The article investigates the possibility of changing the status of a constituent entity of the Russian Federation, which is subject to constitutional requirements: mutual consent of the Russian Federation and the constituent entity of the Russian Federation and compliance of the procedure with the norms of a special federal constitutional law. This means that the established model of federalism is not static, the transformation of the subject composition of Russia is possible (its reasons may be different). However, the constitutional indication of the necessity to adopt a federal constitutional law has not been fulfilled until now (for more than thirty years of the Constitution's history). The article presents an original approach to the study of the status of a subject of the Russian Federation through the prism of its economic and legal position. Russia is characterized by a high degree of uneven economic development in the territorial context. The state policy of the Russian Federation is based on the introduction of economic indicators that determine the order of interaction between the regions and the federal center. At the same time, the analysis of law-making has shown that with regard to regions and areas, additional exceptions are established*

(due to the need for economic development) in the system of organization of public power in the subordinate territory. Several legal regimes are used—special economic zone, innovation center, free port.

Keywords: *subject of the Russian Federation, federalism, status, constitutional-legal form, transformation, economic-legal analysis, territory.*

Introduction

Russian federalism is going through another period of reform, which was caused by the constitutional reform in 2020, thanks to which significant changes appeared in the Russian Constitution, including: normative consolidation of public power; legitimization of the principle of the unity of power; changes in the subjects of competence; proclamation of legal succession in respect of historical heritage, etc. The key changes concerned the organization of power, which in a federal state is always a "sensitive" area. It should be pointed out that the key changes concerned the organization of power, which is always a "sensitive" sphere in a federal state. On this basis, the study of the genesis of the status characteristics of the subjects of the Russian Federation allows us to identify general trends, identify problems and propose ways to overcome them.

Historically, Russian federalism begins its countdown from the moment of formation of the RSFSR, when a special indication of its territorial structure appeared in the official name of the state (the Constitution of the RSFSR of 1918). Given the strict ideological conditioning of the principles of federalism, this concept is referred to in scientific doctrine as Soviet federalism, which developed under the influence of the following key factors:

— the creation of parallel systems of power organization, where the party branch had absolute priority;

— lack of general principles of formation of the subjects of the Federation, which determined the type classification and grounds for division;

— class approach in solving all issues of power organization.

Since the collapse of the USSR, there has been a search for an optimal model of power organization in the constituent entities of the Russian Federation. In a relatively short period of time, there was a testing of the election of the heads of the subjects ("chief executive officers"), later changed to the vesting of powers with the participation of the President of the Russian Federation and the legislative body of the subject of the Russian Federation (which also experienced various variants of interaction), and then — a return to the election (at the present stage), but with the introduction of certain features. At present, it should be stated that there is a vector of centralization, which is reflected in the changes in the Constitution of Russia and the emergence of the new Federal Law No. 414-FZ "On general principles

of organization of public power in the subjects of the Russian Federation" dated December 21, 2021[1].

The status of a subject of the Russian Federation is determined by Article 66 of the Constitution of Russia and depends on its type characteristic. If it is a republic within the Federation, the status is determined by the Constitution of the Russian Federation and the Constitution of the republic. If it is another subject of the Russian Federation, it is determined by the Constitution of the Russian Federation and the charter of the respective subject. In addition, a federal law on an autonomous region or autonomous district may be adopted in respect of an autonomous region or autonomous district. Such practice existed in Soviet times, when, for example, the Law of the RSFSR of December 2, 1981 "On Karachay-Cherkessia Autonomous Region", the Law of the RSFSR of December 2, 1981 "On Gorno-Altaisk Autonomous Region" and others were in force.

Given the presence of complex constituent entities (when an autonomous district is part of an area or region), relations within such an entity may also be regulated by a special agreement.

Status of the subject of the Russian Federation: problems of definition

In spite of the chrestomathy categorical apparatus, there is a lack of clarity in such concepts as "the status of a subject of the Russian Federation", "constitutional-legal status of a subject of the Russian Federation", "the status of a republic", "the status of an area, region, city of federal significance, autonomous region and autonomous district". They have never received their uniform consolidation (as well as understanding in legal science). This requires correlation with the scientific category of "constitutional status of the subject of federation" generally accepted in the constitutional law of Russia and foreign countries. Issues related to the constitutional status of the subject of the Russian Federation have gone beyond the purely legal framework and acquired political coloring (which does not add clarity to the signs and criteria of division). The dynamism of change and development of the status of a constituent entity of the Russian Federation is also rapid.

The term "status of a constituent entity of the federation" is often combined with its legal position, which is determined by the basic characteristics of the federal structure of the state (set out both in the Basic Law of the country and in the legislation developing it). A. A. Liverovskiy starts from the narrow meaning of the status of a subject of the Russian Federation, combining it with the titular one, enshrined in Part 1 of Article 65 of the Constitution of the Russian Federation, but offers a broad interpretation: enshrining by the Constitution of the Russian

[1] Sobranie zakonodatelstva RF. 2021. No. 52 (chast I). St. 8973 [The Collection of Legislation of the Russian Federation. 2021. No. 52 (part I). Art. 8973].

Federation, constitutions, and charters of the subjects of the Russian Federation, as well as federal laws and treaties[1].

Traditionally, the structure of the status of a federal subject includes the following elements:

— attributes of the subject of the federation;
— rights and obligations of the subject in its relations with other subjects of law;
— responsibility of the constituent entity of the federation;
— guarantees of the legal status of the constituent entity of the federation[2].

However, the enumeration of elements that has occurred in legal doctrine does not indicate the completeness of the theory of legal status. In the most general form, doctrinal and legislative constructions largely follow the definition of the status of any subject as a certain totality of rights, guarantees of their realization, duties, responsibility of the subject. At the same time, the filling of each element may indicate the presence of contradictions formed from understanding, historical moment, interaction with other structural units.

A. A. Liverovskiy (in his other research) considers it possible to characterize the legal status of the subjects of the Russian Federation to rely on the category of "status" as a universal construction that allows to reveal the actual meaning of this phenomenon. Terminological differences, in his opinion, do not play a fundamental role and can be overcome by consensus in their interpretation[3]. I. A. Konyukhova believes that it is optimal to use the category "constitutional-legal status" to designate the legal status of the subjects of the Russian Federation[4].

An original concept of "constitutional-legal form of the subject of the Russian Federation" is proposed[5]. In this case, there is a reference to Part 2 of Article 5 of the Constitution of the Russian Federation, which enshrines the status characteristics of the subjects of the Russian Federation. Its author is S. M. Shakhray, who specifically points out that this achieves the principle of equality of subjects, emphasizing the

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[1] *Liverovskiy A. A.* Subekt Rossiyskoy Federatsii v sisteme federativnoy konstitutsionnoy simmetrii: Dis. ... d-ra yurid. nauk [Subject of the Russian Federation in the system of federative constitutional symmetry: dissertation of Doctor of Legal Sciences]. M., 2005. P. 184.

[2] *Borisova M. M.* Kontseptsiya pravovogo statusa subekta Rossiyskoy Federatsii: Avtoreferat diss. … kand. yurid. nauk [The concept of the legal status of the subject of the Russian Federation: Abstract of the dissertation of the Candidate of Legal Sciences]. Kazan. 2005. 224 p.

[3] *Liverovskiy A. A.* Aktualnye problemy federativnogo ustroystva Rossii. Monografiya [The actual problems of the federal structure of Russia. Monograph]. SPb., 2020. P. 165.

[4] *Umnova-Konyukhova I. A., Aleshkova I. A.* Konstitutsionnoe pravo Rossiyskoy Federatsii. 3-e izd., pererab. i dop [Constitutional Law of the Russian Federation. 3rd edition, revision and addendum.]. M., 2019. 536 p.

[5] Kommentariy k Konstitutsii Rossiyskoy Federatsii [The commentary to the Constitution of the Russian Federation] / Pod red. V. D. Zorkina. 2-e izd., peresmotr. M.: Norma; INFRA-M, 2011. P. 85.

lack of sovereignty of the republics within the Russian Federation. According to the author's idea, another situation just violates the principle of equality, since areas and regions by definition cannot have sovereignty (which is confirmed by the Decree of the Constitutional Court of the Russian Federation of June 7, 2000, No. 10-P "On the case of verifying the constitutionality of certain provisions of the Constitution of the Republic of Altai and the Federal Law "On general principles of organization of legislative (representative) and executive bodies of state power of the subjects of the Russian Federation" and a number of other decrees and definitions).

We consider that the opposition of such categories as "status" and "form" is largely artificial. The concept of "constitutional-legal status of a subject of the Russian Federation" includes the form, which is determined by the Constitution of the Russian Federation. The very notion of "form" correlates with the name of the subject of the Russian Federation (from which S. M. Shakhray in the mentioned Commentary to Article 5 of the Constitution of the Russian Federation is based). But this does not mean that the name is of some symbolic character unrelated to the status of the subject. The Constitutional Court of the Russian Federation has already pointed out that the Constitution of the Russian Federation, defining in Article 65 the list of subjects of the Russian Federation, the composition of which and the boundaries between which can be changed only in a special, determined by constitutional legislation, reflects the national-territorial structure of Russia, established, including taking into account the realization of the right to self-determination by the peoples of Russia, and at the same time proceeds from the need to preserve the historically established state unity, stability and constitutional law[1].

At the same time, we would like to point out that this interpretation of the primacy of the "constitutional-legal form" is convenient, because it allows narrowing the concept of constitutional-legal status. Besides, it has already been used by the Constitutional Court of the Russian Federation in its Decision of May 12, 2005, No. 234-O[2] when legitimizing legislative restrictions on the rights of an autonomous county within the framework of its incorporation into an area or region (consideration in the body of constitutional control was initiated by the Nenets autonomous county, which is a part of the Arkhangelsk region).

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[1] Postanovlenie Konstitutsionnogo Suda RF ot 14.07.1997 No. 12-P "Po delu o tolkovanii soderzhashchegosya v chasti 4 stati 66 Konstitutsii Rossiyskoy Federatsii polozheniya o vkhozhdenii avtonomnogo okruga v sostav kraya, oblasti" [Decree of the Constitutional Court of the Russian Federation of 14.07.1997 No. 12-P "On the case on the interpretation of the provision contained in Part 4 of Article 66 of the Constitution of the Russian Federation on the entry of an autonomous district into a region, area"] // Sobranie zakonodatelstva RF [The Collection of Legislation of the Russian Federation]. 1997. No. 29. St. 3581.

[2] Sobranie zakonodatelstva RF. 2005. No. 30 (chast II). St. 3201 [The Collection of Legislation of the Russian Federation. 2005. No. 30 (part I). Art. 3201].

A. F. Malyy disagrees with this approach, proposing a cardinal way to solve many constitutional and legal problems of Russian federalism — deconcentration of power[1]. Such a trend is characteristic of many developed countries, even those who are not connected with such a form of state-territorial structure as federation[2]. Not in vain, many foreign scientists point out that the implementation of the principle of deconcentration of power turns many states into a symbiosis of autonomous entities, where the independence of administrative-territorial units is an order of magnitude higher than for the subjects of the most democratic federation[3]. There is a convergence of systems, which was noted by I. A. Vasilenko: "All this indicates the emergence of an interesting trend of our time: there is an evolution of unitary systems in the federal direction, while the federal systems are moving in the unitary direction"[4].

Change of the status of a constituent entity of the Russian Federation

The Russian Constitution allows the possibility of changing the status of a constituent entity of the Russian Federation, but only by mutual consent of the Russian Federation and the constituent entity of the Russian Federation in accordance with the federal constitutional law. Thus, the existing model of federalism is not static, the transformation of the subject composition of Russia is possible (its reasons may be different). At the same time, the constitutional indication of the need to adopt a federal constitutional law has not been fulfilled so far (for more than thirty years of the Constitution's history). It should be noted that during 1994–1996 (in the process of formation of the status of constituent entities of the Federation) the President of the Russian Federation repeatedly recommended the Government of the Russian Federation, the Federal Assembly to develop and adopt

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[1] *Malyy A. F.* O ravnopravii subektov Rossiyskoy Federatsii i kriteriyakh ego proyavleniya [On equality of rights of constituent entities of the Russian Federation and criteria for its manifestation] // Konstitutsionnoe i munitsipalnoe pravo [Constitutional and Municipal Law]. 2019. No. 7. Pp. 51–54.

[2] *Romanovskaya O. V.* Printsip dekontsentratsii gosudarstvennoy vlasti v konstitutsionnom prave [Principle of deconcentration of state power in constitutional law] // Izvestiya vysshikh uchebnykh zavedeniy. Povolzhskiy region. Obshchestvennye nauki [The news of higher educational institutions. Volga region. Social Sciences]. 2016. No. 2 (38). Pp. 85–93.

[3] *Adams Brian E.* Assessing the Merits of Decentralization: A Framework for Identifying the Causal Mechanisms Influencing Policy Outcomes // Politics & Policy. 2016. Vol. 44. No. 5. Pp. 820–849; *De Alwis R.* Federalism or devolution of power? Sri Lanka's perspectives // Asia & The Pacific Policy Studies. 2020. Vol. 7. No. 1. Pp. 124–130; *Rondinelli D. A., Nellis J. R., Cheema G. S.* Decentralization in Developing Countries: A Review of Recent Experience. Washington DC: World Bank, 1983. 99 p.

[4] *Vasilenko I. A.* Administrativno-gosudarstvennoe upravlenie v stranakh Zapada: SShA, Velikobritaniya, Frantsiya, Germaniya [Public administration in Western countries: USA, Great Britain, France, Germany]. M., 1998. P. 83.

federal (federal constitutional) laws on the status of a constituent entity of the Russian Federation, on the procedure for its change[1]. However, the prepared drafts never became laws, where the main reason is seen in the lack of a basic concept. There were author's developments — the draft of the Federal Constitutional Law "On the procedure for changing the constitutional and legal status of a subject of the Russian Federation, the formation of a new subject within it and the admission of a new subject to the Russian Federation" was published in the important journal "State and Law"[2]. N. M. Dobrynin insisted on the adoption of a special law, which, in addition to status issues, should reflect "the prospects of creating new subjects of the Federation"[3].

On the issue of changing the status of a subject of the Russian Federation in legal science, there is a different opinion. Thus, V. V. Ivanov considered such a change only as a refusal of the subject from its status (transformation through negation)[4]. S. A. Avakyan, on the contrary, considered the abolition of a subject of the Federation as a change in its status[5]. I. A. Umnova suggests that the transformation of the status of a constituent entity of the Federation should be considered as a new type of constitutional and legal responsibility — due to the recognition of the insolvency of the territory in the status it was granted. As a result of the application of such a measure, the subject joins another subject of the Federation as an administrative-territorial entity, or a federal territory will be formed on its basis[6]. It turns out that

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[1] *Lebedev A. N.* Status subekta Rossiyskoy Federatsii (osnovy kontseptsii, konstitutsionnaya model, praktika): monografiya [The status of a constituent entity of the Russian Federation (basics of the concept, constitutional model, practice): a monograph]. 1994. Moskva, Institut gosudarstva i prava RAN. P. 3.

[2] *Kozlov A. E., Rumyantseva T. S., Chekharina V. I.* Initsiativnyy proekt Federalnogo konstitutsionnogo zakona Rossiyskoy Federatsii "O poryadke izmeneniya konstitutsionno-pravovogo statusa subekta Rossiyskoy Federatsii, obrazovaniya v ee sostave novogo subekta i prinyatiya v Rossiyskuyu Federatsiyu novogo subekta" [Initiative project of the Federal Constitutional Law of the Russian Federation "On the procedure for changing the constitutional and legal status of a constituent entity of the Russian Federation, the formation of a new constituent entity within it and the admission of a new constituent entity to the Russian Federation"] // Gosudarstvo i pravo [State and law]. 1996. No. 3. Pp. 110–117.

[3] *Dobrynin N. M.* Novyy federalizm: model budushchego gosudarstvennogo ustroystva Rossiyskoy Federatsii [New federalism: a model for the future state structure of the Russian Federation]. Novosibirsk: Sibirskaya izdatelskaya firma "Nauka" RAN, 2003. P. 103.

[4] *Ivanov V. V.* K voprosu o kontseptsii territorialnogo obrazovaniya [On the question of the concept of territorial formation] // Gosudarstvo i pravo [State and law]. 2003. No. 11. P. 52.

[5] *Avakyan S. A.* Izmeneniya statusa subekta Rossiyskoy Federatsii: problemy i puti ikh resheniya [Changes in the status of a constituent entity of the Russian Federation: problems and ways to solve them] // Vestnik Moskovskogo universiteta [Herald of the Moscow University]. Ser. 11. Pravo. 2003. No. 2. P. 28.

[6] Konstitutsionnye osnovy sovremennogo rossiyskogo federalizma. Uchebno-prakticheskoe posobie [Constitutional basis of modern Russian federalism. Educational and practical handbook] / Umnova I. A.; Nauch. red.: Gadzhiev G. A. M.: Delo, 1998. Pp. 218–221.

in much research, the change in the status of a subject of the Federation is defined as a negative element, which is far from contributing to its popularization.

V. V. Kulchevskiy saw a way out in equalizing the status attributes of all subjects of the Federation (with a gradual change of the Constitution)[1]. I. G. Dudko saw a legal gap in the fact that "the federal legislator has not developed a strict concept of transformation of the status of a constituent entity of the Russian Federation; there is no understanding of the ways of transformation and the procedure for their implementation". The author's clarifications also referred to the political background of the very raising of the issue of changing the status, which is fraught with conflicts[2].

At the same time, the process of changing the status of the subject has a certain historical experience. We will give examples:

— transformation of autonomous regions into republics — the Law of the Russian Soviet Federative Socialist Republics of July 3, 1991 "On the procedure of transformation of the Adygeya, Gorno-Altaisk, Karachay-Cherkess and Khakass autonomous regions into Soviet socialist republics within the Russian Soviet Federative Socialist Republics"[3]. This Law directly concerned the status of the areas, since the precursor of the transformation was the withdrawal of these autonomous areas from their composition (Adygeya and Khakassia from the Krasnodar and Krasnoyarsk, and Karachay-Cherkessia and Gorno-Altaisk — from the Stavropol and Altai);

— formation of the Ingush Republic by transforming the Chechen-Ingush Republic — Law of the Russian Federation No. 2927-1 of June 4, 1992 "On the formation of the Ingush Republic within the Russian Federation"[4]. The initiative came from the President of the Russian Federation. The law contains an imperative (Article 1): "To form the Ingush Republic within the Russian Federation". In other words, there was no division as such, but there was a clarification: "The issue of the Chechen Republic shall be resolved after the settlement of the crisis situation

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[1] *Kulchevskiy V. V.* Pravovye problemy utraty statusa subekta Rossiyskoy Federatsii [The legal problems of losing the status of a constituent entity of the Russian Federation] // Pravo i politika [Law and politics]. 2008. No. 11. Pp. 28–32.

[2] *Dudko I. G.* Problemy izmeneniya konstitutsionno-pravovogo statusa subekta Rossiyskoy Federatsii [The problems of changing the constitutional and legal status of a constituent entity of the Russian Federation] // Konstitutsionnoe i munitsipalnoe pravo [Constitutional and municipal law]. 2011. No. 8. Pp. 36–41.

[3] Vedomosti Sezda narodnykh deputatov RSFSR i Verkhovnogo Soveta RSFSR. 1991. No. 27. St. 934 [The Bulletin of the Congress of National Deputies of the RSFSR and the Supreme Soviet of the RSFSR. 1991. No. 27. Art. 934].

[4] Vedomosti Sezda narodnykh deputatov RF i Verkhovnogo Soveta RF. 1992. No. 24. St. 1307 [The Bulletin of the Congress of National Deputies of the Russian Federation and the Supreme Soviet of the Russian Federation. 1992. No. 24. Art. 1307].

in the Republic". The presence of "white spots" in the law led to a long process of settling the border between the republics, the apogee of which can be considered the Decree of the Constitutional Court of the Russian Federation of December 6, 2018 No. 44-P "On the case of verifying the constitutionality of the Law of the Republic of Ingushetia "On approval of the Agreement on establishing the border between the Republic of Ingushetia and the Chechen Republic" and the Agreement on establishing the border between the Republic of Ingushetia and the Chechen Republic in connection with the request of the Head of the Republic of Ingushetia"[1];

— withdrawal of the Chukotka autonomous county from the Magadan region and the Jewish autonomous county from the Khabarovsk area. In these cases there was no transformation of the subjects themselves, only direct incorporation into the Russian Federation. At the same time, the first exit was fixed by the Law of the Russian Federation of June 17, 1992, No. 3056-1 "On the direct entry of the Chukotka autonomous county into the Russian Federation"[2]. Only one National Deputy of the Russian Federation, S. S. Petrishchev and the Small Council of the Magadan regional Council of National Deputies insisted on recognizing the unconstitutionality of the law. But this position was not supported by the Constitutional Court of Russia (Decree of the Constitutional Court of the Russian Federation of May 11, 1993 No. 9-P "On the case of verifying the constitutionality of the Law of the Russian Federation of June 17, 1992 "On the direct entry of the Chukotka autonomous county into the Russian Federation"[3]). The Jewish autonomous region acquired the new status unilaterally — by adopting the Declaration on the state-legal status of the Jewish autonomous region (Decree of the Regional Council of National Deputies of 29 October 1991). It was later consolidated by the Decree of the Presidium of the Supreme Soviet of the Russian Soviet Federative Socialist Republic on May 16, 1991[4];

— transformation of the Karelia autonomous republic into the Republic of Karelia by adopting the Declaration of State Sovereignty of the Karelia autonomous Soviet Socialist Republic (Resolution of the Supreme Soviet of the KASSR of August 9, 1990).

Thus, all the transformations took place in the transition period, when the foundations of Russian federalism were being established. The presence of

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[1] Sobranie zakonodatelstva RF. 2018. No. 51. St. 8095 [The Collection of legislation of the Russian Federation. 2018. No. 51. St. 8095].

[2] Vedomosti SND i VS RF. 1992. No. 28. St. 1618 [The Bulletin of the Congress of National Deputies and the Supreme Soviet of the Russian Federation. 1992. No. 28. Art. 1618].

[3] Sobranie zakonodatelstva RF. 1993. No. 28. St. 1083 [The Collection of legislation of the Russian Federation. 1993. No. 28. Art. 1083].

[4] *Gurevich V. E.* Osnovnye vekhi v istorii Evreyskoy avtonomnoy oblasti [Basic milestones in the history of the Jewish autonomous region] // Regionalnye problem [Regional issues]. 2021. T. 24. Np. 2–3. Pp. 227–232.

uncertainty at the federal level allowed to vary at the level of other public entities. There was a search for a new place in the system of coordinates of public power, within which the acquisition of independence was considered as a significant stage in determining its own status. As soon as at the federal level there was a statement of the existing political and legal state, the status attributes of the subjects of the Federation were fixed. Any changes that followed later took place only on the initiative of the federal authorities and only under their control. However, this did not lead to the formalization of the signs of the Russian Federation subjects themselves. Ambiguity in the grounds of division of the species classification of public-law entities leads to the lack of clear characteristics.

Asymmetry of the Russian Federation — economic and legal analysis

On the status of subjects and the delimitation of subjects of authority and powers between the Federation and its constituent parts is significantly influenced by the asymmetry of Russia[1]. Asymmetry is manifested not only in the legal, but also in the economic situation. Abroad, the concept of "*Law and Economics*" is actively promoted, which is multifaceted and divided into various branches — economic analysis of law, *economic law* (literally translated as "economic law", but also has a versatile understanding), constitutional economics[2]. The connecting link is the economic justification of legal decisions. The presented approach is based not only on the study of the correlation between economics and law (its interaction in a unified system of scientific coordinates), but is based on the methodological premise — economic analysis of law, the founders of which are famous scientists — G. Calabresi, J. Byukenen[3], G. S. Becker[4]. At the same time, a logically structured concept was presented by R. A. Posner[5], in which the economic analysis of law has a number of advantages: political neutrality (economics is based on parsimonious

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[1] *Mikhaleva N. A.* Konstitutsii i ustavy subektov Rossiyskoy Federatsii (sravnitelno-pravovoe issledovanie) [Constitutions and Charters of constituent entities of the Russian Federation (comparative legal study)]. M.: YuRKOMPANI, 2010. 366 p.

[2] Ekonomicheskoe pravo: uchebnik [Economic Law: a textbook] / pod nauch. red. N.S. Bondarya. M.: Prospekt, 2021. 352 p.

[3] *Brennan Dzh., Byukenen Dzh.* Prichina pravil. Konstitutsionnaya politicheskaya ekonomiya. Vypusk 9 serii "Eticheskaya ekonomiya: issledovaniya po etike, kulture, i filosofii khozyaystva" [The reason for the rules. Constitutional political economy. Issue 9 of the series "Ethical economy: studies in ethics, culture, and philosophy of economy"] / Per. s angl. pod red. A. P. Zaostrovtseva. SPb: Ekonomicheskaya shkola. 2005. 272 p.

[4] *Becker Gary S.* Investment in Human Capital: A Theoretical Analysis Reviewed // Journal of Political Economy. 1962. Vol. 70. No. 5. Pp. 9–49; *Becker Gary S.* Chelovecheskoe povedenie. Ekonomicheskiy podkhod [Human behavior. An economic perspective]. M., 2003. 672 p.

[5] *Pozner R. A.* Ekonomicheskiy analiz prava. V 2 t. [Economic analysis of law. In 2 volumes]. SPb., 2004. 976 p.

calculation) and focus on the resolution of contradictions[1]. Thomas S. Ulen proposes to get away from politicization of many legal conflicts, considering any task from the point of view of market choice: efficiently or inefficiently[2].

However, systemic transformations in our country in the organization of power have always been justified by economic necessity. Thus, the unification process (eventually with the formation of new subjects) was carried out "in order to accelerate socio-economic development" (Article 2 of the Federal Constitutional Law No. 2-FKZ of July 12, 2006 "On the formation of a new subject of the Russian Federation within the Russian Federation as a result of the unification of the Kamchatka region and the Koryak autonomous county"[3], Article 2 of the Federal Constitutional Law No. 5-FKZ of July 21, 2007 "On the formation of a new constituent entity of the Russian Federation within the Russian Federation as a result of the unification of the Chita region and the Aginsk Buryat autonomous county", etc.[4]).

Russia is characterized by a high degree of uneven economic development in the territorial context. This unevenness is largely determined by the availability of natural resources, historically established infrastructure, natural and climatic conditions, the mentality of the population and other objective factors. If, for example, the export orientation of oil and gas producing regions is set geographically and geologically, the industrial orientation is often determined by the peculiarities of the country's development in the period of industrialization of the 1930s.

The economic and legal position of each constituent entity of the Russian Federation is determined thanks to the ratings, which are formed by aggregating groups of indicators (based on quantitative indicators obtained from official data of public authorities) characterizing the economic, social and budgetary spheres of the regions. Based on certain calculations, each constituent entity of the Russian Federation is given an integral assessment of its socio-economic situation. For example, the rating agency "RIA rating" consolidates the rating of the socio-economic situation of the subjects of the Russian Federation, rating of Russian regions by quality of life, rating of scientific and technological development of regions, rating of regions by social orientation of budgets and others. Consortium Leontyevsky Center — AV Group presents the rating of regions by competitiveness index (AV RCI index

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[1] *Pozner R. A.* Rubezhi teorii prava [The frontiers of legal theory]. M., 2017. 480 p.

[2] *Ulen Thomas S.* Teoriya ratsionalnogo vybora v ekonomicheskom analize prava [Rational choice theory in the economic analysis of law] // Vestnik grazhdanskogo prava [Herald of Civil Law]. 2011. No. 3. Pp. 275–315.

[3] Sobranie zakonodatelstva RF. 2006. No. 29. St. 3119 [The Collection of legislation of the Russian Federation. 2006. No. 29. Art. 3119].

[4] Sobranie zakonodatelstva RF. 2007. No. 30. St. 3745 [The Collection of legislation of the Russian Federation. 2007. No. 30. Art. 3745].

of competitiveness of regions). Agency for Strategic Initiatives — National rating of the investment climate in the subjects of the Russian Federation. The analysis of economic, socio-economic development of the subjects of the Russian Federation, which, in turn, affects the content and scope of legal regulation of the subjects of joint jurisdiction of the Russian Federation and its subjects, leads to the following series of conclusions:

1. Budget revenues of Russian regions often grow faster than regional expenditures, thus improving budget balance despite the conditions of regular stagnation of economic growth. Expenditures on the economy, communal services and sports are prioritized.

At the same time, the regions are polarized[1]. Among the regional subjects in terms of socio-economic indicators, the Moscow region is the leader — 4th place in the rating of all subjects of the Russian Federation in 2018 (and in 2021[2]), followed by the Sverdlovsk region — 7th place (in 2021 — also 7th place), the Tyumen region — 8th place (in 2021 — 14th place) and the Leningrad region (in 2021 — 10th place) rounds out the top five[3].

2. The values of the industrial production index at the end of 2019 in the regions of the Russian Federation ranged from 158.9% (Sevastopol) to 87.6% (Republic of North Ossetia — Alania), which indicates a high degree of uneven development of the regions. The sanctions' policy introduced in 2022 against the Russian Federation had its negative consequences: a decrease in the growth rate of industry in the country as a whole, which led to a reduction in the number of Russian Federation regions with positive dynamics. The industrial production index at the end of 2022 amounted to — 0.6% y/y (which, by the way, is much better than forecasts)[4].

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[1] *Glotov S. A., Nemetov A. E.* Konstitutsionnyy status subekta Rossiyskoy Federatsii: pravovye i sotsialno-ekonomicheskie aspekty (na primere Respubliki Krym i goroda Sevastopolya) [Constitutional status of the subject of the Russian Federation: legal and socio-economic aspects (on the example of the Republic of Crimea and the city of Sevastopol) // Bezopasnost biznesa [Security of business]. 2018. No. 4. Pp. 15–21.

[2] Reyting sotsialno-ekonomicheskogo polozheniya regionov po itogam 2021 g. [Rating of the socio-economic situation of the regions based on the results of 2021] // RIA Reyting [RIA Rating]: [Electronic resource]. — URL: https://riarating.ru/infografika/20220516/630222174.html (date of address: 16.05.2022).

[3] Reyting sotsialno-ekonomicheskogo polozheniya regionov — 2020 [Rating of socio-economic situation of regions — 2020] // RIA Reyting [RIA Rating]: [Electronic resource]. — URL: https://riarating.ru/infografika/20200602/630170513.html (date of address: 17.05.2021).

[4] O dinamike promyshlennogo proizvodstva. Dekabr 2022 goda [On the dynamics of industrial production. December 2022] // Ministerstvo ekonomicheskogo razvitiya Rossiyskoy Federatsii [Ministry of Economic Development of the Russian Federation]: [Electronic resource]. — URL: https://www.economy.gov.ru/material/file/7c5bbc232751c13c9a0af1685073009d/2023_02_01.pdf (date of address: 25.12.2022).

At the regional level, industrial production indices for 2022 vary from 137.1% in the Republic of Tyva to 76.7% in the Sakhalin region. Positive dynamics is observed in 41 regions, which is 36 less than at the end of last year. A decline occurred in 43 subjects of the Russian Federation. In other words, the mixed economic situation also affected the rate of decline. While the Bryansk region saw an increase in industrial production (117.7%), the Kaluga region and the Kaliningrad region saw its decline to 80.7% and 82.4%, respectively[1].

3. The public debt of the regions of the Russian Federation has been steadily decreasing since 2016. The volume of public debt of all subjects of the Russian Federation decreased by 4.2% at the end of 2019, and as of January 1, 2020, amounted to 2.113 trillion rubles. But even here the sanctions gave their negative result — the public debt of the regions of the Russian Federation at the end of the first half of 2022 increased by 4.9% and amounted to 2.569 trillion rubles. The volume of public debt increased in 66 regions of the Russian Federation, in 6 regions it remained unchanged and in 13 regions it decreased. As of March 1, 2024, the public debt of the constituent entities of the Russian Federation amounted to 2.892 trillion rubles[2].

The identification of differences in the economic potential of the constituent entities of the Russian Federation has led to the development of special legal regimes enshrined in federal laws. Among these, it is worth mentioning the following:

— Federal Law No. 104-FZ of May 31, 1999 "On the special economic zone in Magadan region"[3]. Article 1 of the Law establishes the scope of action, taking into account the specific geographical location of the region and its importance for the geopolitical interests of the Russian Federation;

— Federal Law No. 16-FZ of January 10, 2006 "On the special economic zone in the Kaliningrad region and on amendments to some legislative acts of the Russian Federation"[4]. Article 1 of the Law contains a reference to "the geopolitical position of the Kaliningrad region" and the purpose of additional preferences — "acceleration of socio-economic development" (initially, the legal regime of the SEZ was determined

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[1] Dinamika promyshlennogo proizvodstva v regionakh [Dynamics of industrial production in the regions] // RIA Reyting [RIA Rating]: [Electronic resource]. — URL: https://www.economy.gov.ru/material/file/7c5bbc232751c13c9a0af1685073009d/2023_02_01.pdf (date of address: 25.01.2022).

[2] Obem i struktura gosudarstvennogo dolga subektov Rossiyskoy Federatsii i dolga munitsipalnykh obrazovaniy [The size and structure of public debt of constituent entities of the Russian Federation and debt of municipalities] // Minfin Rossii [Ministry of Finance of Russia]: [Electronic resource]. — URL: https://minfin.gov.ru/ru/document?id_4=129701 obem_i_struktura_gosudarstvennogo_dolga_subektov_rossiiskoi_federatsii_i_dolga_munitsipalnykh_obrazovanii (date of address: 20.12.2022).

[3] Sobranie zakonodatelstva RF. 1999. № 23. St. 2807 [The Collection of legislation of the Russian Federation. 1999. № 23. Art. 2807].

[4] Sobranie zakonodatelstva RF. 2006. No. 3. St. 280 [The Collection of legislation of the Russian Federation. 2006. No. 3. Art. 280].

by the Federal Law of January 22, 1996, No. 13-FZ "On the special economic zone in the Kaliningrad region").

It draws attention to the fact that in relation to the Kaliningrad region there was further allocation of territories with a special legal regime — the creation of special administrative districts due to the adoption of the Federal Law of August 3, 2018, No. 291-FZ "On special administrative districts on the territories of the Kaliningrad region and Primorsky area"[1] (as it can be seen, the Primorsky area was also in the pair). And in this case, the Law contains an indication of "geopolitical position" and "acceleration of socio-economic development".

These federal laws are not the only examples of withdrawal of the territory from the general legal regime. At the moment, the following legal acts establishing significant features of the functioning of public authority are in force:

— Federal Law No. 473-FZ of December 29, 2014 "On territories of advanced socio-economic development in the Russian Federation"[2];

— Federal Law of July 22, 2005, No. 116-FZ "On special economic zones in the Russian Federation"[3];

— Federal Law No. 244-FZ "On the Skolkovo innovation center" dated September 28, 2010[4];

— Federal Law of December 3, 2011, No. 392-FZ "On zones of territorial development in the Russian Federation and on amendments to certain legislative acts of the Russian Federation"[5];

— Federal Law No. 212-FZ "On the free port of Vladivostok" dated July 13, 2015[6].

The presence of common features in the management system is formalized in the form of the creation of a single matrix: "1) allocation of the territory on which a special management regime is introduced; 2) restrictions on the powers of state and municipal authorities; 3) establishment of a management company, created according to the canons of private law; 4) transfer of management functions to the

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[1] Sobranie zakonodatelstva RF. 2018. № 32 (chast I). St. 5084 [The Collection of legislation of the Russian Federation. 2018. No. 32 (Part I). Art. 5084].

[2] Sobranie zakonodatelstva RF. 2015 No. 1 (chast I). St. 26 [The Collection of legislation of the Russian Federation. 2015 No. 1 (Part I). Art. 26].

[3] Sobranie zakonodatelstva RF. 2005. No. 30 (ch. II). St. 3127 [The Collection of legislation of the Russian Federation. 2005. No. 30 (part II). Art. 3127].

[4] Sobranie zakonodatelstva RF. 2010. No. 40. St. 4970. [The Collection of legislation of the Russian Federation. 2010. No. 40. Art. 4970].

[5] Sobranie zakonodatelstva RF. 2011. No. 49 (ch. 5). St. 7070 [The Collection of legislation of the Russian Federation. 2011. No. 49 (Part 5). Art. 7070].

[6] Sobranie zakonodatelstva RF. 2015. No. 29 (chast I). St. 4338 [The Collection of legislation of the Russian Federation. 2015. No. 29 (Part I). Art. 4338].

management company"[1]. At the same time, in the process of adopting laws, the issue of expediency of departure from the "standard" system of governance has never been considered. Unfortunately, such a tendency of formation of "special territories" on the principle of "legal enclave" remains in the Russian law-making policy. This can be observed when analyzing the following normative acts:

— Federal Law of November 4, 2014, No. 326-FZ "On the National Research Center "N. E. Zhukovsky Institute"[2];

— Federal Law of July 27, 2010, No. 220-FZ "On the National Research Center "Kurchatov Institute"[3];

— Federal Law of July 29, 2017, No. 216-FZ "On innovative scientific and technological centers and on amendments to certain legislative acts of the Russian Federation"[4];

— Federal Law of June 29, 2015, No. 160-FZ "On International medical cluster and amendments to certain legislative acts of the Russian Federation"[5];

— Federal Law No. 253-FZ of July 14, 2022 "On Military Innovation technopolis "Era" of the Ministry of Defense of the Russian Federation and on amendments to certain legislative acts of the Russian Federation"[6].

There is a significant criticism of such lawmaking practice. Thus, N. A. Vlasenko characterizes the above laws as "exploding" the established and existing layers of normative legal regulation[7]. And the trend itself is defined as fragmentation of the system of law. E. Tsygankov notes the lack of validity of adopting a "new" legal act every time, when the Parliament actually acts "to order"[8]. It is also noted that

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[1] *Romanovskaya O. V.* Pravovoy status svobodnogo porta Vladivostok: opyt upravleniya territoriey organizatsiey chastnogo prava [The legal status of the Free Port of Vladivostok: experience of territory management by a private law organization] // Rossiyskaya yustitsiya [Russian justice]. 2017. No. 10. Pp. 52–55.

[2] Sobranie zakonodatelstva RF. 2014. No. 45. St. 6136 [The Collection of legislation of the Russian Federation. 2014. No. 45. Art. 6136].

[3] Sobranie zakonodatelstva RF. 2010. No. 31. St. 4189 [The Collection of legislation of the Russian Federation. 2010. No. 31. Art. 4189].

[4] Sobranie zakonodatelstva RF. 2017. No. 31 (Chast I). St. 4765 [The Collection of legislation of the Russian Federation. 2017. No. 31 (Part I). Art. 4765].

[5] Sobranie zakonodatelstva RF. 2015. No. 27. St. 3951 [The Collection of legislation of the Russian Federation. 2015. No. 27. St. 3951].

[6] Sobranie zakonodatelstva RF. 2022. No. 29 (chast II). St. 5220 [The Collection of legislation of the Russian Federation. 2022. No. 29 (part II). Art. 5220].

[7] *Vlasenko N. A.* Individualizatsiya kak zakonomernost razvitiya sovremennogo rossiyskogo zakonodatelstva [Individualization as a regularity in the development of modern Russian legislation] // Zhurnal rossiyskogo prava [The Journal of Russian Law]. 2015. No. 12. Pp. 11–17.

[8] *Tsygankov E.* Zakon pod klaster [A law under the cluster] // EZh-Yurist [EJ-Lawyer]. 2016. No. 3. P. 4.

there is no proper control over the activities of the new model of governance[1]. V. V. Komarova believes that the unique model of governance "breaks" many principles of organization of public power (needs scientific understanding)[2]. The state is searching for new models of regulation of economic relations in order to increase investment attractiveness. As part of this process, special models of management are created in relation to a limited territory. Often, the creation and activities of management companies can be characterized as a manifestation of legal experiment. However, even the experimental character of the activity cannot serve as a basis for adjusting the general constitutional principles of the organization of state power[3].

The analysis of lawmaking demonstrates that in relation to areas and regions, additional exceptions are established in the system of organization of public authority in the subordinate territory. As can be seen, special laws on the creation of SEZs concern only two regions — Kaliningrad and Magadan. The free port of Vladivostok is the Primorsky area, and the Skolkovo Innovation center is the Moscow region.

It is indicative that experiments (introduction of special legal regimes) are carried out in areas and regions. Such a policy carries minimal political risks, since in the republics any change in the balance of influence and regulation can be regarded as an attempt on the state-forming status. We believe that it is the absence of state features in the oblast and area as a type of subjects of the Russian Federation that provides additional advantages. At the same time, the presented approach does not mean a retreat from the principle of equality of the subjects of the Russian Federation in their relations with the federal bodies of state power.

Summary

1. Each state legally formalizes not only its own constitutional status, but also the status of its constituent parts. At the same time, it is doctrinal developments that allow to develop a common terminology, which is subsequently used in the development of normative acts and their implementation in real management practice. For a state with a federal structure, the key concept will be "constitutional status of a subject". Applied to the Russian Federation, it should be understood as

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[1] *Moshkova D. M., Sakalinskaya E. V.* Pravovye osnovy gosudarstvennogo finansirovaniya innovatsionnykh territorialnykh klasterov v Rossii [The legal basis of state financing of innovative territorial clusters in Russia] // Yurist [Lawyer]. 2014. No. 14. Pp. 42–46.

[2] *Komarova V. V.* Osobyy pravovoy status territoriy v Rossii (na primere innovatsionnogo tsentra "Skolkovo") [The special legal status of territories in Russia (on the example of the Skolkovo Innovation Center)] // Rossiyskaya yustitsiya [Russian justice]. 2011. No. 6. Pp. 44–47.

[3] *Romanovskaya O. V.* Konstitutsionnye osnovy delegirovaniya gosudarstvenno-vlastnykh polnomochiy negosudarstvennym organizatsiyam [Constitutional basis for the delegation of state power to non-state organizations]. M.: Prospekt, 2019. 232 p.

an institute of constitutional law, which determines the legal status of the subject, with a unified legal order, where the basis is the Constitution of the Russian Federation and the internal Basic Law (constitution, charter) with the appropriate definition of powers (as well as functions, duties, and responsibilities) of state bodies of the subject, separation of powers, consolidation of the foundations of judicial power and human rights. As structural elements of the constitutional status may include such concepts as "constitutional-legal form of the subject of the Russian Federation", "name of the subject of the Russian Federation".

2. Russian legislation is silent on the procedure for changing the status of a constituent entity of the Russian Federation. This creates an ambiguous doctrinal interpretation: a) change can only appear in the form of a subject's refusal from its status (transformation through negation); b) change of status is identical to the abolition of a constituent entity of the Federation; c) change of the status of a constituent entity of the Federation is a new type of constitutional and legal responsibility (due to the recognition of the subject's insolvency in the status it was granted).

3. The historical process of transformation of subjects on the territory of the Russian Federation is characterized by the fact that it took place only in the transition period, when the foundations of Russian federalism were being established. The presence of uncertainty at the federal level allowed to vary at the level of other public entities. There was a search for its new place in the system of coordinates of public power, within which the acquisition of independence was considered as a significant stage in determining its own status. As soon as at the federal level there was a statement of the existing political and legal state, the status attributes of the subjects of the Federation were fixed. Any changes that followed later took place only on the initiative of the federal authorities and only under their control. However, this did not lead to the formalization of the signs of the Russian Federation subjects themselves. The ambiguity in the grounds of classification of public-law entities leads to the lack of clear characteristics.

4. The modern trend in constitutionalism is based on taking into account the economic and legal position of public entities, which is associated with the emergence of a new direction — economic analysis of law. The state policy of the Russian Federation is based on the introduction of economic indicators that determine the order of interaction between the regions and the federal center. The economic and legal position of each subject of the Russian Federation is determined thanks to the ratings, which are formed by aggregating groups of indicators (based on quantitative indicators obtained from official data of public authorities) characterizing the economic, social and budgetary spheres of the regions. Based on certain calculations, each constituent entity of the Russian Federation is given an integral assessment of its socio-economic situation.

5. The analysis of law-making demonstrates that in relation to areas and regions, additional exceptions are established in the system of organization of public power in the subordinate territory. Several legal regimes are used — special economic zone, innovation center, free port. Special laws on the creation of SEZs concern only two regions — Kaliningrad and Magadan. The free port of Vladivostok is the Primorsky area, and the Skolkovo Innovation center is the Moscow region. Such normative acts indicate that the process of formation and organization of public power in the Russian Federation is not over. There is a search for an effective model of governance, which is complicated by the peculiarities of the Russian Federation: multinationality, multi-confessionalism, large territory with a variety of heterogeneous characteristics (demographic, economic and geographical, etc.).

References

Adams Brian E. Assessing the Merits of Decentralization: A Framework for Identifying the Causal Mechanisms Influencing Policy Outcomes // Politics & Policy. 2016. Vol. 44. No. 5. Pp. 820–849. (In English)

Avakyan S. A. Izmeneniya statusa subekta Rossiyskoy Federatsii: problemy i puti ikh resheniya [Changes in the status of a constituent entity of the Russian Federation: problems and ways to solve them] // Vestnik Moskovskogo universiteta [Herald of the Moscow University]. Ser. 11. Pravo. 2003. No. 2. Pp. 18–38. (In Russian)

Becker Gary S. Chelovecheskoe povedenie. Ekonomicheskiy podkhod [Human behavior. An economic perspective]. M., 2003. 672 p. (In Russian)

Becker Gary S. Investment in Human Capital: A Theoretical Analysis Reviewed // Journal of Political Economy. 1962. Vol. 70. No. 5. Pp. 9–49. (In English)

Borisova M. M. Kontseptsiya pravovogo statusa subekta Rossiyskoy Federatsii: Avtoreferat diss. … kand. yurid. nauk [The concept of the legal status of the subject of the Russian Federation: Abstract of the dissertation of the Candidate of Legal Sciences]. Kazan. 2005. 224 p. (In Russian)

Brennan Dzh., Byukenen Dzh. Prichina pravil. Konstitutsionnaya politicheskaya ekonomiya. Vypusk 9 serii "Eticheskaya ekonomiya: issledovaniya po etike, kulture, i filosofii khozyaystva" [The reason for the rules. Constitutional political economy. Issue 9 of the series "Ethical economy: studies in ethics, culture, and philosophy of economy"] / Per. s angl. pod red. A. P. Zaostrovtseva. SPb: Ekonomicheskaya shkola. 2005. 272 p. (In Russian)

De Alwis R. Federalism or devolution of power? Sri Lanka's perspectives // Asia & The Pacific Policy Studies. 2020. Vol. 7. No. 1. Pp. 124–130. (In English)

Dobrynin N. M. Novyy federalizm: model budushchego gosudarstvennogo ustroystva Rossiyskoy Federatsii [New federalism: a model for the future state

structure of the Russian Federation]. Novosibirsk: Sibirskaya izdatelskaya firma "Nauka" RAN, 2003. 468 p. (In Russian)

Dudko I. G. Problemy izmeneniya konstitutsionno-pravovogo statusa subekta Rossiyskoy Federatsii [The problems of changing the constitutional and legal status of a constituent entity of the Russian Federation] // Konstitutsionnoe i munitsipalnoe pravo [Constitutional and municipal law]. 2011. No. 8. Pp. 36–41. (In Russian)

Ekonomicheskoe pravo: uchebnik [Economic Law: a textbook] / pod nauch. red. N. S. Bondarya. M.: Prospekt, 2021. 352 p. (In Russian)

Glotov S. A., Nemetov A. E. Konstitutsionnyy status subekta Rossiyskoy Federatsii: pravovye i sotsialno-ekonomicheskie aspekty (na primere Respubliki Krym i goroda Sevastopolya) [Constitutional status of the subject of the Russian Federation: legal and socio-economic aspects (on the example of the Republic of Crimea and the city of Sevastopol) // Bezopasnost biznesa [Security of business]. 2018. No. 4. Pp. 15–21. (In Russian)

Gurevich V. E. Osnovnye vekhi v istorii Evreyskoy avtonomnoy oblasti [Basic milestones in the history of the Jewish autonomous region] // Regionalnye problem [Regional issues]. 2021. T. 24. Np. 2–3. Pp. 227–232. (In Russian)

Ivanov V. V. K voprosu o kontseptsii territorialnogo obrazovaniya [On the question of the concept of territorial formation] // Gosudarstvo i pravo [State and law]. 2003. No. 11. Pp. 44–52. (In Russian)

Komarova V. V. Osobyy pravovoy status territoriy v Rossii (na primere innovatsionnogo tsentra "Skolkovo") [The special legal status of territories in Russia (on the example of the Skolkovo Innovation Center)] // Rossiyskaya yustitsiya [Russian justice]. 2011. No. 6. Pp. 44–47. (In Russian)

Kommentariy k Konstitutsii Rossiyskoy Federatsii [The commentary to the Constitution of the Russian Federation] / Pod red. V. D. Zorkina. 2-e izd., peresmotr. M.: Norma; INFRA-M, 2011. 1008 p. (In Russian)

Konstitutsionnye osnovy sovremennogo rossiyskogo federalizma. Uchebno-prakticheskoe posobie [Constitutional basis of modern Russian federalism. Educational and practical handbook] / Umnova I. A.; Nauch. red.: Gadzhiev G. A. M.: Delo, 1998. 280 p. (In Russian)

Kozlov A. E., Rumyantseva T. S., Chekharina V. I. Initsiativnyy proekt Federalnogo konstitutsionnogo zakona Rossiyskoy Federatsii "O poryadke izmeneniya konstitutsionno-pravovogo statusa subekta Rossiyskoy Federatsii, obrazovaniya v ee sostave novogo subekta i prinyatiya v Rossiyskuyu Federatsiyu novogo subekta" [Initiative project of the Federal Constitutional Law of the Russian Federation "On the procedure for changing the constitutional and legal status of a constituent entity of the Russian Federation, the formation of a new constituent entity within it and the admission of a new constituent entity to the Russian Federation"] // Gosudarstvo i pravo [State and law]. 1996. No. 3. Pp. 110–117. (In Russian)

Kulchevskiy V. V. Pravovye problemy utraty statusa subekta Rossiyskoy Federatsii [The legal problems of losing the status of a constituent entity of the Russian Federation] // Pravo i politika [Law and politics]. 2008. No. 11. Pp. 28–32. (In Russian)

Lebedev A. N. Status subekta Rossiyskoy Federatsii (osnovy kontseptsii, konstitutsionnaya model, praktika): monografiya [The status of a constituent entity of the Russian Federation (basics of the concept, constitutional model, practice): a monograph]. 1994. Moskva, Institut gosudarstva i prava RAN. 468 p. (In Russian)

Liverovskiy A. A. Aktualnye problemy federativnogo ustroystva Rossii. Monografiya [The actual problems of the federal structure of Russia. Monograph]. SPb., 2020. 165 p. (In Russian)

Liverovskiy A. A. Subekt Rossiyskoy Federatsii v sisteme federativnoy konstitutsionnoy simmetrii: Dis. ... d-ra yurid. nauk [Subject of the Russian Federation in the system of federative constitutional symmetry: dissertation of Doctor of Legal Sciences]. M., 2005. 247 p. (In Russian)

Malyy A. F. O ravnopravii subektov Rossiyskoy Federatsii i kriteriyakh ego proyavleniya [On equality of rights of constituent entities of the Russian Federation and criteria for its manifestation] // Konstitutsionnoe i munitsipalnoe pravo [Constitutional and Municipal Law]. 2019. No. 7. Pp. 51–54. (In Russian)

Mikhaleva N. A. Konstitutsii i ustavy subektov Rossiyskoy Federatsii (sravnitelno-pravovoe issledovanie) [Constitutions and Charters of constituent entities of the Russian Federation (comparative legal study)]. M.: YuRKOMPANI, 2010. 366 p. (In Russian)

Moshkova D. M., Sakalinskaya E. V. Pravovye osnovy gosudarstvennogo finansirovaniya innovatsionnykh territorialnykh klasterov v Rossii [The legal basis of state financing of innovative territorial clusters in Russia] // Yurist [Lawyer]. 2014. No. 14. Pp. 42–46. (In Russian)

Pozner R. A. Ekonomicheskiy analiz prava. V 2 t. [Economic analysis of law. In 2 volumes]. SPb., 2004. 976 p. (In Russian)

Pozner R. A. Rubezhi teorii prava [The frontiers of legal theory]. M., 2017. 480 p. (In Russian)

Romanovskaya O. V. Konstitutsionnye osnovy delegirovaniya gosudarstvenno-vlastnykh polnomochiy negosudarstvennym organizatsiyam [Constitutional basis for the delegation of state power to non-state organizations]. M.: Prospekt, 2019. 232 p. (In Russian)

Romanovskaya O. V. Pravovoy status svobodnogo porta Vladivostok: opyt upravleniya territoriey organizatsiey chastnogo prava [The legal status of the Free Port of Vladivostok: experience of territory management by a private law organization] // Rossiyskaya yustitsiya [Russian justice]. 2017. No. 10. Pp. 52–55. (In Russian)

Romanovskaya O. V. Printsip dekontsentratsii gosudarstvennoy vlasti v konstitutsionnom prave [Principle of deconcentration of state power in constitutional law] // Izvestiya vysshikh uchebnykh zavedeniy. Povolzhskiy region. Obshchestvennye nauki [The news of higher educational institutions. Volga region. Social Sciences]. 2016. No. 2 (38). Pp. 85–93. (In Russian)

Rondinelli D. A., Nellis J. R., Cheema G. S. Decentralization in Developing Countries: A Review of Recent Experience. Washington DC: World Bank, 1983. 99 p. (In English)

Tsygankov E. Zakon pod klaster [A law under the cluster] // EZh-Yurist [EJ-Lawyer]. 2016. No. 3. P. 4. (In Russian)

Ulen Thomas S. Teoriya ratsionalnogo vybora v ekonomicheskom analize prava [Rational choice theory in the economic analysis of law] // Vestnik grazhdanskogo prava [Herald of Civil Law]. 2011. No. 3. Pp. 275–315. (In Russian)

Umnova-Konyukhova I. A., Aleshkova I. A. Konstitutsionnoe pravo Rossiyskoy Federatsii. 3-e izd., pererab. i dop [Constitutional Law of the Russian Federation. 3rd edition, revision and addendum.]. M., 2019. 536 p. (In Russian)

Vasilenko I. A. Administrativno-gosudarstvennoe upravlenie v stranakh Zapada: SShA, Velikobritaniya, Frantsiya, Germaniya [Public administration in Western countries: USA, Great Britain, France, Germany]. M., 1998. 200 p. (In Russian)

Vlasenko N. A. Individualizatsiya kak zakonomernost razvitiya sovremennogo rossiyskogo zakonodatelstva [Individualization as a regularity in the development of modern Russian legislation] // Zhurnal rossiyskogo prava [The Journal of Russian Law]. 2015. No. 12. Pp. 11–17. (In Russian)

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THE EVOLUTION OF THE AIMS OF COMPENSATION FOR MORAL DAMAGE FROM THE PRE-REVOLUTIONARY TO THE PRESENT PERIOD (FROM PERSONAL OFFENSE AND COMPENSATION IN FAVOR OF PUBLIC PLACES TO PERSONAL ENRICHMENT AND "CONSUMER EXTREMISM")

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Abstract. *The article analyzes the aims pursued by injured persons in compensating them for moral damage in the form of monetary equivalent in the pre-revolutionary (pre-Soviet) period, the Soviet period and at present. The civil punishment for personal offense in the pre-revolutionary period and the practice of using the received money by the victim in that period and at present are investigated. It is concluded that in recent times the institute of compensation for moral damage is used only for personal purposes, sometimes for property enrichment and even "consumer extremism".*

Keywords: *personal offense, civil emoluments, civil punishment, forgiveness of fellowman, compensation for moral damage, personal enrichment, consumer extremism.*

Compensation for moral damage is a fairly new institution for modern Russian civil law, enshrined as a method of protection of civil rights in Article 12 of the Civil Code of the Russian Federation and regulated in more detail in subsequent articles and Chapters — Article 151 of the Civil Code of the Russian Federation, Paragraph 4 of Chapter 59 of the Civil Code of the Russian Federation, etc. The possibility to compensate through the judicial authority the moral damage caused to the victim in its monetary equivalent in the Soviet civil, especially criminal and administrative legislation was not envisaged, and the very possibility of receiving compensation for moral damage was formalized legislatively only

in 1990[1]. Thus, it is not possible to talk about the purpose of compensation for moral damage in the Soviet period, because there was no institution of compensation for moral damage.

With the inclusion of the institute of compensation for moral damage in the current legal space, we actually returned to the origins of our pre-revolutionary civil law, since ***the pre-Soviet (pre-revolutionary) Russian legislation*** and judicial practice the institute of compensation for moral damage in its monetary equivalent was known and successfully applied.

A famous Russian legal scientist of that time, D. I. Meyer, distinguishing "civil emoluments" and "civil punishment" as negative consequences of a civil offense for the person who committed these illegal actions, pointed out that "civil punishment" could be applied to such illegal actions that do not constitute a violation of property rights at all. Thus, the author writes, "civil punishment is imposed for a *personal offense*"[2]. Interesting in this context are the grounds for the application of such civil punishment and the examples given by the author from the then existing judicial practice. D. I. Meyer points out that, of course, with personal offense can be combined and property damage: for example, insults to the doctor, as a result of which he is deprived of medical practice. "But still personal offense itself does not violate the property rights of the person, it violates the right of the person offended to honor, to respect from citizens — one of those rights that constitute the right of the individual: and here for the violation of this right is determined by law civil punishment, if the offended would require criminal punishment for the offense"[3]. The author continues by explaining why *personal offense* was transferred from the category of criminal offenses to the category of civil offense.

The following statement stands out as the first and main one: "… legislation could always recognize the character of a personal offense as a crime, because it is in the interest of legislation that citizens value their honor and protect it. But our legislation holds to the idea that the offense does not relate directly to the common good, that it affects directly only the personality of a private person, who should not be deprived of the *opportunity to show* in the case of offense *Christian virtue — **forgiveness of fellowman*** (emphasis mine — S.D.)"[4].

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[1] See more: *Erdelevskiy A. M.* Moralnyy vred i kompensatsiya za stradaniya. Nauchno-prakticheskoe posobie [The moral damage and compensation for suffering. Scientific and practical textbook]. M.: Izdatelstvo VEK, 1998, 188 p.

[2] *Meyer D. I.* Izbrannye trudy: V 2 t. / Vstupit. slovo d-ra yurid. nauk, prof. P. V. Krasheninnikova. T. 1. [The selected works: In 2 volumes / Introductory speech of Doctor of Legal Sciences, Professor P. V. Krasheninnikov. Volume 1]. Moskva, Statut, 2019. P. 261.

[3] Ibid.

[4] Ibid. P. 262.

D. I. Meyer considers the second basis, the prerequisite for the transformation from criminal to civil liability, to be "historical legends": "in the early life of society, the person offended himself washes away the offense, and here is the legislation, although it does not recognize for the citizen the right to self-satisfy himself for the offense, but still retains for him the right to forgive the offense and the very pursuit of it turns into an action relating directly to the private person".

Thirdly, in the opinion of the author, "the unsolicited intervention of public authority in cases of offenses would be embarrassing for the offended: some spark would fan the flames of enmity; some case, which perhaps would remain silent, would become public knowledge and would affect the good name, scandalize it"[1].

As for the size of civil liability in case of recognition by the court of the presence of personal offense — "civil punishment" according to D. I. Meyer — the pre-revolutionary Russian legislation defined only maximum and minimum punishment — up to 150 rubles in silver, the exact determination of the measure of punishment for each individual case was left to the court, "according to the knowledge of the offended person and his attitude to the offender"[2]. This rule of determining by the court the final amount of moral damage to be compensated in each specific case is preserved in the modern civil legislation of Russia, but there are no "maximum" restrictive limits of such liability in the modern civil legislation.

The most interesting and worthy of attention from the point of view of the then and now reigning mores, ethical perceptions and moral foundations in society is the following: what was spent on the money received for winning the case of "*personal offense*". D. I. Meyer remarks in the work that according to the modern concepts of that time it was considered reprehensible to accept a monetary payment as a reward for a personal offense, "and then every decent person, if he pursues the offender by judicial order and wants to punish him, either brings a civil suit and demands that the fine be collected in favor of some public institution, or brings a criminal suit; then the offender is subjected either to arrest or to a monetary fine, which goes in favor of places of detention"[3].

Nowadays, to the best of the author's understanding, such situations have an isolated, rather even exceptional character, and all the recovered sums of money are used to satisfy the personal property needs of the victim. In other words, the victim's claims for compensation for moral damage always pursue only one aim — ***personal property needs*** (not always even related to the restoration of moral and physical

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[1] *Meyer D. I.* Izbrannye trudy: V 2 t. / Vstupit. slovo d-ra yurid. nauk, prof. P. V. Krasheninnikova. T. 1. [The selected works: In 2 volumes / Introductory speech of Doctor of Legal Sciences, Professor P. V. Krasheninnikov. Volume 1]. Moskva, Statut, 2019. P. 261.

[2] Ibid.

[3] Ibid. P. 262.

condition of the victim) ***and enrichment***. Moreover, more and more often there are situations when lawsuits (not always justified and not having under them really violated personal non-property rights) become a source of permanent income and enrichment, such as in cases of "consumer extremism", etc[1]. The current law does not contain a legal definition of "consumer extremism", but it is actively used in the legal literature, just as it exists, according to practicing lawyers, in the legal reality. All this allows us to consider compensation for moral damage in more detail, and in some cases even as a manifestation of "consumer extremism"[2].

References

Belov V. A. Potrebitelskiy terrorizm: teoriya i praktika. Chasti 1 i 2 [The consumer terrorism: theory and practice. Parts 1 and 2] // Pravo i ekonomika [Law and economy]. 2021. No. 6. Pp. 22–30. (In Russian)

Belov V. A. Vidy trebovaniy potrebiteley: teoretiko-prakticheskiy analiz [Types of consumer demands: a theoretical and practical analysis] // Zakon [Act]. 2021. No. 9. Pp. 33–41. (In Russian)

Erdelevskiy A. M. Moralnyy vred i kompensatsiya za stradaniya. Nauchno-prakticheskoe posobie [The moral damage and compensation for suffering. Scientific and practical textbook]. M.: Izdatelstvo VEK, 1998, 188 p. (In Russian)

Meyer D. I. Izbrannye trudy: V 2 t. / Vstupit. slovo d-ra yurid. nauk, prof. P. V. Krasheninnikova. T. 1. [The selected works: In 2 volumes / Introductory speech of Doctor of Legal Sciences, Professor P. V. Krasheninnikov. Volume 1]. Moskva, Statut, 2019. 848 p. (In Russian)

Potrebitelskiy terrorizm — ne bolee chem vydumka so storony biznesa [Intervyu s M. S. Orlovym] [The consumer terrorism is nothing more than a fiction on the side of business [Interview with M. S. Orlov]] // Zakon [Act]. 2021. No. 9. Pp. 8–14. (In Russian)

---

[1] Potrebitelskiy ekstremizm: mif ili realnost [The consumer extremism: myth or reality] // Federalnaya sluzhba po nadzoru v sfere zashchity prav potrebiteley i blagopoluchiya cheloveka [Federal Service for Supervision of Consumer Rights Protection and Human Welfare]: [Electronic resource]. — URL: https://24.rospotrebnadzor.ru/s/24/files/center/zashita/aktual/145102.pdf (date of address: 23.01.2023).

[2] Many authors believe that consumer extremism, consumer terrorism is nothing more than a fiction. For example, see: Potrebitelskiy terrorizm — ne bolee chem vydumka so storony biznesa [Intervyu s M. S. Orlovym] [The consumer terrorism is nothing more than a fiction on the side of business [Interview with M. S. Orlov]] // Zakon [Act]. 2021. No. 9. Pp. 8–14; *Belov V. A.* Potrebitelskiy terrorizm: teoriya i praktika. Chasti 1 i 2 [The consumer terrorism: theory and practice. Parts 1 and 2] // Pravo i ekonomika [Law and economy]. 2021. No. 6. Pp. 22–30; *Belov V. A.* Vidy trebovaniy potrebiteley: teoretiko-prakticheskiy analiz [Types of consumer demands: a theoretical and practical analysis] // Zakon [Act]. 2021. No. 9. Pp. 33–41.

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ON THE LEGAL CHARACTER OF PUBLIC-PRIVATE PARTNERSHIPS

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Abstract. *The authors of this article analyze the evolution of contract law in the context of public-private partnerships, focusing on the development of public-private partnership agreements in Russian law. The study also reviews the transition from private law principles to public law principles; it discusses the unique problems arising from the dual interests of the state and private parties. The study reveals the key statements of the Federal Law on public-private partnership and its compliance with the principles of civil law; questions are raised about the need to duplicate legal norms and principles. The complexity of harmonization of civil law norms with the norms characteristic of public-private partnership is emphasized.*

Keywords: *contract, public-private partnership, public-private partnership law, legal norm competition, public good.*

The contract as a legal construct was originally founded and developed within the framework of private law. Modern development of law led to the fact that the institution of contract was borrowed by public law and acquired the form of both international and administrative contracts. The next stage was the institute of public-private partnership (PPP), which implies uniting the efforts of the state and private persons for effective interaction between private and public agents in economic activities.

At the same time, it seems that the parties to such an agreement pursue different aims and interests. The state pursues public interest, ensuring the satisfaction of public needs, and the non-state counteragent, first, enters into contractual relations with the state, proceeding from its subjective interest.

According to Paragraph 3 of Article 3 of the Federal Law dated 13.07.2015 No. 224-FZ "On public-private partnership, municipal-private partnership in the Russian Federation and amendments to certain legislative acts of the Russian Federation" (hereinafter — the PPP Law), a PPP agreement, a municipal-private partnership agreement is a civil law contract between a public partner and a private partner, concluded for a period of not less than three years, in accordance with the procedure and on the terms and conditions established by federal legislation. Meanwhile, a PPP agreement is not a civil law agreement in its pure form, in the sense that it is impossible to define its nature as a private law one.

First, it is necessary to note the purpose of the PPP Law abstracted from private interests, specifically, to create legal conditions for attracting investments into the Russian economy and improving the quality of goods, works, services, the organization of provision of which falls under the jurisdiction of public authorities and local self-government bodies.

The PPP Law defines a system of PPP principles, including openness and accessibility of information, ensuring competition, non-discrimination, equality of the parties to the agreement and their equality before the law, good faith fulfillment by the parties to the agreement of their obligations under the agreement, fair distribution of risks and obligations between the parties to the agreement, and freedom of conclusion of the agreement. It is impossible not to notice the similarity of the above principles with the basics of civil legislation enshrined in the Civil Code of the Russian Federation[1].

Therefore, the question arises about the validity of duplication of the main provisions, provided that the agreement is a civil law contract. It seems that the legislator thus determines that the basic principles of civil legislation should have a specific content when regulating relations in the PPP sphere. In this position, it becomes even more difficult to solve the problem of competition of norms and principles of civil law.

In the construction of the agreement, the rights of the parties are different, the state has greater powers, which is evident from the literal interpretation of the norms of Article 5 and 6 of the PPP Law. In this way of regulation formation, it is noticeable that the public interest pursued by the state is valued by it more than

[1] Osnovnye polozheniya grazhdanskogo prava: postateynyy kommentariy k statyam 1–16.1 Grazhdanskogo kodeksa Rossiyskoy Federatsii [Elektronnoe izdanie. Redaktsiya 1.0] [The basic rules of civil law: article-by-article commentary to Articles 1-16.1 of the Civil Code of the Russian Federation [Electronic edition. Revision 1.0]] / Otv. red. A. G. Karapetov. M.: M-Logos, 2020. — 1471 p.

the benefit of an individual, which is the private interest of the PPP party. Thus, a mandatory element of the agreement is a condition on the transfer of the object of the agreement by the private partner to the ownership of the public partner in case the amount of financing of the creation of the object of the agreement by the public partner and the market value of the property (rights to property) transferred by the public partner to the private partner under the agreement, in the aggregate, exceed the amount of financing of the creation of such objects by the private partner.

Thus, a PPP agreement has a mixed character. The practical significance of this issue is whether it is possible to apply the norms of civil legislation to these legal relations of subsidiarity. The next logical step in the reasoning is whether specific methods of protection of rights, liability measures, positions on invalidity of transactions, obligations, limitation period, contract can be applied to legal relations in the sphere of PPP agreement realization.

A marked obstacle to the successful resolution of this issue is the lack of consistency of the state in the issues of subsidiary application of civil law norms in inter-sectoral relations. Meanwhile, in the absence of a separate branch of public economic law in the Russian system of law, civil law regulation of PPP relations requires compliance with the principle of equality of parties regardless of their social or material position, coordination character of relations. Famous domestic civilists emphasize that the state, through its bodies, acts in turnover as a subject of civil law, which is endowed with equal rights with other participants. Unfortunately, in the framework of the Russian legal order, this postulate is often ignored, which leads to giving relations involving the state a special status. The inaccuracy of such an approach has been confirmed in practice many times: specially created for the state regulation had obvious unfairness and disturbed the economic balance in turnover[1]. In particular, such a trend is observed in relations in the field of insolvency (bankruptcy) procedures, where the scope of privileges of tax authorities is gradually increasing. Thus, the Law on Bankruptcy establishes a two-month period for filing applications for inclusion in the register in the procedure of bankruptcy proceedings. However, for the tax authority it is increased to 8 months, if at the time of closing the register has not been issued or has not entered into force a decision with the identified arrears (Paragraph 4 of Article 142 of the Federal Law "On insolvency (bankruptcy)" of 26.10.2002 No. 127-FZ). This creates uncertainty in the amount of claims, the possibility of their satisfaction, and, in addition, delays the bankruptcy procedure. Also in 2016, an amendment was made to Paragraph 4 of Article 61.4 of the Bankruptcy Law, according to which the possibility of challenging a taxpayer's payments to the budget was excluded, if they were ordinary

[1] Osnovy tsivilistiki: uchebnoe posobie [Fundamentals of civilistics: textbook] / R. Kh. Abdrashitov, V. V. Aleynikova, E. A. Evstigneev [i dr.]; pod red. A. V. Egorova i E. A. Evstigneeva. — Moskva: Assotsiatsiya vypusknikov RShChP, 2020. P. 22.

and the tax authority did not have information about outstanding obligations to other creditors. The inability to challenge budget payments has the obvious effect of jeopardizing the interests of other creditors[1].

Therefore, the solution of the issue of the legal character of public-private partnership is of significant practical importance. The imbalance in the scope of rights and obligations of the parties to the agreement leads to a decrease in the economic interest, first, of private parties involved in the creation of conditions for the satisfaction of public needs, pursuing most often subjective benefit.

References

Osnovnye polozheniya grazhdanskogo prava: postateynyy kommentariy k statyam 1–16.1 Grazhdanskogo kodeksa Rossiyskoy Federatsii [Elektronnoe izdanie. Redaktsiya 1.0] [The basic rules of civil law: article-by-article commentary to Articles 1-16.1 of the Civil Code of the Russian Federation [Electronic edition. Revision 1.0]] / Otv. red. A. G. Karapetov. M.: M-Logos, 2020. — 1471 p. (In Russian)

Osnovy tsivilistiki: uchebnoe posobie [Fundamentals of civilistics: textbook] / R. Kh. Abdrashitov, V. V. Aleynikova, E. A. Evstigneev [i dr.]; pod red. A. V. Egorova i E. A. Evstigneeva. — Moskva: Assotsiatsiya vypusknikov RShChP, 2020. — 259 p. (In Russian)

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[1] Pervyy sredi ravnykh. Prava nalogovogo organa v protsedurakh bankrotstva — ochevidnye i skrytye privilegii [The first among equals. Rights of the tax authority in bankruptcy proceedings — obvious and hidden privileges] // Zakon.ru — pervaya sotsialnaya set dlya yuristov [Zakon.ru — the first social network for lawyers]: [Electronic resource]. — URL: https://zakon.ru/ (date of address: 15.12.2023).

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THE ACTUAL PROBLEMS OF REGULATING ELECTION CAMPAIGN FINANCING

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Abstract. *The article reviews the analysis of law enforcement practice of the procedure for financing election funds in order to identify defects in the legislative regulation of these legal relations and to develop possible solutions to eliminate emerging problems. The issue of election financing in Russia and its interrelation with the increasing role of money in politics is considered. The authors of the article argue on the topic of the dispute about the necessity of public financial reporting of political parties: about the approach of public financial reporting requirements and access to mandatory open detailed reporting. The issues of distortion and inconsistency of official reporting of funds are raised. The issue of ineffective control over the sources of receipt of financial resources to the funds of parties and candidates is considered. A number of recommendations were made to solve the current problems in the area under consideration.*

Keywords: *campaign finance, election campaign, election funds, election finance problems, fund*

In modern Russia, the process of campaign activities related to the implementation by candidates for elected office and their parties in the electoral struggle, the purpose of which is to ensure maximum support of voters in the upcoming elections, is significantly regulated by legislation and financially supported in accordance with separate chapters of legal acts. Thus, for example, these include:

1) Federal Law of 26.11.1996 No. 138-FZ (ed. of 04.06.2014) "On ensuring the constitutional rights of citizens of the Russian Federation to elect and be elected to local self-government bodies";

2) Federal Law of 12.06.2002 No. 67-FZ (ed. of 12.06.2022) "On basic guarantees of electoral rights and the right to participate in the referendum of citizens of the Russian Federation";

3) Federal Law of 10.01.2003 No. 19-FZ (ed. of 05.12.2022) "On the election of the President of the Russian Federation";

4) Federal Law of 22.02.2014 No. 20-FZ (ed. of 05.12.2022) "On the election of deputies to the State Duma of the Federal Assembly of the Russian Federation" and others.

Special attention in this sphere of regulation is paid to the issues of formation of the election fund of candidates and its expenditure. Thus, for example, in accordance with Paragraphs 3 and 4 of Article 58 of the Federal Law "On the election of the President of the Russian Federation" the maximum amount of all expenses of a candidate from his election fund may not exceed 400 million rubles, and the maximum amount of all expenses of a candidate for whom the election of the President of the Russian Federation is scheduled may not exceed 400 million rubles, and the maximum amount of all expenditures of a candidate for whom a second vote has been scheduled cannot exceed 500 million rubles[1].

Such an instrument can be considered a public-law entity with a strict purpose and temporary character. The triad of legal powers in this case cannot be regulated by civil law, they are the subject of special legal regulation by means of electoral and financial law. But, in this case, the candidate is not the owner of such a fund, he acts as a manager independently or through a representative.

The process of creating an election fund cannot be a lever for non-compliance with the norms directly prescribed in the legislation, while the reporting procedure often becomes a stumbling block in analyzing the legality of candidates' work[2].

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[1] Federalnyy zakon ot 10.01.2003 No. 19-FZ (red. ot 05.12.2022) "O vyborakh Prezidenta Rossiyskoy Federatsii" [Federal Law of 10.01.2003 No. 19-FZ (ed. of 05.12.2022) "On the election of the President of the Russian Federation"] // Sobranie zakonodatelstva RF [Collection of legislation of the Russian Federation], 13.01.2003, No. 2, st. 171.

[2] See, e.g: *Grigoryev M. S., Sadovnikova G. D.* Analiticheskiy doklad "Rossiyskiy i mezhdunarodnyy opyt primeneniya zakonodatelstva o finansovoy prozrachnosti deyatelnosti politicheskikh partiy" (2014 g.), podgotovlennyy po zakazu Rossiyskogo tsentra obucheniya izbiratelnym tekhnologiyam pri Tsentralnoy izbiratelnoy komissii Rossiyskoy Federatsii [Analytical report "Russian and international experience in the application of legislation on financial transparency of political parties' activities" (2014), commissioned by the Russian Center for Training in Electoral Technologies at the Central Election Commission of the Russian Federation] // [Electronic resource]: URL: https://www.rcoit.ru/news/18121/ (date of address: 11.08. 2023); *Evdokimov V. B.* Pravovoe regulirovanie politicheskikh partiy v burzhuaznykh stranakh: dis. ... dokt. yurid. nauk [Legal regulation of political parties in bourgeois countries: dissertation

Currently, the focus of control is on the expenditures of political parties and candidates, while in the interests of voters it should be shifted to the receipt of these funds.

The situation is complicated by the fact that the reports submitted by a candidate or political party may be distorted and may not correspond to reality. Therefore, a large part of such funds raised for financing political campaigns may not be reflected, and the sources of even official receipts of financial resources to the funds are indeed not always identifiable. At the same time, the bodies organizing elections do not have the authority to effectively control such receipts.

One of the significant problems today may be the use of administrative resources and indirect support of the state by specific political forces. Such support is made at the expense of public funds. Thus, the formation of false information through the mass media, which are in one way or another controlled by the state or certain officials, or the purchase of political and sociological consulting services at the expense of the budget or other use of official position, including direct participation of officials in campaign events, or putting pressure on commission members, candidates or voters, leads to the violation of the principle of political non-interference of public officials, which is an obvious manifestation of political and socio-political activity.

Formation of an election fund through donations is a financial array that forms a significant part of such trust fund. The law also defines the circle of persons who are not entitled to make donations, but it is with the use of these provisions that the will of the legislator can be violated.

Furthermore, if a person or organization that does not have the legal right to directly finance the activities of a candidate or a political party running for election wishes to provide such funding, there is nothing to prevent them from doing so through non-profit organizations, which are not obliged to disclose information about their benefactors to the public. To avoid this, organizations that are involved in providing financial support through financial donations to political parties or candidates should be obliged to disclose information about the size and senders of such donations (company name or name of an individual, individual taxpayer number, region, amount of donation).

Another basis for political corruption could be funding from recipients of government contracts and various forms of state support[1]. A ban on such donors

of the Doctor of Legal Sciences]: Sverdlovsk: 1990. — 325 p.; Konstitutsionnoe pravo zarubezhnykh stran: uchebnik [The constitutional law of foreign countries: textbook] / Vinogradov V. A., Luchin V. O., Vasilevich G. A., Prudnikov A. S. YuNITI-DANA. — M.: 2011. — 727 p.

[1] See, e.g., *Marku Zh.* Borba protiv korruptsii vo Frantsii [A counteraction against corruption in France] // Zhurnal rossiyskogo prava [The Journal of Russian Law]. — 2012. — No. 7. — Pp. 34–40.

seems inappropriate, as grantees have their own reporting forms that should be examined by the relevant authorities, but additional control by the Central Election Commission over the formation of the election fund could prevent such incidents.

In order to avoid situations where shadow funding is possible, a single publicly accessible database of candidate and political party benefactors should be created according to uniform standards, including the publication of the individual taxpayer number of donor legal entities during the period of operation of the election fund. The formation of such a database of financial reporting would allow for the identification of the true sender and provide an opportunity for oversight bodies to thoroughly investigate political financing.

References

Evdokimov V. B. Pravovoe regulirovanie politicheskikh partiy v burzhuaznykh stranakh: dis. ... dokt. yurid. nauk [Legal regulation of political parties in bourgeois countries: dissertation of the Doctor of Legal Sciences]: Sverdlovsk: 1990. — 325 p. (In Russian)

Konstitutsionnoe pravo zarubezhnykh stran: uchebnik [The constitutional law of foreign countries: textbook] / Vinogradov V. A., Luchin V. O., Vasilevich G. A., Prudnikov A. S. YuNITI-DANA. — M.: 2011. — 727 p. (In Russian)

Marku Zh. Borba protiv korruptsii vo Frantsii [A counteraction against corruption in France] // Zhurnal rossiyskogo prava [The Journal of Russian Law]. — 2012. — No. 7. — Pp. 34–40. (In Russian)

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