

## CONSTITUTIONAL LEGAL SUPPORT OF THE MODERN RUSSIA'S STATE UNITY AND TERRITORIAL INTEGRITY (SOCIO-ECONOMIC ASPECT)

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The subject. The article is devoted to the analysis of the socio-economic aspect of public authorities' activities with regard to constitutional legal support of the state unity and territorial integrity of the Russian Federation.

The purpose of the article is to confirm or refute the hypothesis on the shortage of constitutional regulation of socio-economic policy of modern Russia in the context of ensuring its state unity and territorial integrity. The methodological basis of the study includes general-scientific methods (analysis and synthesis, system-structural approach) as well as academic methods (formal-legal method, method of interpretation of legal acts).

Results, scope. The socio-economic aspect of the constitutional legal support of state unity and territorial integrity of Russia implies consistent provision of a decent standard of living throughout the country, as well as strengthening economic ties between the subjects of the Russian Federation as one of the key factors in preserving the territorial integrity of Russia. In this regard, the constitutional legal support of the unity of the economic space of the Russian Federation, the alignment of the level of socio-economic development of the subjects of the Russian Federation are of particular importance.

Conclusions. The consistent implementation of the constitutional legal guarantees is accompanied by a number of problems identified in the law enforcement practice of the Federal bodies of state power. It seems that it is necessary to expand the range of entities entitled to initiate the procedure of dismissal of the Chairman of the Central Bank of the Russian Federation. It is required in the long term to consolidate the principle of alignment of socio-economic development of subjects of the Russian Federation among the foundations of the constitutional system. Finally, it seems that there is a need for a more thorough constitutional settlement of the General principles of taxation and fees, budget regulation in Russia.

## 1. Introduction.

The current Strategy of economic security of the Russian Federation for the period up to 2030 (hereinafter – the Strategy-2030) indicates the priority development of the economic potential of individual regions – Eastern Siberia, the Far North, the Far East, the North Caucasus, Crimea and the Kaliningrad region among the tasks of implementing a balanced spatial and regional development of Russia, strengthening the unity of its economic space. In this regard, the problems of the influence of social and economic state policy, expressed in the normative and law enforcement activities of the constitutional and legal nature, on the state unity and territorial integrity of the Russian Federation are actualized.

The socio-economic aspect of the constitutional and legal support of the state unity of Russia and its territorial integrity is of key importance. First, the unity of the multi-ethnic people of the Russian Federation as one of the components of state unity is unthinkable without ensuring the possibility of all Russian citizens to realize the fundamental rights and freedoms guaranteed by the Constitution of the Russian Federation, which is achievable only with a decent standard of living throughout the country. It should be noted that the President of the Russian Federation emphasized the importance of ensuring the unity of the people and the cohesion of Russian society in his address to the Federal Assembly of the Russian Federation in 2018. secondly, there are economic ties between the subjects of the Russian Federation, which are by nature the strongest [1, p. 38] and need constitutional and legal support to prevent violation of the state unity of Russia. Third, the economic foundations of the constitutional system of Russia are aimed at preserving the territorial integrity of the country, since the loss of economic ties between the subjects of the Federation inevitably leads to the disintegration of the state. The rupture of economic ties as blood vessels of a single Soviet economic organism led to the collapse of the USSR [2, p. 11].

In the light of the above, it is necessary to pay attention to a number of socio-economic problems of modern Russia that threaten its unity (and in the future – territorial integrity) and have been officially enshrined in the normative legal acts of the President of The Russian Federation as the main threats to its economic security. One such problem is the rapidly growing income gap. Thus, the coefficient of funds (decile coefficient), characterizing the degree of stratification of society, by September 2018 in Russia amounted to 14.5 (in 2017 it was 13.9). The largest decile coefficient is registered in Bolivia (168), and the same country is the

most unstable: for almost 190 years of its existence, it has experienced about 190 military coups [3, p. 18]. According to the previously existing Concept of security in Moscow, the 10-fold decile coefficient refers to the limit indicators of the growth of dangerous processes, followed by the escalation of destruction and degradation, which follows from the national experience and experience of foreign countries . In almost all Russian regions this critical figure has long been exceeded, and in some regions of the Russian Federation there is a multiple "overlap" [4, p. 63]. All this testifies, in our opinion, to the crisis state of unity of the multinational people of the Russian Federation as one of the elements of the state unity of the country, since the number of citizens who do not have the actual possibility for the full realization of their rights and freedoms is critically high.

Moreover – there is a rapid growth in the number of these citizens. The steady increase in the number of citizens below the poverty line and receiving incomes below the subsistence minimum is noted by the President of the Russian Federation V. V. Putin and the Chairman of the accounts Chamber of the Russian Federation T. A. Golikova . The 2030 Strategy assigns increased differentiation of the population by income only a twentieth (!) place among threats to economic security. This was followed by a "decline in the quality of human potential" as a result of the decline in the quality and accessibility of education and health care. The problem of social harmony and even the growth of social polarization and tension in modern Russian society is highlighted by the Chairman of the constitutional Court of the Russian Federation V. D. Zorkin [5].

Because of this, the problem of ensuring an effective state socio-economic policy by constitutional and legal measures is of particular relevance. As part of the socio-economic constitutional and legal guarantees of the unity and territorial integrity of Russia stand out 1) constitutional and legal guarantees of the unity of the economic space and 2) alignment of the level of socio-economic development of the Russian Federation.

## 2. The constitutional legal support of the unity of the economic space of the Russian Federation.

The constitutional law researchers usually understand the unity of the economic space of the Russian Federation as a special legal state of the system of its economic relations in the sphere of production, exchange, distribution and redistribution of goods, services and financial resources in the territory under its jurisdiction, which ensures the integrity of the economy, its regulation, and vertical and horizontal economic and

legal relations within this system are wider and stronger than its external relations, as well as internal connections for its individual subsystems (Russian regions, economic regions, municipalities) [6, p. 7-8]. This can be achieved only with the unity of the financial system (including monetary, currency, budget and tax systems) [7, p. 312], the unity of the customs system. Ensuring the unity of the economic space, free movement of goods, services and financial resources is declared in the Constitution of the Russian Federation (part 1 of article 8) and in a number of purposes of legal regulation of certain Federal laws.

The main guarantees of the unity of the financial system are enshrined in the Constitution – the unified financial, credit and monetary policy is provided by the Government of the Russian Federation, and the relevant subjects of jurisdiction and powers are assigned to the exclusive Federal jurisdiction (p. "e", "g", "z" article 71, p. "b" part 1 of article 113 of the Constitution).

Direct influence on the unity of state power as a property of sovereignty of the Russian Federation has a ban on the introduction and issue of any money except the ruble – the only currency in the country, the exclusive right to issue which has the Central Bank of the Russian Federation (part 1 of article 75 of the Constitution). In this article of the Constitution laid the foundations of the unity of the domestic monetary system. It is hardly possible in principle to talk about the sovereignty of the state in the monetary and monetary spheres, if it does not enjoy the sovereign right to establish its state currency [8, p. 19-20].

It is noteworthy that the consolidation of the Central Bank of the Russian Federation as the main function of protection and stability of the ruble (part 2 of article 75 of the Constitution) is not fully provided by law enforcement practice. Thus, in the legal literature it is noted that at the end of 2014 the Bank of Russia did not fulfill its obligations to implement its main constitutional function, leading to the collapse of the ruble [9, p. 12]. However, this was not followed by the onset of legal responsibility of the persons concerned. It seems that it is necessary to expand the range of entities entitled to initiate the procedure of dismissal of the Chairman of the Central Bank of the Russian Federation.

For any state it is natural and necessary in order to preserve the state unity and territorial integrity to establish a system of taxes, their introduction, modification and abolition solely on the basis of the law throughout the country [10, p. 349]. The analysis of domestic constitutional provisions testifies to the formation of a rigid unified tax system in Russia. The

establishment of General principles of taxation and fees is the joint responsibility of the Russian Federation and its subjects (p. "and" article 72), but these General principles are established by Federal law (part 3 of article 75). All taxes in the Russian Federation are established by the Tax code of the Russian Federation (Art. 12).

The most important component of the unity of the economic space is tax centralization. The constitutional Court of the Russian Federation has formulated a legal position, according to which the latter is the need to ensure the exclusive competence of the Russian Federation in the tax sphere, which includes a single tax policy, the unity of the tax system, an equal tax burden and the establishment of tax exemptions only on the basis of the law.

In the same Resolution, the constitutional Court of the Russian Federation de facto established a ban on the introduction of regional taxes that violate the unity of the economic space, as well as a ban on the introduction of regional taxes, which allows to form the budgets of some territories at the expense of tax revenues of other territories or to transfer the payment of taxes to taxpayers of other regions (para. 4 p. 3 of the motivational part).

T. I. Shaikheev rightly concludes that "the introduction of taxes, duties, not provided for by Federal legislation and preventing the free movement of goods, services and financial resources, is an effective mechanism for the destruction of a single Federal state" [11, p. 5]. The ban on the establishment of such duties introduced in Russia constitutionally as one of the foundations of the unity of the domestic customs system (article 74 of the Constitution). Now the territory of the Russian Federation is part of the common customs territory of the Customs Union (paragraph 1 of article 2 of the Customs code of the Customs Union).

### **3. Alignment of the level of socio-economic development of the Russian Federation.**

The Constitution of the Russian Federation does not mention the need to equalize the level of socio-economic development of the subjects of the Russian Federation. However, there is reason to talk about the constitutional foundations of this constitutional and legal guarantee of the unity and territorial integrity of Russia. It is based on the constitutional principle of the social state (article 7 of the Constitution). Through the implementation of this principle, the state ensures that the standard of living throughout the country does not fall below the set "bar", ensuring the unity of the people.

It should be noted that the uneven spatial development of the Russian Federation, the increased

differentiation of regions and municipalities in terms of the level and pace of socio-economic development are among the main threats to the economic security of the Russian Federation in the Strategy-2030. This poses a danger not only for the economic ties that have developed between the Russian Federation and its subjects, between the subjects of the Russian Federation itself, but also for the unity of the multinational people of the Russian Federation as one of the components of the state unity of the Russian Federation.

According to analysts, the existing differences between the most affluent and the poorest regions of the country in terms of GDP per capita indicate huge disparities in the level of regional development and their structural differences [12, p. 70]. There are trends in the uneven distribution of income between the subjects of the Russian Federation. If we compare the subjects of the Russian Federation by shares in revenues to the Federal budget, it can be noted that about 40% of total revenues in all subjects of the Russian Federation are revenues of 8 subjects of the Russian Federation [13, p. 4]. On October 1, 2016, there was an increase in the budget deficit of 21 subjects of the Russian Federation, which indicates, according to the accounts chamber of the Russian Federation, the increase in differentiation.

The difference between the indicators of average per capita income of the population between the subjects of the Russian Federation reaches 5 times (if we compare the corresponding indicators of the Republic of Kalmykia and the Nenets Autonomous district). Extremely large differences between the subjects of the Russian Federation in terms of unemployment – about 19 times (from 1.6% in St. Petersburg to 30.2% in the Republic of Ingushetia). There is a disappointing trend, and further dynamics, according to some scientists, will inevitably lead to social tension [12, p. 70] between different social groups and in General in the state, which threatens the unity of the multinational people of the Russian Federation. To overcome these threats to economic security, unity and territorial integrity of Russia, it is necessary to consistently implement such a constitutional and legal guarantee of the constitutional values under study as the alignment of the socio-economic development of the subjects of the Russian Federation.

Modern Russian regional economic policy has long suffered from a lack of clear generally accepted goals, and the Ministry of regional development of the Russian Federation (hereinafter – the Ministry of regional development) was established only in 2004 and 10 years later abolished "in order to further improve the system of public administration." It should be noted that

initially the Ministry of regional development of the Russian Federation in the concept of strategy of social and economic development of regions of the Russian Federation of 2005. it was assumed that the previous state policy of regional development, built on the platform of equalizing the socio-economic development of the regions, has exhausted itself – at the present stage, it was proposed to include the principle of polarized development of "reference regions" to the foundations of Federal regional policy. The development of such a Concept became possible due to the fact that the Constitution of the Russian Federation does not enshrine the principle of equalizing the socio-economic development of the subjects of the Russian Federation. And in General, according to O. V. Bryzgunova, "the Constitution of Russia abandoned such a principle as the planning of socio-economic development" [14, p. 147]. This principle is expressed only in legislation – in particular, in the Concept of long-term socio-economic development of the Russian Federation for the period up to 2020.

Meanwhile, "innovative and socially oriented way of development involves multipolar development of the country and the formation of new zones of advanced development" (para. 1 section VII, subsection 3, of the Concept). That is, the policy of equalizing the socio-economic development of the Russian Federation does not exclude point support for individual regions. A good example of such support is the Federal law of December 29, 2014 № 473-FZ "On territories of advanced socio-economic development in the Russian Federation" (hereinafter – the Federal law "ON TOSER in the Russian Federation"). Practice shows that the subjects of the Russian Federation, on the territory of which there are territories of advanced socio-economic development (TOSER), gradually emerge from the state of economic depression and demonstrate the growth of gross regional product [15, p. 22], which has a positive impact on the state of unity of the multinational people of the Russian Federation, the strength of domestic economic relations – and, in General, on the state unity of the country. The financial aspect of the relations between the Russian Federation and its subjects should be based on taking into account the objective features of individual territories – this will not only provide "transparent mechanisms of alignment, but also to use the potential of the development of the subjects of the Russian Federation" [16, p. 48].

Legal mechanisms aimed at ensuring the necessary and sufficient tax revenues to the budgets of the subjects of the Russian Federation, as well as reducing the differences in the level of budgetary provision of the

subjects of the Russian Federation by providing them with inter-budget transfers are developed and applied to equalize the socio-economic development of the subjects of the Russian Federation.

Necessary and sufficient tax support of subjects

The Russian Federation stimulates their independent development, preventing subsidized dependency, while "inefficient tax policy weakens the financial stability of the economy, divides the regions" [17, p. 119]. Meanwhile, in the Russian context, it has become natural to redistribute tax revenues of the consolidated budget of the Russian Federation in favor of revenues credited to the Federal budget, and the vast majority of subjects of the Russian Federation from year to year require subsidies to equalize budget provision [18, p. 51]. This centralization gives rise to the tax dependency of the regions, reinforcing the threatening economic security, unity and territorial integrity of the country, the gap in levels of socio-economic development of constituent entities of the Russian Federation.

Note that this conclusion is debatable in the legal doctrine. There is an opinion that "almost all taxes that can be paid to them have already been given to regional and local budgets. There was a reserve only in the form of a very small part of the income tax and half of the excise taxes on alcohol and alcohol-containing products" [19, p. 37]. At the same time, other researchers of the problems of domestic financial law note that as a result of the tax policy, there is a paradoxical problem of the inability of public authorities at the level of subjects of the Russian Federation and municipalities to carry out their functions in full because of the chronic lack of funds. This problem, – considers O. N. Gorbunova, – can be solved at the expense of VAT, "if you count and enroll it in the budgets of different levels separately according to different formulas and different manufacturers" [20]. Note that VAT is one of the most collected [21, p. 13]. At the same time, it is charged entirely to the Federal budget.

Level of socio-economic development of the Russian Federation is also carried out through the provision of inter-budget transfers. The constitutional Court of the Russian Federation made a conclusion about the obligation to carry out budget regulation in order to balance the relevant budgets, which, in particular, is provided by providing financial assistance from the Federal budget to the budgets of the subjects of the Russian Federation in the form of grants, subventions and subsidies, budget loans, budget loans.

Scientists note that due to the implementation of the current financial policy, more than 70 regions

receive inter-budget transfers from the Federal budget, there is a "significant centralization of funds in the Federal budget" [22, p. 33]. In General, the Constitution of the Russian Federation there is a gap in the legal regulation of the foundations of financial policy. And the result of over-centralization of the tax and budget system, in our opinion, is the strengthening of differentiation of socio-economic development of the subjects of the Russian Federation, increasingly dependent on inter-budget revenues from the Federal level.

It is necessary to consolidate the principle of alignment of socio-economic development of the Russian Federation among the foundations of the constitutional system. In the absence of the norms fixing it public authorities were left to themselves in possibility of definition of priorities of Federal policy of regional development to that extent that the purpose of alignment of social and economic development of regions isn't considered unconditional. Failure to comply with this principle has a negative impact on the country's economic relations, calls into question the unity of the multinational people of the Russian Federation, and threatens the country's territorial integrity with centrifugal tendencies.

It should be noted that the need to equalize regional differences in economic development is mentioned in the Basic law of Germany (paragraph 4 of article 104a, PP. 2 p. 3 art. 106) [23, p. 103]. The Australian Constitution provides for a special article on the distribution of national income among States (article 87) [24, p. 17].

The principle of equalizing the level of socio-economic development of the Russian regions also implies overcoming the strong differentiation in the indicators of the subsistence minimum in the Russian regions, which is difficult to combine with ensuring the unity of the multinational people of the Russian Federation. This unity is unattainable without equal opportunities for the full realization of the rights and freedoms of the individual. At the same time, to date, the subsistence minimum per capita in Moscow is 16,260 rubles, in the Khabarovsk territory – 13,396 rubles, and in the Lipetsk region – 8,734 rubles. It appears that art. 7 the Constitution of the Russian Federation should be supplemented by a guarantee of establishing a minimum wage not lower than the subsistence minimum, which in May 2017 was already declared a priority of the policy of the Government of the Russian Federation. In addition, it is necessary to take into account the experience of foreign constitutional construction and to consolidate in the Constitution of the Russian Federation the state's desire to prevent and reduce unemployment, create jobs, taking into account the socio-economic development of certain areas of the

country (article 100 of the Constitution of Switzerland [23, p. 246]).

In the scientific literature there is a lack of constitutional regulation in the field of financial policy. In particular, the opinion is expressed that the set of budget norms presented in the form of clause "z" of article 71 of the Constitution of the Russian Federation "is too "transparent", "insignificant" in order to meet the requirements of the budget system of the Russian Federation" [14, p. 122].

It seems that there is a need for a constitutional settlement of the General principles of taxation and fees, budget regulation in Russia, which requires taking into account the constitutional experience of developed foreign countries. The current Constitution of Switzerland of 1999 regulates these issues in detail: thus, 5% of the VAT collected in Switzerland is guaranteed to be used for social security of low-income groups (part 2 of article 130) [23, p. 255]. This constitutional provision ensures that the constitutional principle of the social state, which is the basis for the equalization of the socio-economic development of the cantons, testifies to its real implementation. The main constitutional guarantee of equalization of socio-economic development of the cantons is the norm of the Constitution of Switzerland, according to which three tenths of the gross amount of taxes are received by the cantons; from this at least one sixth is used for financial equalization between the cantons (part 4 of article 129) [23, p. 254]. It would not hurt to subject the reception also to the norm of the Constitution of Switzerland on the minimum standard of deductions from the net profit of the Central Bank of the country in favor of the subjects of the Federation (part 4 of article 99) [23, p. 246].

It is characteristic that the foundations of the financial system in their constitutions and established many post-Soviet States. They are contained in article 131 of the Constitution of Moldova, article 95 of the Constitution of Ukraine. Section VII of the Constitution of the Republic of Belarus lays down the foundations of the financial and credit system of Belarus.

Blanket provisions of the Constitution of the Russian Federation in the fiscal sphere, given that the actual constitutional assigning it to the sphere of private competence of the Russian Federation entails the threatening state unity of ignoring regional interests, the consequence is an uneven socio-economic development of constituent entities of the Russian Federation in favor of the "capital region". A. Blankenagel notes: "the System in which most of the revenues of the subjects are subsidies of the Federation, deprives the subjects of autonomy, suppresses their initiative. The system of

constitutionally regulated redistribution of Federal taxes in favor of the Federal länder, adopted in Germany, is only the minimum standard of fiscal federalism" [25, p. 4]. And the existing in Russia "system of differentiation of competence vertically led to a further increase in differences in the level of social and economic development, the aggravation of crisis phenomena in the economy, the growth of social and political tension" [18, p. 52]. This threatens state unity and, in the future – territorial integrity. A serious gap in the socio-economic development of the regions led to the withdrawal from Malaysia of the more economically and socially developed state of Singapore in 1965 [1, p. 39].

#### 4. Conclusions.

Thus, the socio-economic aspect of the constitutional and legal support of state unity and territorial integrity of Russia implies consistent provision of a decent standard of living throughout the country (without which the unity of the multinational people of the Russian Federation as one of the components of state unity is unthinkable), as well as strengthening economic ties between the subjects of the Russian Federation as one of the key factors of state unity and preservation of territorial integrity of Russia.

In this regard, the constitutional and legal support of the unity of the economic space of the Russian Federation, the alignment of the level of socio-economic development of the subjects of the Russian Federation are of particular importance. The consistent implementation of these constitutional and legal guarantees is accompanied by a number of problems identified in the law enforcement practice of the Federal bodies of state power. Thus, at the end of 2014, the Bank of Russia did not fulfill its obligations to implement its main constitutional function (protection and stability of the ruble), leading to the collapse of the ruble. However, the legal responsibility of the persons concerned has not come, which requires, in our opinion, the expansion of the range of entities entitled to initiate the procedure of dismissal of the Chairman of the Central Bank of the Russian Federation.

It is required in the long term (though not close due to the impossibility of making changes to Chapter one of the Constitution of the Russian Federation without its revision) to consolidate the principle of alignment of socio-economic development of subjects of the Russian Federation among the foundations of the constitutional system. In the absence of the norms fixing it the discretion of public authorities in the possibility of determining the priorities of the Federal policy of regional development was limitless in the key that the goal of equalizing the

socio-economic development of the regions is not considered unconditional. It seems that the task set by the President of the Russian Federation in The strategy-2030 for the development of individual regions should be interpreted in the key of the strategic task of equalizing the level of socio-economic development of the subjects of the Russian Federation.

Finally, it seems that there is a need for a more thorough constitutional settlement of the General principles of taxation and fees, budget regulation in Russia.

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