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**Kozlova Natalia Vasilyevna**

**THE UNIFIED SYSTEM OF PUBLIC POWER AS A CONSTITUTIONAL  
MECHANISM FOR THE EFFECTIVE SOLUTION OF TASKS IN THE  
INTERESTS OF THE POPULATION OF THE MUNICIPALITY**

Specialty 5.1.2. Public law  
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ABSTRACT OF THE DISSERTATION  
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Scientific supervisor:  
Doctor of Law, professor  
Kurcheev Valery Sergeevich

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**The relevance of the topic of the dissertation research.** The improvement of the organization and functioning of public power in 2020 marked a new stage of discussions in the science of constitutional and municipal law. At the same time, the emergence of the amendment to Article 132 of the Constitution of the Russian Federation was predetermined by the interpretative activity of the Constitutional Court of the Russian Federation on public power as the unity of state and municipal authorities<sup>1</sup>. The fixation at the constitutional level of the term «unified system of public power», which is actively used in doctrine and legal practice, has intensified the attention of the legal community to the multifaceted disclosure of the legal nature, structure and content of this institution. A unified system of public power requires the formation and legal consolidation of the constitutional foundations: «system of public power», categories of «efficiency», «realization of the interests of the population», «constitutional mechanism for effective problem solving», «implementation of public functions».

The constitutional consolidation of the «unified system of public power» makes it necessary to study it through the main elements of the mechanism for effectively solving problems in the interests of the population of the municipality. The lack of unambiguous positions of scientists and law enforcers on determining the place and role of local self-government in the system of public power makes it difficult to clearly understand the needs of the population. The category of «interests of the population», which has become constitutional, needs an essential characteristic.

The norm that has constitutionally changed the place and role of local self-government bodies in the model of a unified system of public power requires clarification and amendments to sectoral legislation to regulate new constitutional

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<sup>1</sup> See: In the case of checking the constitutionality of the Law of the Udmurt Republic of April 17, 1996 «On the system of state authorities in the Udmurt Republic»: resolution of the Constitutional Court of the Russian Federation of 24.01.1997 No. 1-P // Collection of Legislation of the Russian Federation. 1997. No. 5. St. 708; In the case of checking the constitutionality of the provisions of paragraph 6 of Article 4, subparagraph «a» of paragraph 3 and paragraph 4 of Article 13, paragraph 3 of Article 19 and paragraph 2 of Article 58 of the Federal Law of September 19, 1997 «On Basic guarantees of electoral rights and the right to participate in a referendum of Citizens of the Russian Federation»: resolution of the Constitutional Court of the Russian Federation dated 10.06.1998 No. 17-P // Collection of legislation of the Russian Federation. 1998. No. 25. St. 3002.



and legal relations, given that the discussion of the draft law «On the general principles of the organization of local self-government in a unified system of public power» is currently ongoing.

The formation of an effective public authority is a process that claims to have a conceptual basis and a qualitative legal framework. In the conditions of modernization of constitutional and legal regulation of relations in the sphere of effective solution of tasks in the interests of the population, a comprehensive study is required to determine the main directions of such modernization through the mechanism of constitutional and legal regulation of relations of public authorities.

**Degree of scientific elaboration of topic.** Theoretical, methodological and historical aspects of the public authorities have been reflected in the work of takih fatherland in the field of constitutional and municipal rights, as C.A. Avakyan, N.A. Bobrova, N.A. Bogdanova, Oh.A. Vorobyeva, N.And. Grachev, N.M. Good.N. Kokotov, Yu.V. Kim, V.S. Kurcheev, O.Well. Kutafin, P.A. Minakov, V.S. Nersesiantz, A.N. Pisarev, I.K. Sovetova, E.B. Sultanov, V.Well. Chirkin, V.A. Chetvernin, S.M. Shahrai, A.A. Yugov.

The disclosure of the legal content of the category «interests of the population» was facilitated by the appeal to the works of V.P. Belyaev, E.V. Bulakh, S.A. Burmistrova, A.G. Zdravomyslov, E.Y. Zurabayeva, R. Iering, H.V. Idrisov, S.V. Kalashnikov, I.B. Kardashov, A.V. Kuzmina, A.A. Kukovsky, A.G. Malinova, P. Michovich, S.V. Moskvina, S.I. Nosova, V.N. Safonov, V.Yu. Turanina, R.M. Usmanova, V.E. Chirkina, L.A. Pivinoy.

The study of the interests of the population from the position of granting local self-government bodies with separate state powers was carried out with the involvement of the works of M.Y. Dityatkovsky, B.V. Kartsev, N.V. Kuznetsova, A.A. Larichev, T.N. Mikheeva, N.N. Musinova, O.A. Stukalova.

The study of the specifics of the constitutional mechanism of legal regulation for solving problems in the interests of the population was based not only on normative legal acts, but also on monographs and scientific articles by S.A. Avakian, M.V. Baglay, I.V. Babichev, O.I. Bazhenova, O.A. Vorobyeva, I.V.

Vydrin, S.R. Zaripova, A.A. Ivanova, O.L. Kazantseva, K.I. Kovalenko, A.N. Kokotova, I.P. Konyukhova-Umnova, A.A. Laricheva, N.I. Obukhova, G.F. Skripkin, N.I. Solomka, G.M. Sukhodolsky, T.Ya. Khabrieva, E.S. Shugrina.

The object of the dissertation research is the social relations that develop in the unified system of public authorities as a constitutional mechanism for ensuring the effective solution of tasks in the interests of the population of the municipality.

The subject of the study is the constitutional foundations of the regulatory and legal regulation of relations in the unified system of public authorities for the effective solution of tasks in the interests of the population of the municipality, as well as doctrinal provisions defining the coordinated functioning and interaction of the authorities included in this system, and legal practice.

The purpose of the study is to substantiate the place and role of the unified system of public authorities as a constitutional and legal mechanism for the effective solution of the tasks of preserving and developing spiritual and moral values, energy—informational support and material and technical well-being of the population of the municipality, identifying its advantages and disadvantages, determining areas of improvement.

The achievement of the set goal is determined by the solution of the following tasks:

- substantiation of the theoretical and methodological foundations for ensuring the formation of an effective public authority;
- establishment of historical and legal aspects of a unified system of public authority;
- definition of constitutional and legal principles for ensuring the effectiveness of the system of public power;
- formulation and consolidation of the legal definition of the concept of «interests of the population of municipalities» and their classification properties;
- identification and systematization of the interests of the population as the goals of a unified system of public authorities;



- legal disclosure and consolidation of the place and role of local self-government bodies in the unified system of public power as subjects realizing the interests of the population;

- qualitative assessment of the current state of constitutional and legal regulation of relations between public authorities in the process of effectively solving problems in the interests of the population;

- determination of the main directions for further improvement of the constitutional and legal regulation of relations of public authorities within the framework of a single system;

- formulation of the fundamental features of the constitutional and legal mechanism of an effective system of unified public authority through efficiency criteria.

The theoretical basis of the research was the works of prominent constitutional scientists (S.A. Avakyan, M.V. Baglaya, N.A. Bobrova, N.A. Bogdanova, A.N. Kokotov, V.S. Kurcheev, O.E. Kutafin, T.Ya. Khabrieva, V.E. Chirkin, S.M. Shakh-ray) and representatives of the science of municipal law (T.M. Byalkina, N.V. Malyavkina, G.N. Chebotareva, E.S. Shugrina), investigating the problems of a unified system of public power. The scientific works of legal theorists (V.S. Nersesyants, V.A. Chetvernin) allowed to deepen the understanding of theoretical and methodological aspects of the dissertation. The conducted systematization of knowledge gives grounds to formulate a conclusion that, on the one hand, certain aspects of the stated topic of the dissertation research have found their coverage in the developments of researchers, but on the other hand, the unified system of public authorities as a mechanism for effectively solving problems in the interests of the population of the municipality has not been considered and requires dissertation research.

The methodological basis of the dissertation is dialectics as a universal method of scientific cognition. The essence of the dialectical understanding of the development of the objective world is expressed in a number of basic laws, among which is the law of unity and the struggle of opposites. In the process of solving

the tasks, the applicant used a set of general and private scientific methods of cognition. Thus, a comprehensive analysis is necessary to understand the constitutional model of public power, the place and role of local self-government bodies in the system of public power, the specifics of their interaction with public authorities. A systematic approach is used for comparative evaluation of theory and practice, formulation of recommendations for clarifying legislation. To understand the process of formation and development of public power in the Russian Federation, a historical research method was used. The comparative method determined the trends in the development of the interests of the population of municipalities, the interaction of state authorities and local self-government. Methods of deduction and induction were actively used, which made it possible to formulate final conclusions. The formal legal method is the basic one within the framework of the conducted research, as it is used in the study of legal phenomena and processes, allows to investigate the legal basis, to identify the interrelationships of the studied subjects and objects. The evaluation of the practice of public authorities was carried out using a statistical method.

The regulatory and legal basis of the study was the sources of three levels of public authority: the Constitution of the Russian Federation, federal constitutional and federal laws, acts of federal executive authorities, regional and municipal regulatory legal acts. Strategic planning documents of various levels of public authorities allowed analyzing the consideration of the interests of the population in the phased regulation of public relations.

The empirical basis of the study was the judicial practice of the Constitutional Court of the Russian Federation, statistical and analytical data, as well as reviews of the practical activities of local self-government bodies. Particular attention was paid to the legal positions contained in the decisions of the constitutional control body. Materials of the practice of municipalities and public authorities (reports on the results of annual monitoring of the organization and development of local self-government in the Russian Federation, methodological recommendations to public authorities of the subjects of the Russian Federation



and local self-government, etc.) helped to prove theoretical theses and draw generalizing conclusions.

The scientific novelty of the dissertation research lies in the fact that the applicant considers a unified system of public authority as a mechanism for effectively solving problems from the perspective of realizing the interests of the population of municipalities. The interests of the population of a municipality are revealed through the unity of spiritual and moral values, energy-informational needs and material and technical well-being, which determine the high quality and standard of living of a person and a citizen in a municipality, taken into account by public authorities when making managerial decisions. The synergetic effectiveness of this trinity is substantiated through the direct stable connection of the elements of the triad, the criteria for their evaluation are formulated.

Legal support for the transformation of a unified system of public authority implies the need to unify the corresponding conceptual apparatus in order to implement uniform legal practice. As a result, the applicant is proposed to introduce amendments to the legislation related to the consolidation of norms-definitions concerning such concepts as public authority, public functions of state significance, the interests of the population of municipalities.

The result of the dissertation research is the following provisions submitted for defense, which reflect the scientific novelty of the dissertation:

1. The necessity of normative consolidation of the norm-definition of «public power» is substantiated, which will allow to coordinate normative legal acts regulating various aspects of the unified system of public power and ensure the implementation of the constitutional norm in the context of the amendment. In order to improve the constitutional and legal mechanism for effectively solving problems in the interests of the population, it is proposed to amend Article 2 of Federal Law No. 394-FZ of 08.12.2020 «On the State Council of the Russian Federation»:

«Public power is a strong-willed mechanism of influence of the multinational people of the Russian Federation on the subjects of constitutional and

legal relations, implemented by them directly or through the system of public authorities (federal state authorities, state authorities of the subjects of the Russian Federation, other state bodies, local self-government bodies) in the interests of the population.»

2. The effectiveness of the unified system of public power is determined not only as an indicator (or a set of indicators) of the constitutional and legal mechanism of its organization, which allows forming the most optimal model of interaction between state bodies, local self-government bodies, civil society institutions to solve problems in the interests of the population of municipalities that meet the criteria of quantitative and qualitative nature, but also as a synergetic trinity of mutual interests of society, the individual and the state.

3. In order to improve legal practice, we consider it expedient to supplement Part 1 of Article 2 of the Federal Law «On General Principles of the Organization of Local Self-Government in the Russian Federation», fixing the legal interpretation of the category «interests of the population of the municipality», adding the following paragraph:

«The interests of the population of a municipality are the unity of spiritual and moral values, energy—informational needs and material and technical well-being of the population, which are the fundamental goal for state authorities and local self-government bodies when making managerial decisions within the framework of a unified system of public authority, ensuring a decent life and free development of a person and citizen.»

4. The necessity of legal consolidation of the definition of «public functions of state significance» in Part 1 of Article 2 of Federal Law No. 131-FZ dated 06.10.2003 «On General principles of organization of local Self-government of the Russian Federation» is proved, which will contribute to the effective implementation of tasks to ensure the interests of the population in a certain territory:

«A public function of state significance in a unified system of public authority is the activity of a public authority (a public authority and a local



government body) aimed at ensuring unity in decision—making on organization, coordination and interaction in the implementation of tasks in the interests of the population.»

5. The necessity of improving the norms of law governing the interaction of public authorities for the effective solution of tasks in the interests of the population due to the formation of new constitutional relations, amendments to Article 2 of Federal Law No. 414-FZ dated December 21, 2021 «On the general principles of the organization of public power in the subjects of the Russian Federation» and the consolidation of the following content:

«Public authorities and local self-government bodies within the framework of a unified system of public authority organize, coordinate and interact to effectively solve tasks in the interests of the population living in the relevant territory, in accordance with Part 3 of Article 132 of the Constitution of the Russian Federation in the following forms:

- 1) conclusion of contracts and agreements;
- 2) use of information and communication technologies;
- 3) endowment of local self-government bodies with separate state powers;
- 4) sending proposals and appeals of local self-government bodies to state authorities;
- 5) redistribution of powers between state authorities and local self-government bodies;
- 6) implementation of the right of legislative initiative in the legislative body of state power of the subject of the Russian Federation;
- 7) creation of coordination and advisory bodies, joint working groups;
- 8) participation of local self-government bodies in the implementation of strategic planning documents;

and other forms of interaction stipulated by federal laws and laws of the subjects of the Russian Federation.»

6. The constitutional mechanism for the effective solution of tasks in the interests of the population of municipalities is a set of regulatory (regulatory and

legal framework that establishes the system of public authority and the interaction of public authorities) and organizational (organization of public authorities in the system) means, feedback between civil society institutions and public authorities.

The key direction of improving the constitutional and legal mechanism for regulating relations of public authorities within the framework of a single system is to develop new performance criteria and consolidate them in Presidential Decrees on evaluating the effectiveness of public authorities<sup>2</sup> as indicators of evaluating the activities of public authorities at the regional and municipal levels, which will reflect not only quantitative, but also qualitative indicators (public service and municipal debt; the amount of GNP per capita; environmental indicators — the share of used and neutralized waste, the level of landscaping, the index of water pollution, the index of atmospheric pollution; the efficiency of using a fixed amount of budget funds — performance-oriented budgeting; the introduction of digital technologies and platform solutions in the provision of municipal services; taking into account the opinion of the population in the development, adoption and implementation of management decisions, including on the problems of external and internal security; responsiveness to the changing needs and interests of citizens (orders, appeals, initiative projects) in order to improve the quality of law enforcement practice, taking into account the balance of interests of society, the individual and the state on the territory of the municipality. Satisfaction of the needs of the population is ensured through the implementation of legal norms.

7. The constitutional model of an effective system of public power is an ideal legal structure of the organization of the system of public authorities. Conscious, open and constructive partnership relations between public authorities and civil society are aimed at raising the level of political culture and effectively solving problems in the interests of the population.

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<sup>2</sup> On the evaluation of the effectiveness of the activities of senior officials (heads of the highest executive bodies of state power) of the subjects of the Russian Federation and the activities of executive authorities of the subjects of the Russian Federation: Decree of the President of the Russian Federation No. 68 dated 04.02.2021 // Collection of Legislation of the Russian Federation. 08.02.2021. No. 6. St. 966. On the evaluation of the effectiveness of the activities of local self-government bodies of urban districts and municipal districts: Decree of the President of the Russian Federation No. 607 of 28.04.2008 (ed. of 09.05.2018) // Sobr. legislation of the Russian Federation. 05.05.2008. No. 18. St. 2003.



The constitutional and legal model of an effective system of public power can be evaluated according to the following criteria: 1) the real participation of citizens in the governance of the state at various levels of public authority; 2) the trust of citizens in the policies pursued by public authorities; 3) respect and implementation of constitutional values.

Conclusions and suggestions made in the dissertation research based on scientifically based results have a theoretical and applied nature.

The theoretical significance of the dissertation research is due to the scientific novelty of the conclusions and proposals that will improve the legislative framework and effectively solve the tasks facing public authorities in the interests of the population of municipalities in the implementation of the constitutional norm enshrined in Part 3 of Article 132 of the Constitution of the Russian Federation. The formulated criteria and target indicators that ensure the implementation of the constitutional norm will contribute to understanding the mechanism of constitutional and legal regulation. The formation of the conceptual apparatus (definitions) and the clarification of individual components of the constitutional norm will ensure uniform law enforcement practice. A new look at the system of interests of the population of the municipality through the concept of trinity will allow us to form a legal practice that takes into account all the interests of the population and effectively solve the tasks facing public authorities.

The materials of the dissertation can be used in further studies of the unified system of public power, the interests of the population of municipalities and in teaching academic disciplines «Constitutional Law», «Municipal Law», «Theory of State and Law».

The practical significance of the dissertation research lies in a new approach to the formation of strategic documents that should provide a trinity of needs to achieve a synergistic effect and achieve the constitutional goal. The proposals formulated based on the results of the study can be further used in the law-making activities of public authorities to improve the legal regulation of relations in the unified system of public authority.

Approbation of the results of the dissertation. The dissertation research was carried out and discussed at the Department of Constitutional and Municipal Law of the Siberian Institute of Management — branch of the Russian Academy of National Economy and Public Administration under the President of the Russian Federation, at a meeting of the REC «Legal Technologies» of the Siberian Institute of Management – branch of the Russian Academy of National Economy and Public Administration under the President of the Russian Federation.

The results of the dissertation research are presented in speeches at the International Scientific and Practical Conference «Prospects for the development of Russian legislation in the context of legal and economic reform» (Samara, 2021), the All-Russian National Scientific and Practical Conference «Problems of the formation of a legal social state in modern Russia» (Novosibirsk, 2021), the All-Russian Scientific and Practical Conference «Legal Problems strengthening of Russian statehood» (Tomsk, 2022), IX All-Russian Annual Meeting of Legal Theorists «Legislation in the arrangement of Russian life: history and modernity» (to the 250th anniversary of the birth of M.M. Speransky) (Moscow, 2022), the All-Russian (national) scientific and Practical conference with international participation «Legal technologies in modern Jurisprudence», dedicated to the memory of Professor A.K. Chernenko (Novosibirsk, 2022), International Scientific Conference «Modern legal and International legal issues of cultural and historical types (to the 200th anniversary of the birth of N.Y. Danilevsky)» (Kemerovo, 2022).

The structure of the dissertation is determined by the purpose and objectives of the dissertation research. The dissertation consists of an introduction, three chapters, including nine paragraphs, a conclusion, a list of references, and appendices.

In the introduction, the relevance of the topic of the dissertation research is substantiated, the degree of its scientific development is analyzed, the object and subject of the study are formulated, its purpose and objectives are defined, methodological and theoretical foundations are described, the scientific novelty of



the dissertation research, its practical and theoretical significance are determined, as well as the provisions submitted for defense are formulated, the structure of the work is indicated.

The first chapter «Theoretical foundations and constitutional principles of the system of public power» is devoted to the study of theoretical and methodological support for the formation of effective public power, historical and legal aspects of the unified system of public power, constitutional and legal principles of ensuring the effectiveness of the system of public power. The general theoretical conclusions drawn from the results of the study are conceptually projected onto the next two chapters.

In the second chapter, «The interests of the population of municipalities as a constitutional and legal category», the concept and classification of the interests of the population of municipalities, the peculiarities of the realization of the interests of the population as the goals of a unified system of public authorities, the role of local self-government bodies in the system of a unified public authority as subjects realizing the interests of the population are considered.

The third chapter «Improving constitutional and legal regulation of relations in the sphere of effective problem solving in the interests of the population» assesses the current state of constitutional and legal regulation of relations of public authorities in the process of effective problem solving in the interests of the population, defines the main directions for improving constitutional and legal regulation of relations of public authorities within a single system, defines the features of constitutional and legal regulation of relations of public authorities within a single system. the legal mechanism of an effective system of unified public authority.

In conclusion, the conclusions based on the results of the study are formulated, recommendations are given for improving the current legislation.

The appendices provide background information: a list of decisions of the constitutional control body in which the category «public authority» is used, graphs of indicators for achieving the set goals according to the documents of

strategic planning of Novosibirsk and a comparison of indicators for achieving the goals of socio-economic development of Novosibirsk based on the Strategic Plan and Strategy.

The main scientific publications on the topic of the dissertation include:

**articles published in publications recommended by the Academic Council of the Academy:**

1) Kozlova N.V. Interests of the population of municipalities in the unified system of public power // Constitutional and municipal law. 2022. No. 4. pp. 57-60 (0.56 pp.l.);

2) Kozlova N.V. Local self-government bodies in the unified system of public power (according to the draft Federal Law «On the general principles of the organization of local self-government in the unified system of public power») // International Scientific and practical Journal «Modern Law». 2022. No. 4 (April). pp. 38-44. (0.82 pp.) DOI 10.25799/NI.2022.78.47.007;

3) Kozlova N.V. Theoretical and methodological foundations for determining the constitutional role of local self-government bodies in civil society // International Scientific and practical Journal «Modern Law». 2022. No. 1 (January). pp.35-40. (0.73 pp.l.) DOI 10.25799/NI.2022.61.47.005;

**articles published in peer-reviewed scientific journals and publications determined by the Higher Attestation Commission under the Ministry of Science and Higher Education of the Russian Federation:**

4) Kozlova N.V. Constitutional and legal model of an effective system of public power // State power and local self-government. 2022. No. 7. pp. 20-23. DOI: 10.18572/1813-1247-2022-7-20-23 (0.5 pp.l.);

5) Kozlova N. V. Ensuring the unity of the interests of the population and public authorities in the municipality: dialectical approach // Legal science and practice. 2022. Vol. 18, No. 1. pp. 14-21. (0.66 pp. l.) DOI 10.25205/2542-0410-2022-18-1-14-21;

6) Kozlova N.V. Kuleshova N.V. Improvement of constitutional and legal regulation of the organization and activity of public authorities in the territories of



the subjects of the Russian Federation // Eurasian Legal Journal. 2021. No.11 (162) pp.138-141. (0.69 pp.l.) DOI 10.46320/2073-4506-2021-11-162-138-141;

7) Kozlova N.V. Legal aspects of the organization of public discussions of draft normative legal acts // Civil society in Russia and abroad. 2016. No.3. pp.8-10. (0.46 p.l.).

**The results of the applicant's dissertation research were presented in collections of articles, including those included in the Russian Science Citation Index (RSCI):**

8) Kozlova N.V. Interests of the population of the municipality: yesterday, today, tomorrow // Legal technologies in modern jurisprudence: materials of Vseros. (national) scientific and practical conference with international participation dedicated to the memory of prof. A.K. Chernenko (Novosibirsk, April 21-22, 2022): at 2 o'clock / Russian Academy of Sciences. household and State Services under the President of the Russian Federation. Federation, Sib. in-t upr.; ed. by D. A. Savchenko. – Novosibirsk : SibAGS Publishing House, 2022. – Part 2. – 164 p. – (Scientific content of SIU RANEPa). pp. 85-89. (0.7 p.l.);

9) Kozlova N.V. Interests of the population of municipalities in the system of public power // Legal problems of strengthening Russian statehood : collection of articles / ed. S.V. Vedyashkin, N.G. Geimbukh, M.M. Zhuravlev, S.S. Kuznetsov. – Tomsk : Tomsk State University Publishing House, 2022. – Part 90. – p.125-127. (0.25 pp.);

10) Kozlova N.V. Interests of the population of the municipality: concept and classification. In the collection: Problems of the formation of a legal social state in modern Russia. Materials of the XVII All-Russian National Scientific and Practical Conference. Novosibirsk, 2021. pp. 122-125.(0.32 pp.);

11) Kozlova N.V. Constitutional and legal aspects of the unified system of public power in Russia. In the collection: Problems of the formation of a legal social state in modern Russia. Materials of the XVII All-Russian National Scientific and Practical Conference. Novosibirsk, 2021. pp. 125-129. (0.39 p.l.).

12) Kozlova N.V. Prospects for the development of constitutional and legal regulation of interaction between local self-government bodies and state authorities to solve problems in the interests of the population of the municipality // Legal thought. 2021. No. 2(3). pp. 35-39. (0.49 pp.) DOI: 10.55000/MCU.LegTh.2022.3.2.005.