

Annotation

the dissertation on competition of a scientific degree of candidate of legal Sciences "Prosecutor's supervision over observance of the economic rights of citizens of the Russian Federation" prepared by the applicant of the Department of legal support of national security, Law faculty for them. M. M. Speransky of the Institute of law and national security of the Federal state educational institution of higher education "Russian Academy of national economy and state service under the President of the Russian Federation" Soloviev A. A.

Relevance of the research topic. The Constitution of the Russian Federation establishes the rights of citizens to participate in the sphere of economic relations (Articles 34, 35, 36, etc.), which are specified and meaningfully set out in a number of federal laws and codes of the Russian Federation.

In the current conditions of anti-crisis measures implemented in the Russian economy, including in connection with the imposed international sanctions, as well as in the period before and after the introduction of restrictions related to the threat of the spread of coronavirus infection, the issues of protecting the economic rights of citizens by means of prosecutor's supervision are becoming increasingly relevant.

The State has adopted a number of important organizational and legal measures aimed at ensuring the protection of economic rights of citizens, including in the conduct of business activities, and also adopted various federal laws, the content of which is directly related to the protection of such rights. In the modern period, issues of legal protection of the rights of business entities are put under special control, as a result, the country consistently takes a set of measures aimed at strengthening the rule of law in this area.

Thus, in May 2012, the position of the Presidential Commissioner for the Protection of Entrepreneurs' Rights was established in the Russian Federation, and the Office for Supervision of the Observance of Entrepreneurs' Rights was established in the Prosecutor General's Office of the Russian Federation, and an Agreement was signed between the Prosecutor General's Office and the Commissioner on the interaction of AI in matters of protecting the rights of citizens and the legitimate interests of Business entities. In 2018-2021, the decisions of the

Board of the Prosecutor General's Office of the Russian Federation repeatedly indicated that currently one of the priority tasks of the Prosecutor's Office is to protect the constitutional rights of citizens, including the sphere of their financial situation.

The message of the President of the Russian Federation V. V. Putin to the Federal Assembly in 2021 indicates the need for further development of Russia as a legal social state, in which higher values are freedom and rights of citizens, human dignity, welfare, earlier in the Epistle of 2017, the President noted the need for permanent protection of constitutional rights of citizens, including in the sphere of economy and entrepreneurship, the components of the social identity of the state.

At the meeting of the Board of the Prosecutor General's Office of the Russian Federation in 2021, special attention was paid to the observance of the rule of law in various sectors of the economy, while emphasizing that this is a priority area of prosecutor's supervision.

Adopted the Federal law of 31.07.2020 No. 248-FZ "On state control (supervision) and municipal control in the Russian Federation", greatly improved the provisions of the Federal law of 26.12.2008 № 294-FZ entered into the state information system "Unified register of checks" (FGIS ERP) operated by the office of the Prosecutor General of the Russian Federation, one of whose tasks is to ensure the legality verification activities in the field of entrepreneurship. The new law not only left these powers to the prosecutor's office, but also supplemented them by introducing, for example, the right of the prosecutor to make a request to conduct a control (supervisory) event when detecting violations of citizens' rights, as well as the possibility of canceling the results of an inspection in the presence of procedural violations and describing the types of inspections, their stages and

In 2018-2020, under the chairmanship of the Prosecutor General of the Russian Federation, a number of meetings on the protection of entrepreneurs' rights were held (Yaroslavl, Khabarovsk, Vladivostok, Tula), and meetings of the interdepartmental working group on the protection of entrepreneurs' rights are held on an ongoing basis in the Prosecutor General's Office.

However, the conducted research has shown that despite the measures taken and the continuous improvement of the legislative regulation of the sphere of economic activity, the analysis of the state of legality indicates the prevalence in recent years of a steady trend of growth of violations of laws detected by the prosecutor's office in this area.

Thus, from 2008 to 2020, the total number of detected violations of laws annually exceeded more than one million and on average increases annually by 7.7 %, and only in 2019 and 2020 there was a slight decrease in them, and the total number of detected illegal legal acts annually is more than 100 thousand, and, on average, increases by 5.4%. At the same time, it should be emphasized that the analysis of the materials of the prosecutor's supervision shows that the offenses committed in the sphere of economic legal relations encroach not only on the economic rights of legal entities, but also at the same time negatively affect the observance of economic rights of citizens, causing them significant material and moral damage.

In the period from 2017 to 2020, the Prosecutor General's Office conducted large-scale inspections of collection agencies with a network of branches in the constituent entities of the Russian Federation on an ongoing basis. The results of inspections indicate numerous violations of the law in the activities of organizations specializing in providing debt repayment services, which are often associated with criminal actions. In the course of monitoring the implementation of legislation on the protection of citizens' rights when collectors return overdue debts, the prosecutor's office revealed more than 500 violations of laws in 2019. More than 150 submissions were submitted to eliminate them. According to the decisions of the prosecutors, 74 persons were brought to administrative responsibility¹.

Taking into account the special social significance, in 2019-2020, prosecutors continued to work to protect the housing rights of citizens. In cooperation with the authorities, the problem of 500 long-term construction projects was finally resolved, and the rights of 57 thousand participants in shared

¹ <https://genproc.gov.ru/>

construction were restored. In 2020, in the field of shared housing construction, prosecutors identified 11,188 violations of the law. In this regard, 3,544 submissions were submitted. As a result, 1,635 officials and legal entities were brought to administrative responsibility, 1,898 – to disciplinary responsibility, 384 lawsuits were sent to the court, of which 247 were satisfied².

It should be noted that after the legislative consolidation of the possibility of introducing bankruptcy of individuals, as of April 15, 2017, 34,595 cases of bankruptcy of individuals were registered in the Russian Federation, of which property sale procedures were initiated in respect of 25,642 citizens, debt restructuring-in respect of 8,953 persons, and the number of bankrupt citizens in Moscow and St. Petersburg is growing. In St. Petersburg. In 2020, the number of citizens (including individual entrepreneurs) declared bankrupt was 119,049, which is 72.6% more than in 2019. Prosecutor's offices regularly detect violations in this area.

Particularly noteworthy are the issues of protecting the economic rights of citizens, including individual entrepreneurs, during the period of restrictions imposed in the country in 2020 due to the threat of the spread of coronavirus infection. The Prosecutor General's Office of the Russian Federation constantly monitored the observance of the rights of citizens and the interests of the state in the context of the spread of COVID-19. In June 2020 alone, after the partial lifting of restrictions by prosecutors of the constituent entities of the Russian Federation in this area, 1.2 thousand violations of the law were identified, 300 submissions were made, 90 lawsuits were sent to the courts, and 156 warnings were announced. 120 legal acts have been repealed (amended) following the protests of prosecutors. At the initiative of the prosecutors, 65 persons were brought to administrative responsibility, 205 – to disciplinary responsibility, 2 criminal cases were initiated and are being investigated. Among the priority tasks for supervision during the specified period, the Prosecutor General's Office has set the protection of the legitimate interests of small and medium-sized businesses, ensuring the proper

implementation of state support measures for entrepreneurs by means of supervision and within the established competence, including employee benefits, deferred payments, benefits and other guarantees³.

The article analyzes the issues of observing the rights of citizens when carrying out business activities by registering the status of an individual entrepreneur in order to make a profit. It is noteworthy that the number of registered individual entrepreneurs has recently increased in the country. If as of 01.01.2010 their number was 1.9 million people, then as of 01.01.2021 – 3.7 million people, despite a slight decline in registration and closure of businesses during the crisis in 2014-2017 and during the period of restrictions imposed due to the threat of the spread of coronavirus infection in 2020. The average number of employees employed in the small and medium-sized enterprise (SME) segment as of January 10, 2021 was 15,491,144, which is 1.1% higher than on the same date in 2020. This is evidenced by the data of the Unified Register of Small and Medium-sized Businesses of the Federal Tax Service. As of January 10, 2021, the total number of small and medium-sized businesses (FTS data includes individual entrepreneurs and legal entities) was 5,684,561, which is 3.9% less than on the same date in 2020. The number of legal entities decreased by 6.2% to 2,371,915⁴.

Violations of economic rights of citizens in the modern period not only very numerous, but rather encompass a wide range of economic sectors, including enterprise, private property, credit and banking and financial activities, housing, shared housing, taxation and implementation of the activities of tax authorities, antitrust, insurance and other types of economic and business activities of the citizens, as defined by the law. There are numerous violations of the rights of business entities in the activities of control bodies.

Thus, the particular relevance of the problem under consideration, coupled with the breadth of the current legislation and the multiplicity of economic spheres in which numerous violations of the legal rights of citizens are allowed, indicates

3 <https://genproc.gov.ru/>

4 <http://rcsme.ru/ru/statistics> or 17.01.2021

the need for their theoretical understanding and scientific study in order to develop scientific and pragmatic provisions that meet modern requirements, significantly increasing the effectiveness of prosecutor's supervision aimed at actually ensuring compliance with the economic rights of citizens.

The emergence of new forms of relations between citizens and the state in the economic sphere also requires increasing the efficiency and improving the methodology for implementing prosecutor's supervision of the observance of economic rights of citizens. The above provisions in their entirety determine the relevance and choice of the topic of dissertation research.

The subject of this paper is the economic rights of citizens of the Russian Federation.

The purpose of the dissertation research.

On the basis of a comprehensive scientific study in the field of observance of economic rights of citizens, analysis and determination of specific most optimal scientific and pragmatic methods, to develop theoretical, legal, organizational pragmatic provisions for improving prosecutor's supervision in this area, and the implementation of real protection of economic rights of citizens.

The main objectives of the dissertation research.

To achieve this goal, the following scientific tasks were solved in the research process::

1. Determination of the content of the subject matter and limits of prosecutor's supervision over the observance of economic rights of citizens.
2. Formulation of the goals and main tasks of prosecutor's supervision over the observance of economic rights of citizens.
3. Analysis of the state of legality in this area and development of a scientifically based classification of typical violations of economic rights of citizens.
4. Identification of problematic issues in the practice of prosecutor's supervision of the observance of economic rights of citizens and development of relevant proposals for improving supervisory activities in this area.

5. Development of theoretical foundations of prosecutor's supervision aimed at ensuring compliance with the economic rights of citizens.

6. Identify gaps and conflicts in the legal regulation of relations in this area and develop specific proposals for improving the current legislation on the protection of economic rights of citizens.

The object of the dissertation research is a complex of legal relations that develop during the exercise of the prosecutor's powers in the course of prosecutorial supervision of the observance of economic rights of citizens, as well as problems that arise in this case that require scientific resolution.

The subject of the dissertation research is prosecutor's supervision of the observance of economic rights of citizens, taking into account the current state and trends in further improvement of legislation regulating the powers of federal executive bodies, state authorities of constituent entities of the Russian Federation and local self-government bodies in the field of protection of economic rights of citizens, identifying unresolved problems in the practice of prosecutor's supervision in this area.

The scientific novelty of the research lies in the fact that it is self-completed research, which presents solutions to contemporary problems of Prosecutor's supervision over observance of the economic rights of citizens, the definition of content, subject matter, object and limits of prosecutorial supervision, legal, organizational and methodological support of the public Prosecutor on supervision of observance of the whole complex of economic rights of citizens.

The dissertation work is a new independent scientific research in its content also because the actual problems considered in it for the first time cover the solution of modern problems of real protection of citizens' rights in the sphere of economic relations by means of prosecutor's supervision, which is confirmed by the above analysis of scientific works devoted to certain issues of prosecutor's supervision of the implementation of laws in various spheres of the economy.

As a result of a comprehensive scientific study of the problematic issues that have developed over many years that negatively affect the state of prosecutor's

supervision and the state of legality in the field of compliance with economic rights of citizens, the author of the dissertation sets out and justifies scientific and practical proposals for improving the methodology aimed at improving the effectiveness of supervisory activities of prosecutor's offices, filling and eliminating some gaps in legislation in this area.

Theoretical and practical significance of the work. The dissertation contains specific scientific provisions on determining the content of the subject of prosecutor's supervision over the observance of economic rights of citizens, scientific and practical proposals aimed at improving the efficiency of the prosecutor's work in this area are formulated. The results of the conducted scientific research made it possible to propose the most optimal model for organizing prosecutor's supervision over the observance of economic rights of citizens, clearly define the content of its subject, limits, tactics and methods for detecting, eliminating and preventing offenses, information and analytical support, response and other problems that meet modern requirements. The dissertation examines a number of important provisions that, both individually and in their entirety, for the first time in a comprehensive plan reveal the theoretical, legal, organizational and practical foundations of prosecutor's supervision of the observance of economic rights of citizens, which previously were not fully covered in scientific and legal literature. The set of main provisions, conclusions and proposals formulated in the dissertation, which reveal the scientific problems of the theory and practice of prosecutor's supervision, can be considered as a certain theoretical contribution of the author to the development of legal science in the field of prosecutor's supervision.

The content of the submitted proposals determines the practical significance of the dissertation research. The materials of the work can be used in the educational process when teaching the course "Prosecutor's supervision", in particular, when preparing lectures, conducting seminars, directing students' scientific work on this issue, as well as used as methodological recommendations in the work of prosecutor's offices in overseeing the observance of economic rights of citizens.

Testing of research results. The main points and conclusions of the dissertation are reflected in 25 published scientific articles, including 8 publications recommended by the Higher Attestation Commission of the Ministry of Education and Science of the Russian Federation, as well as in speeches at scientific conferences held by the Saratov State Law Academy and the Russian Presidential Academy of National Economy and Public Administration. The main provisions of the dissertation are presented at the scientific and practical conference of young scientists of the Academy of the Prosecutor General's Office of the Russian Federation. The materials of the dissertation research were used in the preparation of analytical and informational notes compiled by the Prosecutor's office of the Astrakhan region, certificates on the state of legality in this area, as well as as educational material in the author's teaching activities at the Faculty of Law of the Federal State Educational Institution of Higher Professional Education "Astrakhan State Technical University".

The structure of the dissertation is determined by the purpose, objectives and logic of the research and includes an introduction, two chapters divided into six paragraphs, conclusion and bibliography, as well as appendices to the dissertation research.

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