

STATE SOVEREIGNTY

Article



DOI: 10.17803/2713-0533.2024.3.29.569-594

The Concept and Essence of Public Law Enforcement of State Sovereignty

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Abstract: In the conditions of sharp aggravation of the international and political situation in the world and risks for the existence of the Russian Federation, the central place in the activities of public authorities is given to ensuring state sovereignty. In modern conditions it is required to create an adequate to new challenges and threats concept of public-law provision of state sovereignty of the country, based on a modern theoretical basis, including the latest achievements of public-law (state-legal) sciences. The authors consider different approaches to the definition of the essence and content of the concepts of “public-law provision” and “internal state sovereignty.” The study revealed that the first of them has not yet received proper theoretical substantiation, and the second, despite the centuries-old history of study and a large number of special legal works, is characterized by numerous and often contradictory interpretations, including those in strategic planning documents. The current situation hinders the solution of one of the most complex and serious theoretical and applied tasks, on which the security of the Russian Federation and its further progressive socio-economic development largely depends. The authors substantiated the conclusion that the public law provision of internal state sovereignty of the Russian Federation should be considered in a broad and narrow sense. In a broad sense, it represents an optimal combination of lawmaking and

law enforcement based on a sufficient level of legal culture, which allows stable and sustainable functioning of public power and public administration in the country, to ensure the balance of public and private interests, rights and freedoms of citizens in the face of new challenges and threats. In a narrow sense, public law provision of internal state sovereignty is reduced only to normative legal acts of various legal force, regulating the organization and functioning of public authority, the implementation by its bodies of managerial functions and powers, interaction with civil society institutions and business, taking measures to ensure the rights, freedoms and legitimate interests of citizens and organizations in changing conditions.

Keywords: public law; legal support; public legal support; sovereignty; internal state sovereignty; new challenges and threats; public authorities

Acknowledgements: The reported study was funded by Russian Science Foundation, project number 24-18-00764

Cite as: Zubarev, S.M. and Troshev, D.B., (2024). The Concept and Essence of Public Law Enforcement of State Sovereignty. *Kutafin Law Review*, 11(3), pp. 569–594, doi: 10.17803/2713-0533.2024.3.29.569-594

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I. Introduction

The events of the last two years, which have sharply aggravated the international and military-political situation, have essentially raised the question of the existence of the Russian Federation as a sovereign state. Therefore, ensuring state sovereignty in all its multidimensional content

becomes a central element of the activities of all public authorities and officials.

In modern conditions, the public legal safeguarding of State sovereignty of the Russian Federation is one of the main factors in increasing the level of protection of citizens and strengthening the security of society and the State. There are serious positive achievements in this matter, in particular, the legislation has been substantially updated and by-laws have been adopted, which made it possible to promptly minimize new challenges and threats to the state sovereignty of the country associated with a sharp increase in political, military, sanctions and information pressure on the Russian Federation after 24 February 2022. External challenges and threats, which together, in fact, constitute a hybrid war against our state, are undoubtedly aimed at destabilizing the domestic political and socio-economic situation in it, and, as a consequence, at the development of economic stagnation, financial crisis, social conflicts, the growth of crime, including terrorism and extremism. These and other negative phenomena in the medium and long term may become internal threats to the state sovereignty of the Russian Federation. In this regard, it is necessary to create a system of public law support of the state sovereignty of the country adequate to new challenges and threats, which should be built on a modern theoretical basis, including the latest achievements of public law (state legal) sciences. In this case, in the methodological aspect, it is extremely important to determine the essence and content of the two basic concepts — “public legal support” and “state sovereignty.”

II. Public Law Enforcement: Concept and Essence

The first of them has not yet received proper theoretical substantiation. In most scientific works representatives of various public law sciences mention the term “public law provision,” but do not give an interpretation to it (Antipova, 2022; Maslov, 2023; Komissarov et al., 2023). In other works, even devoted to the problems of public law provision of various types of activities, this concept is also not disclosed, and its content is identified with public law regulation (Ivanova, 2016; Stepanov, 2009).

At the same time, reducing public law provision to regulation not only contradicts the semantics of the word “provision,”¹ but also, and more importantly, it contradicts the semantics of the word “regulation” and it does not reflect the entire legal diversity of the content of this concept. Thus, it is advisable to analyze the basic properties of the categories of “public law” and “legal security” that constitute its essence.

In theoretical jurisprudence, the concepts of “law” and “public law” are correlated as general and private. Therefore, undoubtedly, public law has all the features inherent in law in general. At the same time, since the times of Ancient Rome, the allocation of public law as a type of law ensuring the interests of the state has become traditional for all legal systems. For the first time the definition of public law, recognized in theory as classical, was given by the Roman jurist Ulpianus and subsequently it was developed in the works of numerous scholars representing different historical periods, countries and legal doctrines. At the same time, the essence of public law remains unchanged — its focus on achieving public interests, imperative regulation, the presence of an authoritative subject, strict hierarchy and subordination of subjects of law and legal acts.

Ensuring state sovereignty of any country, and the Russian Federation is no exception, is carried out primarily through the norms and institutions of public law. To understand the essence of public law enforcement, among many important general theoretical provisions, the conclusion that “law appears in the form of (1) ideas, representations; (2) legal prescriptions (dictates or regulations) emanating from the state, and (3) actions or relations in which the ideas, principles and prescriptions of law are realized” (Goyman, 2001, p. 71) is of particular importance. And if legal ideas and perceptions are of greater importance at the stage of elaboration of conceptual approaches to the organization of public law enforcement, then legal prescriptions and actions of

¹ In explanatory dictionaries the word “provide” is usually defined as: “1) to provide sufficient material means for life; 2) to supply with what n. in the necessary quantity; 3) to make quite possible, actual, indubitable; 4) to shield, protect” (see, e.g., Ozhegov, S.I., (2019). Explanatory Dictionary of the Russian Language: ca. 100,000 words, terms and phraseological expressions. Ed. by Skvortsov, L.I. 28th ed., rev. Moscow; 2019. P. 1201. (In Russ.).

subjects of legal relations on their implementation have a direct impact on its formation and functioning.

In modern conditions, recognizing the value of doctrinal ideas about state sovereignty and legal aspects of its provision (Shumkov, 2002; Grachev, 2009; Chernyak, 2007; Khalatov, 2006), the authors of this study attach special importance to the consolidation of conceptual legal ideas and approaches to the organization of public law provision of state sovereignty of the Russian Federation in strategic planning documents. Sharing the position of scientists that documents of strategic nature represent a special kind of legal acts, which are specially created for the formation and fixation of legal policy (Mushinsky, 2015; Gvozdeva, 2020; Chepurnova and Ishchenko, 2022), we substantiate the opinion on attributing such documents to strategic management acts (Zubarev, 2024). Such acts, as a rule, contain norms-ideas, norms-goals, norms-objectives, norms-principles, being the basis for the adoption of other normative legal acts.

The most important of the strategic management acts — the National Security Strategy of the Russian Federation, approved by the Decree of the President of the Russian Federation No. 400 dated 2 July 2021,² directly refers to the protection of the constitutional order, sovereignty, independence, state and territorial integrity of the Russian Federation to the national interests at the present stage (p. 2, 25). Ensuring state sovereignty in its various manifestations (including economic, financial, cultural, informational) is one of the goals of each of the established strategic national priorities. There is no doubt that it is the branches of public law that are called upon to become the basis for comprehensive activities to achieve them.

Recognizing the role and importance of legal prescriptions of international law in ensuring Russia's external sovereignty, and the norms of criminal law and criminal procedure law in protecting state sovereignty from external and internal encroachments, the authors of this study focus their attention on the state and legal branches of public law (constitutional, administrative, financial), the norms of

² See Decree of the President of the Russian Federation No. 400 dated 2 July 2021 "On the National Security Strategy of the Russian Federation." Collection of Legislation of the Russian Federation. 2021. No. 27 (Part II). Art. 5351. (In Russ.).

which are primarily designed to ensure the stability of the functioning of institutions of state power, political peace and social cohesion within the country, its progressive social and economic development and the well-being of its citizens, the priority of their rights and freedoms.

The norms of constitutional law define the basic principles and characteristics of state sovereignty of Russia, the foundations of its political and state legal system, establish the legal status of man, their basic inalienable rights, freedoms and duties, thereby securing the interests of society, the state and the individual.

Administrative legal norms, developing constitutional provisions, specify the organization and functioning of the executive power as the main actor in ensuring the internal state sovereignty of the Russian Federation, determine the directions and content of the managerial activity of these bodies of the state to achieve this public interest, maintain its consensus with the interests of citizens and their associations, as well as the development of mechanisms of interaction between the executive bodies of public power and institutions of civil society.

The norms of financial law form the basis for the activities of the state, commercial and non-commercial organizations to ensure the financial sovereignty of Russia, primarily the stability of the financial system, the stability of the national currency, the availability of financial resources for citizens and businesses, the financial security of all participants in economic relations.

The prescriptions of information law make it possible to ensure the information sovereignty of the country, in particular, independence in the development and use of information technologies, means and objects of informatization, information and communication systems, guaranteeing information security, etc. The prescriptions of information law make it possible to ensure the information sovereignty of the country.

Therefore, it is obvious that the basis of public law provision of internal sovereignty of the Russian Federation consists of legal means of state legal branches of public law.

In this case, it is also appropriate to talk about legal means as tools for achieving the legal goal – the satisfaction of public interest, which is the internal state sovereignty of the country. Thus, to answer the questions about the essence and content of its public law provision will

largely help the instrumental theory of law, the foundations of which were laid by the outstanding Russian jurist S.S. Alekseev (Alekseev, 1966). The quintessence of this theory is the idea that one of the essential properties of law as a whole and its individual elements is their ability to be a means of achieving certain goals (Alekseev, 1987; Sapun, 2002; Shundikov, 2009). The instrumental approach, in our opinion, allows us to identify all the variety of legal means that form and contribute to the realization of the whole legal provision and its central, public law, segment.

One of the authors of this article back in 1999 in his PhD thesis put forward a hypothesis that the concept of “legal security” should be considered in a broad and narrow sense. In a broad sense, this term covers the whole process of development of means of legal regulation and their use in the practical activity of subjects of law to achieve actual results in a particular sphere of social relations. In a more specific (narrow) sense, legal support is a set of legislative and other normative legal acts regulating this sphere (Zubarev, 1999, pp. 124–1 26).

In subsequent years, the above hypothesis was directly or indirectly confirmed by the research results of other scientists. V.A. Kozbanenko with regard to the state civil service legal support in a broad sense considers legal support as “an integral system of interrelations and relations, combining the interaction of socio-legal elements and legally significant measures affecting the formation and implementation of state service legal relations. In a more specific (narrow) sense it appears as a system of legislative and other legal acts regulating the organization and activities of civil servants in the sphere of implementation and administrative-legal status; it coincides with the concept of its legal regulation” (Kozbanenko, 2003, p. 12). Here, there is an objection to the inclusion in the broad understanding of legal support in addition to legal measures of social and legal elements, which seems unnecessary, because social phenomena and factors in the formation and implementation of legal relations act as their prerequisites, legal facts that do not have a legal nature.

Following a similar approach, A.N. Arzamaskin distinguishes in the concept of legal support the system of legal and other means. According to the author “the system of legal means, in fact, represents

legal regulation by means of special legal means (rule-making, legal implementation, law enforcement, means of individual legal regulation, and measures of coercive and encouraging nature). The group of other means consists of a number of security measures: material and technical, organizational and managerial, personnel, ideological nature” (Arzamaskin, 2016, p. 50). In this case, the author, on the one hand, allows excessive fragmentation of legal means (one of the forms of the implementation of law is law enforcement, which, accordingly, includes means of individual legal regulation and measures of coercion and encouragement), on the other hand, supplements legal support with non-legal measures, which contradicts the very essence of this legal phenomenon.

In recent years, theoretical and applied problems of legal security have been successfully developed by M.P. Imekova. It is necessary to agree with many conclusions of the scientist, made on the basis of the instrumental theory of law. First of all, with such a conclusion that “it seems unreasonable to reduce legal support exclusively to legal regulation (including the system of norms enshrined in legal acts and designed to regulate the activities of any subjects) or legal activity. These phenomena relate to different planes of legal reality. Legal support unites these phenomena, thus creating conditions for achieving its specific purpose of provision” (Imekova, 2023a, p. 213). At the same time, it is correct to note the presence of “the subjective side of legal reality (legal consciousness, legal education, legal education, legal culture, legal psychology, legal understanding), which the author calls other means of legal influence, creating an ideological basis for legal support” (Imekova, 2023a, p. 215). At the same time, it is debatable whether the scientist includes in legal support in addition to legal means as a separate component of “legal relations on their implementation.” It seems that the legal relation, the content of which is formed by mutual rights and obligations of the relevant subjects, is itself a legal means.

To achieve the goals of our research, another work by M.P. Imekova is of undoubted interest (Imekova, 2023b), in which a distinction is made between private-law and public-law security. Based on the instrumental approach, the scientist proposes to divide legal security depending on the purpose (the type of interest satisfied — public or

private) into two types: public-law and private-law security (Imekova, 2023b, p. 148). The purpose of public-law security, in the author's fair opinion, is the satisfaction of public interests, i.e., having a high degree of social significance. The need to satisfy them is inevitably reflected in the means of public law enforcement, the activity mediated by them, the type of legal regulation (Imekova, 2023b, p. 153). M.P. Imekova singles out the following features of public law enforcement, which sufficiently disclose its legal nature, and therefore it is advisable to set them out in detail. Firstly, legal means directly come from public entities. Public entities centrally determine the types and combination of such legal means. Moreover, public legal entities enshrine in such means models of behavior that cannot be changed by subjects of law. The main legal means used in public law enforcement are normative legal means such as peremptory norms of law, as well as enforcement acts. Secondly, the public-law entity and the authorities authorized by it are obligatory participants of legal relations on the implementation of legal means. They act in such relations as carriers of public power. In this regard, legal relations on the implementation of legal means within the framework of public-law support are relations of power and subordination (subordination). Thirdly, public legal support mediates such types of activities as law making and law enforcement. Fourthly, the analysis of legal means and legal relations on their implementation within the framework of public law enforcement allows us to conclude that such enforcement is characterized by permissive type of legal regulation (Imekova, 2023b, pp. 153–154).

In general, supporting the author's position, there is a need to pay attention to some controversial provisions. Earlier, within the framework of consideration of the concept of legal support, we have already expressed our negative opinion on the separation of legal relations from legal means. In addition, we cannot agree with the researcher's statement that public legal support mediates such activities as law making and law enforcement. In our opinion, it is law making and law enforcement that constitute the essence of this type of security, since only authorized public authorities and certain organizations, to which state powers have been delegated, can carry out these types of activities to achieve public interest.

Finally, the main objection. When describing the concept of legal support, M.P. Imekova quite justifiably included in its content other means of legal influence (legal consciousness, legal education, legal culture, etc.), but, unfortunately, she did not do it in relation to public-law support. In our opinion, it is impossible to achieve the goal of public law enforcement without a proper level of legal culture and legal consciousness of both state and municipal employees and individual citizens, as well as the population as a whole. Professional legal culture and legal consciousness are necessary for representatives of the apparatus of public administration in the implementation of rule-making, adoption of individual acts within the framework of resolving specific life situations, and the performance of other legally significant actions. It is undeniable that the higher the level of legal professionalism of state and municipal employees, the higher the quality of lawmaking and law enforcement activities, the more realistic is the achievement of a specific public interest as a goal of public law enforcement. Thus, there is a positive legal impact both on individual citizens and on a significant part of people who consciously, by virtue of inner conviction, support the legal decisions of public authorities, bring their behavior in line with the purpose and will expressed in legal acts.

The low level of legal culture and legal consciousness of the managerial staff of public authorities not only negatively affects the level of law and order in the system of public administration, but also provokes the development of legal nihilism in society. In this case, even the perfect legal acts will not be implemented in practice, which makes public interests unattainable.

Thus, it is proposed to understand the process of developing means of legal regulation and their application in the practical activities of subjects of public administration to achieve certain socially significant (public) interests as public legal support.

III. The Concept and Essence of Internal State Sovereignty of the Russian Federation

Problems related to the definition of the concept and essence of state sovereignty, with varying degrees of intensity have been

worrying scientific circles for many centuries, and to this day remain largely unresolved and controversial. Of course, there is no shortage of legal research on this issue, it was noted more than twenty years ago (Marchenko, 2003, p. 186). Since that time, the fund of such studies has been significantly enriched and today there are numerous definitions of various types of state sovereignty and its variations (Troshev, 2024, p. 12). At the same time, a single definition of state sovereignty, which would suit both scientists and practitioners (both legislators and law enforcers), has not been formulated.

At the present stage of development of social and political thought, such types of sovereignty as state, national, and people's sovereignty are clearly manifested. The essence of these categories, their content, characteristics and features receive different interpretations depending on the affiliation of the researcher to one or another school of socio-political thought (e.g., neoliberalism, neorealism), up to the loss of meaning in the concept of sovereignty. This is due to the fact that in the era of globalization its bearer — the state — is dying out and delegates its powers to supranational entities, or vice versa — towards the ideas of maximum sovereignty of states in the light of the spread of the concepts of deglobalization (Ivanov, 2010). We believe that the growing confrontation between different states is largely due to the difference in the understanding of state sovereignty and the possibility of encroaching on it. As Charles E. Ziegler quite rightly notes, it is interpreted differently in different countries, and if, for example, in Russia and China the ideal is full and inviolable sovereignty for all countries, in the United States the model is full sovereignty for the United States and partial sovereignty for other countries (Ziegler, 2012, p. 12).

New challenges and threats have moved the scientific debate about the content of the concept under study from the theoretical to the practical plane. Today, more than ever, there is a need to develop new approaches to the definition of the concept and essence of state sovereignty. This is one of the most complex and serious theoretical and applied problems, the solution of which largely determines the security

of the Russian Federation and its further progressive socio-economic development.

So, about the concept of state sovereignty. First, let us limit the subject of the study. The fact is that the already mentioned concepts of state sovereignty are by no means exhaustive. Within the framework of this article, its gradation into internal and external is of scientific interest. C. Krasner distinguishes internal sovereignty and sovereignty of interdependence (or external) (Krasner, 1999, pp. 3–4). The first one concerns the way of organizing power in the state, effective management of its territories. The second one leads to the plane of international legal relations. In the framework of this study, the emphasis will be placed specifically on internal state sovereignty, due to the fact that in legal science there is still an insufficient level of theoretical research of legal instruments to ensure not so much external (international) as internal state sovereignty, the lack of an interdisciplinary approach to the study of both public-law provision of internal state sovereignty as a whole and its individual elements, as well as their transformation under the influence of new challenges and challenges.

Analyzing scientific works (Smorchkova, 2024; Inalkaeva, 2024), legal acts of management of public authorities of the Russian Federation, including acts of strategic planning, we see that the term “sovereignty” in terms of its internal aspects is actively integrated into many of them, primarily in the context of measures to ensure it, for example, stimulating economic development, innovation, reducing measures of foreign influence, the development of information technology. But, unfortunately, these measures are not followed by a comprehensive understanding of the concept and essence of Russia’s internal state sovereignty. To fill this gap, let us answer a few questions.

Firstly, what is sovereignty as a legal category? Despite the clearly increasing tendencies of widespread use of the concept of “state sovereignty of Russia,” scientific literature and normative legal and law enforcement acts show a wide range of terminology used to describe it. In various sources, state sovereignty appears as a feature, quality, property, characteristic of the state, an element of its legal status, etc. The state sovereignty of Russia is used as a sign, quality, property, characteristic of the state, an element of its legal status.

For example, according to the decision of the Constitutional Court of the Russian Federation,³ sovereignty is interpreted as a qualitative feature of the state.

In the Declaration of the Congress of People's Deputies of the RSFSR No. 22-1 dated 12 June 1990⁴ the sovereignty of the RSFSR was defined as a natural and necessary condition for the existence of statehood of Russia. In the Declaration on the observance of sovereignty, territorial integrity and inviolability of borders of the member states of the Commonwealth of Independent States,⁵ sovereignty is named as a principle, along with the principles of territorial integrity and inviolability of state borders. Subparagraph 2, Para. 7 of the Strategy of Economic Security of the Russian Federation for the period until 2030, approved by the Decree of the President of the Russian Federation No. 208 dated 13 May 2017,⁶ defines economic sovereignty of the Russian Federation as objectively existing independence of the state in the conduct of domestic and foreign economic policy, taking into account international obligations.

Subparagraph "i" Para. 4 of the Strategy for Scientific and Technological Development of the Russian Federation, approved by Presidential Decree No. 145 dated 28 February 2024, refers to sovereignty as "the ability of the state to create and apply knowledge-intensive technologies."⁷

³ See Resolution of the Constitutional Court of the Russian Federation No. 10-P dated 7 June 2000 "On the case of verifying the constitutionality of certain provisions of the Constitution of the Republic of Altai and the Federal Law 'On General Principles of Organization of Legislative (Representative) and Executive Bodies of State Power of the Subjects of the Russian Federation'." Collection of Legislation of the Russian Federation. 2000. No. 25. Art. 2728. (In Russ.).

⁴ See Declaration of the Congress of People's Deputies of the RSFSR No. 22-1 dated 12 June 1990 "On State Sovereignty of the Russian Soviet Federative Socialist Republic." *Vedomosti SND and VS RSFSR*. 1990, No. 2. Art. 22. (In Russ.).

⁵ See Declaration on the observance of sovereignty, territorial integrity and inviolability of borders of the member states of the Commonwealth of Independent States (adopted in Moscow on 15 April 1994). SPS "ConsultantPlus". (In Russ.).

⁶ See Decree of the President of the Russian Federation No. 208 dated 13 June 2017 "On the Strategy of Economic Security of the Russian Federation for the period up to 2030." Collection of Legislation of the Russian Federation. 2017. No. 20. Art. 2902. (In Russ.).

⁷ See Decree of the President of the Russian Federation No. 145 dated 28 February 2024 "On the Strategy of Scientific and Technological Development of the Russian Federation." Collection of Legislation of the Russian Federation. 2024. No. 10. Art. 1373. (In Russ.).

We do not find other examples of normative interpretation of the concept of state sovereignty. Even in the materials of the profile Commission of the Federation Council of the Federal Assembly of the Russian Federation on the protection of state sovereignty and prevention of interference in the internal affairs of the Russian Federation does not argue the need for a legislative definition of this term. At the same time it is proposed to enshrine in law the definition of “external interference in the internal affairs of the Russian Federation” to create a system of legislative measures to protect state sovereignty.⁸

In the scientific legal literature on this issue, there is an even wider range of judgements. Thus, sovereignty is referred to as “fundamental state science category,” at the same time pointing to it as a constitutionally protected value, principle and means of protection of the legal system (Taribo, 2024). They write about state sovereignty as a form of manifestation of popular sovereignty (Krasinski, 2017). They propose to consider state sovereignty as a legal property (feature) of the state (Efremov, 2020, p. 15). There is an interpretation of state sovereignty as “a special legal nature of state power, due to which it is supreme and independent” (Leonov, 2013, p. 132). Another point of view is that state sovereignty of a modern state, first of all, should be considered as a legal status of a specific social community formed on a certain territory and being a part of the world community. It represents one of the means that allow the state to achieve its goals (Melekhin, 2009). There is also such an interpretation — “the sovereignty of the state is its property characterizing the independence and autonomy of the state from the influence of other states in the exercise of its internal and external functions” (Duisenov, 2023).

Many authors avoid identification of sovereignty altogether, moving in their works to the disclosure of its characteristics, properties, signs and features. Thus, Y.A. Tikhomirov notes that nowadays sovereignty, as before, is understood as the independence and autonomy of state power inside and outside the country (Tikhomirov, 2013). However, in our opinion, it is still necessary to identify state sovereignty as a quite specific legal category, namely, to propose its interpretation as a feature

⁸ Available at: http://council.gov.ru/structure/commissions/iccf_def/plans/88007/ [Accessed 17.06.2024]. (In Russ.).

of the state, characterizing its legal status regardless of the type of legal relations in which the state participates, whether they are legal relations of internal or external (international legal) nature.

Secondly, who is the bearer of internal sovereignty – the bodies of state power, the state itself, the people? Etymologically, “bearer” is “one who is endowed with something, can serve as an exponent, representative of something”⁹. The Constitution of the Russian Federation unambiguously determines that the bearer of sovereignty and the only source of power in the Russian Federation is its multinational people (Part 1 Art. 3). The President of the Russian Federation has repeatedly drawn attention to this fact, thus, addressing the Federal Assembly of the Russian Federation, he emphasized that “it is the people of Russia who are the basis of the country’s sovereignty, the source of power.”¹⁰

Theories according to which it is the people (or nation) that is the bearer of sovereignty are the most widespread. Further adherence to this theory leads to the understanding that it is the people in a democratic state that possesses, both actually and legally, the entirety of state power. In general, such views have their roots in the epochs of thinkers (G. Grotius, J.J. Rousseau) who recognized the people as the bearer of sovereignty. Today we find similar provisions in many constitutions of the countries of the world.

The practical embodiment of sovereignty, the bearer of which is the people, is carried out through democratic procedures associated with the formation of government bodies, which the people represent and act in their interests, or through the direct expression of the will of the people. State sovereignty embodies the idea of popular sovereignty through a set of specific legal principles underlying the sovereignty of the state and is formally enshrined in the system, structure and competence of public authorities authorized to represent the people. As Y.A. Tikhomirov rightly writes, sovereignty expresses the public nature of public power,

⁹ Ozhegov, S.I., Shvedova, N.Y., (1992). Explanatory Dictionary of the Russian Language. Moscow. Available at: <http://ozhegov.info/slovar> [Accessed 03.07.2024]. (In Russ.).

¹⁰ See Address of the President of the Russian Federation to the Federal Assembly of the Russian Federation dated 21 February 2023. Available at: <http://kremlin.ru/events/president/news/70565> [Accessed 15.06.2024]. (In Russ.).

within the country the people, the nation, is the source of power, and the state is the main link of the political system, performing functions in the interests of society. Thus, the people's sovereignty finds its expression in the sovereignty of the state (Tikhomirov, 2013).

Thirdly, to what extent is it appropriate and correct from the legal point of view to divide sovereignty into internal and external? The treatment of sovereignty from internal and external aspects has long been familiar. Some authors believe that such a division is artificial (Krasinski, 2017), considering that the state cannot be sovereign only in internal or external affairs. Agreeing with the opinion about the unity of state sovereignty, nevertheless, it should be stated that this approach is by no means an obstacle to the separation and independent study of various aspects of sovereignty — internal and external, as well as further detailed study of individual elements of internal state sovereignty.

The term similar to “internal sovereignty” is reflected in various normative legal acts. Thus, the Concept of Foreign Policy of the Russian Federation, approved by Presidential Decree No. 229 dated 31 March 2023,¹¹ speaks of sovereignty in domestic policy. At the same time, official documents still much more often use the wording “interference in the internal affairs of Russia,” including in the same act and in many others.¹² We believe that this wording is a description of one of the manifestations of encroachment on the internal sovereignty of the state. In addition, the acts enshrine provisions concerning cultural and economic sovereignty (National Security Strategy of the Russian Federation), technological sovereignty (Strategy for Scientific and Technological Development of the Russian Federation), financial sovereignty (Strategy for the Development of the Financial Market of the Russian Federation until 2030¹³), and information sovereignty

¹¹ See Decree of the President of the Russian Federation No. 229 dated 31 March 2023 “On Approval of the Concept of Foreign Policy of the Russian Federation.” Collection of Legislation of the Russian Federation. 2023. No. 14. Art. 2406. (In Russ.).

¹² See, for example: National Security Strategy of the Russian Federation. (In Russ.).

¹³ See Order of the Government of the Russian Federation No. 4355-r dated 29 December 2022 “On Establishing of the Strategy for the Development of the Financial Market of the Russian Federation until 2030.” Collection of Legislation of the Russian Federation. 2023. No. 1 (Part III). Art. 476. (In Russ.).

(Concept for the Development of the Securities Market in the Russian Federation).¹⁴

Therefore, it becomes obvious that the public-law provision of state sovereignty is a multilevel task, affecting various spheres and directions and found legislative reflection in many normative legal acts in the field of defense, security, economy, finance, energy, food and many others.

The interest of researchers in various manifestations of sovereignty is also increasing proportionally. In the scientific literature of recent years, we meet works devoted to economic, tax, information sovereignty (Boldyrev, 2023; Romanovsky and Romanovskaya, 2022; Baranova and Shmagun, 2022; Krasnyukov, 2023; Zharova, 2021). At the same time, we believe that each of these manifestations of sovereignty, in turn, can be studied in terms of internal and external aspects.

Fourth, what are the main properties, key characteristics of internal state sovereignty? According to the classical concept, state sovereignty without its division into internal and external aspects is characterized by unity and inalienability, supremacy, independence and autonomy of state power.

The Constitutional Court of the Russian Federation in its ruling No. 10-P dated 7 June 2000 pointed out such characteristics of state sovereignty as “supremacy, independence and autonomy of state power, completeness of legislative, executive and judicial power of the state on its territory and independence in international communication.”

The Recommended Glossary of Terms and Definitions of the CSTO Member States in the sphere of ensuring national and international security defines the following attributes of sovereignty: supremacy of the state power, its unity, autonomy and independence in external and internal affairs.¹⁵

¹⁴ See Decree of the President of the Russian Federation No. 1008 dated 1 July 1996 “On Establishing of the Concept of Securities Market Development in the Russian Federation.” Collection of Legislation of the Russian Federation. 1996. No. 28. Art. 3356. (In Russ.).

¹⁵ See Recommended Glossary of Terms and Definitions of the CSTO Member States in the Sphere of National and International Security (adopted on 19 December 2023 by Resolution 16-6.3 of the Parliamentary Assembly of the Collective Security Treaty Organisation).

The scientific literature has noted the authors' desire to identify other properties that determine the internal sovereignty of the modern state, for example, such as self-sufficiency, resistance to the influence of external factors and state control over internal assets (Filin, 2023). At the same time, these attributes, in our opinion, only fragmentarily illustrate the content of state sovereignty in a particular sphere or branch of state-administrative activity, and do not have a universal, conceptual and generalizing significance.

The use of synergetic approach in the study of normative legal acts and numerous scientific sources on this issue allowed us to identify the following as the basic signs of internal state sovereignty.

1. Supremacy and completeness of state power within the state.

This property finds its expression in the extension of state power to all citizens and organizations within the territorial borders of Russia, the binding nature of all its decisions for the participants of legal relations, the creation of an independent system of national law and the supremacy throughout the country of the Constitution of the Russian Federation, laws and other normative legal acts, the provision of state management decisions with legal guarantees and measures of state coercion. But the true supremacy and completeness of state power is possible only with legitimate, stable and sustainable functioning of state administration, democratic procedures for the formation of public authorities, continuous improvement of the forms of popular will and public control, correcting, if necessary and within the limits established by law, the activities of public authorities.

Speaking about the supremacy and completeness of state power as a characteristic of state sovereignty, we mean state authorities of both federal and regional levels, the competence of which is built in accordance with the Constitution of the Russian Federation and normative legal acts adopted in development of its provisions. For example, the constitutional norm (Art. 73) enshrines the entirety of state power of the subjects of the Russian Federation outside the jurisdiction of the Russian Federation and the powers of the Russian Federation on subjects of joint jurisdiction of the Russian Federation and the subjects of the Russian Federation. At the same time, the norm

does not mean that state sovereignty in this case is transferred from the Russian Federation to its subjects.

At the same time, it should be noted that the legal component of ensuring the supremacy and completeness of state power in the territory of the country in the conditions of new challenges and threats acquires additional complexities that require the development of new approaches to the formation and implementation of public-law support of its functioning.

2. Inalienability of state sovereignty. In the scientific literature there are opinions that in the conditions of globalization and integration a number of states, for example, from among the European Union, partially alienate sovereignty in favor of a supranational corporation (Filin, 2023). At the same time, given that the bearer of sovereignty is the people of the Russian Federation, even by joining supranational associations of various orientation and nature, Russia's internal sovereignty is not alienated. Moreover, the Constitutional Court of the Russian Federation in its ruling No. 10-P dated 7 June 2000 stressed that the Constitution of the Russian Federation does not allow any other bearer of sovereignty and source of power than the multinational people of Russia, and, therefore, does not presuppose any other state sovereignty than the sovereignty of the Russian Federation. The sovereignty of the Russian Federation, by virtue of the Constitution of the Russian Federation, excludes the existence of two levels of sovereign powers within a single system of State power, which would have supremacy and independence, i.e., it does not allow for the sovereignty of either republics or other subjects of the Russian Federation. This means the inadmissibility of alienation of sovereignty within Russia. In the recent past, our country has experienced both the "parade of sovereignties" and two Chechen wars, which posed a real threat to the unified sovereignty and territorial integrity of the state. And today, internal State sovereignty is impossible without actively countering any manifestations of separatism, nationalism and chauvinism.

3. The autonomy and independence of state power in managing the affairs of society implies that the fulfilment of the tasks and functions of the state is carried out by it exclusively freely within the legal framework without any pressure, interference, primarily from destructive political

forces, big business, criminals, etc. Our state had a bitter lesson of the 1990s, when the highest echelons of power were negatively influenced by the “semibankirshchina” and the activities of local authorities were often actually paralyzed. Our state had a bitter lesson of the 1990s, when the highest echelons of power were under the negative influence of the “semibankirshchina,” and the activities of local authorities were often actually paralyzed by criminals.

In the conditions of the existing market economy and global economic ties the possibility of genuine autonomy and independence of state power is put under serious doubts, but the results of the state policy pursued by Russia demonstrate the opposite, and today the legal basis for ensuring the autonomy and independence of state power is laid virtually in all areas of state management activity. At the same time, the autonomy and independence of state power does not mean the absence of public control over its implementation. Public control of civil society institutions and individual citizens in modern conditions should acquire a new sound, not in words, but in practice to ensure the effectiveness of the activities of government bodies and their officials.

4. Guaranteed rights and freedoms of citizens, balance of public and private interests. Civilized mankind, in fact, throughout its history has been trying to establish an optimal balance between the interests of the population and the state. Undoubtedly, this thesis is fully relevant for the internal state sovereignty. After all, the latter is not a value in itself, but only a condition for the realization of freedom and autonomy of the will of the people. At the same time, a strong state power can significantly limit the freedom of the population, in this regard, any state and society faces a difficult choice between sovereignty and freedom, security and human rights.

At first glance, it may seem that the concept of “state sovereignty” does not “coexist” with ensuring human rights. The state in the person of public authorities, being the creator of normative legal acts and realizing their execution, is not bound by these acts itself and can act beyond their boundaries, thus the power of the state is unlimited, absolute. However, the modern public-law reality demonstrates the opposite. The rights and freedoms of man and citizen according to Art. 18 of the Constitution of the Russian Federation determine the meaning, content

and application of laws, the activities of legislative and executive power, local self-government and are ensured by justice. This constitutional provision is a norm of direct effect regardless of the current situation.

In the context of the new challenges and threats facing the Russian Federation, the internal limits of State sovereignty are inextricably linked to the rights and freedoms of man and citizen. In the current crisis, arbitrary restriction by the State of fundamental human and civil rights and freedoms poses a threat to State sovereignty and is therefore inadmissible.

In this regard, internal state sovereignty consists in the guarantee of freedom, independence, autonomy of the will of the bearer of sovereignty — the people, the balance of public and private interests within the state, the rights and freedoms of man and citizen.

Thus, the internal state sovereignty of the Russian Federation as a legal category is an inalienable feature of the state that determines its legal status as a party to legal relations formed in connection with the internal affairs of the state. Internal state sovereignty is characterized by inalienability, supremacy and completeness of state power, its independence and autonomy, guaranteed rights and freedoms of citizens, balance of public and private interests.

IV. Conclusion

With regard to our study, it is proposed to understand under the public-law provision of internal state sovereignty of the Russian Federation a set of public-law means, tools, methods of protection, maintenance, guaranteeing the legitimacy and supremacy of state power, stability of the balance of public and private interests, observance of rights, freedoms and legitimate interests of citizens and organizations.

The most important elements here are, firstly, law-making, i.e., direct activity of public authorities authorized to do so to develop, adopt, amend and repeal legal norms. Consequently, legal norms most fully express public interests and those regularities within the framework of which they will operate. The creation and improvement of a unified, internally consistent and consistent system of legal norms should meet the needs of ensuring internal state sovereignty in the face of new

challenges and threats. Secondly, law enforcement as a complex power activity to implement and protect legal norms that ensure the stability of state sovereignty of the Russian Federation in the conditions of new challenges and threats. This form of implementation of law dominates in the sphere of ensuring state sovereignty, where there is a particular need for precise definition of the rights and obligations of the parties, state control over the development of relations, introduction of elements of stability, stability and certainty into this development. Thirdly, the legal culture of subjects of law, which allows officials, state and municipal employees to maintain a high level of quality of legal decisions in the sphere of ensuring state sovereignty, and in relation to the personality of each citizen, means a combination of knowledge and understanding of the law with the conscious execution of its prescriptions.

Therefore, legal culture and legal consciousness are an organic part of public law enforcement, which is based on legal education as a purposeful activity to form legal attitudes that allow to adequately perceive, consciously apply, observe and (or) fulfil legal norms. In modern crisis conditions, all public authorities and their officials should take various measures to strengthen legal education and enlightenment of the apparatus of public administration and the entire population to form a high legal culture, legal attitudes and value-legal orientations, allowing to resist various destructive manifestations, adequately perceiving and evaluating legal information, processes, phenomena and acting in relation to them in accordance with this assessment. Individual and collective attitudes and value orientations based on law should be implemented in conscious lawful behavior.

Thus, the public-law provision of internal state sovereignty of the Russian Federation should be considered in two aspects. In a broad sense, it represents an optimal combination of lawmaking and law enforcement based on a sufficient level of legal culture, which allows stable and sustainable functioning of public power and public administration in the country, to ensure the balance of public and private interests, rights and freedoms of citizens in the face of new challenges and threats.

In a narrow sense, the public-law support of internal state sovereignty is reduced only to normative legal acts of various legal

force, regulating the organization and functioning of public authority, the implementation of managerial functions and powers by its bodies, interaction with civil society institutions and business, taking measures to ensure the rights, freedoms and legitimate interests of citizens and organizations in changing conditions.

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