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EXPERIMENTAL LEGAL REGIMES OF MOBILIZATION TYPE AS A METHOD OF LEGAL REGULATION IN THE CONTEXT OF COVID-19 SPREAD**

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The subject is an experimental legal regulation established to prevent spreading of COVID-19 viral infection and legal restrictions aimed to minimize its consequences.
The aim of the study is to confirm or refute scientific hypothesis that these restrictive measures may be designated as the experimental legal regimes of mobilization type.
The research methodology is based on formal logics, structural and systemic analysis as well as on legal forecasting and legal interpretation methods. The theoretical basis of the research includes well-known legal science categories, i.e. legal regime and legal experiment that get a new interpretation with the appearance of experimental legal regime institute.
The main results of the research, scope of application. Experimental legal regime is a broader legal phenomenon than regulatory sandboxes, which includes not only regulation of the digital innovation sphere, but also other rules that are limited in time and space. There are legal regimes with signs of experimentation that are not officially identified by the state as experimental legal regimes. The work studied the experience which arose due to modern changes in state and legal regulation caused by the global epidemic of COVID-19. It is suggested to divide the legal experiments according to the purpose of experimental legislation into the following groups: optimizing, progressive and mobilization ones. The aim of the first group named "Optimizing legal experiments" is to test using of new regulation applied to a large and complex object. The second group named "Progressive legal experiments" is intended to check whether the abandonment of old laws is beneficial in the innovation field. The result is creation of a smart regulation for economic and technological development. The third group named "Mobilization legal experiments" is aimed at maintaining of the existing level of resources, security, and infrastructure in the event of critical situations. It is being proved that the legal restrictions aimed at preventing of COVID-19 viral infection spreading can be classified as experimental legal regimes of mobilization type. The criterion for distinguishing of mobilization experimental legal regimes from others is the voluntary participation in the legal experiment and the goal of the experimental legal regime.
Conclusions. The development of mobilization experimental legal regimes implies raising of their legality. It can be achieved by the provision of legal guarantees such as the goals of the legal experiment and the evaluation of their consequences. This will allow identify whether the consequences of the experiment correspond to the goals of the new legal regulation. There must be grounds for limitations to legal certainty caused by legal experimentation. Their manifestation is the goal and evaluation criteria, with the help of which it is possible to determine whether the consequences of the establishment of the experiment correspond to the goals of the new legal regulation. Otherwise, there is a risk of unjustified infringement of the rights and legitimate interests of citizens.

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1. Introduction

The experimental legal regime is a combination of two categories: the legal regime and the legal experiment.

The notion of the legal regime has been widely recognized in Russian legal science and examined by various academicians (S.S. Alekseyev, G.S. Belyaeva, V.A. Gorlenko, V.B. Isakov, A.V. Malko, N.I. Matuzov, L.A. Morozova, O.S. Rodionov, E.F. Shamsumova, etc.). For instance, S.S. Alekseyev defines the legal regime as the way of regulation expressed through a set of legal means that establish a specific regulatory tendency and are characterized by a specific interaction of permissions, restrictions, and positive obligations [1, p. 185]. The legal regime is a special way of legal regulation, introduced for specific motives due to a unique social situation, so it cannot be similarly applied in any other cases.

Its main attributes are mandatory legal consolidation, specific purpose, special regulation, establishment of favorable (or unfavorable) conditions for legal subjects and their interests, systemic approach, complexity, and special structure. Depending on prevailing legal means, legal regimes can be categorized as those providing advantages to legal subjects and those limiting their subjective rights and freedoms [2].

The legal experiment category remains less explored from the academic standpoint. As far back as the 1950s, foreign law theorists started to realize the necessity for conducting legal experiments. Legislative activities must be based on scientific evidence, and it is the interaction between legal practice and theory that has the potential to significantly improve the quality of legislation. As the ICTs were at the early stage of development, most examples of legal experiments were related to the contractual law, particularly to resale price maintenance (RPM) mechanisms [3, pp. 520-538]. Other suggestions involved changing forensic medical examination procedures for health damage cases and judicial difficulties emerging from a wider-scale application of legal experiments [4]. One of the first national studies to offer a complex approach to this topic is the monograph edited by V.I. Nikitsky and I.S. Samoshchenko, where legal experiments are understood as the testing of legislative innovations, limited in scope and initiated by legislative authorities, conducted to examine the efficiency, usefulness, and economic potential of experimental legal regulations, as well as to develop future legislative practices of general applicability [5, p. 26]. Another theorist exploring the notion of the legal experiment, V.A. Yelstsov, defined the legal experiment as a method that helps to both gain scientific knowledge and transform the legal reality [6, p. 13]. V.A. Sivitsky and M.Y. Sorokin provided theoretical arguments for foreign cases of introducing this legal category, outlining the following reasons for conducting a legal experiment: 1) competition between several models of regulating new public relations, 2) willingness to demonstrate to the society the applicability of new regulation of already existing relations. Besides, some situational factors can also become the reason for introducing experimental legal regulations (e.g., an unfavorable investment climate that calls for bolder legislative actions) [7].

Meanwhile, most present-day scientific works tend to focus on one particular type of legal experiment – regulatory sandboxes (V.L. Dostov, P.M. Shust, and E.S. Ryabkova [8], A.A. Alekseyenko [9], T.A. Andronova and O.A. Tarasenko [10], E.A. Kuklina [11], Ivo Jenik and Kate Lauer [12]), understood by the author as specific national or international experimental legal regimes, legally provisioned, limited in time and scope, that are aimed at testing digital innovations by exempting their participants from current legal regulation and implemented under the supervision of a legally authorized regulator [13]. Regulatory sandboxes are quite common legal experiments, having been implemented since 2016 in the UK [14], Australia, Singapore, Indonesia, Malaysia [15], Thailand [16], Hong Kong [17], etc. According to the classification provided in this article, a regulatory sandbox is a progressive experimental legal regime.

It is worth noting that V.B. Naumov proposes to use the “breakthrough regulation” category that encompasses experimental legal

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regimes, special economic zones, and innovation centers. This model may include 1) setting a special legal regime for investors and other digital economy subjects; 2) enforcing temporary and partial limitations on legal economic regulation for subjects, to which breakthrough regulation is applied; 3) granting a duly authorized body (supervisor) the right to set regulatory standards for businesses; 4) establishing a competence center via horizontal cooperation between the government and the business as a part of searching for ways of development and preparing new standards for the breakthrough regulation [18]. We believe that the breakthrough regulation is a broader notion than the experimental legal regime, as it covers both legal and economic experiments.

Legal experiments have the following attributes: 1) legal base for its conduction; 2) presence of experimental legal regulations; 3) limited applicability of experimental legal regulations; 4) informative nature; 5) transformational nature; 6) necessity for establishing specific conditions to eliminate (reduce) the impact of negative factors; 7) necessity for establishing strict control over legal experiment conduction, results, and accuracy [6].

As this study does not aim to provide a complex theoretical analysis of the legal experiment notion and its attributes, this article will use the attributes mentioned above and the definition offered by V.I. Nikitinsky.

The present-day law theory offers various classifications of legal experiments (for example, see: [19], [20]). Meanwhile, some new legal regimes are not categorized by the government as experimental ones, despite demonstrating their attributes. Such regimes are often ignored by academicians who analyze experimental legal regimes. However, current changes in state legal regulations caused by the COVID-19 pandemic have made this matter even more relevant, emphasizing the experimental nature of certain legal regimes and legal regulation types.

For studying the notion of present-day experimental legal regimes, it seems reasonable to classify them by **the purpose of experimental legislation**; thus, we can distinguish optimizing, progressive, and mobilization experimental legal regimes.

2. Optimizing legal experiments.

The first legal experiment type can be described as optimizing. In this case, changes in the current legislation are initiated by the government: the legislators introduce a limited legal regime to test whether public relations improve when the legislation changes. Meanwhile, the scope of regulation is complex, given the variety of tasks the new regulation seeks to address. Thus, any rushed changes in the regulation may lead to negative social consequences; to protect the rights and lawful interests of its subjects, new legislation requires an evaluation of its impact.

In 2001, for example, juvenile justice was introduced as a legal experiment in Moscow, Saint Petersburg, Rostov and Saratov Regions. Later, the experiment was expanded to Kamchatka, Leningrad, Khabarovsk, Perm, Ivanovo, Nizhny Novgorod, Sverdlovsk, Ulyanovsk, Lipetsk, and Kemerovo Regions [21]. However, due to a social pushback and a conservative turn of the federal government, a comprehensive juvenile justice system, with its regulatory base and legal procedures, still has not been established in Russia.

3. Progressive legal experiments.

Experimental legal regimes that can be categorized as progressive are aimed to improve the efficiency of current legal regulation that facilitates economic and technological progress. In this case, the legislators give the legal practitioners a limited opportunity to test new regulation variants, including deregulation of some processes. The desired effect is to develop new, process-specific regulation mechanisms. This prevents excessive or outdated legal regulation from constraining the development (see: [22]). Such regimes include regulatory sandboxes[1], electronic employment records[2], free access to socially important online

[1] Draft Federal Law "On experimental legal regimes in the field of digital innovations in the Russian Federation an on amendments to certain legislative acts of the Russian Federation" (prepared by the Ministry of Economic Development, project ID 04/13/07-19/00093066) (before submittal to the State Duma of the Federal Assembly, the version as of July 11, 2019).

[2] Federal Law No. 122-FZ of April 24, 2020 "On conducting an experiment on the use of electronic

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resources[3], etc.

D.M. Stepanenko distinguishes social legal experiments that can also be categorized as optimizing and progressive legal experiments, as they are related to the government's innovative function. Their global objective is to analyze and improve government innovations, while their local objective is to verify hypotheses on the efficiency of various legislative ideas concerning regulation and support of innovative activities, as well as experimental standards adopted by innovative national legislation [23, p. 41].

While optimizing legal experiments introduce a new legal category (juvenile justice, municipal police, special taxation regime, etc.) to address a complex issue, progressive experiments impose specific regulation (or deregulation) to incentivize economic and technological progress. The purpose of such experiments can be conceptualized by *smart regulation* that requires continuous and systemic improvement of regulation quality at every stage of decision-making, regulation, and monitoring, as well as coordination between bodies of state authority and consideration of all its target groups and their interests [24, p. 76].

4. Mobilization legal experiments.

Mobilization legal experiments differ a lot from the two types described above, as they are aimed at eliminating negative consequences caused by external factors. In this case, the legislators *or* the legal practitioners adopt an experimental regime because of an event that (most often) may threaten individuals, society, or the state. Such experiments are typically conducted during wars, military conflicts, natural disasters, technological accidents, and pandemics. For many countries, the most recent example of such a crisis is the outbreak of COVID-19 that immobilized the society, stymied the global economy, and transformed the present-day social, political, and economic situation.

It should be noted that these experiments can be initiated either because of a new legal regulation (i.e., the *legislator* is the key actor) or a new interpretation of already existing laws that takes into account recent changes (in this case, the *legal practitioners* are playing a bigger role). This can be exemplified by the suspension of proceedings on civil cases by general jurisdiction courts. In theory, Article 216 of the Civil Procedural Code of the Russian Federation does not stipulate that an epidemic or limitations imposed on a certain territory may become the reason for suspending court proceedings. The only relatively similar circumstance for suspension provisioned by this Code is medical institutionalization of one of the parties. Meanwhile, the Supreme Court of the Russian Federation, referring to Part 4, Article 1 of the Civil Procedural Code that states "if there is no norm of procedural law regulating relations arising in the course of the civil court procedure, the federal courts of general jurisdiction and the justices of the peace...shall apply a norm regulating similar relations (the analogy of the law), and in the absence of such norm shall act proceeding from the principles of administering justice in the Russian Federation (the analogy of law)", has declared that the court has the right to suspend proceedings on a case if its participants are unable to attend the hearings due to limitations imposed for preventing the spread of the new coronavirus infection[4].

documents related to work". Digest of Laws of the Russian Federation, April 27, 2020, N 17, p. 2700.

[3] Order No. 148 of the Ministry of Digital Development, Communication and Mass Media of 31.03.2020 (ed. June 15, 2020) "On conducting an experiment of providing citizens with non-reimbursable services for data transfer and access to "the Internet" ICT network on the territory of the Russian Federation for socially important resources of "the Internet" ICT network". This version of the document has not been published. The early version of the order: URL: https://digital.gov.ru/ru/documents/7146/ (Accessed July 17, 2020). Changes were made to it by Order No. 280 of the Ministry of Digital Development, Communication and Mass Media of June 15, 2020 "On making changes to the list of socially important resources of "the Internet" ICT network approved by Order No. 148 of the Ministry of Digital Development, Communication and Mass Media of 31.03.2020". URL: https://digital.gov.ru/ru/documents/7198/#tdocumentcontent (Accessed July 17, 2020).

[4] The review of specific court practices concerning the application of law and measures against the spread of the coronavirus infection (COVID-19) in the Russian Federation No 1 (approved by Presidium of the Supreme Court of the Russian Federation on April 21, 2020). Bulletin of the Supreme Court No. 5, May 2020.

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Let us focus on the new legal standards that establish mobilization legal experiments. The Russian Federation has taken multiple measures to prevent the COVID-19 spread and minimize its consequences for the life and health of Russian citizens. The key factor that distinguishes mobilization legal experiments from progressive ones is their intention to preserve existing legal relations and prevent an expansion of potentially damaging consequences. While progressive legal regimes strive to improve what has already been accomplished, mobilization ones seek to uphold the present levels of resources, safety, and infrastructure.

Implementation of restrictive measures in the Russian Federation required real mechanisms of their provision including sanctions for violating said restrictions. As neither the state of emergency nor the emergency situation was declared in Russia during the pandemic, the legislation was not fully adapted to the new situation.

Because of this, the legal regime that became the basis for 2020-2021 legal practices was the high alert regime, provisioned by Clause "m", Part 1, Article 11 of the Federal Law 68-FZ of December 21, 1994 (edited May 26, 2021), "On protection of the population and of the territories from environmental and technological emergencies". It stipulates that the government authorities of Russian federal subjects shall make the decision to declare local emergencies as regional or inter-municipal emergency situations, to impose the high alert regime or the emergency regime for respective bodies of authority and the national system of emergency prevention and elimination. As a result, leaders of all Russian federal subjects have declared high alert regimes in all regions[5].

The problem that remained was the lack of sanctions for violating said regimes, unlike violations of rules and regulations for emergency prevention and elimination. Thus, on April 1, 202, amendments were promptly made to the Code of Administrative Offenses of the Russian Federation that provisioned administrative responsibility for non-fulfillment of high alert regulations in emergency zones or on territories with the risk of emergency (Article 20.6.1 the Code of Administrative Offenses)[6], for violating the legislation on sanitary and hygienic well-being, such as violation of current sanitary rules and hygienic standards, non-compliance with sanitary and counter-epidemic measures taken during an emergency situation, in case of a threat of a publicly dangerous disease, or during the period of imposed limitations (e.g., a quarantine), as well as for for non-compliance (within a specified term) with a legal regulation (resolution) or a requirement for sanitary and counter-epidemic (preventive) activities made by an authority (authorized person) in charge of federal sanitary and epidemiological control (Part 2, Article 6.3. of the the Code of Administrative Offenses). Regional-level amendments were also adopted to set special regulations for violations committed in Russian federal subjects, e.g. Article 3.18.1 of Moscow Code of Administrative Offenses that took effect April 1, 2020[7].

[5] E.g., Resolution No. 179 of the Governor of the Volgograd Region "On imposing the high alert regime of functioning on authorities, means, and resources of the Volgograd Region subsystem of the national system of emergency prevention and elimination" URL: http://publication.pravo.gov.ru/Document/View/3400202003160004 (Accessed June 27, 2021).

[6] The State Duma of the Federal Assembly stipulated in their "Position of the Committee on the application of new article 20.6.1 of the Code of Administrative Offense of the Russian Federation and on the adoption of additional measures for protecting territories and the population from emergency situations by declaring the high alert regime or the emergency situation" that the extraordinary situation caused by the risk of spreading the coronavirus infection called for extraordinary and urgent measures, including making amendments to the current legislation. Thus, Federal Law No. 99-FZ of April 1, 2020, "On making changes to certain legislative acts of the Russian Federation regarding emergency prevention and elimination" was promptly considered, adopted and put into effect. State Duma Committee on Regional Policy and Local Self-Governance. URL: http://komitet4.km.duma.gov.ru/Voprosy-i-otvety/Razyasneniya-po-otdelnym-voprosam/item/22485121 (Accessed July 17, 2020).

[7] Law No. 6 of April 1, 2020 "On making changes to Article 2 and 8 of Moscow Law No. 77 of December 10, 2003 "On public security points in Moscow" and Moscow Law No. 45 of November 21, 2007 "Moscow Code of Administrative Offenses". The Mayor of Moscow official website URL:

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The legal content of the legal regime that has almost never been introduced before is of special interest[8]. We believe the high alert regime allows its extended interpretation, as well as specification or inclusion of various provisions (depending on the subject, the object, and the territory). The most common example is the mandatory wearing of masks and medical gloves in public. Some regions, including Moscow[9], also made it obligatory to obtain a digital pass for movement within the city limits. It is worth noting that this legal category was codified by law, so it may seem legally dubious that the constitutional right to freedom of movement can be limited by regulatory acts made by leaders of federal subjects instead of federal legislation, as required by Part 3, Article 55 of the Constitution of the Russian Federation. Thus, both legislators and legal practitioners had to find a legal loophole: in theory, rights are limited due to the provisions of Federal Law No. 68-FZ of December 21, 1994, "On protection of the population and of the territories from environmental and technological emergencies"; yet in practice, the requirements that must be followed specify the regime and impose additional responsibilities codified by various bylaws. On the one hand, this legal structure seems applicable and reasonable, given the fast-changing circumstances, yet on the other, it may lead to an excessive strengthening of any type and amount of state control.

The necessity for prompt legislative actions concerning experimental mobilization regimes leads to other legal collisions. For example, the Governor of the Volgograd Region made a resolution that imposed personal responsibility of company management and individual entrepreneurs that operate as employers on the territory of the region for compliance of the employees involved in their activities with regulations provisioned by said resolution, during the high alert regime[10]. It is clear that a bylaw of a federal subject cannot impose a new type of legal responsibility; as this category of personal responsibility has not been stipulated by the national law, leaders of business entities cannot be held accountable to the responsibilities provisioned by said resolution.

5. Theoretical reasons for distinguishing mobilization experimental legal regimes.

We believe that distinguishing mobilization experiments as a separate legal regime type may face certain criticism. While their status of a legal regime [2] hardly raises any doubt, their experimental nature requires further justification. Legal provisions that must be followed during the high alert regime are limited in space and time. In foreign legal systems, limitations that have an expiration date or are imposed until a certain date or event are called *sunset provision*s. For example, mask mandates, social distancing, and other restrictions are not permanent legal requirements but short-term obligations that must be followed only during the COVID-19 spread. The same principle applies to spatial restrictions: e.g., digital passes were mandatory in some regions but were never introduced in others. These examples allow us to categorize these measures as experimental. Thus, we consider it possible to classify legal regimes implemented for preventing the COVID-19 spread (including the high alert regime that is limited in time and space and varies depending on the territory) as mobilization experimental legal regimes. This determines their specific aspects as

https://www.mos.ru/upload/documents/docs/Zakon6(8).pdf (Accessed July 17, 2020).

[8] The author has found only one example of declaring a high alert regime before 2020. In Krasnodar municipal district in 2016, due to heavy precipitation that posed the risk of flooding the municipal territory, households and economic facilities, this regime was declared for Krasnodar municipal office of the territory subsystem of the national system of emergency prevention and elimination by Resolution No. 2275 of Krasnodar Administration of June 2, 2016 "On imposing the "High alert" regime on the territory of Krasnodar municipal district" (according to Definition No 44G-84/2017 the Krasnodar Regional Court of January 30, 2017).

[9] Decree No. 43-UM of the Mayor of Moscow of April 11, 2020 "On approving the Order of preparing and applying digital passes for movements within Moscow city limits during the high alert regime in Moscow".

[10] E.g., Clause 6, Resolution No. 374 of the Governor of the Volgograd Region of June 15, 2020 "On making changes to Resolution No. 179 of the Governor of the Volgograd Region "On imposing the high alert regime of functioning on authorities, means, and resources of the Volgograd Region subsystem of the national system of emergency prevention and elimination""

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well as their differences from constitutional experiments or experimental legal regimes for digital innovations and fintech, which have been widely analyzed by law theorists in recent years.

Another direction of potential criticism is related to the lack of evaluation of legal experiments. However, this situation is quite typical for Russian experimental legislation. As V.N. Yelstsov points out, scientific programs for conducting some legal experiments may not exist at all, while the quality of legal experiment management remains low [25, p. 572]). In some cases, the decision to conduct a legal experiment is made spontaneously, under the influence of political slogans or other factors, and provides no monitoring or evaluation of preliminary results [25, p. 573]. For example, the resolution[11] that ended the experiment on municipal policing did not present any conclusions, results, or evaluations [26, p. 125].

The study shows that in 1993-2019, indicators of experiment goals were specified in 0% of federal laws, 11.1% of presidential decrees, 0% of government resolutions, while mechanisms for evaluating experiment efficiency were specified in 29.1% of federal laws, 33.3% of presidential decrees, 75.5% of government resolutions [27, pp. 32-34]. Its authors emphasize they have chosen for their analysis only legal regulations that directly stated they were related to the establishment and conduction of legal experiments.

Besides, actual legal experiments are not always named or positioned as such by the legislators or legal practitioners. A.P. Anisimov provides an example of an unofficial legal experiment that was launched in 2007: the federal authorities began to develop and test new legal procedures and technologies for simplifying the seizure of land plots from individuals and legal entities for state purposes that would not offer a complex system for guaranteeing private ownership rights [28, p. 6].

Another distinctive feature that acts as a marker differentiating progressive and mobilization experimental legal regimes (as well as some optimizing ones) is imperative or dispositive participation. If legal regulation is being tested for the purpose of improvement or development, then the participants can join the experiment voluntarily and decide whether to use the options it provides. In most cases, participants of an optimizing experiment are private organizations that are interested in potential preferences, i.e., public and private interests share the same goal of economic development. Elimination or prevention of external factors offers no right to choose: all subjects located on a certain territory or selected by other specific criteria must become the participants of a mobilization regime.

6. Legal guarantees of mobilization experimental legal regimes.

Given these facts, the question arises whether limitations imposed by experimental regimes are constitutional. We believe the current legislation was not fully prepared for risks and rapid changes in public relations that were caused by the COVID-19 outbreak. However, in situations like these, both the legislators and the legal practitioners must avoid arbitrary interpretations of legal provisions to address situational demands. The state must act as the safeguard of legal procedures to uphold the value and rule of law. Any changes in the current legislation must be made and take effect in full conformity with legislative and law application procedures.

Further development of mobilization experimental legal regimes should promote their legitimacy. This requires the provision of legal guarantees that we propose to specify as **the goal of a legal experiment** and **the legal evaluation of consequences.**

A legal experiment always limits the legal certainty, as the state temporarily or selectively changes the rules of the game to achieve a certain result. An expected result is a predetermined goal, with legal experiments testing a hypothesis of achieving this goal. Thus, it seems justified and reasonable to stipulate *the goal* of a legal experiment that is to be introduced, especially in the case of mobilization regimes. Meanwhile, an experiment can be monitored by its *evaluation,* so it

[11] Decree No. 1011 of the President of the Russian Federation of June 2, 2000 "On ending the experiment on public security protection by self-governance authorities". Digest of Laws of the Russian Federation. 2000. No. 23. P. 2386

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is necessary to work out the methods of analyzing its results. The engagement of the public and the expert community can make the evaluation process more effective [29, p. 132]. Many legal experiments have no scientific mechanisms that would evaluate their progress and results (e.g., [30]). Due to the inability to evaluate legal experiments, their participants are devoid of the opportunity to prove that the imposed limitations are ineffective.

Thus, any limitations to legal certainty caused by a legal experiment must be well-reasoned. To ensure this, the goal and the evaluation criteria need to be established to help analyze whether the experiment consequences meet the goal of the new regulation. Otherwise, there is a risk of unreasonable impairment of rights and lawful interests of the citizens.

7. Conclusions.

The experimental legal regime combines the categories of the legal regime and the legal experiment, widely analyzed by modern law theory. However, most researchers tend to focus on one particular type of legal experiment, i.e., regulatory sandboxes. Meanwhile, the experimental legal regime is a broader notion that encompasses not only the regulation of digital innovations but also other legal standards that come into limited effect for a certain period in a certain area.

Besides, some legal regimes that demonstrate attributes of an experiment are not defined by the state as experimental ones. This article studies the experience gained due to changes in state legal regulation caused by the COVID-19 pandemic and makes the proposal to categorize experimental legal regimes by the purpose of experimental legislation and distinguishes optimizing, progressive, and mobilization types.

The main purpose of an optimizing legal experiment is to introduce a new notion (juvenile justice, municipal policing, special taxation regimes, etc.) to address a complex issue. Progressive experiments (regulatory sandboxes, records, electronic employment records, free access to socially important online resources, etc.) seek to establish new regulations (so-called “smart regulation”) to facilitate economic and technological development. As for mobilization experimental legal regimes, their purpose is to preserve existing public relations and to prevent the spread of potentially negative consequences.

The high alert regime introduced in 2020 in Russian federal subjects to prevent the COVID-19 spread was limited in time and space, while its provisions varied depending on the territory, so it seems possible to categorize this measure as a mobilization experimental legal regime.

While acknowledging the necessity for such limitations, legal guarantees must apply to mobilization regimes - i.e., their goal and evaluation of their consequences - to uphold their constitutionality and lawfulness.

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