

Problems and directions of improvement of legal security of the new industrialization stage in the Russian Federation

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Abstract — The article examines the key problems of legal security of the new stage of industrialization in the Russian Federation, identifies aspects of legislative activities in the field of innovation, investment, leasing, development of the innovation infrastructure and the military-industrial complex. The authors determined the directions of further development and the prospects of legislative activity in the framework of the shift of the country's economy to the neo-industrial path of development. The proposed areas for improvement of legislative environment ensure the formation of state investment and innovation policies, help identify elements of the innovation infrastructure at the federal, regional and local levels; determine the vectors of industrial development of the country's economy.

Keywords — legal aspects; industrialization; legal security; industry; science; innovation activity; investment activity

I. INTRODUCTION

The global financial and economic crisis of 2008–2009 encouraged the discussion about the transition to a new neo-industrial paradigm of economic development in the Russian Federation [10]. Modern research sources present detailed rationale of the concept of neo-industrial development, which is based on the tools of the digital economy, the activation of global processes, the knowledge-based paradigm, the technetronic platform, and the innovation component.

Thus, this phase of development of the Russian Federation in modern conditions should be accompanied by:

- the sophistication of the structure of the market economy in its branches and cluster components;

- the struggle for global leadership on the political arena, which contributes to the escalation of the geopolitical situation;

- changes in the capital structure, the predominance of private investment in the industrial business sector;

- the organization of large-scale production, the formation of integrated structures and the increasing complexity of organizational ties between economic entities;

- the growth of labor productivity, the introduction of new forms of management;

- focus on improving product quality with the help of lean production tools;

- introduction of tools of support and development of the country critical sectors through the prism of interaction between the state and business.

The development of these processes, their implementation, adaptation and harmonization in the conditions of the Russian Federation is the main step towards the overcoming of industrial underdevelopment and dependence on the market of raw materials, which will let us bring the country to a new level of global influence.

II. MATERIALS AND METHODS

It should be noted that the platform of the new industrial Russia should be based on the formed regulatory framework that meets the modern requirements of the economy. Legal security is a fundamental element of the

economic processes of the countries, focused on the rapid adherence to global trends and provides:

- creation of a base of the main categories and concepts ensuring the transition to a new stage of the country industrialization;
- formation of legal mechanisms and means of their implementation in science, industry, high-tech business sectors;
- determination of the legal status of business entities in the conditions of industrialization in various fields of activity (innovation, investment, state defense order, state and municipal purchases, tariff regulation, etc.);
- the establishment of the types of procedural acts formed by the privies in law in this field of research;
- formation of a single law enforcement base and judicial practice in the framework of regulated legal relations.

For sure, Russia has a constitutional basis for the development of economic legislation, as evidenced by the legal research carried out by Samigullin V.K., Andreeva G.N., Kayumova K.A., Ahmetova D.N., Vastrykin M. I. [1, 9].

Thus, in art. 8 of the Constitution of the Russian Federation there are certain indications of the need for the presence of various forms of ownership, the unity of the economic space, freedom of competition and economic activity. In the second chapter of the Constitution of the Russian Federation, attention is paid to economic rights and freedoms, and an indication of the right of property. Therefore, the authors conclude on the focus of the Constitution of the Russian Federation on the formation of legislation in the economic sphere, which determines the ways of its further development.

A special role in the development of the process of new industrialization of the country determines the state and level of development of industry as a strategic basis in the formation of the scientific and industrial potential of the country. Federal legislation focused on the development of the industrial vector of development is included in: Federal Law dated June 28, 2014, No. 172-FL "On Strategic Planning in the Russian Federation" (amended on December 31, 2017), Federal Law dated December 31, 2014, No. 488-FL "On Industrial Policy in the Russian Federation" (amended on 27.06.2018), Federal Law of 29.12.2012 No. 275-FL "On the State Defense Order" (amended on 29.07.2018), Federal Law on 29.06.2015 No. 275-FL "On Standardization in the Russian Federation" (amended on 03.07.2016) and others.

The problems of legal security in the field of economics, industry, the state defense order, investment and innovation activities are considered in the studies of the Institute of Legislation and Comparative Law Studies (ILCLS) under the Government of the Russian Federation, as one of the priorities in the development of the state. Analyzing the results of the round table on the topic "Law as the most important resource for industrial development", it is necessary to take into account the opinion of the deputy head of the Public Law Research Centre of ILCLS, Dr. jur., professor, correspondent member of International academy of comparative law,

honored worker of science of the RF Yu. A. Tikhomirov: "... the development of industry is a key condition for the sustainable development of our country, while it is necessary to overcome a sectoral approach to the legal regulation of industry. If in past years the norms of administrative law dominated, in the last 20 years they were replaced by the dogma of the norms of civil law. We need a systematic approach to regulation with the participation of many branches of legislation, and here the leading role belongs to administrative, financial, civil, labor, international criminal legislation, legislation on science and scientific-technical policy, law on education".

III. RESULTS AND DISCUSSION

An important institution of legal security, aimed at the development of new industrial processes in the Russian Federation, is the state programs approved by the Decrees of the Government of the Russian Federation. In accordance with the data provided by public authorities, currently the country is implementing state programs, presented in Table 1.

TABLE I. STATE PROGRAMS OF THE RUSSIAN FEDERATION, FOCUSED ON ACHIEVING THE GOALS OF THE NEW STAGE OF INDUSTRIALIZATION

Name of the state program	Key objectives of the state program
The development of science and technology (Decree of the Government of the Russian Federation dated 03.29.2018, No. 346)	<ul style="list-style-type: none"> - increasing the investment prospects of scientific-technical and innovation activities; - development of competitive areas in the field of fundamental and exploratory research; - development of international cooperation and integration of results of domestic science in the international scientific - technical space, etc.
The development of industry and the increase of its competitiveness (Decree of the Government of the Russian Federation of 31.03.2017, No. 382-13)	<ul style="list-style-type: none"> - stimulation of scientific research and pilot projects, increasing their effectiveness and level of commercialization; - updating the technological base and finding ways to diversify civilian products; - coordination of technological development programs for industries, clusters and complexes, etc.
Economic development and innovative economy (Decree of the Government of the Russian Federation dated April 15, 2014, No. 316)	<ul style="list-style-type: none"> - focus on the knowledge-based and high technology economy; - the growth of the level of entrepreneurial activity, the development of small and medium-sized enterprises; - creating conditions for attracting foreign investment in the country's economy, etc.
The development of the aviation industry for 2013-2025 (Decree of the Government of the Russian Federation of	<ul style="list-style-type: none"> - organization of assistance in the development and promotion of the results of the domestic aircraft manufacturing industry to world

30.03.2018, No. 349)	markets; - organization of assistance in the development and promotion of the results of the domestic helicopter industry to world markets; - assistance in the formation of a continuous scientific and technical reserve in the field of aviation, etc.
Development of the nuclear power industry complex (Decree of the Government of the Russian Federation of 17.03.2018, No. 298-8)	- preservation of Russia's nuclear power status and ensuring the country's geopolitical interests; - the growth of the innovative potential of the nuclear industry and its further effective use; - development of nuclear power generation with the subsequent expansion of global cooperation, etc.
Energy efficiency and energy development (Decree of the Government of the Russian Federation of 30.03.2018, No. 371)	- providing the domestic market with a reliable and high-quality supply of energy resources; - provision of hydrocarbon and coal industries with foreign contracts; - reduction of anthropogenic environmental impact, etc.
Development of the military-industrial complex	The program contains information of limited access and is not published in the open press and on the Internet for reasons of national security.
Space activity of Russia for 2013-2020	The program contains information of limited access and is not published in the open press and on the Internet for reasons of national security.
etc.	

The legal framework for the development, approval, implementation and monitoring of state programs focused on the industrial component of the country's economy includes:

- Budget Code of the Russian Federation of 31.07.1998 No. 145-FL (amended on 03.08.2018);

- Decree of the Government of the Russian Federation of 12.10.2017, No. 1242 "On the development, implementation and evaluation of the effectiveness of certain state programs of the Russian Federation";

- Decree of the Government of the Russian Federation dated July 23, 2015 No. 748 "On the creation, development and operation of an analytical information system to ensure the openness of the activities of federal executive bodies located on the Internet;

- Decree of the Government of the Russian Federation of 02.08.2010, No. 588 "Procedure for the development, implementation and evaluation of the effectiveness of state programs of the Russian Federation";

- Decree of the Government of the Russian Federation of 11.11.2010, No. 1950-r "List of State Programs of the Russian Federation", etc.

Thus, one can observe the use of the results-based approach in the formation of state purpose-oriented programs, aimed at the development of specific areas of the economy and industry of the country.

The study is built upon the examination of legal sources on the topic, expert opinions and analysis of sectorial state programs. The authors identified the following problems regarding the legal security of industrial development of the Russian Federation:

- the lack of influence of industrial subjects on the formation of a package of documents of strategic planning and development, which contributes to the formation of a gap between state authorities and real privies;

- the presence of a deterrent to the development of industry due to the lack of a clear delineation of spending powers between the Russian Federation and its subjects;

- a high level of barriers and restrictions in obtaining concessional loans, subsidies and governmental grants by industrial state and municipal entities (including the Industry Development Fund of the Russian Federation, the Direct Investment Fund of the Russian Federation, etc.).

Therefore, it is important to strengthen interdepartmental relations while developing and adjusting regulatory legal acts in the industry, conduct a harmonization procedure between sub ordinary acts, improve the legal culture of business entities, and simplify the procedures for supporting industrialists by state and municipal bodies.

One of the main directions of development of new processes of industrialization in the Russian Federation is the innovation sphere. The fact is that there is no federal law on the development of innovative activity in domestic legislation. In 2008 the Committee on information policy, information technologies and communications of State Duma of the Russian Federation attempted to develop a draft of the Innovation Code of the Russian Federation, the draft of the Federal Law "On Innovation Activity and on State Innovation Policy" in 1999-2000, the draft of the Federal law "On innovation activity in the Russian Federation" in 2010 [2]. However, none of the attempts was successful and currently there is no federal law in the Russian Federation that would allow to define the concept of innovation, form a list of entities of the innovation process and determine their rights and obligations.

In view of this, under the circumstances the key sources of law in the field of innovations are: the Constitution of the Russian Federation, the Civil Code of the Russian Federation, the Federal Law of August 23, 1996 No. 127-FL "On Science and the State Scientific and Technical Policy" (amended on 23.05. 2016), Federal Law of September 28, 2010 No. 244-FL "On the Skolkovo Innovation Center" (amended on December 29, 2017), Federal Law of April 7, 1999 No. 70-FL "On the Status of the Science City of the Russian Federation" (amended on 04.20.2015), standards "System of development and launching of products into manufacture" (SDLPM) and others.

The development and implementation of a consolidating federal law on the development of innovation activity will allow:

- to form a unified base of legal security in this area;
- to increase the level of integration between scientific, production processes;
- determine the state instruments of stimulation and development of innovative activity;
- determine the structure of the process for creating, developing, introducing and selling the results of innovation activities.

Researchers in their works [2-3, 6-8] are still unsuccessfully analyzing the current legislation, pinpointing problems and making proposals for legislative consolidation. Still, there is no basic regulatory act in the field of innovation. The problem remains unsolved both legally and doctrinally; the main reason is the low level of integration of innovations into market relations and the complexity of the research object itself.

Further, a key aspect in the transition to the new phase of the industrialization of the Russian Federation is the regulatory framework determining the investment component of the country. Basic federal laws regulating this area of legal relations are: Federal Law No. 39-FL dated February 25, 1999 "On Investment Activities in the Russian Federation Implemented in the Form of Capital Investments" (amended on July 26, 2017), Federal Law of July 9, 1999 No. 160-FL "On foreign investments in the Russian Federation" (amended on 05.31.2018), etc.

One of the most pressing problems of legal security of investment activities in the Russian Federation is the need to introduce provisions for availability of state guarantees at the expense of budget funds for high-tech investment projects for foreign investments [5-10]. The most attractive direction of concentration of capital for foreign investors is traditionally considered to be the oil industry, gas industry, the sphere of computer information systems and communications, which require a significant flow of funds into the country's economy. It is worth noting that in the current geopolitical conditions, it is possible to introduce norms regarding the provision of state guarantees to partner countries: the BRICS countries, the countries of the Eurasian Economic Union, etc.

The policy of recent changes concerning foreign direct investment legislation, regarding the requirements for prior approval of investment transactions depending on the types of transactions and categories of investors, indicates the orientation towards the investment security of the Russian Federation.

In the framework of the legal security of the investment sphere, it is worth highlighting the legislation of the Russian Federation regulating the area of leasing, including its international and long-term forms. The leasing format, taking as an example the countries of the European Union and the USA, is most effective in capital-intensive industries, forms of public-private partnership. The main sources of regulation of leasing relations in the Russian

Federation are the Civil Code of the Russian Federation, Federal Law dated 10.29.1998 No. 164-FL "On Financial Lease (Leasing)" (amended on 10.16.2017).

The authors highlighted the following main problems in the application of legislation in the field of leasing in the Russian Federation [11]:

- the institution of bankruptcy of the finance lessor is not subject to special legal regulation;
- the presence of significant differences between the norms of the UNIDROIT Convention "On International Financial Leasing", the Civil Code of the Russian Federation and the Federal Law of 16.10.1998 No. 164-FL "On Financial Lease (Leasing)" (amended on 10.16.2017): no clear concepts of a leased asset;
- the absence of special rules stipulating the responsibility of the finance lessee for late payments under the concluded agreement (taking into account the specifics of the leasing agreement), etc.

In accordance with the latest trends in legislation on leasing, published in the legal reference system Consultant Plus, it is planned to rewrite the chapter of the Civil Code of the Russian Federation on leasing. Full leasing withdrawal from the lease is expected. Thus, it is planned to transfer leasing to a secured financing model.

A special role at the stage of the new industrialization of the Russian Federation is played by the country's military-industrial complex. Since Soviet times, the defense industrial complex of the country has been an integrating core of science, innovation, technology and education. The main basis and potential of industrialization of the country is concentrated on the enterprises of the military-industrial complex. In this regard, there is a potential need for the development of a legal framework in the implementation of the state defense order.

The Russian Federation is a recognized leader in terms of the country's defense capacity and the volume of supplies of special equipment around the world; it is important that Russia adopted the Federal Law "On State Defense Order" (No. 275-FL) only on December 29, 2012 (amended on 29.07. 2018). So, until 2012, the scope of execution of the state defense order did not have a flexible legal framework. The new legal system, regarding the execution of the state defense order in connection with the entry into force of a special regulatory act, partially paralyzed the activities of the process participants: customers, general contractors, executors of various levels of cooperation, authorized banks, regulatory bodies.

The problem was the lack of infrastructure, the isolation of the legal act from the real practical activities of enterprises, the tight deadlines for the transition to a new system of interaction, and the increasing of sanctions. During the last five years, many changes and additions were made to the Federal Law of December 29, 2012, No. 275-FL "On the State Defense Order", aimed at improving the interaction of the participants in the execution of the state defense order. Criminal liability was introduced for non-execution of the state defense contract.

However, it is worth noting that at present, law enforcement practice indicates the need for further improvement of legislation in the field of the state defense contract. In this regard, the authors proposed the following areas for improvement:

- the formation of a regulatory framework for the definition of labor efficiency standards for the implementation of research, R&D and technological work of the state defense order;

- development of legal norms focused on the development of the institution of concession agreements in the field of the state defense order;

- enforcing stricter standards in the field of purchase in state contract execution, in order to eliminate the status of the sole supplier of goods, works, services;

- the establishment of a ban on auditing the results of the accounting periods by audit companies with foreign participation;

- the introduction of sanctions in the form of confiscation of property for heads of enterprises of the military-industrial complex for the unauthorized use of funds [4,12].

The issue of legal security for participants in the state defense order process in the Russian Federation is hyper-actual in the context of the country's orientation towards preserving national sovereignty and taking into account the analysis of the main provisions of the Address of the President of the Russian Federation to the Federal Assembly of the Russian Federation, which was presented on March 1, 2018.

IV. CONCLUSION

In view of the foregoing considerations, the authors conclude that the legal security for the development of industrial processes in the Russian Federation is characterized by a lag in the amendments and changes, incompleteness, spontaneity and the absence of systemically important principles.

It is necessary to form a unified system of regulatory and legal sources oriented toward progressive overcoming of the new industrialization stage by Russia.

Effective standard legal support in the sphere of industrialization of the Russian Federation allows:

- to increase the level of development of innovative activity in the Russian Federation;

- to create the platform of attraction of investments into industrial and scientific sectors;

- to carry out in time contracts of the state defensive order;

- to provide favorable investment climate of the Russian Federation;

- to create the directions of an exit of the Russian Federation to the world scene under export contracts;

- to develop modern forms of public-private partnership in the field of industrialization.

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