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**PROSECUTOR'S SUPERVISION
MONITORING THE IMPLEMENTATION OF LAWS IN THE SPHERE
OF
PATRIOTIC EDUCATION OF YOUNG PEOPLE**

5.1.2-public-legal (state-legal)
sciences.

Anntotation of the dissertation
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Annotation

The relevance of the research topic is determined by a number of factors that have a significant impact on the sphere of youth education in Russia.

The study of the problems of prosecutor's supervision over the implementation of laws in the field of patriotic education of young people will help to form a methodological apparatus for this branch of prosecutor's supervision, as well as increase the effectiveness of this activity.

In the context of the anti-Russian campaign of countries that commit unfriendly actions against the Russian Federation¹, the transformation of public values, the education of citizens with high social responsibility, "rooting" with their hearts for their native country, becomes a priority task of state policy.

The degree of development of the scientific problem. To date, there are no dissertation studies devoted to the theory and practice of prosecutorial activities in the field of organizing supervision of the implementation of laws in the field of patriotic education of young people.

The aim of the research is to develop theoretical provisions and develop legislative, organizational, and methodological proposals aimed at improving the effectiveness of the prosecutor's office's activities in overseeing the implementation of laws in the field of patriotic education of young people.

The study identified the following tasks:

- 1) study the legal basis of prosecutor's supervision over the implementation of laws in the field of patriotic education of young people;
- 2) disclose the content of the prosecutor's supervision of the implementation of laws in the field of patriotic education of young people;
- 3) determine the subject of prosecutor's supervision over the implementation of laws in the field of patriotic education of young people;

¹ Decree of the Government of the Russian Federation No. 430-r dated 05.03.2022 "On Approval of the List of Foreign States and Territories Committing Unfriendly Acts against the Russian Federation, Russian Legal Entities and Individuals" [Text] / ConsultantPlus Legal Reference System.

4) systematize objects of prosecutor's supervision over the implementation of laws in the field of patriotic education of young people;

5) determine the specifics of the organization and implementation of prosecutor's supervision over the implementation of laws in the field of patriotic education of young people;

6) develop proposals for improving the prosecutor's supervision of the implementation of laws in the field of patriotic education of young people.

The object of the study is legal relations formed during the organization and implementation of prosecutor's supervision over the implementation of laws in the field of patriotic education of young people.

The subject of the dissertation research is prosecutor's supervision of the implementation of laws in the field of patriotic education of young people, 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 this area, and activities to improve the practice of prosecutor's supervision.

The scientific novelty of the dissertation lies in the fact that, based on the research conducted, for the first time in legal science, the author of the work:

- the theoretical foundations of prosecutor's supervision of the implementation of laws in the field of patriotic education of youth are developed: the author's definition of prosecutor's supervision of the implementation of laws in the field of patriotic education of youth is given, its subject is defined, goals and objectives are formulated, objects are selected and systematized, its content and limits are scientifically justified in detail, and the sphere.

- the scientific problem of determining the legal basis of prosecutor's supervision over the implementation of laws in the field of patriotic education of young people has been solved. In the course of the conducted research, the author has established that the federal laws in this area mostly do not contain reference norms to the provisions of the Constitution of the Russian Federation on patriotic education of young people, in pursuance of which they were adopted. Difficulties

in establishing this legal framework are also indicated by the results of a survey of prosecutors conducted on the basis of a questionnaire developed by the author: none of the interviewed prosecutors could reproduce the full structure of this legal framework, and some could not name the federal laws related to it. This scientific problem is solved by the author on the basis of a scientific analysis of expert opinions of the President of the Russian Federation, the Chairman of the Federation Council of the Russian Federation, the Chairman of the State Duma of the Russian Federation, specialists of the Federal Military Center under the Government of the Russian Federation, Rospatriotcenter and other state bodies, the study of scientific publications on the issue under consideration, a survey of prosecutor's and pedagogical staff, an independent scientific study by the author of the federal and State Laws of the Russian Federation. regional legislation, their practical work experience in the prosecutor's office, as well as research activities;

- a number of scientific problems of the theory of prosecutor's supervision are formulated and scientifically based solutions to these problems are proposed. Thus, for the first time in legal science, the author identified objects of prosecutor's supervision that carry out activities in the field of patriotic education of young people, but officials of prosecutor's offices are not authorized to supervise them by virtue of the Federal Law "On the Prosecutor's Office of the Russian Federation". As a solution to this scientific problem, which contains a contradiction between scientific knowledge and practice, the author developed and scientifically substantiated amendments to federal legislation. The article provides a scientific justification for the need to develop an author's draft departmental instruction establishing the procedure for organizing prosecutor's supervision of the implementation of laws in the field of patriotic education of young people:

- the dissertation solves a scientific problem related to the absence of the concept of "patriotism" in the current Russian federal legislation, which leads to difficulties in law enforcement practice, including in the implementation of prosecutor's supervision. It is proposed to consolidate the concept of "patriotism" in the current legislation of the Russian Federation (as a result of patriotic

education) through the author's understanding of it as an active civic position in compliance with the norms of the Constitution of the Russian Federation and federal laws in the field under consideration (initiative performance of military duty, participation in preserving historical and other constitutional values of Russia, perpetuating the memory of the Heroes of the Russian Federation, etc.). etc.);

- identified and scientifically substantiated trends in the development of the legislative process in this area, such as the advance of federal lawmaking by regional ones; the initiation of a number of regional laws on patriotic education by prosecutors of the constituent entities of the Russian Federation, who were granted the right of legislative initiative by the regional parliaments; the widespread use of the model law on patriotic education adopted by the Inter – Parliamentary Assembly of the Participating States in regional lawmaking as a basis CIS countries, with a significant differentiation of the concept of "patriotic education" with a bias towards regional aspects. The dissertation describes in detail the results of the analysis of the state of the organization of prosecutor's supervision over the implementation of laws in the field of patriotic education. As a solution to the problem of differentiation of concepts used by the parliaments of the constituent entities of the Russian Federation, the author proposed to amend the Federal Law "On Education in the Russian Federation", which regulates the basics of educational work, in terms of fixing the definition of "patriotic education". Taking into account the established practice of prosecutor's supervision, the necessity of supplementing the current legislation and bylaws with legal structures regulating issues of patriotic education and prosecutor's supervision in the field under consideration is justified;

- the methodological problem of the theory of prosecutor's supervision is established, which is expressed in the unification of the approach to understanding the areas of prosecutor's supervision. The author has scientifically proved that supervision of the implementation of laws in the field of patriotic education of young people occupies a special place in ensuring national security and the theory

of prosecutor's supervision: it should be based on the system of state-patriotic education in the prosecutor's office of the Russian Federation; it should be aimed at establishing and preserving historical truth and countering disinformation, by means of prosecutorial response, state and municipal government bodies are forced to create special institutional structures in the field of patriotic education, activate regional and municipal rule-making in the field under consideration (in order to establish a single legal space), and organize their work on patriotic education based on state and municipal programming; supervision cannot be effectively carried out without active interaction between territorial authorities. in order to preserve interethnic and interfaith peace, it should take into account regional, including historical, cultural, national and confessional traditions of the peoples of Russia; its results are subject to separate statistical accounting within the framework of the state legal statistics system. The author's proposals on introducing a new concept defining "prosecutor's supervision over the implementation of laws in the field of patriotic education of young people" are reasoned. Taking into account the above, the author has developed and scientifically substantiated the method of prosecutor's verification in the field under consideration. Specific proposals have been developed to improve the organizational framework for the activities of prosecutor's offices in the implementation of prosecutor's supervision over the implementation of laws in the field of patriotic education of young people, including the use of modern information services in the information and telecommunications network of the Internet containing data arrays (Big Data) in the field of patriotic education of young people.

As a solution to this problem, the dissertation uses the example of prosecutor's supervision of the implementation of laws in the field of patriotic education of young people to scientifically substantiate the author's opinion on the possibility of determining priority areas of supervision in a specific historical period, which is actually implemented in the annual report of the Prosecutor General of the Russian Federation on the state of law and order and on the work

done to strengthen them, which he agrees with. Acts in the Federation Council of the Federal Assembly of the Russian Federation.

The dissertation work is a completed scientific research, in which, based on a comprehensive system analysis, for the first time in Russian science, a conceptual approach to prosecutor's supervision of the implementation of laws in the field of patriotic education of young people is substantiated as one of the independent and relevant areas of prosecutor's activity; its content, subject, object, limits are revealed, the main directions of legal, organizational and methodological ensuring the activities of the prosecutor's office bodies to monitor the implementation of laws in the field of patriotic education of young people and improving this type of activity.

Thus, the dissertation solves the set scientific problem based on the application of proven methods of scientific knowledge and author's methods.

New scientific results and provisions submitted for public protection are as follows:

1. In the dissertation research based on the analysis of the results of monitoring law enforcement practice, legislative work at the federal and regional levels, publications of official Internet representations of state authorities, speeches of officials, the study of scientific publications, expert opinions of the Rospatriot Center, the Russian State Military Historical and Cultural Center under the Government of the Russian Federation, the results of a sociological survey of existing prosecutor's offices based on the author's approach, federal laws were selected and systematized in order to classify them as laws in the field of patriotic education of young people, which made it possible to distinguish prosecutor's supervision of the implementation of laws in the field of patriotic education of young people as an independent area of prosecutor's activity that affects issues of national security and the preservation of state sovereignty, as well as the rights and interests of citizens of the Russian Federation in the process of implementing legal norms in the field of patriotic education. The absence of such a list of federal laws in federal legislation and departmental regulatory legal acts made it more difficult

to organize prosecutor's supervision in this area, which also follows from the results of a survey of prosecutor's employees, and therefore a solution to this scientific and practical problem, which is essential for the development of the Russian Federation, is proposed.

The duty of citizens to protect their Homeland enshrined in the Constitution of the Russian Federation, the legal norms on the importance of preserving the memory of the defenders of the Fatherland and on patriotic education of the younger generation have been developed in a wide range of federal laws, a detailed analysis of which confirms the relevance of supervision over their implementation entrusted to the prosecutor's office by virtue of the provisions of the Federal Law "On the Prosecutor's Office of the Russian Federation".

2. The content of the subject of prosecutor's supervision over the implementation of laws in the field of patriotic education of young people is formulated by the author of the dissertation research as:

- compliance with the provisions of the Constitution of the Russian Federation and laws in the field of patriotic education in force on the territory of the Russian Federation, as well as with the normative legal acts of the President and the Government of the Russian Federation adopted in their development by federal executive authorities, state authorities of constituent entities of the Russian Federation belonging to the representative and executive branches of government, municipal authorities local self-government bodies, control bodies, their officials, as well as management bodies and heads of state-public, public-state, commercial and non-commercial organizations;

- compliance with the basic laws (constitutions, charters) of the constituent entities of the Russian Federation Российской Федерации Provisions of the Constitution of the Russian Federation and other federal laws in the part related to patriotic education;

- compliance of legal acts issued by the above-mentioned bodies and their officials in the field of patriotic education with the provisions of the Constitution of

the Russian Federation and the laws adopted in this area in force on the territory of the Russian Federation.

3. As substantive areas of prosecutor's supervision in the field of patriotic education of young people, the author suggests highlighting:

- supervision of compliance with the laws of regulatory legal acts adopted by supervised state and municipal bodies and their officials in the process of exercising their powers in the field of patriotic education of young people;
- legal protection by the prosecutor of the State symbols of the Russian Federation, as well as the memory of the defenders of the Fatherland;
- legal protection of the constitutional rights of citizens in the implementation of legislation in the field of patriotic education of young people;
- supervision of the observance of the rights of young people in the process of patriotic education;
- supervision of the implementation of laws in the activities of federal executive bodies, government bodies of constituent entities of the Russian Federation, local self-government bodies and their officials with powers in the field of patriotic education of young people;
- supervision of the implementation of laws by state and municipal control (supervision) bodies with appropriate powers in the field of patriotic education of young people.

4. A model has been developed for improving the organization of prosecutor's supervision over the implementation of laws in the field of patriotic education of young people, including a system for preventing violations of laws in the field under consideration and suppressing them at an early stage, the use of modern information services in the information and telecommunications network of the Internet containing arrays of data in the field of patriotic education of young people (portals "Place of Memory", "Without a statute of limitations", "Rospatriotcenter", etc.), accounting for the full range of sources of information about violations, organizing the receipt of this information on a systematic basis, working with information about violations received from patriotic organizations, state

and municipal authorities, law enforcement agencies, taking into account qualitative criteria in assessing the state of legality in the field of organizing patriotic education. education in a specific territory, organization of planning the work of officials of the prosecutor's office who exercise supervision in the field under consideration, selection of objects of prosecutor's verification based on the list proposed in this dissertation study, use of the methodology of prosecutor's verification in the field under consideration proposed in the dissertation work.

5. Within the framework of improving the organization of activities of officials of the prosecutor's office to monitor the implementation of laws in the field of patriotic education of young people and increase its effectiveness, the state of legality in this area was analyzed, as a result of which specific social areas were identified (for example, the use of State Symbols of the Russian Federation, the organization of educational patriotic work in educational organizations, training in the basics of military service, perpetuation of the memory of the defenders of the Fatherland, protection of historical truth, and others), in which the laws adopted in the region under consideration and operating on the territory of the Russian Federation are most often violated. The dissertation research systematizes the most typical violations of laws in the field of patriotic education. The obtained scientific results, combined, can be used to effectively buildup the work of officials of the prosecutor's office on the implementation of prosecutor's supervision of the implementation of laws in the field of patriotic education of young people.

5. The proposals for introducing amendments to the current legislation aimed at improving the legal regulation of issues of patriotic education, improving prosecutor's supervision in this area are theoretically justified, namely:

1) it is proposed to supplement Article 2 of the Federal Law "On Education in the Russian Federation" with the definition of "patriotic education": "patriotic education is a systematic and purposeful activity of state authorities, local self-government bodies, educational organizations, military-patriotic children's and youth associations to form a high patriotic consciousness and a sense of loyalty to their Fatherland, readiness to perform civil duty and constitutional duties to

protect the interests of the Motherland." The inclusion of this legal structure in the Federal Law "On Education in the Russian Federation" will create a unified legal space in the field of patriotic education, and will lead to a unified application of this legal norm by the subjects of the Russian Federation and municipalities. The draft Federal Law "On Amendments to the Federal Law" On Education in the Russian Federation " is given in Appendix No. 2 to the dissertation;

2) it is proposed to supplement the list of objects of prosecutor's supervision listed in art. Federal Law "On the Prosecutor's Office of the Russian Federation" by state-public and public-state organizations, which today are actually the main performers of patriotic education programs and, consequently, are objects of prosecutor's supervision over the implementation of laws in the field of patriotic education of young people, but are not included in the list of objects of prosecutor's supervision in the specified article of the federal law, reduces the effectiveness of prosecutor's supervision in this area. The draft Federal Law " On Amendments to the Federal Law "On the Prosecutor's Office of the Russian Federation" is given in Appendix No. 1 to the dissertation.

7. In order to increase the effectiveness of prosecutor's supervision and strengthen the rule of law in the field of patriotic education of young people:

– A draft instruction of the Prosecutor General of the Russian Federation "On strengthening prosecutor's supervision over the implementation of laws in the field of patriotic education" has been developed. The draft instruction of the Prosecutor General of the Russian Federation is given in Appendix No. 3 to the dissertation;

- justification is given for the need to introduce a new line No. 33 in the departmental statistical reporting of the Prosecutor General's Office of the Russian Federation, which provides for accounting for violations of laws in the field of patriotic education of young people established by officials of the Prosecutor's office. In this regard, it is proposed to amend the Order of the Prosecutor General of the Russian Federation No. 98 dated 21.02.2022 "On approval and implementation of the statistical report" Supervision of the Implementation of

Laws, observance of human and Civil Rights and Freedoms" in the form of IT and Instructions for its formation " and to supplement it with line 33 of section I, which will be filled with quantitative indicators violations established by officials of the prosecutor's Office in the reporting period.

Theoretical and practical significance of the study. The results of the dissertation research, which contain scientific conclusions, make it possible to contribute to the scientific system of knowledge about prosecutor's activities and create an idea of the supervision of prosecutor's offices over the implementation of laws in the field of patriotic education of young people; they can be used for further development of the theory of prosecutor's supervision.

The conclusions of the dissertation research can be applied in the development of specialized laws, including the improvement of laws on the prosecutor's office and on patriotic education, as well as applied in prosecutor's activities. Analytical conclusions can be used as a basis for developing scientific, practical and methodological recommendations for employees of the prosecutor's office. The provisions of the dissertation work can be used in the pedagogical process when reading courses on the subject of "Prosecutor's supervision", including in the framework of retraining and advanced training of employees of the prosecutor's office.

Testing of research results. The dissertation was discussed and approved at the Department of Legal Support of National Security of the M. M. Speransky Faculty of Law of the Institute of Law and National Security of the Federal State Budgetary Educational Institution of Higher Education "Russian Presidential Academy of National Economy and Public Administration".

The results of the dissertation research were presented in the author's reports at scientific conferences and round tables, as well as at seminars of various levels.

The author is a member of the Expert Advisory Council of the Committee on Constitutional Legislation and State Construction of the Federation Council of the Federal Assembly of the Russian Federation. Certain results of the dissertation

formed the basis for conclusions on draft laws in the field of constitutional legislation and state construction, which were later used in law-making activities. M. V. Vavilin is a laureate of the All-Russian creative competition of research and creative works of young scientists in the field of patriotic education, organized by the Ministry of Education and Science of the Russian Federation in 2015 (Moscow). Awarded the government medal "Patriot of Russia" (certificate no. B-15610 dated April 28, 2016).

Some issues reflected in the dissertation are discussed in reports at the International Scientific and Practical Conference "Derzhavin Readings" (Kazan, 2017), the Scientific and Practical Conference "Modern Jurisprudence: problems, Trends, Prospects" (Kazan, 2016), scientific and practical forums and conferences in the Kazan branch of the Russian Legal Society. State University of Justice, schools of young scientists of the Institute of Legislation and Comparative Law under the Government of the Russian Federation (Moscow, 2018) and the University of the Prosecutor's Office of the Russian Federation (Moscow, 2018), at the All-Russian competition of research and creative works of young scientists held within the framework of the state program "Patriotic Education of citizens of the Russian Federation for 2011-2015" (Moscow, 2015), at the Regional Educational Forum for representatives of the sphere of patriotic education of the Volga and Ural Federal Districts (Izhevsk, 2021).

Approbation of the results of the dissertation research was also carried out in teaching activities during practical classes in the academic disciplines "Prosecutor's supervision", "Parliamentary Law", "Municipal Law" for students studying at the Faculty of Law of the Federal State Autonomous Educational Institution of Higher Education "Kazan (Volga Region) Federal University".

24 publications were published on the topic of the dissertation, 15 of them in leading peer-reviewed scientific law journals recommended by the Higher Attestation Commission under the Ministry of Science and Higher Education of the Russian Federation.