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ESTABLISHING THE ADMINISTRATIVE AND CRIMINAL RESPONSIBILITY DURING THE HIGH ALERT PERIOD

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The subject of research is norms of the current administrative and criminal legislation of the Russian Federation applied for violations of anti-epidemic restrictions. In 2020 the array of normative acts applicable in an emergency situation was significantly supplemented and need to be analyzed.

The purpose of the study is to confirm or disprove hypothesis that legal certainty norms applied for violations of anti-epidemic restrictions and their position in the hierarchy of administrative-legal and criminal-legal prohibitions look rather dubious.

The methodology. The authors choose the hypothetical-deductive method as the main method of this research. This method allowed to create a system of deductively related hypotheses from which statements about empirical facts are derived. The article analyzes the law enforcement practice that developed during the period of high alert

The main results of research and a field of their application. Their relationship between anti-epidemic restrictions and permissible restrictions on fundamental human rights and freedoms is considered; an assessment of the proportionality of sanctions for violation of the generally binding rules of conduct is given; the socio-legal conditionality of the repressive legal support for the action of the high alert regime is analyzed. The main trends in law enforcement practice that have developed during the implementation of new administrative and legal and criminal law prohibitions are given. The findings can be useful to optimize law enforcement in the ongoing COVID-19 pandemic.

Conclusions. The legitimization of the pandemic alert regime (or high alert regime in other words) took place in a short period of time, as a result of which some defects of legal regulation can be named. So, to date, no clear gradation has been made between the high alert regime and the emergency regime; although the high alert regime has structurally taken shape as a legal concept in conjunction with ensuring the sanitary and epidemiological well-being of the population, its systemic relationship with the categories "quarantine", "prevention of the spread of diseases", "isolation" has not been developed, i.e. with concepts developed in such an area of scientific knowledge as epidemiology, and received partial consolidation in the norms of sanitary and epidemiological legislation. The high alert regime has undergone a significant transformation, turning from a set of recommendations addressed to the subjects of the unified state system for the prevention and elimination of emergencies into a wide list of legal provisions of various legal force, the effect of which applies to all groups of the population. In this regard, it is obvious that there is a demand in society for the unification of accepted norms and further structuring of a clear and unambiguous system of rules of conduct applicable in extreme situations that are not of an emergency nature, but require special control and special public attention. It follows from this that extraordinary legal regulation must acquire a consistent form and receive a strictly defined place in the national legal system.

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1. Introduction.

In 2020, all states of the world faced a new global threat. On December 31, 2019, the World Health Organization (WHO) was informed about the detection of cases of pneumonia of unknown origin in Wuhan (China). On March 11, 2020, WHO announced the beginning of the COVID-19 pandemic.[1] By mid-March 2020, most of the attributes of modern life (open borders, freedom of movement and travel, mass communication) were no longer functioning in the usual mode. In addition to huge economic losses, which have not yet been fully assessed and may take a long time to overcome, the pandemic has also affected important areas of legal regulation. Almost all states imposed various restrictions on free movement of people, production of goods, performance of works, provision of services. At the same time, the methods applied to ensure their implementation showed that coercion clearly prevailed over persuasion. The Russian Federation has not been an exception. The system of legal regulation was developed on its territory that provided conditions for the action of a high alert regime (in particular, new elements of administrative offenses have appeared, criminal liability for violation of sanitary-epidemiological rules has been strengthened, the hierarchy of regulatory legal acts has become more complicated in many respects, since both regional and departmental rule-making has become more active). A parameter of this system is its repressivity expressed in the establishment of strict sanctions, regardless of the nature of restrictions, that seriously restrict a number of fundamental human rights and freedoms.

In connection with the above, a doctrinal assessment of the need to establish a specific legal regulation in connection with the constitutional obligation of a state to recognize, observe and protect the rights and freedoms of man and citizen is of interest. The subject of this study is the socio-legal conditionality of the establishment of new administrative-legal and criminal-legal prohibitions, their legal certainty, consistency and proportionality to the global threat to citizens life and health, and the experience of law enforcement activities for their implementation.

2. Location of High Alert Regime in the System of Current Legal Regulation.

High alert regime is not a new concept for the Russian legislation, but its terminological content has not yet been expressed in the form of a special legal definition. Back in 1994, the Federal Law On Protection of Population and Territories from Natural and Man-Made Emergency Situations was adopted[2]. In accordance with Article 1 of this law, an emergency situation can be generated, inter alia, by the spread of a disease that poses a danger to others, which may entail human casualties or damage to people's health. But in general, the sources of emergency situations are characterized by significant variability, as well as the scale of the territories covered by them. According to the EMERCOM of Russia, in 2019, for example, 266 emergency situations were registered on the Russian territory, of which 4 were classified as federal ones, 30 as regional, 7 as intermunicipal, 109 as municipal, 116 as local; the number of victims was almost 121 000, including 532 deaths. The share of man-made emergency situations was 75.9%, while natural ones accounted for 18.4% and those of biosocial character for 5.6%[3].

Researchers characterize an emergency situation as a dangerous situation in a certain

[1] For more information, see: Coronavirus Disease Pandemic (COVID-19). World Health Organization. Available at: https://www.euro.who.int/ru/health-topics/health-emergencies/coronavirus-covid-19 (Accessed on 05.08.2020)

[2] On Protection of Population and Territories from Natural and Man-Made Emergency Situations: Federal Law No. 68-FZ dated 21.12.1994 [adopted by the State Duma on 11.11.1994] (as at 23.06.2020). Rossiyskaya Gazeta. 1994. December 24.

[3] On State of Protection of Population and Territories of the Russian Federation from Natural and Man-Made Emergency Situations in 2019: State Report. Moscow: EMERCOM of Russia, 2020. P. 7.

territory caused by a man-made accident, a natural cataclysm, socially dangerous actions or biosocial factors [1, p. 22]. Some authors mention the presence of an acute conflict and stressful state of the population, economic damage, large-scale costs of eliminating the consequences of emergency situations [2, pp. 20-22]. Real [3, pp. 53-54] or potential [4, p. 74] harm is recognized as an immanent feature of an emergency situation. There are interesting attempts to define an emergency situation with the use of categories such as "disaster" [5, pp. 72-76] or "deviation from the normal living conditions of society" [6, pp. 52-53]. The analysis of the expressed judgments allows us to conclude that the existing definitions of an emergency situation are built around its substantive aspect and represent a characteristic of the situation that has arisen in a certain territory under the influence of negative natural, biosocial or man-made factors.

Another established scientific approach is based on the analysis of the concept of emergency situation as a special order of functioning of state administration bodies, aimed at ensuring the protection of the population and territories from the negative consequences of accidents caused by natural or man-made (technogenic) factors [7, p. 8]. It is not difficult to conclude that this approach is based on the constitutional provisions that characterize some exclusive legal regimes (for example, Articles 56, 87 of the Constitution of the Russian Federation, further developed in independent federal constitutional laws, determine the conditions for the introduction of martial law[4] and[5] the state of emergency). In the legal doctrine, exclusive legal regimes are defined as ways of regulating extraordinary legal relations [8, p. 42], a special order of legal regulation aimed at ensuring the sustainable functioning of state and public institutions [9, p. 478], a form of timely response to emerging threats to the security of the individual, society and the state [10, p. 3]. At the same time, some authors use the concept of emergency legislation [11, pp. 272-275]. Referring to exclusive or special legal regimes, researchers mean a state of emergency and martial law, a counter-terrorist operation [12, pp. 394-396], as well as an emergency situation [13, pp. 11-15]. As we see, the high alert regime is not considered by specialists under this heading, although the universality of the above-mentioned regulatory acts and their applicability to all relations arising during the prevention and liquidation of emergency situations are noted in legal publications [14, pp. 106-112].

The high alert regime (Article 4.1, Part 6, Clause b of the Federal Law On Protection of Population and Territories from Natural and Man-Made Emergency Situations) characterizes the features of the functioning of the administration bodies and forces of the unified state system for the prevention and elimination of emergency situations. Comparing the three types of regimes listed in this law, we can conclude that the high alert regime is of intermediate character and is applicable in case of a threat of an emergency situation. In other words, the high alert regime implies the concentration of resources of the unified state system for preventing and eliminating emergency situations, making management decisions aimed at quickly localizing an emergency situation that occurred, developing a strategy that allows minimizing physical damage, damage to property and other kinds of damage, the type of which depends on the scale of the emergency situation and the territory that it may eventually cover.

As an interim conclusion, we can say that the concept of an emergency situation has received a regulatory and doctrinal characteristic as a situation requiring the establishment of a special order for regulating public relations, due to real threats of harm to the life and health of citizens, damage to property and economic relations, destabilization of the activities of state administration bodies. The high alert regime, in turn, acts as a way of responding to a potential threat of an emergency situation.

Since an emergency situation may arise in a territory with different administrative-legal status, the legal regulation of the high alert regime is

[4] On Martial Law: Federal Constitutional Law No. 2-FKZ dated 30.01.2002 [approved by the State Duma on 27.12.2001] (as at 01.07.2017). Rossiyskaya Gazeta. 2002. February 2.

[5] On the State of Emergency: Federal Constitutional Law No. 3-FKZ dated 30.05.2001 [approved by the State Duma on 26.04.2001] (as at 03.07.2016). Rossiyskaya Gazeta. 2001. June 2.

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carried out on the basis of norms of the federal legislation and the legislation of constituent entities of the federation. The key requirement addressed to state administration bodies in conditions of high alert is the adoption of operational measures to prevent the occurrence and development of emergency situations (Paragraph 28 of the Regulation on the Unified State System for the Prevention and Elimination of Emergency Situations[6]). Accordingly, the priority in this case is delegated to the regional rule-makers, since this allows for a prompt response to emergency situations.

Due to the threat of the spread of coronavirus infection, a high alert regime was introduced in all constituent entities of the Russian Federation: on January 27, 2020, in the Amur Region; on February 7, 2020, in the Yaroslavl Region; on February 10, 2020, in the Republic of Buryatia; on March 5, 2020, in Moscow and the Pskov Region; between March 10 and March 20, 2020, in other Russian regions. As of August 2020, its end date is determined only in six constituent entities of the federation: the Mari El Republic, the Republic of Khakassia, the Krasnodar Krai, the Vologda, Kaluga and Magadan regions[7]. The basic provisions that determined its features have been legally consolidated both in federal laws and in acts of the President of the Russian Federation and the Government of the Russian Federation. The totality of these regulatory acts has determined the modern legal characteristics of the high alert regime, thanks to which the latter has undergone a significant transformation, turning from the recommended modus operandi into a set of mandatory requirements and restrictions on the rights and freedoms of citizens, provided with a wide arsenal of coercive means of implementation.

3. Legal Characteristics of the High Alert Regime.

Although the legal basis for the introduction of a high alert regime received only a framework description in the federal legislation, the following procedure for its introduction has developed in most constituent entities of the Russian Federation. Between February 27 and March 20, 2020, administrative acts of the heads of regions were issued, announcing the introduction of a high alert regime and adding a list of prohibitions and restrictions that remain in effect until its cancellation or special order. These acts were based either on Clause b of Part 6 of Article 4 of the Federal Law On Protection of Population and Territories from Natural and Man-Made Emergency Situations (for example, the regulation of the Moscow mayor[8]) or on a law of the constituent entity of the federation with a related subject of legal regulation (e.g., the preamble of the regulation of the governor of the Omsk Region[9] contains a reference to the regional law[10]). Taking into account the constantly updated information about the negative dynamics of the number of diseased in Russia and abroad, the publication of these acts should be recognized quite timely.

However, in the structure of regulations and instructions that ensure the maintenance of a high alert regime, the characteristics of activities performed by state administration bodies in the new conditions were of secondary importance. In practice, it turned out that the high alert regime

[6] Regulation on Unified State System for Prevention and Elimination of Emergency Situations: approved by the Resolution of the Government of the Russian Federation No. 794 dated 30.12.2003 (as at 02.04.2020). Rossiyskaya Gazeta. 2004. January 20.

[7] For more information, see: Coronavirus (COVID-19). Introduction of High Alert Regime in the Constituent Entities of the Russian Federation. Available at:: http://www.consultant.ru/document/cons_doc_LAW_349932/ (Accessed on 05.08.2020)

[8] On the Introduction of High Alert Regime: Regulation of the Moscow Mayor No. 12-UM dated 05.03.2020 (as at 01.08.2020). Rossiyskaya Gazeta. March 5, 2020.

[9] On the Measures to Prevent the Import and Spread of a New Coronavirus Infection (COVID-19) in the Omsk Region: Omsk Region Governor Order No. 19-r dated 17.03.2020. Rossiyskaya Gazeta. March 18, 2020.

[10] On Protection of Population and Territories of the Omsk Region from Natural and Man-Made Emergency Situations: Omsk Region Law No. 586-OZ dated 20.12.2004 [adopted by the Omsk Region Legislative Assembly on 14.12.2004] (as at 12.07.2017). Electronic Fund of Legal and Scientific-Technical Documentation. Available at:: http://docs.cntd.ru/document/943015990 (Accessed on 06.08.2020)

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implies the establishment of a wide list of restrictions that hinder the normal activities of enterprises, institutions, organizations (primarily the service sector), and also imposes additional obligations on citizens. Taking into account the extreme and threatening nature of the emergency situation, this approach seems reasonable. Moreover, it has been tested legally (on the example of the state of emergency) and practically (on the examples of counter-terrorist operations[11]). However, when there was a risk of emergency situation, such a volume of restrictions was perceived ambiguously (note that in many states quarantine measures implied pause in servicing the consumers, caused a number of industrial enterprises to stop, obliged citizens not to leave their homes, etc., and none could achieve a general positive attitude towards the measures taken[12]). In other words, in the absence of a full awareness of the nature and degree of danger of the threat that has arisen, the emergence of new legal restrictions has become the subject of social discourse.

The criteria of legality, legal certainty and expediency were the most vulnerable.

With regard to the first one, it should be noted that the very introduction of a high alert regime was carried out in the constituent entities of the Russian Federation on the basis of the existing federal and regional regulatory framework. The competence of the heads of the regions in making such a decision is beyond doubt. Whether in making this decision they were competent to establish additional obligations for citizens, to restrict the activities of legal entities and to ensure the fulfillment of these requirements by imposing fines may, however, be partially questioned. Although the scope of establishing administrative responsibility is assigned to the jurisdiction of the federation and its individual entities (Article 72, Part 1, Clause k of the Constitution of the Russian Federation), and the regions may also have their own legislation on administrative offenses, the list of legal restrictions provided for during the high alert regime has significantly invaded the sphere of exercising constitutional rights and freedoms. For example, the regulation of the Moscow mayor on the introduction of high alert obliged citizens, who visited the territories with registered COVID-19 cases to inform public authorities about their return and to stay in isolation at home (self-isolation). The resolution of the government of Saint Petersburg temporarily banned mass public events and limited the work of passenger transport[13]. In the Omsk Region, heads of medical schools were encouraged to involve residency students in providing medical care to patients with respiratory symptoms. With the pronounced administrative-legal nature of the high alert regime, the content of the established requirements not only goes beyond the activities of state administration bodies and the forces of the unified state system for preventing and eliminating emergency situations, but also implies a higher level of state authorities authorized to impose restrictions.

With regard to legal certainty, it should be clarified that the texts of regulatory acts, according to which the high alert regime was introduced, did not provide transparent ways of fulfilling the established mandatory requirements. For example, the order of the governor of the Omsk Region widely used the verb "recommend", combining it with the desired result (to exclude admission to workplaces, Paragraph 6, Clause 3, to ensure mandatory inspection of students, Paragraph 8, Clause 3, to minimize the number of mass events, Paragraph 9). Such a construction contains no

[11] By making such a differentiation, the authors imply that the state of emergency has never been introduced in practice and its legally restrictive content can be reasoned on the basis of the regulatory framework, while the counter-terrorism operation regime provided for by the Federal Law On Countering Terrorism has been practically tested in a number of constituent entities of the Russian Federation. *Author's Note.*

[12] For more information, see: An Action Against COVID Restrictions Was Held in Berlin. Deutsche Welle. Available at: https://www.dw.com/ru/v-berline-protestujut-protiv-covid-ogranichenij/a-54402612 (Accessed on 06.08.2020)

[13] On Measures to Counter the Spread of a New Coronavirus Infection (COVID-19) in Saint Petersburg: Resolution of the Government of Saint Petersburg No. 121 dated 13.03.2020 (as at 27.07.2020). Available at: http://docs.cntd.ru/document/564437085 (Accessed on 06.08.2020)

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potential for enforcement, i.e. has signs of possibility for corruption (neither the proper parameters for the implementation of recommendations nor possible sanctions for their violation are specified).

And finally, the criterion of expediency in connection with the legitimization of the high alert regime can be questioned, since none of the regulatory acts adopted in the constituent entities of the federation justified any of the restrictive measures introduced. For example, in Saint Petersburg, the services of route passenger transport operating on a commercial basis were banned, and social routes, including subway, continued to operate, although in a reduced mode. Citizens received information about the unfavorable sanitary and epidemiological situation from the media; no assessment of the ability of the imposed restrictions to improve it was given.

As an interim conclusion, we can say that a high alert regime was not introduced throughout the territory of the Russian Federation; therefore, the discretion of the heads of the constituent entities of the federation went beyond the optimization of organizational and administrative activities aimed at ensuring the uninterrupted operation of the unified state system for preventing and eliminating emergency situations. Should the legal content of the high alert regime receive a literal interpretation, its legitimized structure turns out to be wider than that laid down in the provisions of federal legislation.

4. Ensuring Compliance with Requirements of the High Alert Regime: Contribution of Federal And Regional Legislators. Since, in fact, the high alert regime began to be supplemented by various prohibitions motivated by the unfavorable sanitary and epidemiological situation from the outset, it was a matter of time to establish legal responsibility for non-compliance with these. Quite logical, the pace of regional rule-making was slightly more intensive than the activity of the federal legislator.

Thus, the regulatory acts of a number of constituent entities of the Russian Federation, establishing administrative responsibility for offenses committed in their territory, were quickly amended, making it possible to apply punishment in the form of an administrative fine for new types of offenses, the constructive element of which was the situation, namely, the commission during the period of high alert. For example, on April 1, 2020, Article 3.18.1 was included in the Code of Administrative Offences of Moscow, according to which the violation of requirements provided for in Moscow regulatory legal acts aimed at introducing and ensuring a high alert regime was recognized as punishable. In particular, the failure to ensure the self-isolation regime, the observance of which was prescribed by the regulation issued by the Moscow mayor on March 30, 2020. Signs of this regime do not have normative ground in the federal legislation. In addition, the main parameter of the violation was actually the leaving by citizens of their place of residence or place of stay (the regulation of the Moscow mayor contained an exhausive list of cases when this was allowed). Qualifying an offense, Moscow courts referred to provisions of the Federal Law On Sanitary-Epidemiological Wellbeing of the Population, Article 55 of which places the obligation upon citizens to comply with the instructions of officials carrying out federal state sanitary-epidemiological supervision and not to commit actions that would entail the violation of other citizens rights to health[14] protection. There is a certain flaw in this approach, as an offense provided for by the administrative legislation of a constituent entity of the federation should encroach on public relations regulated by regional regulatory acts, while federal state supervision and relations arising during its implementation are protected by the norms of federal legislation. However, since the restrictions established in Moscow were based on the regulation issued by the Chief Public Health Inspector of Moscow on March 29, 2020, which justified the need for a series of preventive and other measures,

[14] It is quite interesting that by making such generalizations, practicing lawyers began to identify a legally established high alert regime and a shelter-in-place (self-isolation) regime that has no legal content. For more information, see: D. Zherdev Administrative Responsibility for Violation of High Alert (Self-Isolation) Regime on Example of Moscow. Available at: https://zakon.ru/blog/2020/4/10/administrativnaya_otvetstvennost_za_narushenie_rezhima_povyshennoj_gotovnosti_samoizolyacii_na_prime (Accessed on 06.08.2020)

due to the increase in the number of cases, this method of law enforcement interpretation is quite reasonable. Federal Supervision Agency for Customer Protection and Human Welfare (Rospotrebnadzor) is a federal executive authority, and the Chief Public Health Inspector of a region is a federal civil servant, an official. At the same time, the self-isolation regime never had any legal content, and in the federal legislation there were no elements of administrative offenses committed during high alert regime for the period under review.

Nevertheless, similar prohibitions were introduced in other Russian regions. For example, as of April 1, 2020, more than 800 protocols on administrative offenses with the corresponding plot have already been drawn up in the territory of the Republic of Tatarstan[15]. In all cases, the offenders were charged with violating the regional administrative-legal prohibition, justified by the provisions of federal legislation. In the future, this conflict may be interpreted in an act of the Constitutional Court of the Russian Federation, but at the moment its occurrence characterizes a significant vulnerability both of the legitimacy of expanding the content of the concept of high alert regime and of the legality of bringing violators to administrative responsibility.

The situation changed somewhat when the federal legislator corrected the Code of Administrative Offences of the Russian Federation. On April 1, 2020, Article 6.3 (violation of legislation in the field of ensuring the sanitary-epidemiological wellbeing of the population) was amended. In particular, it was supplemented by Part 2, in which a violation was recognized as punishable if committed during the period of the emergency regime, or when there is a threat of the spread of a disease that poses a danger to others, or during the implementation of restrictive measures (quarantine) in the territory. In this part, we can also note a legal-technical flaw, as quarantine (in the context of Article 31 of the Federal Law On Sanitary-Epidemiological Wellbeing of the Population) was not introduced in any of the Russian regions, and its legal essence is not identical to the category of shelter-in-place (self-isolation) regime. Further, by virtue of Part 3 of Article 6.3 of the Code of Administrative Offences of the Russian Federation, guilty actions with a material element became administratively punishable, meaning those that caused harm to human health or death of a person (at the same time, the legislator made a special reservation, i.e. "if these actions (inaction) do not contain a criminally punishable act"). In other words, the principle of cumulative justification of public danger was applied here and conditions were created for the subsequent criminalization of violations of mandatory requirements applied during high alert regime. Finally, a new article 20.6.1 was included in the Code of Administrative Offences of the Russian Federation, the disposition of which describes such an offense as non-compliance with the rules of conduct when a high alert regime has been introduced in the territory where there is a threat of an emergency situation. This seems to have completed the process of establishing a high alert regime in its new capacity. These changes came into force from the date of the official publication of the federal law[16] (April 1, 2020), which can be explained by the intention to quickly fill the legal gaps that have formed due to the more intensive pace of regional rule-making.

At the same time, amendments were made to the Criminal Code of the Russian Federation, which, with a certain degree of conventionality, can be assessed as protecting the established procedure for introducing a high alert regime. So, on April 1, 2020, Article 207.1 was added, establishing criminal liability for the dissemination of deliberately false information about circumstances that pose a threat to the life and safety of citizens (among the constructive elements of the crime there are publicity and dissemination of false information under the guise of reliable); in addition, Article 207.2 of the Criminal Code establishes criminal liability for the public dissemination of deliberately false socially

[15] For more information, see: They Began to Fine for Violating the Shelter-In-Place Regime In Moscow. Vedomosti. Available at: https://www.vedomosti.ru/society/articles/2020/04/09/827689-shtrafovat-koronavirusa (Accessed on 06.08.2020)

[16] On Amendments to the Code of Administrative Offences of the Russian Federation: Federal Law No. 99-FZ dated 01.04.2020 [adopted by the State Duma on 31.03.2020]. Rossiyskaya Gazeta. 2020. April 3.

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significant information, although the constructive element of public significance is not defined in the disposition of the criminal law provision. At the same time, criminal liability under Article 236 of the Criminal Code of the Russian Federation for violation of sanitary-epidemiological rules was strengthened[17]. None of these elements uses the term "high alert regime", but according to Article 207.1 of the Criminal Code of the Russian Federation, for example, it is punishable to spread false information about the measures taken to ensure the security of the population and territories. From this, it can be concluded that the new criminal law provisions are applicable in various extraordinary circumstances, including today's pandemic reality. Nevertheless, their structure shows insufficient legal certainty, as a result of which they are doomed to be enforced selectively. In addition, by including similar norms in the Code of Administrative Offences of the Russian Federation (Article 13.15, Part 10.1, Part 10.2, Part 11), the legislator created conditions for the conflict of administrative-legal and criminal-legal norms.

The forerunning rule-making that took place in the constituent entities of the federation received a compromise assessment in a kind of act of authentic interpretation. As the developer of the draft of the amendments, the Committee of the State Duma of the Russian Federation on Federal System and Issues of Local Self-Government has declared its official position on the application of new administrative-legal norms. In particular, regarding the legality of introducing restrictions related to the access of citizens to the territory where a high alert regime was introduced, with the suspension of the activities of organizations and with the adoption of other measures that do not restrict the rights and freedoms of citizens during the high alert regime[18]. In fact, this was the interpretation of the provisions of the Federal Law On Protection of Population and Territories from Natural and Man-Made Emergency Situations. The legal force of this act of interpretation is disputable, as well as its mention that regional measures do not restrict the rights and freedoms of citizens (it is difficult to agree with this, for example, in terms of the prohibition on leaving residential premises). It should also be noted that the federal legislator did not consider it necessary to give a detailed legal description of the shelter-in-place (self-isolation) regime and did not identify it with the high alert regime, which opened up new prospects for regional rule-making.

5. Mandatory Requirements to Be Fulfilled in Conditions of High Alert Regime: Regulatory Legal Acts of the Government of the Russian Federation and Departmental Rule-Making. In the expanded form, the limits of restrictions allowed during the high alert regime were first fixed in the resolution of the Government of the Russian Federation No. 417 dated April 2, 2020. To some extent the Russian Government was guided by the presidential decree[19], which declared certain periods as non-working and explained what types of activities were to be suspended at this time (it should be noted that neither decree No. 206 dated March 25, 2020, nor the decree No. 239 dated April 2, 2020, that, in fact, extended the shutdown[20], contained provisions that would define the rules of

[17] On Amendments to the Criminal Code of the Russian Federation and Articles 31, 151 of the Criminal Procedure Code of the Russian Federation: Federal Law No. 100-FZ dated 01.04.2020 [adopted by the State Duma on 31.03.2020]. Rossiyskaya Gazeta. 2020. April 3.

[18] Position of the Committee on the Application of New Article 20.6.1 of the Code of Administrative Offences of the Russian Federation and on Taking Additional Measures to Protect the Population and Territories from Emergency Situations upon Introduction of High Alert or Emergency Regime: Information from the State Duma of the Federal Assembly of the Russian Federation. Available at: http://www.consultant.ru/cons/cgi/online.cgi?req=doc&base=LAW&n=353756&fld=134&dst=1000000001,0&rnd=0.13085402952099456#06855630081660671 (Accessed on 06.08.2020)

[19] On Announcement of Non-Working Days in the Russian Federation: Decree of the President of the Russian Federation No. 206 dated 25.03.2020. Rossiyskaya Gazeta. 2020. March 26.

[20] On Measures to Ensure Sanitary-Epidemiological Wellbeing of Population on the Territory of the Russian Federation in Connection with the Spread of New Coronavirus Infection (COVID-19): Decree of the President of the Russian Federation No. 239 dated 02.04.2020. Rossiyskaya Gazeta. 2020. April 3.

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conduct of citizens of the Russian Federation or the degree of restriction of the rights that received constitutional recognition or were established in the sectoral legislation). The rules of conduct that are mandatory for citizens and organizations upon introduction of high alert or emergency regime[21] contain a number of obligations that must be fulfilled. At the same time, Paragraph 3 of the Rules in this part equates the high alert regime with the emergency regime, since these obligations are identical in the event of a threat of an emergency situation and in the zone of its occurrence. The list of restrictions is not disclosed in the text of the rules, which in general may be explained by the legal force of this document, which is lesser than that of a law. At the same time, it is the mandatory rules of conduct, as well as the degree of compliance or non-compliance therewith, that become a condition for the qualification of what has been done as an offense. Thus, in this part, the Government of the Russian Federation made a contribution to ensuring the implementation of the high alert regime, although no unambiguous legal definition has been developed regarding it. Nevertheless, this did not become an obstacle to the formation of law enforcement practice associated with the qualification of administrative offenses and crimes provided for by the new legislative norms.

A significant contribution to the legal support of the high alert regime was made by the departmental rule-making. Rospotrebnadzor showed the greatest activity in this direction, guided by Article 29 of the Federal Law On Sanitary-epidemiological Wellbeing of the Population. In accordance with this norm, the authorized bodies have the right to establish restrictions and carry out sanitary-epidemic preventive measures. At the same time, instructions by Rospotrebnadzor territorial bodies are mandatory for the state authorities of constitient entities of the Russian Federation. It should be noted that it was on the basis of the regulation issued by the Chief Public Health Inspector of Moscow on March 29, 2020 that restrictions on the freedom of movement of citizens were established in the capital[22], and this very document was the basis for the development of various technical controls that were widely used against residents until mid-June 2020.

In May 2020, Rospotrebnadzor approved the sanitary-epidemiological rules Prevention of New Coronavirus Infection (COVID-19)[23]. This means that the national legal system has completed the creation of a set of norms defining mandatory rules of conduct during the high alert regime introduced as a result of the spread of this disease. In other words, creation of a regulatory framework has been completed that allows applying appropriate administrative-legal and criminal-legal norms in order to qualify offenses and crimes committed in the context of a pandemic. In fact, this does not mean structuring a universal high alert regime, i.e. legal regulation is temporary. In case of a hypothetical declaration of an emergency situation caused by the deterioration of the epidemiological situation (for example, the second wave of a pandemic), the existing hierarchy of regulatory legal acts can be used to enforce the compliance with the requirements of a high alert regime. The specified document has passed the state registration in the Ministry of Justice, which confirmed its legal force.

Prior to its approval, Rospotrebnadzor adapted the previously approved sanitary rules applicable in certain segments to the current situation and the high alert regime. Among the flaws of this practice were the publication of non-

[21] Rules of Conduct that are Mandatory for Citizens and Organizations upon Introduction of High Alert Regime or Emergency Regime: Approved by the Resolution of the Government of the Russian Federation No. 417 dated 02.04.2020. Rossiyskaya Gazeta. 2020. April 3.

[22] On Additional Sanitary-Epidemic (Preventive) Measures: Regulation of the Department of the Federal Supervision Agency for Customer Protection and Human Welfare (Rospotrebnadzor) in Moscow No. 1-P dated 29.03.2020. Available at: http://www.consultant.ru/cons/cgi/online.cgi?req=doc&base=MLAW&n=202900#09627332223010943 (Accessed on 07.08.2020)

[23] On Approval of Sanitary-Epidemiological Rules SP 3.1.3597.20 "Prevention of New Coronavirus Infection (COVID-19)": Approved by the Resolution of the Chief Public Health Inspector of the Russian Federation No. 15 dated 22.05.2020. Rossiyskaya Gazeta. 2020. May 29.

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normative acts (Rospotrebnadzor letters and methodological recommendations) which actually became acts of official (and expansive) interpretation of mandatory requirements. In particular, on March 30, 2020, Rospotrebnadzor approved Methodological Recommendations intended for a wide range of officials and specialists[24]. Section 4 of Recommendations defined epidemiological tactics during COVID-19 (the list of measures included identification of patients, their isolation and hospitalization, maximum restriction of contacts, identification of contact persons and their isolation at home or in observation facilities). The advisory, rather than normative, nature of Rospotrebnadzor's letters was clarified only in July 2020 (interestingly, also in a letter[25]). Not being sources of legislation, however, Rospotrebnadzor acts were applied when isolating patients and contact persons and, indirectly, when these violated sanitary-epidemiological restrictions.

Thus, a rather original system of legal regulation has developed, when the restrictions imposed were not directly associated with a narrowed scope of exercising constitutional rights and freedoms of citizens, but actually led to it. For example, none of the listed by-laws mentions the restriction of freedom of assembly. However, due to the prohibition on mass events, motivated by a difficult sanitary-epidemiological situation, public events (public rallies, marches, demonstrations) became impossible. Equally, none of by-laws (and, by the way, federal laws, the subject of legal regulation of which is related to countering various emergency situations) contains prohibitions that prevent the freedom of movement. But in connection with the implementation of anti-epidemic measures regulated by acts of various legal force and different levels, freedom of movement was restricted in relation to a wide list of persons (on the basis of regulatory legal acts on the introduction of a high alert regime, it can be stated that these persons were united by their age or health status or restrictions were introduced randomly in relation to an indefinite circle of citizens).

6. Law Enforcement Interpretation of the Norms Establishing Administrative and Criminal Liability for Violation of the Rules of Conduct That are in Force during the High Alert Regime. Taking into account the fact that the high alert regime functioned in all 85 constituent entities of the federation, the practice of applying these norms began to form intensively and was relatively uniform. A significant role in this was played by the Presidium of the Supreme Court of the Russian Federation, which promptly issued a thematic review on the application of legislation and measures related to countering the spread of a new coronavirus infection[26]. The Presidium of the Supreme Court of the Russian Federation did not give a legal description of either the high alert regime or, even more so, the shelter-in-place (self-isolation) regime, but answered a number of problematic questions, which allowed the lower courts to avoid widespread or indiscriminate fining. In addition, the Presidium of the Supreme Court of the Russian Federation partially filled in the legal gaps made during the construction of new administrative-legal and criminal-legal prohibitions, drawing a distinction between them and guiding the courts to the use of the norms from other branches of legislation, thereby overcoming the qualification difficulties arising in connection with the blanketness of legal norms.

The special legal regime has received a doctrinal characteristic as a special legal

[24] Epidemiology and Prevention of COVID-19: Methodological Recommendations MR 3.1.0170-20: Approved by the Chief Public Health Inspector of the Russian Federation on 30.03.2020. Available at: https://www.rospotrebnadzor.ru/region/korono_virus/files/spec/MR%203.1.0170-20.pdf (Accessed on 07.08.2020)

[25] About Rospotrebnadzor fines: Letter from Rospotrebnadzor No. 09-11169-2020-40 dated 22.07.2020. Available at: http://www.consultant.ru/document/cons_doc_LAW_359186/ (Accessed on 07.08.2020)

[26] Review on Certain Issues of Judicial Practice Related to the Application of Legislation and Measures to Counter the Spread of a New Coronavirus Infection (COVID-19) in the territory of the Russian Federation No. 1: Approved by the Presidium of the Supreme Court of the Russian Federation on 21.04.2020. Available at: https://www.vsrf.ru/files/28856/ (Accessed on 06.08.2020)

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phenomenon that allows the legislator to quickly respond to an extreme situation that has arisen [15, pp. 120-124], in which the effective application of ordinary legal norms is not ensured. Naturally, under these circumstances, the problem of the ratio of ordinary and extraordinary legal regulation arises. The question of whether the existing interpretation of the norms on the declaration of an emergency situation comply with the constitutional provisions has already been researched [16, pp. 22-29]. At the same time, the constitutionally permissible limits of restricting the rights and freedoms of citizens in the application of "emergency legislation" were studied [17, pp. 116-122]. In particular, it was concluded that there are "basic" restrictions, to which "additional" ones are added when establishing exclusive legal regimes, i.e. those established by law in relation to each of these regimes [18, pp. 96-100]. The Presidium of the Supreme Court of the Russian Federation reasoned in the same context. Answering the questions of the courts about the qualification of offenses under Article 20.6.1 of the Code of Administrative Offences of the Russian Federation, it was guided by a detailed hierarchy of regulatory legal acts that characterize the features of the high alert regime, and also indicated that administrative responsibility incurs "for violation of mandatory, as well as additional mandatory rules of conduct for citizens and organizations when a high alert regime has been introduced in the territory of a constituent entity of the Russian Federation". At the same time, the Presidium of the Supreme Court of the Russian Federation drew the attention of the courts to the fact that administrative punishment should be proportional, fair and proportionate.

Since, in general, the results of regional rule-making turned out to be identical (they were adopted at the same time, and the rule-makers used a standard template formed in regulations, instructional letters and methodological recommendations by Rospotrebnadzor), and the federal-level norms, due to their accelerated adoption, turned out to be blanket and did not contain unambiguous formulations, the courts of all Russian regions faced related problems when considering cases of administrative offenses. One of them was the legal qualification of the violation of the shelter-in-place (self-isolation) regime. A rather interesting position in relation to this was formulated by one of the district courts of Kazan (Republic of Tatarstan). When terminating the case of an administrative offense under Part 2 of Article 6.3 of the Code of Administrative Offences of the Russian Federation due to insignificance, the court indicated the following. In violation of the requirements of the resolution of the Cabinet of Ministers of the Republic of Tatarstan that obliged citizens to observe the shelter-in-place (self-isolation) regime in order to prevent the spread of coronavirus infection, citizen L. left his place of residence without a valid reason. The judge considered the specified offense insignificant, since there was no evidence that these actions had caused any harm to citizens or public interests; the citizen "violated only the regime of the so-called "self-isolation", which is not regulated by federal legislation, in the absence of an officially declared state of emergency and restrictive measures (quarantine)[27]". This legal position clearly reflects the flaws of hasty rule-making.

In some cases, the courts independently eliminated the negative consequences of the conflict between administrative-legal norms, reclassifying an administrative offense from Part 2 of Article 6.3 of the Code of Administrative Offences of the Russian Federation to Article 20.6.1 of the Code of Administrative Offences of the Russian Federation. For example, they indicated that the presence in the territories that it is forbidden to visit (and these in most regions, in addition to shopping centers, cinemas and museums, included other public places, even parks) forms an element of the violation of rules of conduct that are in force when the high alert regime has been introduced, when there is a threat of an emergency, but does not form an element of violation of sanitary rules and hygienic standards[28].

On the contrary, where there is an

[27] Administrative Offense Case No. 5-334/2020. Archive of the Novo-Savinovsky District Court of Kazan, Republic of Tatarstan.

[28] Administrative Offense Case No. 5-/2020. Archive of the Petrogradsky District Court of Saint Petersburg.

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established fact of violation of sanitary rules issued in accordance with the established procedure by the Chief Public Health Inspector of the Russian Federation, the courts apply Part 2 of Article 6.3 of the Code of Administrative Offences of the Russian Federation and justify their position by the following circumstances. Since April 13, 2020, it has been established that all persons returning to Russia from abroad were placed in isolation for medical supervision or under home supervision for a period of 14 calendar days from the date of arrival. They were notified thereof by the resolution of the Chief Public Health Inspector of the constituent entity of the Russian Federation handed over against written acknowledgement. Failure to comply with these rules creates a threat of the spread of a disease that poses a danger to the health of citizens[29]. In this case, the key role is played not so much by the legal characteristics of the high alert regime and permissible restrictions, but by the violation of sanitary rules approved in accordance with the established procedure and containing unambiguous formulations.

These examples illustrate that the judicial system quickly created an optimal procedure based on differentiated qualifications and an adequate legal assessment of actions committed during the high alert regime. Thus, the defects of legal norms were eliminated and rational law enforcement was ensured. At the same time, the following mandatory features of the legal regime are fairly recognized: regulatory consolidation, specific purpose and special regulation procedure [19, pp. 10-12]. The example of regulatory acts of the federal and regional levels that have determined the specific content of the high alert regime does not show the systematic presence of these features.

Criminal prosecution under the articles of the Criminal Code of the Russian Federation aimed at countering crimes committed during the introduction of a high alert regime also has a certain originality. The legal regime for countering and preventing crimes, characterized through a scientific definition [20, p. 7], naturally includes coercive measures, including coercion to compliance with specific requirements that apply in an emergency situation. In modern publications on related topics, these are considered in connection with various administrative-legal restrictions [21, pp. 233-238, 22, pp. 26-29, 23, pp. 139-148], as well as in the context of the limits of permissible restrictions of rights and freedoms [24, pp. 27-29, 25, pp. 19-25, 26, pp. 84-91], as well as compliance with existing criminal procedural guarantees [27, pp. 72-79, 28, pp. 193-200, 29, pp. 226-229]. Newly passed criminal laws attract lesser attention of researchers [30, pp. 541-553], which can be explained by little law enforcement practice.

With regard to Article 236 of the Criminal Code of the Russian Federation, there is a practice of initiating criminal cases against persons who returned from abroad and voluntarily left the observation facility where they were placed. At the same time, the deed is qualified with reference to Part 3 of Article 30 of the Criminal Code of the Russian Federation, i.e. as an unfinished crime (attempt). For example, on March 31, 2020, the North-Western Investigative Department for Transport of the Investigative Committee of the Russian Federation initiated criminal cases "against two citizens who came into contact with persons infected with coronavirus infection and violated the self-isolation regime[30]". In Moscow, a criminal case under Article 236 of the Criminal Code of the Russian Federation, qualified as a completed crime, was initiated against a citizen who hid the presence of a disease when checking into a hostel, where two more cases were subsequently identified[31]. The problems of qualification in the first case are due to the fact that an attempt to violate sanitary-epidemiological rules (Article 236, Part 1 of the

[29] Administrative Offense Case No. 5-689/2020. Archive of the Petrogradsky District Court of Saint Petersburg.

[30] For more information, see: The North-Western Investigative Department of the IC of Russia Has Initiated Criminal Cases Against a Woman and a Man Suspected of Violating Sanitary-Epidemiological Rules. Available at: https://szsut.sledcom.ru/news/item/1452950/ (Accessed on 06.08.2020)

[31] For more information, see: In Moscow, According to the Materials of the Prosecutor's Investigation, a Criminal Case Was Initiated on the Fact of Violation of Sanitary-Epidemiological Rules Available at: https://genproc.gov.ru/smi/news/genproc/news-1849346/ (Accessed on 06.08.2020)

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Criminal Code of the Russian Federation describes a violation as a crime with formal elements) in many respects looks like legal nonsense, and specific sanitary rules in this part entered into force since April 13, 2020, i.e. the criminality of the act can be challenged. In the second case, the question inevitably arises about the presence of a causal relationship between the fact of the presence of an infected person and the other cases of disease. At the same time, the precedents of initiating criminal cases in connection with a mass outbreak of the disease at various infrastructure facilities (warehouses, industrial enterprises, mining facilities) under Article 236 of the Criminal Code of the Russian Federation seem justified, although their plot as a whole is not related to the high alert regime (in fact, all such cases reflect individual violations of the rules of labor protection of employees by the employer).

With regard to the elements of crimes related to dissemination of false information (Articles 207.1, 207.2 of the Criminal Code of the Russian Federation), the practice develops around criminal prosecution in connection with the publication of certain materials in the media or in social networks. Like many other precedents that include qualifying citizens Internet activity or the results of journalists' professional activity as criminal actions, they are controversial, since the structure of relevant criminal law norms has gaps and is characterized by reduced legal certainty. At the moment, it is impossible to formulate a reasoned judgment about the effectiveness and efficiency of new criminal law norms, since they have not yet passed practical evaluation.

7. Conclusions.

The formation of a high alert regime as a structural element of an emergency situation has now been completed. At the same time, the current legislation still does not contain its unambiguous definition, which would allow us to distinguish a set of legally significant features that characterize it as a special or exclusive legal regime.

The legitimization of the high alert regime occurred in a short time period, as a result of which some flaws in its legal regulation can still be found. So, to date, no clear distinction has been made between the high alert regime and the emergency situation regime. Although the high alert regime has been structurally formed as a legal concept attributed to ensuring the sanitary-epidemiological wellbeing of the population, it has not been systematically balanced against the categories "quarantine", "prevention of the disease spread" and "isolation", i.e. against the concepts developed in epidemiology and partially fixed in the norms of sanitary-epidemiological legislation.

The high alert regime has undergone a significant transformation, turning from a set of recommendations addressed to the subjects of the unified state system for preventing and eliminating emergency situations into a wide list of legal regulations of various legal force, which apply to all population groups. In this regard, it is obvious that there is a demand in the society for the unification of the accepted norms and further structuring of a clear and unambiguous system of rules of conduct applicable in extreme situations that are not of an emergency nature, but require special control and special public attention.

The legislative flaws identified in the course of this study did not contribute to legal consolidation of the "self-isolation" (or "self-isolation regime") category. Nevertheless, the administrative practice, which is being built around provisions of Part 2 of Article 6.3 of the Code of Administrative Offences of the Russian Federation, is in fact based on the recognition of a person, in respect of whom a mandatory regulation has been issued to comply with anti-epidemic restrictions, as a special subject of offence. It seems that the legalization of a special subject in the structure of the elements of this offense would make it possible to exclude the random enforcement of this rule in relation to an indefinite number of persons.

On the contrary, in relation to Article 20.6.1 of the Code of Administrative Offences of the Russian Federation, the establishment of a special subject seems impractical, since regulations, the violation of which is implied by this norm, apply to all categories of citizens (prohibition to visit certain locations, compliance with requirements for the availability of personal protective equipment in public places, compliance with social distancing

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rules).

The example of administrative practice shows that the judicial system promptly corrects legislative shortcomings without invading the competence of another branch of power. However, this situation seems to be strategically incorrect and requires improved quality of rule-making. This is particularly important in connection with the consideration in courts of cases on crimes for which criminal responsibility has been established in the wake of the legitimization of the high alert regime.

Currently, it is difficult to predict for how long the various restrictions caused by the COVID-19 pandemic will remain in effect. This means that extraordinary legal regulation should acquire a consistent form and get a strictly defined place in the national legal system. Otherwise, the validity of establishing of restrictions that hinder the exercise of rights and freedoms of a person and a citizen will be questioned, while the violation of the rules that are adopted, but lack the legal certainty, clarity and unambiguity, will occur on a massive scale. The intrusion of these restrictions into the constitutional-legal status of an individual has not received a critical assessment (on the contrary, the legal positions of the Presidium of the Supreme Court of the Russian Federation, for example, are built around the denial of this circumstance), but it seems that this intrusion exists and needs legal justification and consolidation.

REFERENCES

1. Kuzmin A.I. Legal bases of the emergency situation. *Nauchnye i obrazovatel'nye problemy grazhdanskoi zashchity = Scientific and educational tasks of civil defence*, 2011, no. 3, pp. 17–22. (In Russ.).

2. Porfiriev B.N. Organization of management in emergency situations. *Nauka i tekhnika upravleniya = Science and technology of management,* 1989, no. 1, pp. 20–22. (In Russ.).

3. Chernykh V.V. On the relationship between the concepts of "earthquake", "flood", "hurricane", "natural disaster", "natural emergency", "natural and man-made emergency". *Zakon i pravo = Law and Legislation*, 2009, no. 3, pp. 53–54. (In Russ.).

4. Kovaleva O.V. *Legal regulation of the protection of citizens' rights in the event of natural and social emergencies*, Cand. Diss. St. Petersburg, 2009. 189 p. (In Russ.).

5. Frolov A.I. The concept of an emergency according to Russian legislation. *Criminalist*, 2015, no. 1, pp. 72–76. (In Russ.).

6. Goltsov V.B. Emergency situation: theory or legal fact. *Yuridicheskii mir = Juridical world*, 2009, no. 3, pp. 52–53. (In Russ.).

7. Ralitnaya O.A. *Emergencies as circumstances of a state of emergency*, Cand. Diss. St. Petersburg, 2008. 157 p. (In Russ.).

8. Afzaletdinova G.Kh. *Exceptional regimes in Russian law*, Cand. Diss. Moscow, 2016. 202 p. (In Russ.).

9. Bakhrakh D.N., Rosinskii B.V., Starilov Yu.N. *Administrative law*. Moscow, Prospekt Publ., 2008. 512 p. (In Russ.).

10. Melekhin A.V. *Special legal regimes of the Russian Federation*. Moscow, Market-DS, 2008. 188 p. (In Russ.).

11. Ziborov O.V. Modern emergency legislation: excessive brutality or the only way to restore order? *Obshchestvo i pravo = Society and Law*, 2014, no. 2, pp. 272–275. (In Russ.).

12. Gromov M.A. Extraordinary legal regimes as a subsystem of administrative and legal regimes. *Probely v rossiiskom zakonodatel'stve = Gaps in Russian Legislation*, 2008, no. 1, pp. 394–396. (In Russ.).

13. Maidykov A.F., Ovchinnikov V.V. On the concept and introduction of special legal regimes in order to ensure the safety of citizens of the Russian Federation. *Trudy Akademii upravleniya MVD Rossii = Proceedings of Management Academy of the Ministry of the Interior of Russia*, 2016, no. 2, pp. 11–15. (In Russ.).

14. Nazarenko G.K., Galochkin V.N. On the issue of legislative support for the protection of the population and territories from emergency situations. *Nauchnye i obrazovatel'nye problemy grazhdanskoi zashchity = Scientific and educational tasks of civil defence*, 2013, no. 2, pp. 106–112. (In Russ.).

15. Malko A.V., Limanskaya A.P. Special legal regime as a special means of legal regulation. *Vestnik Saratovskoi gosudarstvennoi yuridicheskoi akademii*, 2013, no. 6, pp. 120–124. (In Russ.).

16. Grigoriev V.N. Special legal regimes: issues of compliance with the Constitution. *Vestnik Tomskogo gosudarstvennogo universiteta. Pravo = Tomsk State University Journal of Law*, 2015, no. 4, pp. 22–29. (In Russ.).

17. Levin A.O. Ensuring human rights and freedoms in the context of emergency legislation. *Vestnik Moskovskogo universiteta MVD Rossii*, 2015, no. 2, pp. 116–122. (In Russ.).

18. Podmarev A.A. Restriction of human and civil rights and freedoms under martial law in the Russian Federation. *Izvestiya Saratovskogo universiteta. Novaya seriya. Seriya: Ekonomika. Upravlenie. Pravo = Izvestiya of Saratov University. New Series. Series: Economics. Management. Law*, 2018, vol. 18, iss. 1, pp. 96–100. (In Russ.).

19. Belyaeva G.S. On the question of the concept of the legal regime of restriction. *Problemy ekonomiki i yuridicheskoi praktiki = Problems of Economics and Legal Practice*, 2013, no. 4, pp. 10–12. (In Russ.).

20. Kosmynina P.V. *Legal regime of crime prevention in an emergency*, Cand. Diss. Moscow, 2004. 200 p. (In Russ.).

21. Shurukhnova D.N., Komovkina L.S. Administrative and legal regulation of the high alert regime. *Vestnik Moskovskogo universiteta MVD Rossii = Bulletin of the Moscow University of the Ministry of the Interior of Russia*, 2020, no. 4, pp. 233–238. (In Russ.).

22. Gulakova V.Yu., Kastornov N.S. Organizational and legal measures to combat the pandemic in Russia. *Basis*, 2020, no. 1, pp. 26–29. (In Russ.).

23. Syropyatova S.B., Allanina L.N. Legal regulation of national security and life in a pandemic. *Vestnik Volzhskogo universiteta im. V.N. Tatishheva = Vestnik of VUiT*, 2020, vol. 1, no. 2, pp. 139–148. (In Russ.).

24. Gabieva S.M. Limits of Restriction of Rights and Freedoms in the Russian Federation. *Zakon i pravo = Law and Legislation*, 2020, no. 8, pp. 27–29. (In Russ.).

25. Davydov V.O. Pandemic Speculation: how criminals exploit the Covid-19 crisis (Based on a report by Exec-

ISSN 2542-1514 (Print)

utive Director Europol C. De Bolle Pandemic Profiteering: How Criminals Exploit the Covid-19 Crisis). *Izvestiya Tul'skogo gosudarstvennogo universiteta. Seriya "Ekonomicheskie i yuridicheskie nauki" = News of the Tula state university. Economic and legal sciences*, 2020, no. 2, pp. 19–25. (In Russ.).

26. Yarosh A.V. The role of the employer in maintaining the health of it's employees in the context of Covid-19 distribution. *Obrazovanie i pravo = Education and law*, 2020, no. 4, pp. 84–91. (In Russ.).

27. Latypov V.S. Is the code of criminal procedure applicable in the context of a pandemic? (in the context of the involvement and participation of assistance providers). *Vestnik Ufimskogo yuridicheskogo instituta MVD Rossii*, 2020, no. 2, pp. 72–79. (In Russ.).

28. Spesivov N.V., Titov A.A. Pandemic COVID-19 as a factor of "forced digitalization" of Russian criminal justice. *Vestnik Saratovskoi gosudarstvennoi yuridicheskoi akademii*, 2020, no. 3, pp. 193–200. (In Russ.).

29. Khadisov G.Kh., Ilyasov M.-S.Z. Ensuring the rights of citizens in an emergency. *Vestnik Moskovskogo universiteta MVD Rossii*, 2020, no. 4, pp. 226–229. (In Russ.).

30. Efremova M.A., Shutova A.A., Nikiforova A.A. Novels of Criminal legislation in the conditions of pandemia. *Vestnik Udmurtskogo universiteta = Bulletin of Udmurt University*, 2020, vol. 30, no. 4, pp. 541–553. (In Russ.).

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