

**Abstracts and keywords of articles,  
published in the journal "Military law" in 2022**

**2022. № 1**

**1. Aulov V.K. Information warfare: "soft power" and other related categories of military law**

**Abstract.** The article examines the question of the correlation of the terms "non-military measures" and "non-military means" with the English lexeme "soft power". Based on the results of the analysis, the author comes to the conclusion that the use of "soft power" technologies is productive only as a formally non-combat instrument of political pressure on independent subjects of geopolitics at the stage immediately before active offensive military actions on enemy territory. Russia's peace-loving state policy, based on the doctrine of deterrence and prevention of military conflicts, excludes any aggressive actions on its part. For this reason, the destructive and illegal use of "soft power" by the Russian Federation in order to interfere in the internal affairs of sovereign states is excluded. The displacement of the terms "non-military measures" and "non-military means" from the Russian military legal thesaurus by the English lexeme "soft power" and other semantic constructions derived from this term is regarded by the author as an example of a successful information operation and an illustration of the vulnerability of carriers of the Russian military lexicon to information and psychological influence.

**Keywords:** non-military measures, non-military means, soft power, informational and psychological impact.

**2. Grishchenko L.L. On the impact of the situation when military personnel perform service and combat tasks on the procedure for bringing them to financial responsibility**

**Abstract.** The involvement of military personnel in material responsibility is in most cases not a complicated procedure performed by officials of a military unit (organization) at points of permanent deployment. At the same time, the implementation of such a procedure can be significantly complicated if it is carried out in areas where military personnel perform service and combat tasks. This article is devoted to the influence of the situation of performing such service and combat tasks on the procedure of bringing military personnel to material responsibility.

**Keywords:** serviceman, material responsibility of military personnel, material damage, military unit, service and combat task, combat situation

**3. Korzhevsky A.S., Andreev A.F. Transformation of military dangers into military threats: political and legal realities of strategic planning documents of the Russian Federation**

**Abstract.** The necessity of re-qualification of certain military dangers into military threats of the Russian Federation is substantiated. Technical and legal techniques and means of correlation of strategic planning documents are determined.

**Key words:** military danger, military threat, transformation, reclassification, correlation.

**4. Mintyagov S.A. Activity of the military police of the Armed Forces The Russian Federation in wartime: the legal aspect**

**Abstract.** The article examines the legal basis for the activities of the military police of the Armed Forces of the Russian Federation in wartime. The author highlighted certain types of activities in the period under review: tasks assigned to the military police to protect the life and health of the rights and freedoms of servicemen, maintain military law and order, and discipline, oppose crime; tasks to ensure measures during martial law; participation in territorial defense;

peacekeeping tasks for the maintenance of international peace and security. In addition, the legal status of military policemen performing tasks in wartime has been determined.

**Key words:** military police; wartime; peacekeeping; martial law; territorial defense.

#### **5. Shnyakina T.S., Slivkov A.S. National defense as the most important direction of ensuring national security and sustainable development of the Russian Federation**

**Abstract.** The article provides an overview of new approaches defining key concepts of the Strategy of the National security of the Russian Federation, approved by the Decree of the President of the Russian Federation of July 2, 2021 № 400. Analyzed are the new provisions on the state's defense in a series of national interests and strategic national priorities of the Russian Federation in comparison with previously established provisions that have expired by the Decree of the President of the Russian Federation of December 31, 2015 № 683 "On the Strategy of the National security of the Russian Federation".

**Keywords:** strategy of the national security; national security; national interests; strategic national priorities; defense; sustainable development; armed forces; population.

#### **6. Yakovets E.N. Whose voice will be louder?**

**Annotation.** The article analyzes measures to counter cognitive wars unleashed by NATO countries. The main steps related to the neutralization of enemy propaganda during the Great Patriotic War are analyzed. It is concluded that the most important direction of this work was radio propaganda. It talks about the rapid development of domestic long-range radio communications in the Soviet period. The reasons are considered, as a result of which radio stations operating on long, medium and short waves in post-Soviet Russia stopped broadcasting. Arguments are given in favor of restoring long-range radio communications as a powerful mouthpiece of the state, allowing to resist the anti-Russian propaganda of the West; as an essential element of the communications system that prevents the disintegration of the country; as an indispensable condition for improving the educational and intellectual level of the population; as a pledge of operational preparedness for emergency situations; as an effective means in solving a number of tasks assigned to the defense department.

**Keywords:** cognitive warfare; army counter-propaganda; powerful radio stations; ensuring national security; long-range analog radio communication; public warning signals; over-the-horizon radar; electronic warfare; long-range radio navigation support.

#### **7. Akilov M.A. Basic principles of legal regulation of professional training of junior specialists of border agencies of the Federal Security Service**

**Annotation.** The article is devoted to the analysis of scientific and legal literature concerning the activities of border authorities for the professional training of junior specialists of border authorities of the federal security service. In this article, the author examines the principles that reflect the most significant aspects of the vocational training of junior vocational training and, based on the analysis of scientific information, classifies these principles into groups.

**Keywords:** border authorities, junior specialists, professional training, legal principles.

#### **8. Glukhov E.A. Principles of military law in the field of military administration**

**Abstract.** The article examines the principles of military-administrative law concerning the military administration and construction of the Armed Forces (other military bodies). Taking into account the current trends in changing legislation and the socio-political development of society, the author critically analyzes the principles already quite well-established in the science of military law, states for some of them trends towards transformation. In addition, the legal principles given in the article correspond to the objectives of legal regulation.

**Keywords:** legal principles, military administration, unity of command, centralization, responsibility of military personnel, detailed regulation, military duty, incentives and restrictions in military service, information secrecy.

**9. Grishchenko L.L., Alexandrova N.G. Material liability of employees of internal affairs bodies and military personnel for damage caused to state property: comparative legal analysis**

**Annotation.** Military service and service in law enforcement agencies belong to the public service. To some extent, there are similarities and differences in these types of service. The legal status of these categories of employees, which determines the issues of bringing them to justice, also has some similarities and differences. In this article, we will consider the issues of bringing military personnel and employees of internal affairs bodies to material responsibility for damage caused to property belonging to the organization in which they serve.

**Keywords:** material responsibility of military personnel, responsibility of employees of internal affairs bodies, public service, material damage.

**10. Zakharov P.A. On the issue of the current state of legal regulation administrative investigation: fundamental contradictions and prospects**

**Annotation.** This article attempts to uncover and disclose the key contradictions of the modern legal regulation of administrative investigation conducted in cases of administrative offenses, as well as to identify specific causes of dissonance, the interpretation and elimination of which seems to the author a necessary step to a new qualitative level of regulatory regulation of administrative investigation. The practice of the highest judicial bodies of the Russian Federation, individual provisions of the current and future administrative procedural legislation is subjected to critical analysis.

**Key words:** Administrative proceedings, 'de facto' administrative investigation, problem, border authorities.

**11. Korobkov V.S. On the issue of legal aspects of ensuring the protection of information constituting a state secret in the field of defense, when manning the**

**Abstract.** The article discusses the protection of state secrets as one of the main activities of the Armed Forces of the Russian Federation, which includes the procedure for admitting civilian personnel. In the context of the proposed definition of the concept of "information constituting a state secret in the field of defense", the author analyzes the legal grounds for the emergence of obligations of federal state civil servants and employees of the Armed Forces of the Russian Federation on the non-proliferation of information entrusted to them constituting a state secret.

**Keywords:** defense , state secrets, protection of information constituting state secrets, manning of the Armed Forces , personnel of the Armed Forces, civilian personnel, federal civil servants, employees, obligation, contract, employment contract.

**12. Tuganov Yu.N., Grigoriev S.A. Legal regulation of making submissions in the field of protection State border**

**Annotation:** The article examines the right of officials of border agencies to make representations on the elimination of the causes and conditions conducive to the commission of offenses. Some problems of legal regulation of making representations are identified with a proposal for ways to solve them.

**Key words:** presentation, officials of border agencies, measures for the prevention of offenses.

**13. Shenshin V.M. On the participation of federal civil servants of the National Guard troops of the Russian Federation in the management non-profit organizations on a gratuitous basis**

**Abstract.** Attention is focused on the legalization of the procedure for federal civil servants of the National Guard troops of the Russian Federation to obtain permission from the employer's representative to participate on a gratuitous basis in the management of non-profit organizations. It is concluded that this trend is characteristic of many government agencies. Parallels are drawn with the legal regulation of the issue under consideration in the Administration of the President of the Russian Federation and the State Duma of the Federal Assembly of the Russian Federation. The thesis that the participation of federal civil servants of the National Guard troops on a gratuitous basis in the management of non-profit organizations will not lead to a conflict of interests or the possibility of a conflict of interests in the performance of official (official) duties is questioned.

**Keywords:** Administration of the President of the Russian Federation; State Duma of the Federal Assembly of the Russian Federation; federal civil servant; National Guard troops; management of a non-profit organization.

**14. Kinashenko I.A. About the proper defendant in cases related to the judicial protection of the housing rights of military personnel**

**Annotation.** The article deals with the issues of judicial protection of housing rights of military personnel. The main place is given to determining the definition of the proper defendant in these cases. It is shown that in various state bodies in which military service is provided by law, various bodies act as a defendant in housing disputes. In the Ministry of Defense of the Russian Federation, such is the Department of Housing and Housing Management of the Ministry of Defense of the Russian Federation and the FSAU "Roszhilcomplex" subordinate to it. The latter includes seven branches formed on a territorial basis. In other state bodies (Rosgvardiya, FSB of Russia, FSO of Russia, etc.), these functions are performed by collegial bodies - housing commissions. In some cases, the relevant military administration bodies, as well as commanders (chiefs), may act on cases related to the protection of the housing rights of military personnel.

**Keywords:** right to housing; protection of housing rights of military personnel; specialized organizations of the Ministry of Defense of the Russian Federation; housing commissions; proper defendant.

**15. Lychev D.I., Nezhdanova O.D. About some aspects of providing housing for veterans The Great Patriotic War in Mordovia**

**Annotation.** The article reflects some aspects of legal relations related to the provision of residential premises by state bodies to persons who have the status of a veteran of the Great Patriotic War, as well as other persons with a status that allows improving housing conditions. The article presents various points of view on the problem of housing veterans of the Great Patriotic War, as well as some other categories of persons in accordance with the legislation of the Russian Federation and Mordovia.

**Keywords:** the right to housing; veterans of the Great Patriotic War; war invalids.

**16. Tarasenko Yu.A. How to recognize a spouse's child from a previous marriage as a family member of a serviceman**

**Abstract.** The law provides certain benefits and guarantees to a serviceman, which also apply to his family members. Based on the meaning of the law, family members of a serviceman can be considered either blood relatives (children from a common marriage), or adopted children, or dependent on him. This situation leaves unresolved the relationship when the spouse of a serviceman has a child from a previous marriage. According to the meaning of the law, he cannot be considered as a family member of a serviceman, and therefore cannot count on social

guarantees. It is not always possible to adopt or recognize such a child as a dependent. As a result, a situation is created that infringes both the rights of such a child and the family of the serviceman as a whole. A way out can be found by referring to the broad interpretation of the category "family of a serviceman". Industry legislation (in particular, the Housing Code of the Russian Federation) allows for the recognition of a spouse's child from a previous marriage as a member of a serviceman's family when deciding on the provision of living space. Having instilled such a child, it is possible to raise the issue of recognizing the status of a family member of a serviceman in court.

**Keywords:** serviceman, marriage, family member, benefits, evidence, child, dependent, registration; living space.

#### **17. Tsutsiev S.A. On the issue of professional self-realization of women in the Armed Forces of the Russian Federation**

**Annotation.** Military service has long ceased to be an exclusively "male" type of activity. Women confidently master new military professions (specialties, types of work), thereby decisively expanding their role and importance in ensuring the combat capability of the army and navy. The article is devoted to the consideration of the issue of expanding the opportunities for professional self-realization of women in the Armed Forces of the Russian Federation from the standpoint of scientific validity and practical expediency. The peculiarities of the female body, as it turned out, are not an insurmountable obstacle to their career growth, nevertheless, the degree of success of women mastering a particular military profession (specialty, type of work, etc.) depends on additional, timely, preventive (corrective) decisions of a hygienic (preventive) orientation, scientifically based and legally fixed in the format of military service security.

**Keywords:** female serviceman, hygiene, prevention, professional self-realization.

#### **18. Zaikov D.E. The right to receive qualified legal assistance: features of implementation in the Armed Forces of the Russian Federation**

**Annotation.** In accordance with Part 1 of Article 48 of the Constitution of the Russian Federation, everyone is guaranteed the right to receive qualified legal assistance, and in cases established by law, citizens are entitled to receive such assistance free of charge. The implementation of this provision in the Armed Forces of the Russian Federation has specifics due to the functions performed by them, as well as the peculiarities of the legal status and activities of the legal service of the Armed Forces of the Russian Federation. The author examines the shortcomings of the legal regulation of the activities of the non-standard legal advice of the garrison and suggests ways to resolve them.

**Key words:** qualified legal assistance, military personnel, non-standard legal advice of the garrison, a lawyer.

#### **19. Roshchin S.R. Legal expertise in the activities of the legal service: regulatory legal regulation and the Russian Guard problematic aspects**

**Annotation.** In the article, the author examines the concept of legal expertise of draft regulatory legal acts carried out by the legal service of the National Guard of the Russian Federation. Solving this problem, a legal mechanism is revealed that regulates expert activity in the established areas. Based on the study of scientific literature and legal norms, certain contradictions of departmental regulatory legal regulation are substantiated. The author's view of the ways of resolving these contradictions is given and it is noted that they could be resolved by making appropriate changes. The scientific results of the work can be used in conducting research on the problems of military law, as well as in the educational and educational process of military universities.

**Key words:** legal control; legal expertise; legal departments; legality; regulatory legal act; research principles.

**20. Avdonkin V.S. Organization of the work of the military court, which considered the case at first instance, upon receipt of cassation complaints, representations, complaints, protests against judicial acts that have entered into force**

**Annotation.** The article deals with the issues of organizing the work of a military court acting as a court of first instance, upon receipt of cassation complaints, representations (complaints, protests). These issues, based on a systematic analysis of procedural legislation and regulatory legal acts regulating the issues of office work in military courts, are presented primarily in the form of a general procedure for organizing the work of a military court that reviewed the case at first instance, at the stage of cassation proceedings, characteristic of them for all types of legal proceedings, and if necessary, the specifics of organizing such work related to one or another type of legal proceedings are given.

**Keywords:** criminal, civil and administrative proceedings, cash proceedings, clerical work in military courts, organization of military courts.

**21. Kalashnikov V.V. On some issues of the organization and activity of military courts during mobilization and in wartime**

**Resume.** The subject of this article is the peculiarities of the activities of military courts during the period of mobilization and in wartime. According to the author, the activity of courts is impossible during the indicated periods without a prepared reserve, involvement in defense and military service.

**Keywords:** military courts, mobilization, wartime, supply for military courts

**22. Koryakin V.M., Sandyreva E.V. Some conclusions from arbitration and judicial practice in cases involving the participation of military organizations in outsourcing relations**

**Annotation.** The article analyzes the judicial practice of arbitration courts of the Russian Federation in cases involving the participation of military organizations in outsourcing relations. The meaning of such relations is that military organizations on a contractual basis transfer some of their functions of a supporting nature to third-party, external organizations. Such a model of organization of economic activity pursues a twofold goal: firstly, it frees military personnel from performing various kinds of household work (cleaning of premises and territory, canteen outfits, etc.) and allows them to devote more time to their main task — combat training; secondly, the performance of these functions is entrusted to performers with relevant experience in providing services, having qualified personnel for these purposes. At the same time, as shown in the article, problems often arise between the parties to the outsourcing contract related to poor-quality and untimely fulfillment of obligations. From the analysis of judicial practice carried out in the article, some conclusions and recommendations are formulated to improve this work, to more effectively protect the legitimate interests of military organizations in arbitration courts.

**Keywords:** outsourcing; government contract; arbitration court; claims procedure for dispute resolution; provision of services to military organizations.

**23. Girko S.I., Kharchenko S.V., Khaziulin V.B. Some features of the methodology of investigation of crimes committed in the provision of medical care**

**Annotation.** The article updates the issue of health care workers' responsibility for crimes in childbirth. The legal justification for state protection of the human foetus during the act of childbirth is given. The necessity of introducing special criminal liability of medical workers is considered.

**Keywords:** protection of life and health, health worker, human fetus, childbirth, delivery, childbirth act, crimes in the medical profession, criminal liability.

**24. Izotov D.M., Kharitonov S.S. Cancellation or modification of a court decision in relation to the content of Article 38916 of the Criminal Procedure Code of the Russian Federation on examples from decisions of military courts**

**Resume.** The publication demonstrates the validity of changing or canceling court decisions in appeal proceedings based on the example of decisions of military courts in case of a discrepancy between the conclusions of the court set out in the judicial act and the actual circumstances of the case.

**Key words:** military courts; grounds for changing or canceling court decisions; appeal decision.

**25. Kubasov D.V., Shevchuk A.N. Criminal procedural competence of the military police Armed Forces of the Russian Federation**

**Annotation.** The article examines issues related to the theory and practice of the organization and criminal procedural activities of the military police in the Armed Forces of the Russian Federation. The ways of solving the existing problems in this regard are proposed, aimed at improving the efficiency of the functioning and further development of the military police as bodies of inquiry.

**Keywords:** military police; military investigative bodies; body of inquiry in the Armed Forces of the Russian Federation; criminal process; investigator; legality; competence; powers of military police.

**26. Kursky V.F., Nikonovich S.L., Kaïrgaliev D.V. On the disclosure and investigation of crimes involving the deliberate destruction and damage of military property committed by arson**

**Abstract.** The article presents the author's view on the formation of the conceptual apparatus and terminology of the investigation of crimes related to the intentional destruction or damage of military property (by arson). The authors consider the situation and methods of arson, the study of which contributes to the prompt identification and exposure of a suspect in the commission of arson. The role of a forensic specialist in the investigation of arson is also being considered.

**Keywords:** criminalistics, stages of the crime, crime scene, destruction or damage of military property by arson, the role of a forensic specialist.

**27. Samokhina V.N. Criminal punishment in domestic criminal law**

**Annotation.** The purpose of the study of this article is to consider the concept of punishment, its general principles, as well as its internal content, for which the analysis of normative legal acts containing the general principles of criminal punishment is carried out, the principles of criminal punishment are studied, the rules for assigning criminal punishment, its preconditions and the procedure for application are considered. The object of the article's research is such a social phenomenon as a crime and its consequences in the form of punishment. It is important to understand that punishment is the state's response to human actions that would be defined as a crime. One of the most important points regarding criminal punishment is its implementation. In the event that mistakes are made in the implementation of criminal punishment, this can lead not only to a weakening of the possibility of combating crime, but also serve as a reason for its growth. Also, in the case of ineffectiveness of criminal punishment, the authority of the state and the executive and judicial authorities is called into question.

**Key words:** crime; criminal penalty; states; a person who has committed a crime; cause and investigation.

**28. Sotnikova V.V., Tereshchenko V.S., Tereshchenko S.V. On the issue of reckless co-occurrence in criminal law: problems of theory and practice**

**Annotation.** The article examines the institution of reckless co-occurrence, the essence of which is joint acts, expressed in the form of an action or inaction, of two or more persons, inadvertently predetermined the onset of uniform socially dangerous consequences and also suggests ways to solve problematic issues arising in the course of law enforcement agencies.

**Keywords:** complicity, crime, negligence, criminal law.

29. **Sudenko V.E.** The role and significance of legitimate interests in transport crimes

**Annotation.** The article deals with problematic issues related to the definition of the concept and content of one of the most controversial elements of the composition of a transport crime, namely the object of the crime. Quite a long time of disputes about this element of the corpus delicti could not lead to any uniform definition of it, which led to the emergence of various definitions of it. In the modern period of the development of criminal law science, domestic theorists of criminal law most often understand social relations, human interests, organizations of society, the state, the benefits of a person, and sometimes the subject to which a criminal encroachment is committed, as the object of a crime. There is also a representation of a person as an object of any socially dangerous behavior, that is, crimes. The author makes an attempt to briefly investigate the definitions of the object of crime in the form of public relations and human interests. At the same time, it is said about the legitimate interests of people, and not just about interests, since the author believes that it is not only possible, but in fact there are counter-legitimate (illegal) human interests, which can and are encroached upon by guilty persons. Such illegal interests include cases of theft of someone else's property from a person who had previously stolen it, as they say, "a thief stole from a thief." The cases of ignoring the legitimate interests of the victim by law enforcement officers while simultaneously protecting the illegal interests of another person are given. This is often found when the courts consider motor vehicle accidents committed by so-called "obochechniki" and similar persons, which draws the attention of the Supreme Court of the Russian Federation.

**Keywords:** the composition of the crime; the object of the crime; the interests of society; the interests of the state; legitimate human interests.

30. **Chukin D.S., Pronin K.V.** On the question of the legality of the seizure when checking a crime report

**Summary:** the article analyzes the provisions of the regulatory legal acts of the Russian Federation, regarding the establishment of procedural requirements for the seizure by the investigator when checking a crime report. It is stated that there is legal uncertainty in the question of what investigative actions can be carried out before the initiation of a criminal case. There is a lack of a unified approach to this issue in the criminal procedure doctrine, and judicial practice contains essentially heterogeneous solutions. It is recommended to determine at the legislative level what investigative actions can be carried out when checking a crime report.

**Key words:** inquiry, investigative actions, seizure, verification of a crime report.

31. **Konovalov G.G., Nikonovich S.L., Kairgaliev D.V.** Development of military criminal legislation and forensic examination in Mongolia

**Abstract.** The article examines the main stages in the development of forensic activity in Mongolia from 1820 to the present.

**Keywords:** Mongolia, forensic institutions, stages of development of forensic expertise.

32. **Redkous V.M.** Some issues of the development of legal support for counteraction corruption in Russia and the CIS member states Independent States in 2021

**Resume.** The article highlights the main directions of development of legal support for combating corruption in the Russian Federation and the CIS member states, taking into account the adoption of both strategic planning documents, conceptual and doctrinal in nature, and other regulatory legal acts that constitute the legal basis for combating corruption at the end of 2021. The necessity of continuing comparative legal research in the field of combating corruption and adapting the positive foreign experience of legal regulation of combating corruption in the Russian context has been substantiated.



**Key words:** state policy in the field of combating corruption; public service; citizens; civil society institutions; corruption; anti-corruption; fighting corruption; corruption offense; minimization of the consequences of corruption offenses; elimination of the consequences of corruption offenses; prohibitions; restrictions; duties; settlement of conflicts of interest; verification of the accuracy and completeness of information on income, expenses, property and property obligations; administrative, criminal and criminal procedural influence; protection of restricted information; subjects of the Russian Federation; purchases of goods, works, services; provision of state and municipal needs; anti-corruption expertise of regulatory legal acts; anti-corruption education; the international cooperation; digital technologies; National Anti-Corruption Plan; The Russian Federation; member states of the Commonwealth of Independent States.

## 2022. № 2

### 1. Alekseyev K.V. Russian language in the Armed Forces of the Russian Federation as an object of national security

The article considers the Russian language in the Armed Forces of the Russian Federation as an object of the national security of the Russian Federation, briefly describes the threats associated with the current state of the state language of Russia. The need for scientific understanding of the state of the Russian language in the Armed Forces of the Russian Federation at the present stage and the development of a system of measures to introduce the principles of high-quality oral and written speech into the army environment are especially substantiated, proposals are formulated to improve the literacy of future officers.

**Keywords:** Russian language, national security, the Armed Forces of the Russian Federation, an object of national security, a military university.

### 2. Aulov V.K. The concept, causes and sources of information threats: the formal legal context

**Abstract.** The author, based on the semantic analysis of the terms "information threat", "threat to the information security of the Russian Federation", offers an explanation of the legal reality of the concrete legal manifestation of such threats by extrapolating the provisions of paragraph 57 of the National Security Strategy to the established categories of the legal institution of legal responsibility.

**Keywords:** national security of Russia, military security, threat to information security of the Russian Federation, information threats, information security.

### 3. Kirillov N.P. Socio-legal aspects of the security of military service in the national security system Of the Russian Federation

**Annotation.** The article considers the socio-legal aspects of the security of military service (MEN) in the national security system of the Russian Federation and the specifics of their disclosure in the educational process of higher military educational institutions of the Ministry of Defense, taking into account the requirements of the National Security Strategy of the Russian Federation 2021.

**Keywords:** security of military service; life safety; serviceman; personality, person; security of personality, society, state.

### 4. Koryakin V.M. Modern problems and prospects of ensuring the national security of the Russian Federation

**Annotation.** The article is a review of the fundamental scientific work "Projected challenges and threats to the national security of the Russian Federation and the directions of their neutralization", published at the end of 2021, prepared by a team of authors under the auspices of the leading military scientific center of Russia - the Military Academy of the General

Staff of the Armed Forces of the Russian Federation. The scientific work comprehensively and comprehensively analyzes the current and projected challenges and threats to the national security of the Russian Federation, their impact on the life of Russian society, regional and spatial security of the state in the XXI century. Based on the results of the analysis, the authors identified the main directions for improving the national security system of the Russian Federation, developed proposals to the military and political leadership of the country on the use of preventive measures to neutralize the predicted challenges and threats to national and international security using the full range of available and promising forces and means of the Russian state.

**Keywords:** national security; military security; challenges and threats to national security; neutralization of military threats.

#### **5. Svininyh E.A., Yakovlev M.A. Restrictions on human rights within the framework of administrative and legal regimes for border security in the post-Soviet States**

**Abstract.** The authors reveal the results of a comparative legal study of human rights restrictions as components of special legal regimes to ensure border security in the post-Soviet states. Consistently describes the restrictions applied by the legislators of these states, which are elements of the regimen of the state border, the border regimen and the regimen at the state border check-points. Based on the analysis of the identified restrictions on human rights, theoretical conclusions are made and proposals for improving Russian legislation are formulated.

**Keywords:** human rights; border security; the regimen of the state border; the border regimen; the regimen at the state border check-points.

#### **6. Grishchenko L.L., Korabelnikova Y.L. War as a tool for the realization of economic ambitions**

**Annotation.** The article provides a brief historical analysis of the causes and causes of the emergence and conduct of wars from the ancient world to the present. Considering the beneficiaries of wars, the authors conclude that certain groups and communities realize their economic interests exclusively in them. Based on the economic theory of Karl Marx, the article reveals some causal relationships created in modern society and shows the origins of military confrontation in today's world. Concluding that the main beneficiaries of modern wars and armed conflicts were representatives of the industrial and banking capital of the West, the authors point to the artificial creation of contradictions in the modern world. It is the desire to obtain superprofits that is the basis of their protectionist activities, through lobbying their interests in political, spiritual, ideological, demographic, informational and other spheres of life of the population in many countries of the world. Forming pleasing political structures, the oligarch dictates his demands to them, which are implemented by governments, including through the tools of war.

**Keywords:** war, economic interests, society, industry, banks, capital.

#### **7. Roshchin S.R. From the internal Guard to the troops of the National Guard of Russia: periodization of the genesis of their legal service**

**Annotation.** In the article, based on the study of normative legal documents, archival sources and scientific and historiographical data, the periodization of the genesis of the legal service of the National Guard troops of the Russian Federation is carried out. The author consistently examines the scientific literature, provides methodological principles adequate to the goals and objectives of the study, develops and applies the criteria for periodization. When analyzing the periods of formation and development of the legal service at each stage, the normative legal foundations of its activities, structure, functions and tasks, as well as the scope of the powers granted are illustrated. It is noted that in various time periods, legal service in the military practically did not exist, however, the need to solve the problems of legal support for activities led to the creation of independent legal units. At the present stage, the legal service of

the National Guard troops of the Russian Federation has the status of a legal service of the federal executive authority, where federal law provides for military service — Rosgvardiya. The scientific novelty of the work includes the definition of the criteria for the periodization of the genesis of the legal service and the identification of the stages of the formation and development of the existence of the legal service from the beginning of the existence of the internal guard of the Russian Empire to the present, sequentially, without chronological gaps. The results of the study can be used in the study of problems of military law, as well as in the pedagogical process of military-legal specialization.

**Keywords:** military service; legal service; legal work; established spheres of activity; legal support; periodization; historiographical approach; chronological framework.

#### **8. Semenova I.V. The concept of "cyberterrorism": is a right-theoretic approach**

**Abstract.** The article analyzes the concept of cyberterrorism. Since there is no official interpretation fixed at the legislative level yet, disputes continue in the scientific world regarding the formation of the concept and definition of this social phenomenon. A definition of the term cyberterrorism is proposed, taking into account the criminalistic characteristics of the criminal act.

**Keywords:** cyberterrorism, crime, concept, law, computer technology, Internet, forensic characteristics.

#### **9. Shcherbak S.I. The development of criminal liability for encroachments on the alienation of part of the territory of the Russian state**

**Abstract.** The article presents the results of a historical analysis of the development of criminal liability for encroachments on the alienation of part of the territory of the Russian state.

**Key words:** territorial integrity; feudal fragmentation; alienation of the territory of the state; criminal liability.

#### **10. Belyaev N.N., Pashkov V.I. Legal regulation of the activities of the military clergy based on the experience of spiritual and moral education in foreign countries**

**Abstract:** the article presents the materials of the organizational structure and legal regulation of the activities of representatives of the clergy in the armed forces of foreign countries. The main functions, the resources involved in this are described, and an attempt is made to highlight positive and negative features, features that can be used or need additional attention to prevent in the Armed Forces of the Russian Federation, other military formations. The work carried out made it possible to propose, taking into account the historical experience of spiritual education of military personnel in Russia, directions for functional optimization of the activities of clergy in the Armed Forces of the Russian Federation, in order to increase legal awareness, reduce tensions on interethnic and spiritual and moral grounds, as a result, increase the effectiveness of the functions performed and measures implemented to ensure the security and defense of the country.

**Keywords:** spiritual and moral work, religious organizations, the right to worship, military service, military clergy.

#### **11. Votchenko I.A., Alexandrova N.G., Kozlova A. V. Socio-legal aspect of the impact of the deterioration of the epidemiological situation due to the new coronavirus infection COVID-19 in Russia on the number of forces (means) grouping Unified State system of prevention and liquidation of emergency situations**

**Abstract:** The article outlines the social and legal prerequisites for changing the current legislation, shows the principal calculation of the reduction of the grouping of forces of the Unified State System for the Prevention and Liquidation of Emergency Situations (hereinafter referred to as the Russian Emergencies Ministry) during the development of a biological and social emergency.

**Keywords:** coronavirus infection, legal regulation, "special conditions", biological and social emergency, grouping of forces, vulnerability, mathematical modeling.

#### **12. Glukhov E.A. On the need for legal regulation of the use of new methods of management of military formations**

**Abstract.** The article examines the existing shortcomings of military management methods, as well as new trends in the management of troops in connection with the improvement of information processing tools. Proposals are made to improve management activities in military structures and its regulation.

**Keywords:** decentralization, military administration, vertical hierarchy, network centrism, unity of command, efficiency of decisions, automated control systems, coordination and interaction.

#### **13. Zaikov D.E. Annual holidays in the Armed Forces of the Russian Federation**

**Annotation.** The establishment and holding of annual holidays in the Armed Forces of the Russian Federation is an integral part of the work of a military-patriotic orientation, aimed at educating military personnel in the spirit of devotion to the Fatherland, loyalty to military duty, combat traditions and strengthening military comradeship. The article examines through the prism of historical and comparative legal analysis the peculiarities of the development of the regulation of the institute of annual holidays in the Soviet and modern periods, as well as the problems of its legal regulation and application in the Armed Forces of the Russian Federation.

**Key words:** annual holiday, significant date, military unit, ship, professional holiday.

#### **14. Kainov V.I., Shenshin V.M. Legal positions of the Supreme Court of the Russian Federation on the implementation of medical examination of military personnel for intoxication**

**Abstract.** The article discusses the legal positions of the Supreme Court of the Russian Federation on the implementation of medical examination of military personnel for intoxication. It is noted that only if there are all the signs of the composition of an administrative offense provided for by law, the person who committed it can be brought to administrative responsibility. The differentiation of related structures of administrative offenses and criminal acts in the area under consideration is carried out.

**Key words:** Supreme Court of the Russian Federation, legal position, medical examination, state of intoxication, soldier.

#### **15. Nazarova I.S. On some trends in the development of legislation in the field of arms trafficking**

**Abstract.** The presented study summarizes that the development of modern legislation in the field of arms trafficking allows us to conclude that it does not stand still. Legislators and law enforcement agencies regularly make amendments and additions to regulatory legal acts aimed at regulating public relations related to the protection of human and civil rights and freedoms that are subject to violations by users of a particular type of weapon.

**Key words:** national guard troops, official, control (supervision), Rosgvardiya, medical examination, weapons, rights and freedoms.

#### **16. Fartukov D.N., Chukin D.S. Certain aspects of the legality of the use of weapons in the performance of special duties of military service**

**Summary.** The article analyzes the provisions of regulatory legal acts regulating the basis and procedure for the use of weapons by military personnel in the performance of special duties in the guard. It is stated that there is legal uncertainty in certain aspects concerning the legality of the use of weapons by sentries. Recommendations on the adjustment of the current legislation are given.

**Key words:** the use of weapons, guard duty, sentry, the legality of the use of weapons, criminal liability, necessary defense, legal uncertainty.

**17. Tsukanov A.S. Prospects for the introduction of an integrated system of objective control over firearms**

**Abstract.** The article discusses the prospect of using the developed system of automated control of civilian and service weapons using satellite navigation systems, in combination with the introduction of security zones for potentially vulnerable social facilities. This solution will allow to exclude unauthorized access of persons with legally registered firearms to these facilities and will provide law enforcement agencies with a reliable source of systematized and archived accounting information about the movements and applications of the category of weapons in question.

**Keywords:** civilian and service weapons, security zones, legal turnover, objective control, firearms, potentially vulnerable social objects, crimes, satellite navigation systems, alarm.

**18. Beda N.V. Grounds and procedure for assigning civil defense protective structures to federal, regional and municipal property**

**Abstract:** the article discusses the issues of the grounds and procedure for assigning civil defense protective structures to federal, regional and municipal property. A clear definition of the criteria for distinguishing the attribution of these objects to the jurisdiction of the relevant levels of government affects the prevention of disputes over their ownership, on the maintenance of these objects for their permanent functioning.

**Keywords:** civil defense, defensive structures, federal property, regional property, municipal property

**19. Martirosyan V.S. Legal aspects, dismissal of civilian personnel of the Armed Forces of the Russian Federation from work, in connection with the refusal to undergo vaccination against coronavirus infection COVID-19**

**Annotation.** The article discusses the legal aspects of the removal of civilian personnel of the Armed Forces of the Russian Federation from work, in connection with the refusal to undergo vaccination against the coronavirus infection COVID-19. Based on the analysis of regulatory legal acts in the field of immunoprophylaxis of infectious diseases, sanitary and epidemiological welfare of the population, departmental acts of the Ministry of Defense of the Russian Federation, a conclusion is made about a differentiated approach to the dismissal of civilian personnel of the Armed Forces of the Russian Federation.

**Keywords:** suspension from work without pay, refusal to vaccinate, civilian personnel of the Armed Forces of the Russian Federation, medical contraindications for vaccination against COVID-19, vaccination of personnel, federal civil servants, restrictive and quarantine measures.

**20. Sandyreva E.V. The Constitutional Court of the Russian Federation has defended the rights of employees who have lost the ability to perform their labor functions in connection with their transfer to a third party under an outsourcing contract**

**Annotation.** The article is a commentary on the Resolution of the Constitutional Court of the Russian Federation No. 3-P dated January 20, 2022, which verified the constitutionality of Article 74 and paragraph 7 of Part 1 of Article 77 of the Labor Code of the Russian Federation (Labor Code of the Russian Federation). The meaning of the disputed situation was that the applicant was dismissed from work at the initiative of the employer due to significant changes in working conditions caused by the transfer of the work performed by him to a third-party organization under an outsourcing contract. Due to the refusal of the employee to switch to another job, including those related to moving to another locality, he was dismissed due to a change in working conditions, and not due to a reduction in the number or staff of employees,

which he insisted on. The Constitutional Court, having considered the case materials, recognized the contested norms of the Labor Code of the Russian Federation as not contradicting the Constitution of the Russian Federation, but defended the labor rights of the employee, since he had to be dismissed precisely because of staff reduction, and obliged the courts of general jurisdiction to review this case taking into account the revealed constitutional and legal meaning.

**Keywords:** employment contract; termination of employment contract; outsourcing; working conditions.

#### **21. Kholikov I.V., Vovkodav V.S. Prospects for improving the legal regulation of medical flight examination in state aviation**

**Abstract.** The article deals with the legal regulation issues of medical support of state aviation flights and formation of the system of medical selection of state aviation specialists who are subject to medical examination in medical-flight commissions. Taking into account the adoption of the Federal Law № 208-FZ on 11 June 2021 “On introduction of changes into the Flight Code of the Russian Federation and into article 7 of Federal Law “On state corporation on space activity “Roscosmos” the necessity to introduce particular changes to the Regulation on Military-Medical Expertise is stipulated.

**Keywords:** state aviation, health condition, military-medical expertise, medical-flight commission, medical examination, aviation personnel.

#### **22. Tsutsiev S.A. Specific military service conditions as a rationale for realization of social guarantees for servicemen**

**Abstract.** At the present time, the current legislation of the Russian Federation prescribes social guarantees for military personnel serving under specific conditions in positions included in a special List that came into force in the prescribed manner. Nevertheless, there are good reasons to doubt the objectivity of compiling (updating) this List, in particular, there is still no certainty in definitions; exact fitting criteria have not been established; there are no reliable methods for specific military service conditions’ identification, resulting in their broadly defining. It is time to develop an accessible, evidence-based mechanism that allows military authorities at the military unit (institution) level, i.e. directly at the places where military personnel perform their duties, to quickly manage the military service conditions evaluation process and make decisions of requesting for the social guarantees’ assigning (cancellation) on each military post (work types, etc.) for each serviceman personally. Otherwise, with high probability, there are prerequisites created for infringing the rights of receiving social guarantees by servicemen who actually perform their military duty in specific conditions.

**Key words:** military service, specific conditions, social guarantees, Compensation and Benefits, servicemen, military post, fitting criteria, dangers, occupational safety hazards, military service health and safety hazards

#### **23. Makhyanova R.M. Prosecutor's inspection as a method of implementation of the supervisory process**

**Annotation.** The article reveals the essence of the prosecutor's inspection, substantiates other methods that make up the content of supervisory activity as a single supervisory process; the author's definition of the concept of "prosecutor's inspection" is formulated.

**Keywords:** prosecutorial bodies; prosecutorial supervision; tactics of prosecutorial supervision; methods of prosecutorial supervision; methods of supervisory activity.

#### **24. Nasyrov D.V., Zotov R.V. A private decision of a military court in the mechanism of ensuring legality in the Armed Forces of the Russian Federation, other troops, military formations and bodies**

**Abstract.** The article is devoted to the concept and essence, as well as to the analysis of the effectiveness and problems of the application of private rulings (definitions) of a military

court in the mechanism of ensuring law and order in the Armed Forces of the Russian Federation, other troops, military formations and bodies.

**Keywords:** military court, private court order, legality, law and order enforcement, military-legal relations, military administration bodies

**25. Tuganov Yu.N., Aulov V.K. World justice: doctrinal approaches and the legal reality of the lower level of courts of general jurisdiction**

**Abstract.** The voluminous theoretical material on the research topic is interpreted by the authors in the unity of the integrative approach and legal positivism using the methodology of comparative semantic analysis of legal semantic registers of the past and present. The results of this work can be used to eliminate theoretical conflicts of doctrinal approaches to substantiate the legal structure of the judicial system of the Russian Federation as a whole, as well as to overcome the contradiction between the understanding of the systemic characteristics of the justice of the peace by the legal community and the legal reality of the lower level of courts of general jurisdiction.

**Keywords:** judicial system, Supreme Court of the Russian Federation, judicial system, world justice, justice of the peace.

**26. Girko S.I., Kharchenko S.V. On the question of the concept of the results of operational investigative activities**

**Annotation.** The article discusses issues related to the definition of the concept of "results of operational investigative activities".

The opinion is expressed that the ORD is a system of consistently carried out actions (operational investigative measures, the use of operational investigative methods, the involvement of individuals to assist, etc.), representing a certain work that ends with some result. Therefore, it is proposed to consider the results of operational investigative activities in two main aspects: a) as a result of a separate action and b) as the total result of such actions (their specific totality).

**Keywords:** operational-search activity, operational-search activities, operational-search methods, the result of operational-search activity.

**27. Davydova E.Yu. Criminal law protection of military graves**

**Abstract.** This article discusses the issues of regulation of public relations related to the preservation of the memory of the military glory of Russia, the importance and necessity of patriotic education of the population, issues of protection of public relations from the point of view of criminal law of the Russian Federation. The importance of patriotic education is determined by: the use of generational experience, the correct interpretation of historically established military rituals, which contributes to the rise of the armed forces, the realization that military rituals are one of the important factors in the process of education. Unfortunately, from year to year there are crimes that encroach on the safety of military graves, monuments, steles, obelisks, and other memorial structures, other objects of historical memory, therefore, according to the author of the article, it is very important to protect public relations in this area.

**Keywords:** Serviceman, Criminal Code of the Russian Federation, "funeral business", abuse, grave, illegal act, responsibility, military burial, stele, obelisk, monument, memorial structure.

**28. Eermolovich Ya.N. Expansion of the concept of an official in the Russian criminal legislation in the light of recent changes in the Criminal Code of the Russian Federation**

**Abstract.** The article comments on the changes in the criminal legislation in terms of expanding the concept of an official and assigning to such persons employees who perform

organizational and administrative or administrative-economic functions in economic companies in which the Russian Federation, subjects of the Russian Federation or municipalities participate.

**Keywords:** criminal liability; an official; a person performing managerial functions in a commercial or other organization; a business company; a joint-stock company; a limited liability company; abuse of official authority; abuse of official authority; bribery.

**29. Kiselev N.P. The problem of choice of the proper legal ground for seizure of property that was transferred by suspect to another person for the purpose of its concealment**

**Annotation.** The article deals with the problem of conflict of different legal grounds for seizure of property held by a person that is not a suspect in criminal case in case of such property was bought at suspect's expense and is used by him or for his benefit. Basing on the analyzes of legal positions of Russian highest courts the author states the absence of unified approach to solve this collision. Nevertheless, comparing the different procedures of seizure of property (parts 1, 3 article 115 of Russian Criminal Procedure Code), using the method of teleological interpretation the author suggests using the legal ground of part 1 article 115 of Russian Criminal Procedure Code to seize such property.

**Key words:** criminal procedure; seizure of property; compensation for harm; actual owner.

**30. Ovcharov A.V. Some aspects of criminal liability for violations in the field of state and municipal procurement**

**Abstract.** The work is devoted to the consideration of a number of articles of the current Russian criminal legislation regulating the provision of criminal legal protection of the procurement of goods, works, services for state and municipal needs, in relation to such an element of the corpus delicti as its subject. The author, analyzing the legislation on procurement, identifies and discloses the circle of persons capable of being the subject of the crimes under consideration. Separately, the author analyzes the subject in crimes that encroach on the normal implementation of the state defense order.

**Keywords:** Criminal liability, crime, state, state and municipal procurement, criminal legal protection, subject of crime, provision of state and municipal needs, state defense order.

**31. Popov K.I. Mediation in criminal law - myth or reality?**

**Annotation:** the article analyzes the possibility of using the criminal law institute of mediation under circumstances that exclude the criminality of the act, reveals specific features and varieties of mediation procedures in criminal law and process.

**Keywords:** mediation; compromise; reconciliation of the parties; reconciliation with the victim; positive post-criminal behavior; a circumstance excluding the criminality of the act; lawful harm.

**32. Kharitonov V.S. Vigilantism as a form of private entrepreneurial violence**

**Annotation.** This article analyzes the relationship between business and organized crime of a terrorist and extremist nature, using the financing of vigilante groups as an example. As examples of this relationship, periods of acute confrontation between the state, business and various social groups are highlighted.

**Keywords:** vigilantism, business power, organized crime, neo-Nazism, law enforcement, terrorist and extremist crimes.

**33. Aripov R.M. Some organizational and legal aspects of organizing military operations to resolve regional (local) armed conflicts (wars) with the participation of the armed forces of the member states of the Collective Security Treaty Organization as part of coalition (regional) groupings of troops (forces)**



**Annotation.** The article reveals the features of the organizational and legal aspects of organizing military operations to resolve regional (local) armed conflicts (wars) with the participation of the armed forces of the CSTO member states as part of coalition (regional) groupings of troops (forces). Attention is paid to the threats to the security of all countries parties to the Treaty, the problems of legal support for organization and training, the forms and methods of action of military formations of national armed forces as part of coalition (regional) groupings of troops (forces) for joint actions to resolve regional (local) armed conflicts (wars). The relevant agreements, agreements and measures for the timely deployment and use of joint groupings of troops (forces) for the prompt resolution of the conflict are reflected.

**Key words:** military operations, military operations, joint operations, armed conflict, military formation, grouping of troops (forces), special operation.

#### **34. Berg L.A. International-Legal Characteristic of Integration Processes in Northern Europe and their Impact on National Security of Russia**

**Abstract.** The article is devoted to the study of current issues of law and international security. The Scandinavian Peninsula has always been and remains one of the most unique regions in terms of the processes taking place in it. The author examines the features of integration process of this region into the European Union and the cooperation of the Nordic countries between themselves and with North Atlantic Treaty Organization. Will NATO expand at the expense of Sweden and Finland? How can the development of cooperation between the Northern Europe and the collective West turn out for the Russian Federation in the context of escalating military threats at its state borders? Currently new challenges require new approaches to cooperation. Such topics as collective security, the crisis after Brexit, the Arctic issue, and, of course, countering the COVID-19 pandemic, which has become the most serious global threat to health security, are being discussed.

**Keywords:** law, international law, legal cooperation, legal family, European Union law, Scandinavia, NATO, threats, national security.

#### **35. Boldyrev S.V. International legal regulation of counter-terrorism**

**Annotation.** The article considers the experience of international legal regulation of counter-terrorism. The levels of international antiterrorist policy are characterized. The role and place of such organizations as the UN, SCO, CSTO in the system of countering international terrorism are determined. Scientifically-based conclusions have been made regarding the subject under consideration.

**Keywords.** international terrorist and extremist organizations, foreign terrorist fighters, terrorism, threats, extremism, border authorities, threats of infiltration by members of international terrorist organizations.

#### **36. Lastovsky S.S., Sotnikova V.V. Responsibility of mercenaries under the criminal law of foreign States**

**Annotation:** The Scientific Article presents a comparative analysis of liability for mercenarism under the criminal law of a number of foreign states, criminal liability of mercenaries for crimes against the peace and security of mankind.

**Keywords:** riminal liability of mercenaries, mercenarism, international law, recruiting.

#### **37. Leontiev V.N. Some legal and military aspects of regulation of the activities of the armed forces in solving special tasks as part of the Collective Rapid Reaction Forces of the Collective Security Treaty Organization**

**Annotation.** This article examines some legal and military aspects of the Collective Rapid Reaction Forces of the Collective Security Treaty Organization (hereinafter referred to as the CSTO CRRF) and the procedure for their actions against illegal armed groups

**Key words:** Collective rapid reaction forces, illegal armed formations, terrorist group, operation

**38. Chernyavsky A.G. Transnational armed groups and international humanitarian law**

**Annotation.** The article presents the author's view that under international humanitarian law (IHL), the "war on terror" should be divided into different components: in some cases, the law of international armed conflicts is applied; in other cases, the law of non-international armed conflicts is applied; in most situations, the "war on terrorism" IHL is not applied at all. At the same time, the author examines the related question of what determines the existence of an armed group as an addressee of IHL in terms of non-international armed conflicts. The author also considers whether and how existing IHL norms should be adapted for a more adequate coverage of transnational armed groups. The author also attempts to identify areas in which the existing IHL of non-international armed conflicts is not quite adequate due to the extraterritorial nature of the fight against transnational armed groups. In the article, the author expresses skepticism about the possibility of the spread of IHL and its application beyond armed conflicts, as it is currently defined when transnational groups participate in them.

**Keywords:** armed conflict, international humanitarian law, extraterritorial nature, transnational armed groups, implementation mechanisms.

**39. Sharipov M.T. On the issue of the organization of interaction of the Military Prosecutor's Office of the Republic of Tajikistan with the bodies of inquiry in the investigation of crimes committed by military personnel in areas of armed conflict**

**Abstract.** The article deals with the organization of interaction between the bodies of the military prosecutor's office of the Republic of Tajikistan and the bodies of inquiry in the investigation of crimes committed by servicemen of the Armed Forces in areas of armed conflict. The concept, forms and situations of interaction between investigators and bodies of inquiry are revealed. Ways to improve this interaction in the investigation of crimes during an armed conflict are proposed.

**Key words:** investigation of crimes, armed conflict, interaction of law enforcement agencies, bodies of inquiry, bodies of military prosecutor's office.

**2022. № 3**

**1. Popov K.I. The use of the Armed Forces of the Russian Federation in the fight against terrorism by air and water transport**

**Annotation.** The article analyzes the legal regulation of the use of weapons and military equipment by the Armed Forces of the Russian Federation to eliminate the threat of a terrorist act in the air, inland waters, in the territorial sea and while ensuring the security of national maritime navigation.

**Keywords:** terrorism; extremism; terrorist act; security; Armed Forces of the Russian Federation; fight against terrorism; a circumstance excluding the criminality of the act; lawful harm.

**2. Potapov M.G. Problems of the educational standard "Legal provision of national security"**

**Annotation.** The article outlines the problems of excluding the word "professional" from the phrase "higher education", as well as issues of understanding the legal support of national security, qualification requirements for university teaching staff, universal, general professional and professional competencies. It is concluded that the federal state educational standard of higher education in the specialty 40.05.01 Legal support of national security should contain a professional orientation, have an official, normatively fixed definition of its name, take into

account the qualification characteristics of the positions of specialists in higher professional education in the legal direction and scientific legal specialties , as well as to disclose universal, general professional and professional competencies in order to determine, specify and implement them in the educational process.

**Keywords:** educational standard, higher professional education, legal support of national security, qualification characteristics, universal, general professional, professional competencies.

### **3. Glukhov E.A. Legal regulation in the field of military construction**

**Abstract.** The article analyzes the essence and necessity of using legal means in the field of military construction of the modern Russian state. The author analyzes the concepts of social and military administration, correlates them with the need to implement legal means in order to ensure transparency and predictability of procedures, compliance with the principle of legality. In addition, the author identifies the goals and directions of military construction, gaps in the legal regulation of military administration.

**Keywords:** military administration, military construction, administrative apparatus, defense organization, legal regulation, military law, military security.

### **4. Zybanov Yu.A. The origin of the name “Criminal Law”: the history of scientific interest**

**Resume.** The article presents various versions of the origin of the adjective "criminal". Scientific interest in the question of its origins has not faded for two centuries.

**Keywords:** criminal law, scientific interest, origin of the name, crime, punishment.

### **5. Lysenkov S.G., Vishnyakov M.M. Historical experience of providing cash allowance for military personnel (using the example of the Separate Internal Guard Corps Russian imperial )**

**Annotation.** The article reveals the issues of monetary allowance of various categories of military personnel of the Separate Internal Guard Corps consisting of salaries, run and table money.

**Key words:** cash allowance, officers, lower ranks, canteen money, run money.

### **6. Aulov V.K. Legal tools of information warfare: basic values of the military organization of the state and legal technologies of their destruction.**

**Abstract.** The article examines the problems of the destruction of the basic value of the military organization of the state - the military-legal institute of unity of command and the devaluation of the presumption of legality of the order as a key element of the legal structure of this institution. The author comes to the conclusion that there is a consciously organized systemic defect in the military criminal legislation that negatively affects the command and control system of the troops. The revealed defect, according to the author, may be the result of an information operation of influence on the Russian legal system within the framework of the information and psychological war currently underway

**Keywords:** illegal order, order, extreme necessity, exemption from criminal liability, information operation, information and psychological impact, information war, institute of unity of command, basic values of the object of information impact.

### **7. Glukhov E.A. Military officials: powers and competencies.**

**Abstract.** The article analyzes the definition of "official" in relation to military personnel. The functions that are criteria for assigning a serviceman to officials are identified and illustrated. Proposals are made on the need for a correspondence between the tasks of military organizations and the existing states, as well as the functions of military officials.

**Keywords:** military administration, officials, official functions, powers, military unit, competence, military position.

#### **8. Meshchangina E.I. Informatization of military education in the system of professional training of military personnel**

**Abstract.** The article discusses federal legislation in the field of military education. Informatization of military education in the system of professional training of military personnel is a priority task at the present stage of the country's development. The development of information technologies requires the improvement of the legal system in this direction for the safe functioning of information technology networks, which are used in the system of training military specialists. Regulatory and legal regulation in the field of information security contributes to ensuring the security of the state, taking into account the law enforcement practice applied in the professional activity of a graduate of a military university.

**Keywords:** military personnel training, information security, digital technologies, regulatory support, legislation, computer tools, the state, innovation, democratization, globalization, technology, protection, national interests.

#### **9. Pichugin D.G. Improving the procedures for the forced expulsion from the Russian Federation of foreign citizens convicted of illegally crossing the State Border of the Russian Federation and released from custody in the courtroom**

**Annotation.** The article substantiates the conclusion that the existing legal mechanism for the forced expulsion from the Russian Federation of foreign citizens convicted of illegally crossing the State border of the Russian Federation and released from custody in the courtroom in connection with the imposition of a non-custodial sentence, or in connection with the release from serving the sentence imposed, is not in fully meets the goals of countering illegal migration and requires improvement. Specific proposals are formulated to change the current legislation regulating the departure from the Russian Federation of foreign citizens of the category in question.

**Keywords:** state border, illegal crossing, criminal liability, foreign citizen, release from custody in the courtroom, administrative expulsion, deportation, readmission.

#### **10. Redkous V.M., Duvanov N.Ju. The content of the stages of proceedings in cases of administrative offenses under the jurisdiction of the border authorities, carried out in relation to legal entities**

**Resume.** The article considers theoretical approaches to the stages of proceedings in cases of administrative offenses carried out against legal entities, and their content in relation to the jurisdiction of border authorities, from the standpoint of systemic and activity approaches. It is concluded that the proceedings in cases of administrative offenses are organized taking into account general theoretical approaches to determining the staging of the administrative process as a whole, which is enshrined in the norms of the Code of Administrative Offenses of the Russian Federation, that is, administrative legislation in this area is based on the principle of scientific character. The material is presented on the basis of ideas about the four-stage proceedings in cases of administrative offenses, which has been enshrined in the Code of Administrative Offenses of the Russian Federation. In part I of the article, the characteristic features and problems of the first stage of proceedings in cases of administrative offenses - the initiation of proceedings on an administrative offense are considered.

**Key words:** administrative process; administrative and jurisdictional activities; administrative procedural action; proceedings on cases of administrative offenses; border authorities; legal entities; jurisdiction; stage of proceedings in cases of administrative offenses; initiation of an administrative case; protocol on administrative offense.

#### **11. Semenova I.V. Circulation of weapons during their display: theoretical and legal aspects**

**Annotation.** The article attempts to highlight issues concerning the ambiguous understanding of the actions of entities engaged in such licensed activities as the display of weapons, its main parts and ammunition. The issues related to the consolidation of the specifics of the implementation of this type of activity in the definition of "arms trafficking" are considered. The legislator does not reflect in the definition of "arms turnover" as a constituent element – the movement of weapons across the territory of the Russian Federation, in this regard, the conceptual apparatus is considered: the movement, transportation and transportation of objects of exposure and its implementation in practice. The definition of the term "movement" in the sphere of arms trafficking is proposed, taking into account the peculiarities of the exhibition, since it is of a traveling nature.

**Keywords:** weapons, arms turnover, license, licensed type of activity, movement, transportation, transportation.

#### **12. Zaikov D.E. Control over the legality of receiving funds as a mechanism to counter corruption**

**Annotation.** The article discusses the features and problems of legal regulation of the new anti-corruption institution – control over the legality of receiving funds, which provides for the possibility of collecting funds received into the income of the Russian Federation to the bank accounts of persons replacing (substituting) corruption-dangerous positions, and individual members of their families, in terms of exceeding their size over the total income of these persons for the reporting year and the previous two years, unless reliable information has been received confirming the legality of receiving such a sum of money.

**Key words:** anti-corruption, legality of funds, verification, court, military personnel, prosecutor's offices.

#### **13. Ivanov V.Yu., Koryakin V.M. Excessive payments of monetary allowances made to military personnel in the absence of bad faith on their part should not be qualified as unjustified enrichment**

**Annotation.** The article is a scientific and practical commentary on the resolutions of the Constitutional Court of the Russian Federation No. 1-P of January 11, 2022 and No. 17-P of April 25, 2022. These judicial acts set out the legal position of the supreme body of the constitutional control on the issue of the possibility of attributing additional monetary payments mistakenly paid to military personnel to the civil category of "unjustified enrichment" (Chapter 60 of the Civil Code of the Russian Federation). The Constitutional Court formulated a legal position according to which additional monetary payments, which are part of the monetary allowance, made in the absence of dishonesty on the part of the recipients and an accounting error, are not subject to refund.

**Keywords:** unjustified enrichment; monetary allowance of military personnel; additional monetary payments to military personnel; counting error.

#### **14. Pogorelov S.A. Problematic issues of establishing and applying disciplinary liability to military personnel for corruption offenses.**

**Annotation.** The article presents the genesis of disciplinary responsibility of military personnel for corruption offenses. The contradictions of legislation in this area are indicated, attention is focused on the limited choice of possible disciplinary measures on military personnel and the problems of law enforcement practice with the insignificance of the committed corruption offense.

**Key words:** military law, reprimand for corruption offense, disciplinary responsibility, insignificance, procedure for lifting penalties.

**15. Kholikov I.V., Lapina O.A. On some issues related to the implementation of the right of citizens of the Russian Federation to delay from conscription on the basis of decrees of the President of the Russian Federation**

**Abstract.** The article discusses the provisions of Russian legislation related to the implementation of the rights of citizens of the Russian Federation to defer conscription on the basis of decrees of the President of the Russian Federation, as well as the features associated with this right.

**Keywords:** legality, decrees of the President of the Russian Federation, military duty, conscripts, draft commission, deferral from conscription.

**16. Martirosyan V.S., Styapshin A.S. Topical issues of the use of information technologies in the activities of military courts of the Russian Federation**

**Annotation.** The article deals with topical issues of the use of information technologies in the activities of military courts of the Russian Federation, reveals the theoretical and legal basis for regulating the documentation support of military courts, provides the technology of electronic record keeping, identifies shortcomings in the electronic document circulation of courts, as well as existing problems of law enforcement practice in this area.

**Keywords:** military courts, electronic document management, information technologies, proof, registration of electronic documents.

**17. Makhyanova R.M. Tactical techniques of the prosecutor: the concept, grounds for application and sources of origin**

**Annotation.** The article substantiates: the expediency of improving the professional experience of prosecutors through the use of tactics of supervisory activity and new methods and techniques developed on its basis based on science and positive experience of supervisory activity; the content of the subject of tactics of supervisory activity and the nature of tactical techniques of the prosecutor, the grounds for their use are disclosed; the author's classification is proposed tactics of the prosecutor in accordance with the sources of their origin.

**Keywords:** supervisory activities of the prosecutor's office; tactics of supervisory activities; methods of prosecutorial inspections; tactical techniques of the prosecutor.

**18. Tuganov Yu.N., Aulov V.K., Petukhov N.A. Introduction of world justice in the Russian Federation: The Supreme Court and its role in preserving the integrity of the country (to the 100th anniversary of the Supreme Court of the Russian Federation)**

**Abstract.** The phenomenon of the influence of the Supreme Court of the Russian Federation on the fundamental processes of state-building in modern Russia has not been adequately reflected in the scientific research of the legal community. Meanwhile, it was the position of the supreme judicial body of Russia on the organization of world justice that to a certain extent prevented the transformation of the administrative-territorial division of the Russian state, after the collapse of the USSR, into a structure modeled on the USA – the country of "victorious" cooperative federalism. This option was proposed by the authors of the Resolution of the Supreme Soviet of the RSFSR dated October 24, 1991 No. 1801-1 "On the Concept of judicial reform in the RSFSR". The "general outline" of the future judicial system of Russia contained in this document indicates the intention to deepen the contradictions of Russian federalism based on the privileged position of ethnic regions – with the creation of the most convenient system of courts for each republic within the RSFSR and the restriction of federal jurisdiction. Out of respect for the national, cultural and religious peculiarities of the republics within the RSFSR, according to the Concept, the republics could be given the right to clarify the sanctions of criminal law norms while maintaining their dispositions unchanged. Since, according to the Concept of the republic, they could not recognize the jurisdiction of the federal justice on their territory at all, this act of the Supreme Soviet of the RSFSR, in fact, legitimized confederate relations with the Russian Federation, which at that time had already been actually

proclaimed by some republics. Justices of the peace, as courts of first instance, were supposed to be the key link in such legitimation. The principled position of the Supreme Court of the Russian Federation on the parameters of the judicial institution of magistrates prevented the transformation of Russia into a state with extreme forms of asymmetry of its subjects.

**Keywords:** state structure, judicial system, Concept of judicial reform, Supreme Court of the Russian Federation, world justice.

**19. Fedotov A.V. The essence of interaction and cooperation of law enforcement agencies of the Russian Federation with law enforcement agencies of foreign states**

**Annotation.** The article discusses legal approaches to the definition of international cooperation in the field of combating crime. The author establishes the correlation of such concepts as "international cooperation", "interaction of competent authorities" and "legal assistance" in the context of criminal procedural activity.

**Keywords:** international cooperation; interaction of competent authorities; criminal procedural activity; international treaty; law enforcement agencies; state.

**20. Borisov A.V. About some problems of qualification of crimes against minors**

**Annotation.** The article deals with the issues of qualification of crimes committed against minors. The problems of judicial practice of applying the norms of Chapter 20 of the Criminal Code of the Russian Federation "Crimes against the family and minors" are considered.

**Keywords:** qualification of crimes, crimes against the family and minors.

**21. Girko S.I., Kharchenko S.V. Some features of the formation of an investigative task force to solve the problems of disclosure and investigation of crimes committed by members of an organized criminal structure**

**Abstract:** The article discusses the formation of an investigative task force to solve the problems of disclosure and investigation of crimes committed by members of an organized criminal structure. In addition, an algorithm of actions of the heads of law enforcement agencies is proposed to organize the interaction of employees of investigative, operational, expert and other units in the disclosure and investigation of the cases under consideration.

**Keywords:** investigative and operational group, investigative, operational, expert units, managers, disclosure, investigation, organized criminal structures.

**22. Davydova E.Yu. Comparative legal analysis of the norms of criminal law providing for liability for crimes committed against military graves in Russia and the Republic of Belarus**

**Annotation.** This article examines in comparison the norms of the criminal legislation of Russia and the Republic of Belarus in terms of criminal protection of objects dedicated to the military memory of the people. The components of the crime contained in the relevant Criminal Codes are considered, their similarities and differences are established.

**Keywords:** criminal law protection, mass grave, sanction, destruction, damage.

**23. Elistratov K.E. Scene inspection tactics**

**Annotation.** The concept, content and objectives of the inspection of the scene are considered. This investigative action has its own characteristics, consisting in the fact that only this investigative action can be carried out before the initiation of a criminal case. The peculiarity of the inspection of the scene of the incident also includes the fact that its result can show either the presence of a crime in this incident, or its absence. The author believes that in addition to examining the scene, it is advisable to allow the appointment and production of forensic examinations to determine crime or its absence in one or another item found at the scene before initiating a criminal case.

**Key words:** incident; forensic examination; investigator; the scene of the incident; evidence and sources.

**24. Eermolovich Ya.N. Criminal liability for non-payment of funds for the maintenance of children or disabled parents in the context of recent changes in criminal legislation (Article 157 of the Criminal Code of the Russian Federation)**

**Annotation.** The article deals with problematic issues of the construction of the criminal law norm provided for in Article 157 of the Criminal Code of the Russian Federation, the appointment of criminal penalties, as well as the application of other criminal law measures for this crime, analyzes statistical indicators of criminal record and crime, assesses the newly introduced legislative changes.

**Key words:** criminal law, family law, criminal liability, alimony, crimes against the person, crimes against the family and minors, non-payment of funds for the maintenance of children or disabled parents.

**25. Novikova O.V. On some aspects of the practice of sentencing for transport crimes**

**Annotation.** The article examines the dynamics of crimes assigned for the commission of transport crimes fixed by Chapter 27 of the Criminal Code of the Russian Federation. The analysis of judicial practice of prescribing various types of punishments for transport crimes is given.

**Keywords:** crime dynamics, transport crimes, penalties for transport crimes.

**26. Smirnov D.V., Vlasov S.Y. On some controversial issues of fraud qualification in the practice of military courts**

**Annotation.** The article analyzes the judicial practice in cases of group fraud.

**Keywords:** fraud, group crime, complicity in a crime, commission of a crime, perpetrator of a crime.

**27. Sudenko V.E. Evidence: concept, content, problematic issues**

**Annotation.** Problematic issues related to evidence in criminal proceedings and consisting in the absence of a legislative definition of not only evidence, but also their sources are considered. According to the author, evidence should be classified according to the source of their formation, but not according to itself. Any group of evidence determines the presence and nature of the links between the fact established with the help of such evidence and the source of information about this fact, but both must be proven. Evidence is inextricably linked with the process of proof, in which they are revealed. The distinction between evidence and testimonies of certain persons is shown. The definition of sources of evidence and their relationship with the evidence itself is given.

**Key words:** evidence; proof; legislative definition of evidence; sources of evidence; evidence and facts.

**28. Shenshin V.M., Semenova V.V. Public dissemination of deliberately false information about the use of the Armed Forces of the Russian Federation as a crime infringing on public safety**

**Abstract.** The presented study analyzes Article 207.3 of the Criminal Code of the Russian Federation, which provides for liability for the public dissemination of deliberately false information about the use of the Armed Forces of the Russian Federation. It is concluded that the composition of the crime provided for by this article is formal and material; parts two and three of the analyzed article have a greater degree of public danger compared to part one.

**Keywords.** Armed Forces of the Russian Federation; public dissemination; knowingly false information.



**29. Yurchenko A.V. To the Problem of initiating criminal cases on the fact of illegal extraction and trafficking of especially valuable wild animals and aquatic biological resources through the use of Internet messengers**

**Abstract.** The article deals with the problem of the practical application of Part one.1 of Article 258.1 of the Criminal Code of the Russian Federation by the interrogators of the border authorities of the Federal security Service. The content of such concepts as "Internet messengers", as well as the "Internet" network is revealed. The conclusions made in the course of the work, in the author's opinion, will allow to streamline and improve the criminal procedural activities of the investigators of the border authorities in the investigation of these crimes.

**Keywords:** interrogators of the border authorities of the federal security service, Internet messengers, especially valuable animals and aquatic biological resources.

**30. Zanevskaya N.A. Urgent burial of the dead in the conditions of armed conflict**

**Annotation.** The article analyzes the provisions of GOST R 42.7.01-2021, regulating the specifics of the burial of the bodies of the deceased, whose death was the result of the participation of persons in an armed conflict, from the standpoint of the requirements of international legal acts. The order of creation of mass graves has been established. The peculiarities of the procedure of interment of bodies, complicating their exhumation if necessary, are revealed. The necessity of fixing the separate burial of the bodies of the deceased in normative legal acts, depending on their country of origin, in particular with regard to military personnel, is substantiated.

**Keywords:** grave of military personnel, single grave, mass grave, exhumation, funeral business, military burials, international humanitarian law.

**2022. № 4**

**1. Aulov V.K. Overview of the concept of mental warfare: structure and content**

**Abstract.** In the article, the author offers his own approach to the definition of the concept of "information" for the purposes of information security and information warfare. On the basis of the original understanding of this term – when information is considered exclusively as a parameter of the linguistic and visual means of its carrier – a conceptual series of terms of the semantic field of mental warfare is constructed. Another a priori assumption of the author is the concept of a "mental object" as a semantic structure, the result of understanding which significantly determines the ability of an individual to be aware of his actions and guide them.

**Keywords:** information, mental object, mental threats, information security, information confrontation, information opponent, new quality of information threats.

**2. Maksurov A.A. Powers of the President of the Russian Federation under special regimes (martial law and state of emergency)**

**Abstract.** The article deals with the problems of the constitutional establishment of the powers of the President of the Russian Federation in the conditions of special regimes, first of all, military and state of emergency. The relationship between the status of the President as the guarantor of the Constitution of Russia, his constitutional rights and obligations, as well as his general powers and functions and their transformation under special regimes is shown. Based on the results of the study, proposals were made to improve the current legislation

**Keywords** President of the Russian Federation, functions, powers, guarantor of the Constitution of the Russian Federation, legal status, constitutional rights and obligations, martial law regime, state of emergency

**3. Shcherbak S.I. Delimitation, demarcation, redemarkation of the State border as legitimate actions in the alienation of part of the Territory of the Russian Federation**

**Abstract.** The article explains the nature of state borders and the new provisions of the Constitution of the Russian Federation related to the prevention of alienation of part of the territory of the Russian Federation, in particular, explains the meanings of terms that establish exceptions to the constitutional prohibition: delimitation, demarcation and redemarkation of the state border.

**Key words:** delimitation; demarcation; redemarkation; state border; alienation of part of the territory of the Russian Federation.

#### **4. Verkhova N.B., Mineeva T.G., Shchelokova N.V., Metelitsky V.V. The meaning of the military banner: legal and sacred aspects**

**Annotation.** The purpose of the study is to determine the specifics of the sacred meaning of the military banner. Attention is paid to the special attitude to military symbols from ancient times. The most intense sacralization of military banners and standards occurred during the Roman Empire, they were associated with valor during wars, honor and glory in times of peace, as well as with legal institutions that were in effect throughout the existence of the Roman state. The concept of the sacredness of the banner was borrowed by other peoples: the Salian Franks, Burgundians, Lombards, as well as states closely connected with the Roman Empire either by treaties of alliance, or by family ties, or by faith. The special significance of military banners can also be traced in Russian historical and literary monuments. The novelty of the study lies in filling in the gaps in historical and legal science in relation to the paraphernalia of the army and law enforcement agencies. As a result, the connection of a special ritual of a military oath with the meaning of military symbols is proved.

**Key words:** legal meaning; values; banner; standard; sacred symbol; oath; military crime.

#### **5. Davydova E.Yu. Comparative legal analysis of certain provisions of normative documents containing a description of military graves during the Great Patriotic War (summer 1941)**

**Annotation.** The article is devoted to the analysis of certain provisions of the legal framework of the Soviet and German legislations in the initial period of the Great Patriotic War. In the summer of 1941, there was a clear understanding of the process of burying soldiers under various circumstances. However, there were differences that significantly affected the quality of the burials produced.

**Keywords:** military burial, burial ritual, memory of the fallen defenders of the Fatherland

#### **6. Zorin O.L., Stavickij S.N. Genesis of officer meetings of the Armed Forces of the Russian State: brief historical and legal overview**

**Annotation.** The authors of the scientific article conducted a brief comparative historical study of certain issues of legal regulation of the organization and activities of officer meetings in the military, starting from the pre-revolutionary period and ending with modern Russia. Appropriate necessary conclusions are drawn.

**Keywords:** officer; officers' assembly; order; morality.

#### **7. Zyubanov Yu. A. The use of the term "head" in the laws of Ancient Russia**

**Resume.** The article analyzes the terms "head", "golovnik" and "golovnichestvo" widely used in the laws of Ancient Russia.

**Keywords:** head, golovnik, golovnichestvo, the laws of Ancient Russia.

#### **8. Taradonov S. V. Military legislation as a comprehensive regulatory legal structure**

**Annotation.** The article examines the category of «military legislation». On the basis of a theoretical and legal approach, an attempt is made to determine the place of military legislation

in the system of Russian legal regulation. The author's concept is proposed in relation to the concept, structure and essence of the system of military legislation as a complex regulatory array.

**Keywords:** military law; sources of military law; military legislation; system of military legislation; complex branch of legislation; complex regulatory legislative array.

#### **9. Tuganov Yu.N., Aulov V.K. Objectification of the national interests of the Russian Federation in the norms of military law: a modern approach**

**Abstract.** The article deals with the issue of transformation of military law. The analysis is carried out in the context of modern trends in the development of military law. Taking into account the crisis of international law, the authors propose to actively introduce modern legal technologies of the law of armed conflict into the practice of information warfare, as well as to develop and improve new areas of military law.

**Keywords:** armed forces, military law, law of armed conflicts, information confrontation.

#### **10. Glukhov E.A. Legal means of an objective assessment of the management activities of military leaders**

**Abstract.** The article analyzes the state and objectivity of work on the assessment of the activities of military commanders and superiors in the management of subordinate military collectives or assigned activities. The author identifies gaps in legal regulation in the sphere of this activity, describes typical examples of subjectivism in the assessment of military leaders. Special emphasis is placed on the relationship between the activities of the military leader and the offenses committed in the division headed by him. Based on the analysis of these shortcomings, proposals are made to improve the objective assessment of military personnel.

**Keywords:** military administration, assessment of activities, certification, job responsibilities, causality of offenses, objectivity of assessment, commander training, fraud.

#### **11. Redkous V.M., Duvanov N.Ju. The content of the stages of proceedings in cases of administrative offenses under the jurisdiction of the border authorities, carried out in relation to legal entities**

**Resume:** this article continues the consideration of the content of the stages of proceedings in cases of administrative offenses carried out by border authorities within their jurisdiction in relation to legal entities, taking into account the changes made to the Code of Administrative Offenses of the Russian Federation by the Federal Law of March 26, 2022 No. 70-FZ. The material is presented on the basis of the concept of four-stage proceedings in cases of administrative offenses, which is enshrined in the Code of Administrative Offenses of the Russian Federation. The article considers the following stages of consideration of a case on an administrative offense; revision of resolutions and decisions on cases of administrative offenses; execution of decisions on cases of administrative offenses. A number of proposals have been developed to improve the administrative and jurisdictional activities of the border authorities, carried out in relation to legal entities. The necessity of continuation of the started researches, expansion of its methodological framework is substantiated.

**Key words:** administrative process; administrative and jurisdictional activities; administrative procedural action; proceedings on cases of administrative offenses; border authorities; legal entities; jurisdiction; stage of proceedings in cases of administrative offenses; consideration of a case on an administrative offense; revision of resolutions and decisions on cases of administrative offenses; execution of decisions on cases of administrative offenses.

#### **12. Semenova I.V. Administrative and legal regulation of the provision by Rosgvardiya of state services for issuing licenses to citizens for collecting and (or) exhibiting weapons, main parts of firearms, ammunition for weapons**

**Abstract.** The article analyzes the activities of the employees of the Russian Guard, exercising their powers to provide public services for issuing licenses to citizens for collecting and (or) exhibiting weapons, the main parts of firearms, ammunition for weapons. The requirements imposed in the field of the exhibition of weapons and the specifics of the provision of public services, the procedure for its provision, the grounds for which it is possible to refuse to accept documents, suspend the implementation of public services are considered.

**Keywords:** licensing and permitting work, the display of weapons, the powers of the Russian Guard, control (supervision), licensing, license, grounds for granting, suspension of consideration of the application.

**13. Bolshakova V.M., Naumov P.Yu., Utyganov A.A. Improvement of the law on social guarantees for military personnel under contract, combining military service with higher education — training of highly qualified personnel**

**Annotation.** The article deals with certain aspects of improving the normative legal acts on social guarantees of military personnel, combining military service with higher education — training of highly qualified personnel (admitted to apply for academic degrees). It is noted that the legislation on the status of military personnel and on the procedure for military service, the legislation of the Russian Federation on science, state scientific and technical policy, state scientific certification and education is inconsistent. Based on the study of the literature, the author's view is given on the improvement of regulatory legal acts on social guarantees of military personnel undergoing military service under contract, admitted to applying for academic degrees.

**Keywords:** scientific and technical policy; higher education; awarding of academic degrees; military personnel; seeking an academic degree; training of personnel of the highest qualification.

**14. Dzheyranov S.S. Military training centers: problems and prospects of legal regulation**

**Annotation.** The subject of this article is the study of legislative and theoretical problems of the functioning of military training centers, the motivational aspect of training and admission of citizens as fundamental for the training of military personnel is indicated, foreign experience of training on the basis of civilian education is given, the necessity of considering a military accounting specialty as an additional one is indicated, and proposals are also made to improve their work to improve the quality of the Armed Forces of the Russian Federation.

**Keywords.** military training center, military training, development prospects, international experience of training students on the basis of civil education, motivational deviation, military accounting specialization.

**15. Lagashkina Yu.V. Actual problems of legal regulation of alternative civil service and some measures to improve it**

**Annotation.** The article analyzes the legal regulation of some aspects of alternative civil service in the Russian Federation. The problems that exist here are identified, ways to solve them are proposed by making appropriate changes to the legislation on alternative civil service. The idea of using persons undergoing alternative service solely in the interests of the country's defense, as well as in the interests of providing humanitarian assistance to victims, in eliminating the consequences of emergency situations was expressed

**Keywords:** military duty; duty to defend the Fatherland; alternative civil service; liquidation of consequences of emergency situations; volunteer activity; humanitarian assistance to victims of war.

**16. Lutokhin A.I. Possible directions of harmonization of legislation on the mortgage system of housing provision for military personnel**

**Annotation.** The article suggests possible directions for improving the mortgage system of housing provision for military personnel, which will soon become the only form of housing provision and, possibly, will extend to all employees of ministries and departments of the power unit.

**Keywords:** the mortgage system of housing provision for military personnel; military mortgage; targeted housing loan; improvement of legislation.

**17. Tsutsiev S.A. Military service security as servicemen's protection insurance against occupational safety hazards**

**Abstract.** The military service security, which is based on the identification and recognition of harmful and/or hazardous factors, doesn't allow for considering all the dangers and the corresponding occupational risks arising at servicemen's workplaces during the conduct of their official duties in full measure. Thus, servicemen are not fully protected from exposure to the diverse dangers of military service, and it shows itself in cases of their death and dismemberment. It is suggested that the military service security system be supplemented with a new procedure of occupational risk management allowing to reveal its preventive potential to a far greater degree, and to transform it into a practical tool for identifying hazards.

**Key words:** military service security, hazards, occupational risks, harmful and/or hazardous factors of military service.

**18. Kainov V.I., Shenshin V.M. Legal positions of the Supreme Court of the Russian Federation on issues of non-compliance with the requirements for military personnel to undergo a medical examination for drug intoxication**

**Abstract.** The article examines the legal positions of the Supreme Court of the Russian Federation on the issues of non-compliance with the requirements for passing a medical examination for intoxication. It is noted that the legislator equates the failure to comply with the legal requirement to undergo a medical examination for intoxication to the consumption of narcotic drugs or psychotropic substances without a doctor's appointment. It is indicated that in the Russian Federation there is a system of both administrative and legal and medical measures that allow not only to attract guilty persons for refusing to undergo a medical examination for a state of drug intoxication, but also to carry out preventive, medical measures that help to rid a person of this addiction.

**Key words:** Supreme Court of the Russian Federation, legal position, medical examination, state of intoxication, soldier.

**19. Tuganov Yu.N., Kocheshev S.P. Directions for further improvement of the lower level of courts of general jurisdiction**

**Abstract.** The article analyzes the contradiction between the constitutional provision that the financing of courts is made exclusively from the federal budget and should ensure the possibility of full and independent administration of justice in accordance with federal law and the fact that the office of a justice of the peace is financed from the budget of a constituent entity of the Russian Federation. The authors see directions for further improvement of the justice of the peace in expanding the competence of the councils of judges of the subjects of the Russian Federation.

**Keywords:** judicial system, world justice, justice of the peace

**20. Shnyakina T.S., Rozhok N.D. To the question of the types of military management bodies, decisions, actions (inaction) of which can be challenged in the order of administrative legal proceedings**

**Annotation.** The article analyzes the features of determining the procedural legal personality of military command and control bodies in administrative cases considered in accordance with Chapter 22 of the Code of Administrative Procedure of the Russian Federation.

The approaches of the legislator and the law enforcer to the definition of the types of military command and control bodies, decisions, actions (inaction) of which can be challenged in administrative proceedings are compared.

**Key words:** military authorities, Ministry of Defense of the Russian Federation, administrative proceedings, Code of Administrative Procedure of the Russian Federation, administrative dispute, military service, serviceman.

**21. Bagaev M.M. Criminal law measures to combat subversive activities of foreign States and organizations directed against the security of the Russian Federation and directions for their improvement**

**Annotation.** Terrorism is a means of violence of States with an offensive political platform. The article analyzes and reveals the main characteristic features of terrorist crimes. The ideology of terrorism is considered as a special purpose of terrorist crimes. The author examines the role of ideology in the organization of terrorism and its characteristic features. The problems of countering the subversive activities of states leading an aggressive foreign policy are considered. Criminal legal measures to combat subversive activities organized against Russia are proposed.

**Keywords.** Terrorism, ideology, violence, struggle, subversive activities, safety, anti-Russian organization.

**22. Eermolovich Ya.N. New judicial practice of the Supreme Court of the Russian Federation on the qualification of crimes against the interests of service in commercial and other organizations**

**Annotation.** The article comments on the resolution of the Plenum of the Supreme Court of the Russian Federation issued for the first time "On some issues of judicial practice in cases of crimes against the interests of service in commercial and other organizations (Articles 201, 201.1, 202, 203 of the Criminal Code of the Russian Federation)" dated June 29, 2021 No. 21, identifies the positive and negative sides of the new interpretation of the practice of application criminal law norms.

**Keywords:** criminal law, criminal liability, crimes against the interests of services in a commercial or other organization, abuse of authority, abuse of authority in the execution of a state defense order, abuse of authority by private notaries and auditors, abuse of authority by a private detective or an employee of a private security organization.

**23. Izotov D.M., Meleshko P.E. The subject of crimes against the order of saving military property in the theory of military criminal legislation and in judicial practice**

**Annotation.** The article analyzes judicial practice on the subject of crimes against the order of saving military property.

**Keywords:** crimes against the order of saving military property, the subject of the crime, weapons, ammunition, military equipment, military property.

**24. Koryakin V.M. Handwriting research of documents and preparation of materials for handwriting research**

**Annotation.** The article is devoted to the problems that arise during the preparation, organization and conduct of a forensic examination of a letter. It depends a lot on the completeness of the collected samples for comparative research. It is shown that one of the main reasons leading either to the probable (incomplete) conclusion of the expert, or to the refusal to form a conclusion at all, is an incomplete selection of handwriting samples, signatures. The most probable causes of such defects in the results of the examination are shown. Some judgments on the prevention of such errors and false conclusions are expressed on concrete examples of actual examinations.

**Keywords:** handwriting expertise; handwriting samples; handwriting expert; official document; private document

**25. Roganov S.A., Bernikov G.O. Forensic characteristics of crimes against voting rights of citizens**

**Annotation.** The article deals with issues related to one of the elements of a private methodology for investigating crimes — the forensic characterization of crimes against the electoral rights of citizens. A brief analysis of the structural elements of the forensic characteristics of the above category of crimes is presented and correlations between them are shown.

**Key words:** forensic characteristics, voting rights, ballot, methods of crime investigation, electoral crimes.

**26. Sudenko V.E. The concept of the subject of proof and its limits**

**Annotation.** Issues related to the concept and content of the subject of proof, its essence and limits are considered. The legislative concepts of proof in a criminal case and its content are critically determined. The purpose of proof in the author's wording is revealed, since there is not even a mention of this in the criminal procedure law. The content of the proof theory is shown, including proof in the form of an element as a means of the proof process. The activities of the bodies of inquiry, expert institutions, investigation and court are determined as a complex of their activities to establish the truth of the crime. It is noted that the crime had already happened in the past by the time of its investigation, and its constituent data cannot be directly perceived by the court, the investigator, the interrogating officer. However, to the named subjects of the investigation and the court, evidence and proof are available for direct perception.

**Key words:** proof; the subject of proof; interrogator; investigator; court; limits of proof.

**27. Kharitonov S.S., Sharapov S.N. On the inconsistency of the conclusions of the court, set out in the judicial act, with the actual circumstances of the case, as a basis for the annulment of court decisions: the practice of military courts**

**Annotation.** In relation to the problem of discrepancy between the conclusions of the court set forth in the judicial act, the actual circumstances of the case, as the basis for changing or canceling court decisions in the appeal proceedings, the publication provides examples of characteristic violations of the criminal procedural and criminal laws committed in the trial of criminal cases in the military courts.

**Key words:** military courts; grounds for changing or canceling court decisions; appeal decision.

**28. Chernyshev D.B., Karymova K.R. The legal basis for the exemption of military personnel from criminal liability for causing death to the enemy during hostilities**

**Annotation.** The article deals with the problems of implementation into Russian criminal legislation of the norms of international law regulating the issues of causing harm to the life and health of the enemy by military personnel during hostilities. It is noted that in the Criminal Code of the Russian Federation, as a circumstance excluding the criminality of the act, causing death to enemy army servicemen during hostilities. It is proposed to supplement Chapter 8 of the Criminal Code of the Russian Federation with a norm providing for the possibility of recognizing the physical destruction of enemy servicemen as impregnable, which would make it possible to apply national legislation in this situation.

**Keywords:** military violence, combatant, military personnel, murder, crime, fighting.

**29. Nekrasov A.A. International legal framework for law enforcement activities of border authorities at checkpoints across the state border of the Russian Federation**

**Annotation.** The article examines the main provisions of international legal acts regulating the official activities of border authorities at various types of checkpoints across the state border. It analyzes the definitions that characterize the law enforcement nature of this activity. The paper reveals the degree of implementation of international norms in Russian legal acts.

**Keywords:** international agreements and conventions, law enforcement, border control, international communication routes, checkpoints, implementation of legal norms.

### **30. Svininyh E.A. Establishment of the special administrative law regimes in border areas to counteract illegal migration: the experience of some Western States**

**Abstract.** The author describes the regulations of some Western States establishing special administrative law regimes for their border areas to counteract illegal migration. In addition to a regime of a border zone (borderland), that is well known to the Russian legislator as a border regime, the author considers European countries' special administrative law regimes which are exclusively designed to limit the human right to asylum. The regimes of the waiting zone in France, the neutral zone in Spain and the excised zone in Australia were analyzed.

**Keywords:** state border; border zone; waiting zone; excised zone; border area; border district; border space; border security; administrative law regime; illegal migration; right to asylum.

### **31. Shoev Sh.R., Jabborov F.N. Legal regulation of the activities of the military contingent of the Armed Forces of the Republic of Tajikistan as part of the Collective Rapid Reaction Forces of the Collective Security Treaty Organization to solve military tasks**

**Annotation.** Legal regulation of the contingent of the Armed Forces of the Republic of Tajikistan as part of the Collective Rapid Reaction Forces of the Collective Security Treaty Organization (hereinafter referred to as the CSTO CSR). The authors note the importance of the participation of the Republic of Tajikistan in this regional organization in the interests of ensuring security and stability in the Central Asian region of collective security from internal and external threats.

Until a decision is made on the deployment and use of the military contingent of the Armed Forces of the Republic of Tajikistan as part of the CSTO CSR, it is under Tajik jurisdiction. This concerns both the issues of recruitment, as well as financial and logistical support of the Tajik contingent.

**Key words:** Collective Rapid Reaction Forces, Armed Forces of the Republic of Tajikistan, regional security, international terrorism, aggression, international cooperation, principles and norms of international law.

## **2022. № 5**

### **1. Zemlin A.I. Issues of development of military-legal science in the context of modern problems of ensuring national security of Russia**

**Annotation.** In the article reflecting the content of the author's report at the III scientific and practical conference "Military law in the system of ensuring national security. International legal aspects of military and military-technical cooperation of the Russian Federation with foreign states", held within the framework of the International Military-Technical Forum "Army-2022" on August 16, 2022, presents the results of the analysis of the role and place of military law in the system of Russian law, reveals some features of its subject and method, allowing to consider military law as a specific system, branch of law and branch of legal and military science. Based on the results of the system-legal analysis, the article visualizes the functions of military law, establishes certain trends in the development of military-legal science at the present stage of the development of the Armed Forces in the interests of ensuring the national security of



Russia. The formulated proposals can be implemented as part of the further development of military legal science in the conditions of a special military operation.

**Keywords:** military law, legal science, military science, development trends.

2. **Koryakin V.M.** Ensuring the security of control points of the state and the Armed Forces of the Russian Federation, other special mobilization facilities

**Annotation.** The article is a scientific and practical commentary on Federal Law No. 336-FZ of July 14, 2022 "On Amendments to the Federal Law "On Mobilization Training and Mobilization in the Russian Federation" and Article 51 of the Federal Law "On Military Duty and Military Service", which regulates the issues of ensuring the safety of special facilities assigned to the jurisdiction of the federal body for ensuring mobilization training of state authorities of the Russian Federation.

**Keywords:** mobilization; mobilization training; control points of the state and the Armed Forces; special facilities; the Main Directorate of Special Programs of the President of the Russian Federation (GUSP).

3. **Taradonov S.V.** Wartime legislation as a comprehensive regulatory legal constitution

**Annotation.** Based on legal positions set out in the scientific literature, the article defines the concept and place in the legal regulation system of the normative complex array — "legislation of wartime". The author's position is formulated regarding the concept of "wartime legislation" as a set of normative legal acts adopted in peacetime (and subsequently during the war), which enter into force from the moment of the declaration of a state of war or the actual beginning of hostilities, regulating the activities of the military organization of the state in order to restructure it in a military manner and the organization of the armed defense of the country, including the implementation of international treaties of the state.

Based on the study of the concept, essence and features of "wartime legislation", its system and place in the structure of the legislative system are determined. The complex array of "wartime legislation" is considered as a complex institution of military legislation, which is part of the sub-branch of military legislation regulating the law of armed conflicts.

**Key words:** wartime legislation, military legislation; legislation on armed conflicts; wartime law; wartime, martial law, aggression, immediate threat of aggression, state of emergency.

4. **Borisov A.V.** Genesis of legislation on the death penalty in Russia

**Annotation.** The article examines the stages of development of criminal legislation regulating such a type of criminal punishment as the death penalty, examines the features of this type of punishment in various periods of the development of the Russian state.

**Keywords:** criminal punishment, criminal legislation, death penalty.

5. **Denisov D.I.** The genesis of law under the influence of morality and morality. Mutual influence of phenomena: law, law, state

**Annotation.** In this paper we will try to understand the phenomenon of law. How the law was born and why it found a stronghold of its existence in the dungeons of state entities. We will see the difference between morality and morality and their influence on the formation of legal norms. At the same time, we will make sure that there are different approaches to the perception of the relationship between law and law.

**Keywords:** law, morality, morality, state.

6. **Zyubanov Yu.A.** Laws of the period of centralization of the Russian state on the ambiguity of the term "head"

**Resume.** The article analyzes the term "head" widely used in the laws of the period of centralization of the Russian state, as well as in state-administrative and military activities.

**Keywords:** the head, the law, the period of centralization, the Russian state.

#### **7. Nekrasov A.A. Historical experience of the formation of law enforcement functions at checkpoints across the state border of the Russian Empire**

**Annotation.** The article examines the main stages of the formation of law enforcement functions at checkpoints across the state border of the Russian Empire. It analyzes the definitions that characterize the law enforcement nature of activities to protect the border of the Empire. The paper reveals the dependence of the content of law enforcement activities of border guards on the military-political situation in Russia and adjacent countries.

**Keywords:** law enforcement functions, border protection, checkpoints, fiscal officers, border guards, gendarmes.

#### **8. Novokshonov D.V. Formation and development of Russian legislation on criminal liability for crimes against the order of subordination and military statutory relations**

**Abstract.** The paper examines the historical and legal aspect of the development of criminal responsibility for crimes against the order of subordination and military statutory relationships.

**Keywords:** military statutory relationships, chain of command, the criminal liability of servicemen.

#### **9. Poznakhirev V.V. Regulation of military captivity in Russian and foreign military statutes at the turn of the XVII—XVIII centuries**

**Annotation.** The specifics of the regulation of military statutes of the era of Peter the Great of issues of military captivity have never been the subject of special research before, although such work could expand our understanding of the state of military law in Europe at the turn of the XVII—XVIII. The above testifies to the novelty and relevance of this article and determines its purpose: to reconstruct the process of evolution of domestic legislation on prisoners of war during the Peter the Great reforms and compare its main provisions with the norms of certain foreign military statutes. The methodological basis of the work consists of a systematic approach, as well as historical-legal and historical-comparative methods. In the course of the study, we have studied in detail the provisions of such documents as: "The Statute of the previous years" (1700—1705), "The Code or the right of military conduct for generals, middle and lower ranks and ordinary soldiers" (1701—1705), "The Article brief" (1706), "The Military Statutes" (1716) and the "Statutes of the Sea" (1720). Analyzing the content of the listed acts, the author systematizes the norms he identified regulating the legal status of prisoners. Author classifies them according to various characteristics; deduces that during most of the Northern War of 1700—1721, military captivity in Russia, could be regulated by several military regulations simultaneously, the effect of which extended to both the entire army and its individual formations. Despite the external disorder of this approach, it made it possible to select, test and finally fix it in the Statutes of 1716 and 1720 in the shortest possible time the most progressive ideas in the field under study, which ensured the high efficiency of the legal regulation of the entire domestic system of military captivity.

**Keywords:** cartel, Military article, military law, Northern War 1700—1721, Peter I, prisoner exchange, private captivity, public captivity, ransom of prisoners.

#### **10. Polunin S.V., Korneychuk G.D., Lyakhov A.V. «Military Article» is a monument of military law, which established the foundations of unity of command and centralization of management**

**Annotation.** The article examines the reasons and conditions for the military reform of the Russian army at the beginning of the XVIII century. The degree of influence of foreign legislation on the formation of the organizational and legal foundations of the functioning of the Russian army has been established. Based on the structural and functional analysis of the legal norms of the "Military Article", the fundamental, basic principles of the construction and functioning of the military organization of the state were synthesized. The conclusion is made about the historical significance of Peter I's legal reforms in the reform of the Russian army and their impact on the state of modern domestic military law and order.

**Key words:** The Northern War, Peter I, Russian army, soldier, reform, combat capability, discipline, unity of command, centralization of management, military article, church, clergy.

#### **11. Shamarov V.M., Shamarov P.V. On the function of the country's defense and its latest transformation into the function of sovereign statehood**

**Abstract.** The article examines the evolution of the scientific approaches of the domestic academic community to the essential content of the country's defense function from the early Soviet period to the latest times of democratic Russia; the corresponding empirical chronology of this essential change for the last century is offered; the consolidated author's concept of sovereign statehood is formulated and its fundamental content is revealed, taking into account the special military operation carried out by the Russian Federation since February 24, 2022 on the territory of Ukraine.

**Key words:** international law, national security, national interests, state functions, national defense function, sovereign statehood function, special military operation, peacekeeping

#### **12. Glukhov E.A. Dysfunctions of military administration: recognition of the problem**

**Abstract.** The article analyzes the defects of military management caused by an increased degree of military discipline and diligence, excessive regulation of life, an extremely wide range of duties and responsibilities of military leaders, the lack of ranking of these duties by degree of importance, the deviation of the functionality of some officials from the goals of the existence of a military formation. The author identifies the negative consequences of these factors for achieving the main goal of the military organization, and also suggests some measures to minimize them.

**Keywords:** military management, management functions, organizational defects, independence and creativity, multitasking, organization mission, military security, planning and reporting, bureaucracy, legal regulation, management quality.

#### **13. Kirichenko N.S. Review of proposals to improve legislation on the financial responsibility of military personnel**

**Annotation.** The article in question provides an overview of proposals to amend the Federal Law "On the Material Responsibility of Military Personnel", which were considered by the author in more detail in other articles published in various scientific journals.

**Keywords:** material responsibility of military personnel, legal responsibility of military personnel, improvement of legislation.

#### **14. Sibgatullin F.S. The concept of legal regulation of the activities of the National Guard troops of the Russian Federation, its limits and principles**

**Abstract:** The article analyzes the definitions of the concepts "legal regulation", "limits of legal regulation", "principles of legal regulation". The author's version of the definition of the concept of legal regulation of the activities of Rosgvardiya is proposed. The article discusses the basic principles of legal regulation, and also defines the limits of legal regulation of the activities of the National Guard troops. It is noted that the principles of legal regulation act as a means of ensuring the lawlessness.

**Keywords:** National Guard troops, legal regulation, limits of legal regulation, principles of legal regulation

**15. Tuganov Yu.N., Aulov V.K. Review of regulatory and legal regulation of approaches to assessing the state of discipline in the judicial corps and military discipline in the Armed Forces of the Russian Federation**

**Abstract.** In the article, the authors investigate the regulatory and legal regulation of approaches to assessing the state of discipline in the judicial corps and military discipline in the Armed Forces of the Russian Federation. The methodology for assessing the state of discipline in the judicial community is presented as an illustration of an effectively functioning model for assessing the state of corporate discipline. The basic principle of the construction of this model – the direct participation of the professional community in the formation of a mechanism for assessing the state of discipline – could be taken as a basis for improving the regulatory regulation of approaches to assessing the state of discipline in the military, adjusted for unity of command, as the basic principle of the construction of the Armed Forces, their leadership and relationships between military personnel.

**Keywords:** judicial system, armed forces, discipline assessment, assessment of the state of military discipline, judges, military personnel.

**16. Kirichenko N.S., Alexandrova N.G. On the issue of registration at the place of residence of employees with special ranks**

**Abstract.** The performance of official tasks by employees of many law enforcement agencies who have special ranks is often associated with the need to change the place of service, including moving to another locality. At the same time, after such a move, employees and their family members may face a problem related to the inability to register at the place of residence due to the lack of residential premises in which to register. But such registration is necessary for the implementation of many social guarantees. This article discusses proposals aimed at resolving this issue.

**Keywords:** registration at the place of residence, registration of employees, special service, special rank, social guarantees of employees.

**17. Malakhanov A.V., Kharitonov S.S. Challenging the dismissal from military service of military personnel (Based on the materials of military judicial practice)**

**Abstract.** The article deals with topical issues of military judicial practice in the field of dismissal of military personnel from military service.

**Key words:** military service, serviceman, military service under contract, dismissal from military service.

**18. Miftyakhov R.H., Miftyakhova E.R. Moral and moral position (status) of a civil servant**

**Abstract.** The paper reveals topical problems in the activities of the public service of the Russian Federation. It is noted that in the conditions of global danger in the world, in military, law enforcement and other activities, it is impossible to solve state problems at a high level without the moral and moral training of civil servants. Civil servants cannot effectively fulfill the state tasks assigned to them, in conditions where their social rights guaranteed by the state, humanitarian rights and moral rights are violated. In this regard, moral training plays an important role in the proper performance of official, official and other duties by civil servants. Thus, public servants must have moral rights, defined and enshrined in the regulatory legal acts regulating public service in the Russian Federation. To this end, it is necessary to improve the regulatory legal acts, by-laws and other acts regulating the military service, the service related to law enforcement agencies, the service for the prevention and elimination of emergencies and

other services. It is concluded that the achievement of this goal is possible against the background of improving the current legislation.

**Key words:** global problems, public service, principles, rights, duties, responsibility, behavior, morality, ethics, normative legal acts.

**19. Kharaman E. Legal problems of division between spouses of residential premises obtained under the program of accumulative mortgage system of housing provision for military personnel**

**Abstract.** In the current article the author examines the issue of the division between spouses of residential premises acquired during marriage under the program of the accumulative mortgage system of housing provision for military personnel, analyzes the main legal positions formed by courts of general jurisdiction on this issue, concludes that additional legal regulation in this area is necessary, considering the specifics of housing provision for military personnel.

According to the author, this topic remains relevant, since there is no clear legal regulation on the issue under consideration at the legislative level, and judicial practice is contradictory and ambiguous.

**Keywords:** military personnel, the accumulative-mortgage system of housing for military personnel, spouses' property, divorce, former spouses

**20. Zavidov N.G. Topical issues of prosecutorial supervision over the implementation of laws to curb the spread of narcotic drugs and psychotropic substances in military collectives**

**Annotation.** The article discusses the issues of the organization of prosecutorial supervision for the suppression of drug trafficking in the Armed Forces of the Russian Federation. The analysis of legislation, including the departmental regulatory legal framework of the Ministry of Defense of the Russian Federation, regulating issues in this area is carried out. The assessment of the emerging drug situation in military collectives is given, problems in this area are identified and measures aimed at suppressing illicit trafficking of narcotic drugs and psychotropic substances in the troops are developed.

**Key words:** prosecutor's offices, prosecutorial supervision, countering illicit trafficking of narcotic drugs and psychotropic substances, the Armed Forces of the Russian Federation, measures aimed at suppressing the spread of drugs in the army environment.

**21. Zaikov D.E. Official secrecy in the field of defense vs the principle of transparency of legal proceedings**

**Abstract.** The introduction of the institute of official secrets in the field of defense was one of the important steps towards improving the information security of the state. At the same time, its full and effective implementation requires full implementation into existing legal relations. Problematic issues arise when courts consider cases containing information constituting official secrets in the field of defense, due to the existence of the principle of transparency of proceedings. The author analyzes the relevant legal regulation and suggests ways to eliminate the existing shortcomings.

**Keywords:** official secrets in the field of defense, information, courts, the principle of transparency of proceedings, closed court session.

**22. Makhyanova R.M. Evaluation of the effectiveness of the supervisory activities of the Prosecutor's Office**

**Annotation.** Based on a retrospective analysis of the scientific and practical literature and supervisory practice of the prosecutor's office in this article, in order to improve the skills of prosecutors, develop the organization and activities of the prosecutor's office and improve the process of supervisory activities: the main criteria for evaluating the effectiveness of supervisory

activities of the prosecutor's office are highlighted; other aspects that contribute to improving the quality and effectiveness of supervisory activities are proposed.

**Keywords:** supervisory activity of the prosecutor's office; tactics of supervisory activity; stages of supervisory activity; effectiveness of supervisory activity; criteria for evaluating the effectiveness of supervisory activity.

**23. Nazarova I.S., Shenshin V.M. Organizational basis for the prevention of corruption offenses in the troops of the National Guard of the Russian Federation**

**Abstract.** In the presented study, the author's interpretation of the definition of "prevention of corruption" is given. Under the organizational basis of anti-corruption, researchers propose to understand "a legislatively and structurally defined set of bodies, officials, civil society institutions with powers in the field of anti-corruption." The list of tasks assigned to anti-corruption units is being clarified. Within the framework of the article, the authors conclude that the legislator puts a sign of identity between the concepts of "corruption offense" and "corruption"; the prevention of corruption is included by the legislator as an element in two areas of combating corruption – in the prevention of corruption and the fight against it; it is logically incorrect to indicate the prevention of offenses after their detection. The legal definition of anti-corruption is set out in a new edition.

**Keywords:** prevention of corruption; organizational basis for combating corruption; civil society; prevention of corruption; corruption offense.

**24. Vlasov S.Yu., Kharitonov S.S. Application of the Rules for Imposing Criminal Punishment (Based on the Materials of Military Judicial Practice)**

**Annotation.** Some examples from the judicial practice of military courts in criminal cases concerning the application of general principles and certain special rules for sentencing are considered.

**Key words:** criminal penalties; military personnel; military judicial practice.

**25. Ovcharov A.V. Criminal-legal and organizational means of countering the restriction of competition in the conditions of digitalization of the economy**

**Abstract:** The article is devoted to the consideration of a number of issues related to the criminal protection of free competition in the conditions of digitalization of the economy. The author gives a general picture of the introduction of digital innovations in various spheres of economic life in recent years and concludes that these innovations, along with positive results, entail certain risks, namely the emergence of new ways of encroaching on free competition. The article names these methods and concludes that the existing wording of Article 178 of the Criminal Code of the Russian Federation does not allow to cover all cases of the considered encroachments in the conditions of digitalization of the economy.

**Keywords:** Criminal liability, crime, state, restriction of competition, criminal legal protection, digitalization of the economy, cartel, agreement restricting competition.

**26. Sudenko V.E. Certain issues of operational-search activity and criminalistics**

**Annotation.** The problematic issues that exist in the operational-search activity and forensic science, and the ratio of these two scientific areas, the most important in the fight against crime, are revealed. The genesis of the science "Operative-investigative activity", the similarities and differences of its subject and content from the subject and content of the science "Criminalistics" are briefly carried out. some shortcomings in the teaching of the discipline "Operative-investigative activity" in civil higher educational institutions. The features of the concept and time of solving a crime in operational-investigative activities, as well as in forensics and criminal proceedings, and the meaning of these definitions are shown. Some reasons for possible shortcomings in teaching the discipline of operational-search activity in civil higher and secondary specialized educational institutions are given.

**Key words:** science of operational-investigative activity; crime leaf; a crime; disclosure of the crime.

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### **Vinokurov V.A. Partial mobilization: concept and content**

**Annotation.** The article is devoted to the study of the legal content of the concept of "partial mobilization". As a result of the analysis carried out, the absence in federal laws and other regulatory legal acts of a clear understanding of the essence of partial mobilization and its differences from the mobilization of the general. Taking into account the existing norms of Russian legislation, the author has identified signs that allow distinguishing between general and partial mobilization. As a result, a variant of the definition of the term "partial mobilization" is proposed, proposals are formulated for amendments and additions to the Federal Law "On Mobilization Training and Mobilization in the Russian Federation", which will consolidate the differences in the legal understanding of general mobilization and partial mobilization, as well as in the implementation of the necessary actions when they are announced.

**Keywords:** Constitution of the Russian Federation; mobilization; general mobilization; partial mobilization; conscription; age limit for military service; reserve of the Armed Forces of the Russian Federation.

### **1. Kirillov P. V., Savransky V. A. The main signs of terrorism**

**Annotation.** Based on the analysis of the definitions of the concept of terrorism, its signs are considered. A retrospective study of scientific papers has been carried out, in which various scientific models are created that describe terrorism. On the basis of scientific works, its features are identified and summarized. Separately, academic works are analyzed, reflecting the results of many years of research on various aspects of terrorism, in which terrorism is defined through the comprehension of practical experience, special methodology and legal knowledge. The author's approach in determining the main signs of terrorism is proposed.

**Keywords:** terrorism and its concepts, signs of terrorism, groups of signs of terrorism.

### **3. Kholikov I.V. Legal Aspects of Russia's Military Security Provision: Dynamics of Approaches and Conceptual Perspectives**

**Abstract.** The article provides basic characteristics of modern war, which combines military and non-military means of warfare, it considers the issues of relationship between war and politics in modern conditions of globalization which eventually became the reason for degradation of the existing world legal order. Various forms to raise the efficiency of provision of military security of the Russian Federation are proposed, the main of which seem to be the reaching of strategic goals in the domain of scientific-technical development, improvement of quality of military-scientific work, including the one in the field of military law.

**Keywords:** war, military security, globalization, military struggle, military threats, military law.

### **4. Baranekov V.V. Organizational and legal forms of military-patriotic education and pre-conscription training in the interests of mobilization in the pre-war period and in war conditions**

**Abstract.** The article examines the organizational and legal forms of military-patriotic education and pre-conscription training in the interests of mobilization in the pre-war period and in war conditions, the experience of using, with the use of public organizations in this activity.

**Keywords:** military-patriotic education, pre-conscription training, organizational and legal forms of military training, mobilization, public defense organizations, Osoaviakhim.

### **5. Zyubanov Yu.A. The history of an investigative case of the era of Peter the Great**

**Resume.** The article briefly describes the history of the investigative case that Peter the Great commissioned to investigate the newly created "major" investigative office. This is the first specialized investigative body in Russia, and Major M.I. Volkonsky of the Guards was appointed its head.

**Keywords:** investigative case, crime, abuse of official authority, court decision.

#### **6. Yakovets E.N. The importance of mobilization measures in the initial periods The First World War and the Great Patriotic War**

**Annotation.** The article analyzes the content of emergency measures aimed at organizing resistance to the enemy in the initial periods of the First World War and the Great Patriotic War. These measures, despite the difference in the political systems of the Russian Empire and the Soviet Union, turned out to be largely similar. It is concluded that in the current conditions, when the Russian Federation has actually entered into an open military confrontation with the West in Ukraine, this experience may be in demand.

**Keywords:** martial law; special powers of the military command; extraordinary judicial bodies; military censorship; restructuring of industry in a military manner; intensification of the fight against espionage.

#### **7. Glukhov E.A., Koryakin V.M. The impact of the quality of legal regulation on the achievement of the goals facing the military organization of the state**

**Annotation.** The article analyzes the impact of regulatory regulation on the achievement of the goals set for the military organization. The author compares various approaches to the definition of "effectiveness of legal regulation" in relation to military legal relations, the lack of priority of defining goals in the functioning of the military organization of the state is identified as a problematic issue, and proposals are made to eliminate this defect.

**Keywords:** military administration, efficiency of law, legal regulation, military service, combat readiness, priority of goals, resources expended, result of military activity.

#### **8. Naumov T.M., Zemlin A.I. The legal basis of the activity of the National Guard troops for the protection of important state facilities, special cargo and structures on communications**

**Annotation.** Important government facilities, special cargo and facilities on communications are special items of protection and are often of critical importance for the functioning of individual sectors of the economy and industry of the country. Since important government facilities, special cargo and facilities on communications are sources of increased danger, critical or potentially dangerous facilities, their protection must be organized in such a way as to exclude the possibility of unauthorized entry into these facilities, attacks or damage. The organization and implementation of the protection of important state facilities, special cargo and facilities on communications is assigned by law to the troops of the national guard of the Russian Federation and is carried out by the forces of the relevant military units. Efficient and legal implementation of tasks for the protection of important state facilities, special cargo and structures on communications is possible on the basis of a system of regulatory legal acts regulating the implementation of such. In the article, based on the study of scientific sources and a consistent analysis of regulatory legal regulation, the legal basis for the activities of the national guard troops in the protection of important state facilities, special cargo and facilities on communications is explored. Based on the results of the study, the article summarizes scientific and legal information about the system of regulatory legal acts and the features of the legal regulation of the activities of the national guard troops for the protection of important state facilities, special cargo and structures on communications.

**Keywords:** troops of the national guard; important state facility; legal bases; safety; military service; established field of activity; state powers; administrative responsibility.



**9. Kholikov I.V., Leonov T.M. Characteristics of the legal regulation of the implementation of federal state control (supervision) in the field of quality and safety of medical activities of military medical organizations**

**Abstract.** Protecting the health of military personnel and their families is the responsibility of the state, which guarantees the maintenance and restoration of health and quality of life. The combat effectiveness of the army and the maintenance of its stable psychological state depend on the level and quality of medical support for personnel. For medical support (servicing) of military personnel and members of their families in the relevant federal executive authorities, where the law provides for military service (the Ministry of Defense, the Ministry of Emergency Situations of Russia, the FSB, the FSO, the National Guard, etc.), military medical and other organizations (divisions) have been created that make up health care system of the country's power structures. Since military personnel and members of their families have the right to receive medical care of the appropriate volume and quality in military medical organizations, the control and supervisory authorities are entrusted with duties within the framework of federal state control (supervision) to exercise such in the field of quality and safety of medical activities carried out by the military medical organizations. This study examines the characteristics and features of the legal regulation of federal state control (supervision) in the field of quality and safety of medical activities carried out by military medical organizations. The main scientific results of the article include the theoretical and legal requirements of regulatory legal acts and scientific literature in the field of the subject of research.

**Keywords:** state control (supervision); examination; medical activity; quality control; military service; health care; health protection; health care system.

**10. Shenshin V.M. On the role of state authorities of the subjects of the Russian Federation, local self-government bodies and the troops of the National Guard of the Russian Federation in the implementation of the powers assigned to them in the event of mobilization**

**Abstract.** The presented study analyzes the role of state bodies of the subjects of the Russian Federation, local self-government bodies and National Guard troops in the implementation of the powers assigned to them when declaring mobilization. It is emphasized that at the time of preparation and writing of the article, the troops of the National Guard of the Russian Federation had not made any decisions aimed at transferring troops to the organization and composition of wartime. Analysis of the Federal Law "On the Troops of the National Guard of the Russian Federation" allows us to conclude that the executive authorities of the subjects of the Russian Federation, the executive and administrative bodies of municipalities (local administrations) and their officials assist the troops of the National Guard in carrying out the tasks assigned to them, provide in the manner determined by the Government of the Russian Federation, national guard troops buildings (premises), structures and land plots for the period of preparation and performance of their service and combat tasks. It is concluded that mobilization activities are carried out on the territory of most subjects of the Russian Federation with the involvement of local resources in the form of local self-government bodies. The measures provided for by the subordinate regulatory legal acts are primarily aimed at fulfilling the powers provided for by federal legislation. A list of issues that are not resolved at the legislative level and require their resolution is provided.

**Keywords:** state bodies of the subjects of the Russian Federation; local self-government bodies; mobilization; national Guard troops.

**11. Baranenkova I.V. About "credit holidays" for participants of a special military operation and some problems of law enforcement.**

**Abstract.** The article examines the essence of "credit holidays", which, after the announcement of partial mobilization, were introduced by the legislator as one of the social

benefits to support mobilized and other military personnel participating in a Special military operation.

**Keywords:** partial mobilization, "credit holidays", social security of military personnel, special military operation in Ukraine, benefits for persons conscripted into the ranks of the Red Army or Navy, who joined the People's Militia.

**12. Novokshonov D.V., Shenshin V.M., Shenshina L.A. On additional social guarantees and compensations provided to family members of servicemen of the National Guard troops established by the subjects of the Russian Federation**

**Abstract** The presented study analyzes such a category as "family members of a serviceman (employee)", it is concluded that the subordinate regulatory legal acts adopted by the subjects of the Russian Federation bodies contain a broader list of categories of citizens belonging to family members of a serviceman (employee). The authors identify social guarantees and compensations provided by the subjects of the Russian Federation. It is proposed to amend paragraph 5 of Article 2 of the Federal Law "On the Status of Military Personnel", thereby expanding the category of children belonging to family members of a serviceman.

**Keywords:** family members of a serviceman (employee); national guard troops; guarantees and compensation.

**13. Zaikov D.E. Social and labor guarantees to state civil servants in connection with conscription for military service on mobilization**

**Annotation.** The situation in the zone of the special military operation necessitated the involvement of a significant number of citizens in the implementation of their duty to protect the Fatherland, including in the framework of partial mobilization. The article deals with the peculiarities of the legal regulation of service relations with the participation of state civil servants in the case of their conscription for military service on mobilization (admission to military service under a contract, conclusion of a contract on voluntary assistance in the performance of tasks assigned to the Armed Forces of the Russian Federation).

**Key words:** mobilization, civil servant, suspension of civil service, service contract, military service, dismissal.

**14. Synkov N.V. Problematic issues of legal liability of military personnel for violation of anti-corruption legislation**

**Annotation.** The article is devoted to the issues of legal regulation of the legal responsibility of servicemen of the Armed Forces of the Russian Federation for violating the anti-corruption legislation. During the analysis of the current legislation, the author of the article revealed the ambiguity and lack of clear boundaries of the categorical and conceptual apparatus in matters of legal regulation of the legal liability of military personnel of the Armed Forces for violation of anti-corruption legislation, which, of course, can lead to a double interpretation of legal norms and further unfair decision-making. Such a failure of legislation in this area requires an operational adjustment of both material norms establishing the legal responsibility of military personnel for corruption offenses, and procedural norms regulating the specifics of involving military personnel of the Armed Forces to legal responsibility for violation of anti-corruption legislation.

**Keywords:** legal (criminal, administrative, disciplinary) responsibility, anti-corruption legislation, corruption offenses, legal regulation, application of penalties, procedural and substantive norms of law.

**15. Tsutsiev S.A. A serviceman's right of life and health protection in a format of unifying hygienic rating theory.**

**Abstract.** This paper analyses the military service security system in the Armed Forces of the Russian Federation in a format of the unifying hygienic rating theory formulated by a

national scientist more than fifty years ago. In the author's opinion, in particular, the transformation of the conceptual construct, goals and objectives of hygienic rating has gradually and imperceptibly occurred in modern hygiene. The paradox of the moment lies in its illusiveness: newly used evaluation criteria are inherently so close to the traditional ones that it's hard to see the fundamental difference. As a natural consequence, the meaning of ongoing hygienic measures changes completely leaving less room for meaningful progress in the field of preserving life and health of a healthy person (serviceman). Based on the principles underlying the unifying hygienic rating theory, the author considers proposals on better military service security system's performance.

**Key words:** security, military service, unifying theory, hygienic rating, health, serviceman.

#### **16. Antyufeev D.A., Shankhaev S.V. Prosecutor's supervision of compliance with budget legislation in the Armed Forces of the Russian Federation (problem statement)**

**Annotation.** The article analyzes the features of prosecutorial supervision over the implementation of budget legislation in the Armed Forces of the Russian Federation. The activities of the military prosecutor in the implementation of the powers provided for by the federal law in the field of execution of budgetary legislation are considered. The observance of law and the maintenance of law and order in all spheres of life of the Armed Forces of the Russian Federation is a condition for the successful solution of the tasks of ensuring the stable functioning of the military organization of the state.

**Key words:** prosecutor's supervision, budget, budget legislation, financial legislation, military prosecutor's office.

#### **17. Mamonova M.V. Mechanism of protection of property rights of the Ministry of Defense of the Russian Federation**

**Abstract.** This article is devoted to the problem of protection of property rights of the Ministry of Defense of the Russian Federation. The article discusses general and special ways of protecting property rights, as well as the features of the mechanism of pre-trial and judicial protection of violated rights of the Ministry of Defense of the Russian Federation.

**Keywords:** arbitration court, Arbitration Procedural Code of the Russian Federation, Civil Code of the Russian Federation, Civil Procedural Code of the Russian Federation, property rights, claim, statute of limitations, Ministry of Defense of the Russian Federation, obligations, court proceedings, court of general jurisdiction, damages.

#### **18. Makhyanova R.M. The system of supervisory activity of the Prosecutor's Office and its elements**

**Annotation.** The article reveals the concept and content of the supervisory activity of the prosecutor's office, identifies its sequential elements that represent a certain system; the author's definition of the concept of the system of supervisory activity of the prosecutor's office is formulated; the proposal on the regulatory consolidation of the procedure for the implementation of supervisory measures by prosecutors is substantiated.

**Keywords:** supervisory activity, system of supervisory activity; stages of supervisory activity; elements of supervisory activity; prosecutor's inspection; effectiveness of supervisory activity.

#### **19. Rytenkov S.F. Actual problems of improving the methodology for assessing the state of law and military discipline in the Armed Forces of Russian Federation**

**Abstract.** The article is devoted of improving the methodology for assessing the state of law and military discipline in the Armed Forces of Russian Federation. The proposes to introduce a system of digital coefficients and scoring when assessing the state of law and order

and military discipline. The article provides relevant calculations and examples for the introduction into practice of military command and control.

**Keywords:** law, military discipline, managerial activity, assessing the state, military unit, military authority.

**20. Rytenkov S.F. Actual problems of improving the methodology for assessing the state of law and military discipline in the Armed Forces of Russian Federation**

**Abstract.** The article is devoted to improving the methodology for assessing the state of law and military discipline in the Armed Forces of Russian Federation. The author proposes to introduce a system of digital coefficients and scoring when assessing the state of law and order and military discipline. The article provides relevant calculations and examples for the introduction into practice of military command and control.

**Keywords:** law, military discipline, managerial activity, assessing the state, military unit, military authority.

**21. Slifish M.V. On the procedural functions of the military prosecutor in the pre-trial stages of criminal proceedings**

**Abstract.** The article discusses the issues of combining the military prosecutor's criminal procedural functions of criminal prosecution and prosecutorial supervision in the pre-trial stages of criminal proceedings. The author comes to the conclusion that it is necessary to adjust the powers of the prosecutor in the pre-trial stages of criminal proceedings and to bring the wording of the criminal procedural norms of the federal law "On the Prosecutor's Office of the Russian Federation" in accordance with the provisions of Article 15 of the Code of Criminal Procedure of the Russian Federation, which do not allow combining the functions of prosecution and defense.

**Keywords:** criminal prosecution, prosecutorial supervision, functions of the prosecutor, powers of the prosecutor in criminal proceedings, management of preliminary investigation.

**22. Girko S.I., Kharchenko S.V. Some issues of disclosure and investigation of crimes in special conditions**

**Abstract.** The article discusses 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 death of people; 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; the loss of citizens' documents and official documentation of legal entities is noted, etc.

**Keywords:** "special conditions", "emergency incidents", "emergency circumstances", "emergency situation", operational situation, organized groups, firearms, ammunition, explosives and explosive devices, criminal explosions.

**23. Eermolovich Ya.N., Krishtopov S.V. Some Issues Related to the Consideration of Bill No. 130406-8 "On Amendments to the Criminal Code of the Russian Federation and the Criminal Procedure Code of the Russian Federation"**

**Annotation.** The article deals with the problematic issues of the construction of criminal law norms stipulated by Art. 275.1, 276, 280.4, 282.3, 283.2 of the Criminal Code of the Russian Federation, a comparative analysis with the legislation of foreign countries is carried out, the adopted draft law № 130406-8 "On amendments to the Criminal Code of the Russian Federation and the Criminal Procedure Code of the Russian Federation" is assessed. Ways to improve the criminal law and prospects for use are suggested.

**Keywords:** criminal law, extremism, counter-extremism legislation, national security strategy.

**24. Kirichenko N.S., Alexandrova N.G. Review of some amendments to the Criminal Code of the Russian Federation, the adoption of which is associated with the conduct of a special military operation**

**Abstract.** In September 2022, very important changes were made to the Criminal Code of the Russian Federation due to the conduct by the Russian Federation of a special military operation on the territories of Ukraine, the Donetsk People's Republic, as well as in connection with the announcement of partial mobilization in our state. This article provides a brief overview of the changes made.

**Keywords:** military service, criminal Code, military crimes, special military operation, mobilization, state defense order.

**25. Mozgovoy O.A. Criminal law protection and regulation of relations ensuring the conduct of a special military operation: experience, problems and directions of improvement**

**Annotation.** The article analyzes the experience of criminal legal protection and regulation of relations that ensure the successful conduct of hostilities during the Great Patriotic War, identifies problems and shortcomings of protection and regulation of these relations during a special military operation, offers directions for improving the current criminal legislation.

**Keywords:** mobilization, experience, regulation, problems, improvement, military law.

**26. Nekrasov A.A. The use of forensic methods for detecting crimes at checkpoints across the state border, responsibility for which is provided for in Part 2 of Article 322 of the Criminal Code of the Russian Federation**

**Annotation.** The article examines the criminalistic methods of detecting crimes at checkpoints across the state border, the responsibility for which is provided for by part 2 of Article 322 of the Criminal Code of the Russian Federation. The objective side of this crime is analyzed, the criminalistic methods of identifying foreign citizens and stateless persons using "forged" documents for illegal entry into the Russian Federation are substantiated.

**Keywords:** foreign citizen, the composition of the crime, the objective side of the crime, the subject of the crime, "forged documents", forensic identification, personal identification number.

**27. Ovcharov A.V., Kozlov A.V. Criminological analysis of the market private military force**

**Abstract:** The article is devoted to the consideration of the criminological aspect of the activities of private military and security companies. The article names the types of activities of such organizations and provides statistical data on their number. The example of the functioning of various Western PMCs (primarily the USA and Poland) on the territory of Ukraine demonstrates a number of negative aspects of the work of such organizations and, above all, their active complicity with both neo-Nazi formations and terrorism. In addition, the author points out the close relationship between the activities of PMCs and mercenary activities.

**Keywords:** international law, convention, war crime, denazification, mercenary activity, military conflict, private military company, state, escalation of conflict.

**28. Sudenko V.E. Operational and analytical search in the fight against organized crime**

**Annotation.** The problematic issues of operational investigative activity in terms of disclosure and investigation of crimes committed by organized criminal groups and criminal communities are considered. Special attention is paid to operational and analytical search as forms of operational investigative activity. A large part of such work should be aimed at identifying the leaders of criminal formations that organize and direct the criminal activities of their members. Operational support for the disclosure and investigation of crimes by organized

crime should last continuously, from the beginning of the development of a criminal formation and until the convicted members serve their sentences.

**Keywords:** operational investigative activity; operational search; analytical search; forecasting; leaders of organized crime.

### **29. Kharitonov S.S., Smirnov D.V. Digest of the application of criminal procedure law by military courts**

**Annotation.** The article presents the appeal decisions of the district (naval) military courts, showing the shortcomings in the enforcement of the norms of the Code of Criminal Procedure of the Russian Federation by individual garrison military courts.

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

### **30. Churkin A.V. The legislator can more democratically regulate the legal relations considered by the Constitutional Court of the Russian Federation in Resolution No. 33-P of July 18, 2022 in the Code of Criminal Procedure of the Russian Federation**

**Annotation.** The article analyzes the Resolution of the Constitutional Court of the Russian Federation No. 33-P of July 18, 2022, which revealed a gap in legal regulation in such a situation: during the pre-trial proceedings, the statute of limitations for bringing a person to criminal responsibility expired, and the accused or suspect himself does not agree to the termination of criminal prosecution on non-rehabilitating grounds. The Constitutional Court proposed to investigators and interrogators in such situations, despite the above-mentioned objection of the suspect or the accused, to terminate criminal cases on non-rehabilitating grounds (paragraph 3 of Part 2 of Article 24 and Part 2 of Article 27 of the Criminal Procedure Code of the Russian Federation), at the same time giving the named persons — the suspect and the accused — the right to appeal against such decisions of the investigator or inquirer to the court according to the rules of Article 1251 of the Code of Criminal Procedure of the Russian Federation. By the same Resolution, the Constitutional Court proposed to the legislator to settle the gap of legal regulation noted above. In the article, arguing with such an approach to resolving the issue under consideration by the Constitutional Court, on the basis of argumentation, it is proposed to settle these legal issues in a different way, namely: such a criminal case is an investigator or an inquirer - when the statute of limitations for bringing a person to criminal responsibility expires (Article 78 of the Criminal Code of the Russian Federation) in the prescribed manner they must be sent to the court, respectively, according to the rules of Articles 222 and 226 of the Code of Criminal Procedure of the Russian Federation. It is not the investigator or the inquirer, but the court that must decide on the guilt of such a person in the commission of the crime incriminated to him. If, however, the investigator or inquirer at the expiration of the statute of limitations (Article 78 of the Criminal Code of the Russian Federation) within the procedural terms established in the Decision of the Constitutional Court in question, such a case is not sent to court during the pre-trial proceedings, then the termination of the criminal case under these circumstances should be recognized by law as a rehabilitating ground.

**Keywords:** termination of a criminal case; termination of criminal prosecution; expiration of the statute of limitations for criminal prosecution; non-rehabilitating justification; rehabilitation; reasonable period of criminal prosecution of a suspect and/or accused; the end of a reasonable period of criminal prosecution.

### **31. Zemlin A.I. Topical issues of military activity of the state: legal dimension**

**Annotation.** The article, based on the application of the methodology of system-legal analysis, provides a critical understanding of the results of the study of current problems of military activity of the state, presented in the third volume of the collective monograph "Military Law" entitled "Main problems and promising areas of military-legal research", prepared under the general editorship of corresponding member of the Russian Academy of Sciences, Dr. Yuri-

Doctor of Sciences, Professor A.N. Savenkov and Doctor of Law, Professor A.V. Kudashkin. The conclusion is made about the high degree of scientific and thoroughness of the conclusions and conclusions of the authors of the reviewed publication, the methodological consistency of the paradigmatic approaches of scientific search and the applied research methods. The level of prognostic significance of the study, the validity of the definitions of the most promising areas of military-legal research presented in the monograph is particularly noted.

**Keywords:** military law, armed conflict, international law, new military technologies, private military security companies, international military cooperation.