

**Abstracts and keywords of articles,  
published in the journal "Military law" in 2024**

**2024. № 1**

**1. Kirichenko N. S., Vologzhina Yu.V. Legal regulation of the protection of state secrets in the field of state defense**

**Abstract.** A State secret is information, the disclosure or provision of unauthorized access to which may entail damage to the interests of the State. Such information also includes various information in the field of State defense. At the same time, the protection of information constituting a state secret in this area is an important factor on which the security and defense capability of our country also depends. This article provides a brief overview of the regulatory regulation of the institute for the protection of information constituting a state secret in the field of defense, as an important element of the system for maintaining the defense capability of our state.

**Keywords:** state secret, military secret, official information, official secret, protection of information, security of the state, defense of the state.

**2. Kiselev N.P. The use of the results of customs control in proving criminal cases of smuggling of cash and (or) monetary instruments (Article 200.1 of the Criminal Code of the Russian Federation)**

**Annotation.** The article deals with the use of the customs control results as evidence in criminal cases on smuggling of cash and monetary instruments basing on the forensic structure of that crime. The author formulates the features of verification and procedural consolidation of the results of customs control in preliminary investigation, highlights the criteria for recognizing the specified evidence in a criminal case as inadmissible evidence.

**Key words:** smuggling, cash, monetary instruments, customs control, preliminary investigation, subject of proof, admissibility of evidence, forensic characteristics of the crime event.

**3. Kuznetsov A.M., Shankhaev S.V. Some law enforcement problems in bringing military personnel to administrative responsibility (procedural aspect)**

**Abstract:** the article discusses some law enforcement issues that arise when applying the rules of procedural law on bringing military personnel to administrative responsibility. Amendments to the current legislation are proposed.

**Keywords:** law enforcement, administrative responsibility, military personnel, application of procedural norms in bringing to administrative responsibility.

**4. Pogorelov S.A., Roganov S.A. Anti-corruption issues in the National Guard troops**

**Annotation.** The article analyzes issues related to countering corruption in the National Guard troops. The authors pay the greatest attention to public control, which is designed to minimize corruption facts in the designated power structure of state bodies.

**Keywords:** National Guard troops, corruption, public control, Public Council, counteraction, power structures.

**5. Kalashnikov V.V., Kharitonov S.S. Problems of practical application of military legislation on dismissal from military service (based on materials from military courts)**

**Abstract.** The article examines judicial acts on issues of legal regulation of the dismissal from military service of military personnel serving under a contract.

**Key words:** dismissal of military personnel from military service, military courts, legality.

**6. Kirichenko N. S., Alexandrova N.G., Bogdanov S.L. Legal responsibility of citizens staying in volunteer formations**

**Abstract.** In June 2023, amendments were made to the legislation of the Russian Federation, allowing the Armed Forces of the Russian Federation to attract volunteer formations to assist in the performance of tasks in the field of defense. Citizens from such formations actually perform tasks similar to those performed by military personnel. Legislative acts of the Russian Federation stipulate that such citizens in many cases (for example, when implementing social guarantees) have the status of a serviceman. At the same time, in our opinion, the issue of bringing volunteers to legal responsibility for the offenses committed by them while performing these tasks is of great interest. In this article, we will try to analyze legislative and other normative legal acts regulating this issue, as well as to identify possible gaps in it.

**Keywords:** volunteer formations, volunteers, military service, legal responsibility, disciplinary responsibility, material responsibility, administrative responsibility, criminal responsibility, legal responsibility of military personnel, special military operation.

### **7. Koryakin V.M. The military-social component of the federal budget for 2024**

**Annotation.** The article is a scientific and practical commentary on the provisions of Federal Law No. 540-FZ dated November 27, 2023 "On the Federal Budget for 2024 and for the Planning period 2025 and 2026", concerning the issues of financial support for the implementation of priority areas of military and social policy of the Russian Federation in 2024. The main guidelines of the federal budget aimed at solving military and social problems, social guarantees for military personnel, citizens discharged from military service, and their family members are shown.

**Keywords:** military-social policy; federal budget; monetary allowance of military personnel; housing provision of military personnel; pension provision of persons who have served in the military.

### **8. Yakovets E.N. How to organize "combat" payments to participants a special military operation?**

**Annotation.** The article analyzes measures to financially stimulate Russian servicemen participating in a special military operation related to the destruction or capture of enemy military equipment. The sizes of such remuneration by the Ministry of Defense of the Russian Federation are highlighted, based on the value of its various types. It also refers to the allocation of appropriate funds for these purposes by public organizations, commercial enterprises and individual individuals. In historical retrospect, the practice of such material incentives in the Red Army during the Great Patriotic War is analyzed, during which the People's Commissar of Defense of the USSR I.V. Stalin issued orders regulating these measures in detail. In conclusion, it is concluded that in the modern period it is advisable to use this experience and develop an interdepartmental order of the Ministry of Defense of Russia, the FSB of Russia, Rosgvardiya and the Ministry of Internal Affairs of Russia, regulating the procedure for the formation of a special fund for the purposes under consideration, accumulating the appropriate funds, as well as the procedure for their expenditure, based on the interests of all departments, participating in the conduct of ITS.

**Keywords:** cash payments; destruction or seizure of enemy military equipment and weapons; The Great Patriotic War; interdepartmental order; special fund.

### **9. Zaikov D.E. Report on the results of the activities of a state institution and on the use of state property assigned to it: problems of application in the Armed Forces of the Russian Federation**

**Annotation.** The article discusses the features and problems of legal regulation of relations on the preparation and approval of a report on the results of the activities of a state institution and on the use of state property assigned to it by autonomous, budgetary and state institutions subordinate to the Ministry of Defense of the Russian Federation.

**Key words:** state institutions, autonomous institutions, budgetary institutions, activity

report, founder.

**10. Novopashina U.S. About some issues of inheritance of the property of the deceased participant of the SVO and the distribution of mandatory payments related to his death**

**Annotation.** The article deals with topical issues related to the inheritance of the property of the deceased participant of the SVO, expenses caused by the death of the testator with the distribution of mandatory payments to family members of a serviceman, mobilized, a participant in a volunteer formation or another person specified in the law, who died (died) in connection with participation in a special military operation (performing military service duties).

**Keywords:** inheritance of property, expenses related to the death of the testator, a special military operation, the status of a serviceman, compulsory life and health insurance, payments to the families of the deceased participants of a special military operation, a cumulative mortgage system for housing military personnel

**11. Zaikov D.E. Appeal of inspection acts based on the results of departmental financial control: problems of determining jurisdiction**

**Annotation.** Judicial appeals by military organizations against acts of verification based on the results of departmental financial control are carried out in order to protect their rights and legitimate interests. However, judicial practice indicates the absence of a unified approach to determining the jurisdiction of this category of cases: depending on various circumstances, such cases are considered by military courts, arbitration courts and courts of general jurisdiction. The author analyzes this problem and considers its negative legal consequences.

**Key words:** departmental financial control, act of verification, jurisdiction, military organization, military courts, arbitration courts, courts of general jurisdiction.

**12. Korchemkin M.E. Features of judicial protection of the rights of missing persons and deceased citizens (military personnel) during a special military operation**

**Abstract.** The subject of this article is the problems related to the implementation of social guarantees for military personnel sent to civil organizations not for military positions.

**Key words:** military training center, missing person, judicial protection.

**13. Kukushkin M.V. Issues of jurisdiction of criminal cases, cases of administrative offenses in relation to citizens called up for military service upon mobilization**

**Abstract.** The article provides an analysis of regulatory legal acts in the context of the possibility of bringing “mobilized” and “volunteers” to various types of legal liability.

**Key words:** military courts, legal responsibility, mobilization.

**14. Vlasov S.Yu., Kharitonov S.S. The truth of the verdict (military judicial practice)**

**Abstract.** The article, using examples of decisions of military courts, examines the significance of a court verdict in criminal cases as an act of justice.

**Key words:** military man, court verdict, military courts.

**15. Zyubanov Yu.A., Kharitonov S.S. Criminal punishment according to military judicial practice: enforcement problems**

**Abstract.** The article examines a number of law enforcement situations related to the application of criminal law rules on sentencing in the context of the motivation, legality and fairness of sentencing

**Key words:** judicial practice of military courts, sentencing, criminal liability of military personnel

**16. Kiselev N.P. The problem of procedural forms' collision while applying the anti-corruption measures of illicit enrichment counteraction to military personnel**

**Annotation.** The article deals with the problem of procedural forms' collision while minimizing and (or) liquidating the consequences of corruptional acts. Basing on the comparison of confiscation and turning the property into state's income procedures it is stated that the arbitrary choice of a procedural form can seriously affect the person's right for defense. As an illicit enrichment in some cases can be the result of commitment a corruptional crime, the author suggests using the turning the property into state's income procedure only in case the fact of commitment a corruptional crime is refuted. Otherwise there should be used confiscation procedure.

**Key words:** corruption counteraction; military service; confiscation; turning property into state's income; collision of procedural forms; human rights.

#### **17. Votchenko I.A., Petukhova M.V. Russia's Geopolitical interests in the Asia-Pacific region**

**Abstract:** currently, issues related to the development and observance of the geopolitical interests of the Russian Federation in the Asia-Pacific region are becoming increasingly relevant, which include a different list of activities, which include issues of socio-economic development, environmental and military security, military-strategic development of our state, etc. In this article, we will consider issues related to the organization of military security and military-strategic development of Russia in this region.

**Keywords:** military security, defense, geopolitical interests, Asia-Pacific region, Asia-Pacific region.

#### **18. Mintyagov S.A. The international legal status of Russian military police officers as participants in military conflicts**

**Abstract.** The article examines the features of the international legal status of military personnel of the military police of the Armed Forces of the Russian Federation, provided they participate in military and armed conflicts. The article examines international legal acts, national legislation in this area, as well as the practice of using military police units in military conflicts.

In conclusion, the author expresses his own position on this issue and concludes that the international legal status of military police personnel will directly depend on the specific task or function associated with direct or indirect participation in an armed conflict. At the same time, the norms of international law, as well as national legislation, need to be specified.

**Keywords:** military police, legal status, military conflict, military operations, international humanitarian law, combatant, non-combatant, legitimate military target.

## **2024. № 2**

#### **1. Zelenenky I.A. Linguodidactic simulators in the system of professional training of military personnel in the interests of ensuring the national security of the Russian Federation**

**Abstract.** This article gives a definition of a linguodidactic simulator and determines the advantages of using these simulators when teaching a foreign language to graduates of military universities belonging to personnel ensuring the national security of the Russian Federation. The scientific novelty of the work lies in the fact that it examines the practical application of linguodidactic simulators in the military pedagogical process.

**Keywords:** specialized language training, linguodidactic simulator, military personnel, national security, professional training.

#### **2. Kolesnikov N.V. Legal support for the organization of technical coverage of communication routes in the interests of ensuring the security of the Russian Federation**

**Annotation.** The article contains the results of a study of the problems of legal regulation of public relations arising in the process of providing technical cover for the infrastructure of the transport complex. Based on the results obtained in the course of previous studies, it is noted that

an insufficient degree of legal regulation is a significant factor hindering the development of a management system for the technical cover of communication routes. The conclusions obtained from the results of a critical understanding of various scientific approaches on the most effective ways to improve legal terminology and eliminate gaps and conflicts, consolidate the legal status of participants in legal relations, indicate the need to take into account the risks arising in the process of providing technical cover for transport complex infrastructure facilities. Based on the purpose of the study, a number of private scientific tasks were solved when writing the article. In particular, using the methods of systemic legal analysis, the conclusion is substantiated that the identification, differentiation, monitoring of risks determined by the failure of critical infrastructure facilities when a probable enemy strikes them with various types of damage is a necessary condition for developing a scientifically sound system of legal measures of general and private prevention, including measures of responsibility of various executive authorities for relevant decisions. Based on the categorization of risks and threats while providing technical cover for the infrastructure of the transport complex, the conceptual foundations of a risk management system are proposed to ensure the carrying capacity of the infrastructure of the seaport in the interests of national defense.

**Keywords:** technical cover of communication routes; restoration of traffic; transport infrastructure facilities; rules, forces and means of technical cover; communication routes; functioning of the transport complex; transport support of the country's infrastructure.

### **3. Glukhov E.A. Organizational and legal problems of optimal construction of the hierarchy of military formations**

**Abstract.** The article analyzes the modern structure of the Armed Forces of the Russian Federation. The principles and patterns of the construction of military management bodies and subordinate military formations, functional links between them, as well as gaps in legislation in the field of construction of the Armed Forces are revealed. In particular, the author points to the regulation by the Charter of the internal service of the Armed Forces of the Russian Federation only of subordination relations within a military unit (regiment), leaving outside the legal regulation the legal relations of military officials with other military management bodies. The interrelationships of the tasks assigned to the military formation and its structure, as well as the duties of officials from its management body, are formulated. Based on the revealed contradictions, organizational and legal measures are proposed to improve the structure of the Armed Forces of the Russian Federation.

**Keywords:** military administration, military unit, military management body, tasks of military units, organizational structure, hierarchy of military formations, military construction, subordination.

### **4. Demedyuk K.V. The role of the legal awareness of the Russian Guard servicemen in countering provocations**

**Abstract.** The article considers the main way to increase the effectiveness of the process of forming the skills and abilities of the Russian Guard servicemen to counter provocative actions when performing tasks of protecting public order. The objectives of provocative activity are described, and its examples are given. The provisions substantiating that it is advisable to form skills and abilities to counter provocations on the basis of a developed legal awareness of military personnel are presented. The components of legal socialization that military personnel master during their service are also outlined. The negative factors leading to the deformation of legal consciousness are given. The author suggests the directions and forms of improving the legal awareness of the servicemen of the Russian Guard.

**Keywords:** counteraction to provocations, legal awareness, National Guard soldiers, training, protection of public order.

### **5. Koryakin V.M. The legal status of public authorities and administration in the territories where military rule has been imposed and (or) adjacent to the zone of armed conflict**

**Annotation.** The article deals with the issues of formation and functioning of temporary

state authorities and management in territories where special legal regimes of martial law and armed conflicts are in force. The historical aspects of this issue are considered on the example of the creation of civil-military administrations in the occupied territories, the practice of creating such bodies within the framework of a special military operation for the denazification and demilitarization of Ukraine is studied. The proposals on amendments to the legislation on military regulations are substantiated in terms of the establishment of authorities in the territories where martial law has been imposed, the definition of their composition and powers.

**Keywords:** armed conflict; martial law; civil-military administration; operational headquarters; special military operation.

#### **6. Mintyagov S.A. Principle of Centralization or Decentralization in the Activities of the Military Police of the Armed Forces of the**

**Abstract.** The purpose of this article is to find ways to improve the structure and management system of the military police of the Armed Forces of the Russian Federation. The principles of centralization and decentralization in the management system are considered, and the author concluded that centralization is more typical for military police units performing law enforcement functions, while decentralization is acceptable in units with general military tasks. The conclusions drawn in this article have laid the foundation for further research, in particular, concerning the organizational and staff structure of the military police and the formation of conceptual foundations for its construction.

**Keywords:** military police, principles, governance, centralization, decentralization.

#### **7. Votchenko I.A. On some features of the performance of duties by military personnel and law enforcement officers in the field of combating corruption during a special military operation**

**Abstract.** The civil service, which includes military service, as well as service in law enforcement agencies of the Russian Federation, imposes obligations on citizens undergoing it to comply with a large number of requirements of legislative and other regulatory legal acts, including in the field of combating corruption. Such duties include the provision by certain categories of officials of information about property and property-related obligations, as well as information about income, expenses, property and property-related obligations of their spouses and minor children, as well as the submission of other documents. Failure to comply with these requirements may result in various types of legal liability, up to and including dismissal from service. At the same time, the participation of such officials in conducting a special military operation may cause certain problems in meeting such requirements. In this regard, a regulatory legal act was issued.

**Keywords:** civil service, military service, law enforcement service, anti-corruption, corruption offenses, compliance with restrictions and prohibitions, special military operation.

#### **8. Yuritsyna Yu.K. The problems of transfer of dual-use technologies to support the development of enterprises of the military-industrial complex in the Russian Federation**

**Abstract.** The article analyzes a set of issues that reduce the efficiency of the process of transferring dual-use technological developments on the territory of the Russian Federation. A set of legislative and regulatory documents regulating technology transfer in the defense industry of the Russian Federation is disclosed. The experience of the main models of technology transfer in the United States is considered, taking into account their leading position in this context. As a result of the study, a list of measures is substantiated to help intensify innovation activity and ensure effective and controlled technology transfer in the defense industry of the Russian Federation.

**Keywords:** technology transfer, innovation, armed forces, military-industrial complex.

**9. Aulov V.K. Military criminal justice of Russia vs the USA: comparative studies of the judicial system and judicial proceedings of the special legal regime of martial law**

**Abstract.** The article critically examines the classification of US military courts into general, special and summary categories established in the scientific literature in Russian and lists the main changes in the legal structure of US military criminal justice after the entry into force of the NDAA22 law. Based on the results of a comparative analysis of individual elements of the military law of Russia and the United States, the qualification of the US military criminal justice as a phenomenon of arbitrary justice, and ad hoc courts and courts of appeal in the military organization of this state as quasi-judicial (jurisdictional) bodies is justified. The paper also reveals the essential characteristics of the jurisdictional activity of military criminal justice in the US armed forces.

**Keywords:** military law, military criminal justice of Russia, military criminal justice of the USA, military judicial system of the USA, military courts of the USA, criminal liability of military personnel, the basis of criminal liability.

**10. Barannikov M.M., Kharitonov S.S. Financial liability of military personnel: compensation for damage to a military organization (military judicial practice)**

**Abstract.** The article provides an overview of some court decisions taking into account changes to the relevant Law on bringing military personnel to financial liability in relation to typical situations.

**Key words:** military service, military personnel, financial liability of military personnel, military courts, judicial practice.

**11 Girko S.I., Kharchenko S.V. Some issues of operational investigative support for the disclosure and investigation of crimes**

**Abstract.** The article discusses issues related to operational investigative support for the disclosure and investigation of crimes. The system of measures for the collection, generalization, analysis and introduction into the criminal process of factual materials obtained as a result of operational investigative activities is revealed. The main directions of the integrated application of operational investigative forces, means and methods in the detection and investigation of crimes are determined.

**Keywords:** investigative, operational, divisions, organized groups, criminal community, investigative and operational group, managers, disclosure, investigation, operational and investigative support, tasks.

**12. Eermolovich Ya.N. On the issue of recognizing the international LGBT social movement as an extremist organization**

**Annotation.** The article analyzes the decision of the Supreme Court of the Russian Federation on the recognition of the international LGBT movement and its structural units as an extremist organization, examines the issues of criminal liability for extremist crimes, analyzes the structure and dynamics of extremist crime in Russia.

**Keywords:** criminal law, extremism, crimes of extremist orientation, extremist activity, legislation on combating extremism, countering extremism, extremist organization, LGBT.

**13. Zhilenkova T.S. The legal essence of military statutory examinations in criminal proceedings**

**Abstract.** The article discusses some problems in the production of military-statutory examinations, including the admissibility of raising legal issues before an expert. The author analyzes the questions that are posed to the expert on these examinations, and explores the possibility of defining military-statutory examination as a type of legal examination.

**Key words:** military-statutory examination, forensic examination, expert, appointment of a forensic examination, trial, expert opinion, special knowledge, legal knowledge, legal

knowledge, knowledge in the field of law, specialist, legal proceedings, military law, military personnel.

**14 Zakaznova A.N. To the concept of “violent crime against military service”**

**Abstract.** The article discusses various approaches to defining the concepts of “violence” and “violent crime”, proposed by domestic and foreign representatives of various sciences, including legal scholars. The author also provides her own version of the definition of the concept of “violent crime against military service,” formulated on the basis of a combination of theoretical and empirical understanding of the phenomenon.

**Key words:** aggression, violence, violent crime, army, military service, military personnel.

**15. Zakomoldin R.V., Danilov P.S. On the special criminal liability of members of volunteer formations for crimes against military service**

**Abstract.** The article is devoted to the problem of bringing to criminal liability for crimes against military service members of volunteer formations performing combat missions in special conditions. It is concluded that volunteers should be considered as a special subject of crimes against military service on an equal basis with military personnel. It is proposed to provide appropriate guidance in Chapter 33 of the Criminal Code of the Russian Federation, extending its provisions to participants in volunteer formations, by analogy with citizens in the reserve during the period of their military training.

**Keywords:** military criminal law, crimes against military service, special subject, special military operation, martial law, wartime, conditions of armed conflict, conduct of hostilities, performance of combat missions, volunteers, volunteer formations.

**16. Zyubanov Yu.A., Kharitonov S.S. On the state’s right to criminal punishment based on materials from military judicial practice**

**Abstract.** The article is devoted to certain aspects of the imposition of criminal punishment by military courts on persons found guilty of committing crimes.

**Key words:** judicial practice of military courts, sentencing, criminal liability of military personnel

**17. Kirichenko N. S., Alexandrova N.G. On tightening criminal liability for crimes against the security of the Russian Federation**

**Abstract:** the article provides a brief overview of the changes made to the Criminal Code of the Russian Federation, consisting in supplementing it with provisions providing for tougher criminal liability (supplementing punishment with a mechanism providing for the confiscation of money, valuables and other property used or intended for their financing, as well as the deprivation of a special, military or honorary title, class rank and state awards) for committing criminal acts against the security of the Russian Federation. These changes are due to the intensification of illegal activities of persons from among the armed forces of Ukraine and their supporters, including in the form of financing of these activities in order to involve various other persons in it. Such changes have become most relevant in the context of a special military operation.

**Keywords:** military service, criminal code, criminal liability, special military operation, defense, security.

**18. Popov K.I. Lawful infliction of harm in the exercise of a legitimate right**

**Annotation:** the article is devoted to the analysis of the institution of lawful infliction of harm in the exercise of legal rights as a circumstance excluding the criminality of the act, consideration of the conditions for the legality of causing such harm, and also contains proposals for improving criminal legislation in the area under consideration.

**Keywords:** circumstances of lawful infliction of harm; conditions of legality; exercise of legal rights; exclusion of liability; circumstances excluding the criminality of the act.



**19. Sotnikova V.V., Kondrashin G.K. On the question of the illegal manufacture and circulation of pornographic materials or objects (practice of military courts)**

**Abstract:** the article examines the legal and technical features of the crime under art. 242 of the Criminal Code of the Russian Federation, which entail the difficulties of applying this rule. The authors' conclusions are based on an analysis of the provisions of the current legislation of the Russian Federation and the practice of its application (based on examples of these crimes by military personnel of the Armed Forces of the Russian Federation).

**Keywords:** criminal liability for illegal distribution of pornographic materials, pornography, illegal activity, pornographic expertise.

**20. Tishchenko A.O. Some aspects of the qualification of murder in the context of a special military operation**

**Annotation.** The article contains an analysis of a specific crime – the murder of a serviceman committed by the commander of a unit in combat conditions while performing a combat mission and controversial issues of the qualification of this crime.

**Keywords:** abuse of official authority, performance of a combat mission, necessary defense, use of weapons, murder.

**21. Belyi P.F. The status of combatants in modern armed conflicts**

**Abstract.** The relevance of this study is due to discrepancies in the understanding of combatant status in modern conditions. Special attention is paid to the rights of combatants, including their guaranteed right to life and the inadmissibility of torture and ill-treatment, as well as the obligations of combatants to comply with the principles of military law and protect unarmed civilians. The purpose of the study is to examine the basic modern rights and obligations of participants in military conflicts. Within the framework of international humanitarian law, mechanisms are being considered to ensure the lawful behavior of military personnel during their participation in hostilities. The research methodology is based on the analysis of international legal sources regulating the legal status of combatants. The study also revealed the conditions of legal liability for non-compliance by participants in hostilities with the norms of international humanitarian law.

**Keywords:** combat soldiers, participants in international conflicts, military operations, humanitarian law.

**22. Milekhin V.A. Legislative regulation of the status of internal troops in the Republic of Azerbaijan**

**Resume:** The needs of improving Russian legislation in the field of defense and ensuring national security require a clear establishment of the legal status of all entities included in the state military organization of our country, including the bodies and troops of the National Guard. The formation in accordance with Decree of the President of the Russian Federation of April 5, 2016 No. 157 of the Federal Service of the National Guard Troops of the Russian Federation was a continuation of the previously begun reforms of the state military organization to increase its effectiveness in order to ensure state and public security, protection rights and freedoms of man and citizen. The legal status of the FSVNG has not yet been fully determined, as demonstrated by the participation of National Guard troops in a special military operation. In order to improve the legal status, organization and activities of the National Guard and the National Guard troops, it is necessary to conduct comparative legal studies of Russian and foreign legislation in the area under consideration, the positive results of which could be used to improve Russian legislation.

**Key words:** constitutional law; military law; administrative law; legislative regulation; defense; National security; public order protection; ensuring public safety; National Guard troops; internal troops; interests of the individual, society and state; constitutional rights and freedoms of citizens; criminal and other illegal attacks; legal status; comparative law.

### **23. Redkous V.M. Legal regulation of military service under the legislation of the Republic of Azerbaijan**

**Resume.** The needs of improving Russian legislation on conscription and military service, caused by the increasing importance of military activities for ensuring the defense and security of the state, the factor of conducting a special military operation, determine the increasing role of comparative legal research, the results of which can be used to improve Russian legislation. The article examines the main provisions of the Law of the Azerbaijan Republic dated December 23, 2011 No. 274-IVQ «On military duty and military service», a number of proposals for improving the Federal Law dated March 28, 1998 No. 53-FZ «On military duty and military service» are developed».

**Key words:** public service; military service; military personnel; entry into military service; military service; military registration of citizens; preparing citizens for military service; conscription for active military service; deferment and exemption from conscription for urgent active military service; reserve service; defense; National security; comparative law

### **24. Shestak V.A., Rozhkova E.V. On the current international legal status of illegal combatants**

**Annotation.** The relevance of this study is due to the fact that to this day, in conditions of increasing tension between countries and an increase in the number of armed conflicts, the legal status of persons (illegal combatants), who relatively recently occupied their place in legal terminology, is not regulated by law. According to the generally accepted academic opinion, illegal combatants are persons who are directly involved in hostilities, but are not entitled to such participation. The above problem requires the development of an effective mechanism aimed at the humanization of hostilities, and one of the effective means of implementing this mechanism will be a clear definition of the legal status of persons in armed conflicts and hostilities. The purpose of the study is to comprehensively consider and comprehensively study the international legal status of combatants, the characteristics of this institution, as well as to identify the presence or absence of rights and guarantees for illegal combatants ensuring their international legal security. The methodology of the study is based on the analysis of international legal sources regulating the legal status of illegal combatants, including the Geneva Conventions of 1949 and 2 Additional Protocols of 1977 to them, as well as the norms of the Hague Convention. The study revealed significant differences in the status of legitimate combatants, illegal combatants and civilians.

**Keywords:** illegal combatants, armed conflicts, civilians, prisoners of war, criminal prosecution, guarantees, legal status.

## **2024. № 3**

### **1. Grishchenko L.L. Legal analysis of negative social circumstances contained in the technology of the "color revolution"**

**Abstract.** The "Color Revolutions" are large-scale protest events organized and conducted by destructive forces of the "non-systemic" opposition with anti-state goals. This negative phenomenon, like an internal virus, causes significant damage to the interests of the state in the social, economic and political spheres, and also poses a great threat to the country's military security. This article presents a brief military-legal analysis of one of the negative social circumstances contained in the technology of the "color revolution".

**Keywords:** state and public security, unauthorized mass events, group violations of public order, mass riots, "non-systemic" opposition, "color revolution".

### **2. Ryabtseva T. T., Kholikov I. V. Legal regulation of information security in modern conditions**

**Annotation.** The article analyzes the legal regulation of information security in the modern geopolitical situation based on the proposed concepts of regulation by the Russian Federation.

Trends in the growth dynamics of information security threats are identified. Methods and ways of their improvement in overcoming in relation to existing ones are proposed.

**Keywords:** information and communication technologies, international information security, threats to international information security, modern conditions.

### **3. Sibgatullin F.S., Butov S.V., Mutigullin A.V. Ensuring your own safety in the National Guard troops**

**Abstract.** The article analyzes the definitions of the concept of "security" and approaches to its provision. The author's version of the definition of the concepts of "security" and "own security in Rosgvardiya" is proposed. The content of ensuring their own security in the National Guard troops is revealed. The article reveals the content side of the concept of "Rosgvardiya security". The issue of additional elaboration of the legal status of the Rosgvardiya's own security units and their empowerment in the field of operational investigative activities is being considered.

**Keywords:** own safety, Rosgvardiya, National Guard troops

### **4. Yakovets E.N. About some measures related to counteraction sabotage and terrorist threats in the context of a special military operation aimed at demilitarization and denazification of Ukraine**

**Annotation.** The article analyzes the threats to Russia's security caused by the sabotage and terrorist actions of Ukrainian neo-Nazis. To counteract this, they propose measures related to the revival of military counterintelligence, which operated during the Great Patriotic War. For the same purpose, it is proposed to give the currently being created volunteer formations of territorial defense the basic functions of fighter battalions that functioned during the war. From the standpoint of countering sabotage and reconnaissance groups of the enemy and ensuring border security in new areas of confrontation with the aggressive NATO bloc, the problems associated with the revival of the Russian border troops are analyzed. The legislative framework that determines the implementation of these measures is analyzed.

**Keywords:** sabotage and terrorist activities; underground saboteurs; Ukrainian nationalists; military counterintelligence; volunteer formations; territorial defense; border troops.

### **5. Bezbabnov O.G., Kudashkin V.V. The relationship between military science and military law**

**Annotation.** The components (branches) of military science, among others, are the theory of military art and the theory of military law. The objects of both sciences are military conflict, which is the totality of all actions of the parties using armed forces and other means of influencing the enemy in the interests of achieving political goals.

The relationship between military science and the science of military law is as follows: an integral part of military science is the science of military law, and not military law itself, as a branch of the Russian legal system. Science can study any processes and objects, but only as special objects that make up a specific area that is the subject of scientific interest and knowledge. In this sense, the object of military legal science, including the theory of military law, cannot be questions of the theory of military art. Specific and natural for the knowledge of military science and the science of military law is a single object - the relations of military conflict due to the homogeneity, uniformity and natural essence of reality formed by the relations of armed confrontation in a military conflict. The law that mediates these relations—the law of military conflicts—provides systemic connections between military science and the science of military law.

**Key words:** military conflict, hybrid war, law, legal struggle, legal violence, military science, law of military conflicts, victory, armed struggle, systemic connections, system.

### **6. Kahktsyan A.S. Military law in the context of State and military security**

**Annotation.** This article examines the features of military law and its impact on state and military security. It has been established that military law regulates a significant range of public

relations in the military sphere. The normative legal acts included in the military legislation are characterized by increased demands and categoricity of the provisions set out in them, which has a positive effect on state and military security. The inseparability of state policy in the field of military security and military law, which are aimed at achieving specific strategic goals and solving tasks at the national level, is noted.

**Keywords:** military law, state security, military security, law of armed conflict, sovereignty, state policy.

#### **7. Kolesnikov N.V., Leshchov G.Yu. Technical cover of communication routes in the interests of transport support for the country's defense: a terminological aspect**

**Annotation.** The article analyzes the concept and content of the term "technical coverage". The essence of this concept and various interpretations of such in normative legal acts and scientific literature are studied. The conclusion is formulated that the need to introduce a single definition of the concept of "technical cover" is due not only to the lack of an unambiguous understanding of this concept, but also to the importance of such in order to ensure safety on all types of transport, not only property, but also life, health, and other intangible the **benefits of man and citizen.**

**Keywords:** transport security, technical cover, transport security, transport, state of security, act of unlawful interference, threat, communication.

#### **8. Kudashkin A.V., Bezbabnov O.G. Multi-sphere combat and multi-layered multilevel legal space of military conflicts**

**Annotation.** The article deals with the issues of legal regulation of military conflicts and interaction during the armed struggle of military affairs and legal means. For the first time, such categories of military science and the law of armed conflict as the multilayered and multilevel legal space, the multi-sphere combat space are being raised and analyzed. The issues of terminology in relation to the spheres of armed struggle are subjected to a separate study.

**Keywords:** armed struggle, military law, law of military conflicts, military conflicts, legal means.

#### **9. Malkova N.V. Analysis of the best practices of using artificial intelligence in the legal field**

**Annotation.** The article explores the most effective methods of regulating the use of artificial intelligence in solving legal issues. Various approaches to artificial intelligence management in various countries and legal systems are considered, taking into account their strengths and weaknesses. The article presents strategies for improving legislation and legal practice in the field of artificial intelligence in legal contexts. The work introduces the approaches of different countries to the use of artificial intelligence in legal matters and their extensive experience in this area.

**Keywords:** artificial intelligence (AI), legal sphere, law enforcement practice, ethics, security, transparency, accountability.

#### **10. Glukhov E.A. On some areas of legal regulation of digitalization of document management in military formations**

**Abstract.** The article analyzes the issues of the introduction of electronic document management systems and decision support systems into the activities of military authorities, as well as the design of these innovations of technological progress by appropriate legal norms. Identifying the positive aspects of converting documents into electronic form in military ministries and departments, the author at the same time identifies those areas of activity that need to be regulated by legal acts in order to optimize management activities and prevent violations of the rights of personnel. In addition, the issues of distribution of responsibility between the decision-

maker, the automated system offering a solution (its operator), and the developer of this system are discussed.

**Keywords:** military administration, electronic document management, decision support system, digital law, report, balance of responsibility, unity of command, coordination of documents. de-bureaucratization, automation of management.

**11. Malysheva L.N. The normative process of the Ministry of Defense of the Russian Federation: necessary innovations in the context of a special military operation**

**Annotation.** The article suggests ways to improve the implementation by the Ministry of Defense of the Russian Federation of the powers to regulate the activities of the Armed Forces of the Russian Federation. The author's definition of the "normative legal act of the Armed Forces" is formulated, as well as proposals concerning the streamlining of the activities of the Armed Forces.

**Keywords:** Armed Forces; Ministry of Defense; special military operation; regulatory legal regulation; regulatory legal act; soft law; emergency legal regulation; state registration.

**12. Mintyagov S.A. Improving the organizational and staff structure of the military police of the Armed Forces of the Russian Federation**

**Abstract.** The article considers various variants of organizational (structural) arrangement of the military police of the Armed Forces of the Russian Federation. A comparative analysis with other military law enforcement agencies is carried out, the advantages and disadvantages of different variants of the military police organization are revealed, and the most effective of them is substantiated.

**Keywords:** military police, structure, organization, law enforcement functions.

**13. Mironov V.S., Kharitonov S.S. Financial liability of military personnel and citizens discharged from military service: legal regulation and enforcement (based on materials from military judicial practice)**

**Abstract.** The article analyzes problematic issues of law enforcement practice on bringing military personnel and persons discharged from military service to financial liability through examples from judicial practice.

**Key words:** military service, military personnel, financial liability of military personnel

**14. Pankratyev A.N., Mordovin I.N. The legal basis of the organization of courier and postal communication in modern conditions**

**Abstract.** Based on the study of scientific sources and a consistent analysis of regulatory legal regulation, the article examines the legal foundations of the organization of courier and postal communications for the exchange of military correspondence and mail with troops (forces) stationed on the territory of the Russian Federation and beyond/

**Key words:** courier-mail service, regulatory and legal regulation, military correspondence, postal items.

**15. Koryakin V.M. The State Fund "Defenders of the Fatherland" as a special subject of the military and social policy of the Russian Federation**

**Annotation.** The article discusses issues related to the creation and operation of the State Fund for the Support of participants in the special military operation "Defenders of the Fatherland". The purpose of the Fund, the goals of its activities, management bodies, structure, and the main indicators of its activities over the past year are disclosed. The place of the Foundation in the military-social policy of the Russian Federation is shown, proposals are made to expand the circle of persons in respect of whom the social work of the Foundation is carried out. The status, powers and requirements for social coordinators — employees of the Foundation who work directly with veterans and their families - are considered separately.

**Keywords:** State Fund for Support of participants in the special military operation "Defenders of the Fatherland"; social coordinators; military and social policy; special military operation; social guarantees; social support.

**16. Loboda A.B. Problems of implementation of the Decree of the President of the Russian Federation dated March 5, 2022 No. 98 in the Armed Forces of the Russian Federation**

**Annotation.** The article discusses problematic aspects of the legal regulation of the appointment and implementation of lump-sum payments established by Decree of the President of the Russian Federation dated March 5, 2022 No. 98 "On additional social guarantees for military personnel, persons serving in the National Guard of the Russian Federation, and their family members" in the Armed Forces of the Russian Federation. The ways of solving the identified problems are proposed

**Keywords:** social guarantees, special military operation, death (death), injury (concussion, injury, mutilation), lump sum payment.

**17. Malakhanov A.V. Modern approaches to the use of information technologies in the field of organization of military registration and conscription of citizens of the Russian Federation for military service**

**Annotation.** The article discusses the latest changes in the system of organization of military registration and conscription of citizens of the Russian Federation for military service. The author comes to the conclusion that information technologies in this field of activity are not used effectively and finds a solution to the problem of organizing accounting and conscription of citizens for military service, in which he suggests 1) using a previously created state electronic information resource, 2) filling a state electronic information resource without the participation of an operator directly by authorities, organizations and citizens, 3) provide access to the above information to authorities, organizations, citizens and individuals, carrying out military registration and conscription of citizens for military service in part concerning them.

**Keywords:** military registration, conscription, military commissariat, register of military registration, register of summonses, information technology.

**18. Kholikov I.V., Kirpichnikova M.A. Peculiarities of in-court acknowledgement of persons as “factual caregivers” of servicemen perished in special military operation**

**Abstract.** The article considers the issue of acknowledgement of persons as factual caregivers of servicemen perished in special military operations within the framework of state guarantees and measures of social support of servicemen and their family members. The analyses of the legislation is provided, the differences and similarities of terminology are revealed and the overview of court practice on hearing the cases of acknowledgement of persons as factual caregivers of perished servicemen, including the guardians, not considered as such previously.

**Keywords:** factual caregiver, perished serviceman, special military operation, social guarantees, court decisions.

**19. Bocharov A.V. General characteristics of Spanish military vessels**

**Abstract.** The author, based on an analysis of legislation and publications, conducts a study of the features of legislative regulation of the formation and activities of military courts in Spain. Ways to integrate military courts into the general judicial system are being explored, while complying with the requirements of the European Union. The uncertainty in delimiting the competence of courts of general jurisdiction and military courts, as well as the principles for determining jurisdiction, is revealed. The author identifies the problems of the formation and operation of military courts from representatives of the military legal corps without the participation of professional judges.

**Key words:** military courts of Spain, principles of formation of military courts, Central

Military Court of Spain, military personnel of the military court of Spain.

**20. Shumilin A.V. Comparative legal analysis of military courts of the Republic of Tajikistan and the Russian Federation**

**Annotation.** The article provides a comparative legal analysis of the system of military courts of the Republic of Tajikistan and the Russian Federation, reveals the main differences between them, and draws conclusions about the reasons for these differences.

**Key words:** judicial power, courts, military courts, system of military courts, military courts of Tajikistan and Russia.

**21. Ermolovich Ya.N. Current issues of criminal liability for the imposition of an unjust sentence**

**Annotation.** The article examines the problematic issues of constructing the criminal law norm provided for in Article 305 of the Criminal Code of the Russian Federation, the qualification of this crime, the imposition of criminal penalties, analyzes statistical indicators of criminal record and crime, and assesses the effectiveness of criminal liability provided for the crime in question.

**Keywords:** criminal law, judicial power, interests of justice, crimes against state power, crimes against justice, the imposition of a knowingly unlawful sentence, decision or other judicial act.

**22. Zyubanov Yu.A. Voluntary surrender**

**Annotation.** The article sets out the provisions of the corpus delicti provided for in Article 352.1 of the Criminal Code of the Russian Federation "Voluntary surrender", taking into account its historical development. Its object and subject, the objective and subjective side of this crime are revealed. The conclusion is substantiated that the criminalization of voluntary surrender is conditioned by the objective realities of our time, and the new criminal article will contribute to the proper establishment of the procedure for military service during special periods.

**Keywords:** criminal law, voluntary surrender, corpus delicti.

**23. Kirichenko N. S., Alexandrova N.G. New in the criminal law, expressed in the release of criminal punishment and liability in connection with conscription in special conditions**

**Abstract.** The conduct of a special military operation by the Russian Federation necessitates the publication of legislative and other regulatory legal acts aimed at improving the defense capability of our state, as well as optimizing various public relations. This issue includes, among other things, changes to criminal legislation, expressed in strengthening or mitigating responsibility for the commission of certain types of crimes during special periods of time. This article will present a brief military-legal analysis of the changes made to the Criminal Code of the Russian Federation in the form of exemption from criminal punishment or liability in connection with conscription, as well as the legal conditions necessary for this.

**Keywords:** Criminal Code, exemption from criminal punishment, exemption from criminal liability, military crimes, military service, special military operation, mobilization, martial law, wartime, national security, military security.

**24. Novokshonov D.V. Features of criminal liability of military personnel for crimes committed during a special military operation**

**Annotation.** The paper analyzes legislation regulating the issues of criminal liability of military personnel during mobilization, during martial law or during wartime, in respect of which the preliminary investigation has been suspended, as well as exemption from criminal liability, including current legislative changes on criminal liability for crimes against military service.

**Keywords:** crimes against military service, criminal liability of military personnel, martial law, wartime, the period of mobilization.

**25. Slobodanyuk I.A., Vasiliev D.V. Grounds and prospects for legislative changes in the field of criminal liability of persons involved in participation in a special military operation**

**Annotation.** In this article, in connection with the system of norms currently in force in criminal legislation, a general description of the mechanism for exemption from criminal liability and punishment, causing repeated legislative changes, will be given, taking into account possible problems of a criminal law and criminal procedural nature in connection with its application and some prospects, ways their permission.

**Key words:** special military operation, mechanism for exemption from criminal liability and punishment, legislative material, criminal law.

**26. Spivakov P.A., Roganov S.A., Shaposhnikov A.A. Criminological determinants of the emergence of extremist crime**

**Abstract.** This scientific article explores the criminological determinants that determine the formation of the subjective side of extremist crimes. The article identifies various social, psychological and economic factors contributing to the formation of extremist beliefs and motivations. The authors also consider the role of the information sphere in the dissemination of extremist propaganda and the involvement of sympathizers. The features of criminological determinants of extremist crimes are formulated in order to develop effective measures to prevent and combat this phenomenon.

**Keywords:** extremism, defamation, legal nihilization, public opinion leader, crime prevention, agitation, propaganda, information sphere.

**27. Chukin D.S. On the need to observe the principle of justice in lawmaking and law interpretation**

**Summary.** Federal Law No. 365-FZ of September 24, 2022 introduced large-scale changes to Chapter 33 of the Criminal Code of the Russian Federation. Noting the generally positive effect of these novels, at the same time it has to be stated that some elements of crimes that deserve restructuring have remained the same, and a number of innovations seem controversial. In particular, many signs of compounds related to the commission of military crimes in special conditions do not have legal definitions, which makes it difficult to qualify them. Resolution of the Plenum of the Supreme Court of the Russian Federation dated May 18, 2023 No. 11 "On the practice of consideration by courts of criminal cases of crimes against military service", having clarified many difficult issues, left some aspects unattended, and certain provisions of this interpretative act are not always articulated properly. It is stated that the legal uncertainty arising in this regard and the judicial discretion generated by this does not contribute to the observance of the principle of justice

**Key words:** criminal law, crimes against military service, interpretation of the criminal law, analogy of the law, the principle of justice

**28. Vlasov S.Yu., Kharitonov S.S. Reading by military courts of the norms of criminal procedure legislation (based on judicial practice)**

**Abstract.** The article presents excerpts from the appeal rulings of some district military courts, published on official websites, from which certain inaccuracies are visible in the interpretation by garrison military courts of certain legal regulations set out in the Code of Criminal Procedure of the Russian Federation.

**Key words:** judicial practice of military courts, criminal procedure legislation.

**29. Girko S.I., Kharchenko S.V. Some typical situations that arise during the disclosure and investigation of crimes committed in special conditions**



**Annotation.** The article deals with the issues of detection, prevention, disclosure and investigation of crimes in special conditions. In addition, it is noted that when special conditions arise, the operational situation sharply worsens. Thus, there are facts of loss of life; strong psychological pressure (shock) is exerted on the population; the process of normal functioning and management in various spheres of society and the state is disrupted; large material losses of various types of property occur; the life support system is disrupted; loss of documents of citizens and official documentation of legal entities is noted, etc.

**Keywords:** law enforcement agencies, crime fighting, special conditions, emergencies, criminal threats, organized groups, organized criminal formations, disclosure, investigation of crimes.

**30. Mozgovoy Y.S. Fundamentals of forensic characteristics of evasion from performing military service duties by simulating illness or other ways**

**Abstract.** In the light of legislative changes, the need for additional study of the issues of investigating evasion of military service duties by feigning illness or other means is substantiated. The author, citing his own investigation experience, analysis of the studied criminal cases and scientific literature, offers his own structure of forensic characteristics.

**Key words:** military service; forensic characteristics; method of crime; traces of a crime; illness simulation; forgery of documents; another deception.

**31. Nikonovich S.L., Mozgovaya D.A. On the issue of recommendations on the tactics of interrogation of elderly people in the liberated territories of the Donetsk People's Republic and the Luhansk People's Republic**

**Abstract:** The author, based on an analysis of scientific works and the practice of investigating criminal cases, comes to the conclusion that older persons are included in the modern criminal process. However, until recently, this issue was not given due attention in scientific research. To date, there is a small number of works devoted to interrogation tactics of older people. The article substantiates the need for further research into the problems of obtaining testimony from older people.

**Keywords:** interrogation, elderly people, old age, tactical technique, recommendations.

**32. Titov P.M., Rukavishnikova G.A. Identification of users in the information and telecommunication network as a way to counteract certain types of crime**

**Abstract.** The article discusses the issues of user identification in social networks. Special attention is paid to the problem of protecting personal data of citizens. Based on the above arguments, the authors of the article come to the conclusion about creating the most complicated process of registering users on the Internet, by requesting a photo from a citizen against the background of a special code or a social network site, as well as the need for the gradual introduction of biometrics for subsequent user authentication when logging into a social network.

**Keywords:** identification, social networks, crime prevention, biometrics, data protection, information and telecommunication networks, authentication, cyberspace.

**33. Borisov A.V. On the issue of types of war crimes under international criminal law**

**Annotation.** The article presents the characteristics of international treaties and conventions regarding the definition of types of war crimes under international criminal law, and also reveals the system of types of war crimes under international criminal law.

**Keywords:** war crimes, international military law.

**34. Redkous V.M. Legal status of military personnel under the law Republic of Azerbaijan**

**Resume.** The needs to improve Russian legislation on the status of military personnel, caused by the increasing importance of the activities of military personnel to ensure the defense

and security of the state, the factor of conducting a special military operation, determine the increasing role of comparative legal research, the results of which can be used to improve Russian legislation. The article examines the main provisions of the Law of the Azerbaijan Republic dated December 25, 1991 No. 36 «On the status of military personnel», a number of proposals are developed to improve the Federal Law dated May 27, 1998 No. 76-FZ «On the status of military personnel».

**Key words:** public service; military service; military personnel; entry into military service; military service; military registration of citizens; preparing citizens for military service; conscription for active military service; deferment and exemption from conscription for urgent active military service; reserve service; defense; National security; comparative law