

**FEATURES OF THE CONCEPT OF THE INSTITUTION OF THE PRESIDENT
OF THE RUSSIAN FEDERATION IN ACCORDANCE WITH THE CONSTITUTION
OF THE RUSSIAN FEDERATION OF DECEMBER 12, 1993, AS AMENDED BY THE
LAW ON ITS AMENDMENTS IN 2020 (RESEARCH BASED ON THE
METHODOLOGY OF SYSTEM ANALYSIS OF THE DEVELOPMENT OF MODERN
STATE AND LAW, TAKING INTO ACCOUNT THE IDEAS OF SYNERGETICS AS A
NEW SCIENTIFIC PARADIGM)**

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***Annotation.** The systematization of the main scientific ideas on the subject and methodology of synergetics and its significance as a new scientific direction - the period of information revolutions is carried out, the author's visions on these issues are presented; an attempt was made to study the modern constitutional status of the President of the Russian Federation on the basis of the research methodology of the organization of the Russian state as a global self-regulating and self-developing social system.*

***Keywords:** synergetics, interdisciplinarity of scientific research, information revolution, technological revolution, globalization, regionalization, complex self-regulating systems, systems of organization of state power in Russia, systems of Presidential power in the Russian Federation, form of government in the Russian Federation, federal structure in Russia, State Council of the Russian Federation.*

1960 to 1990 semiconductor production technologies were invented and developed, as a result computers and the Internet appeared, which gave reason to experts to talk about the entry of the world into the period of the third industrial revolution. New technologies, the web of the Internet that arose on their basis, which connected the whole world, stimulated the development of the processes of globalization and regionalization. The journalism notes that: The World Wide Web changed our lives, created unrest in the media and entertainment, but at first did not lead to a breakthrough in the industry, but created the preconditions for the world to enter a new reality, which is called the beginning of the fourth industrial revolution (since 2000), identifying it with forecasts of mass adoption of digital technologies.¹ Different definitions of the fourth industrial

¹ The fourth industrial revolution: technologies and their features | Boodet.online

revolution are given. Dr. Klaus Schwab, who in the media is called the author of the concept of this revolution in his speech at the economic forum in Davos in 2016. defined it as: "a mixture of technologies of the physical, digital and biological world, which creates new opportunities and affects political, social and economic systems"² At the same time, he described it as an impending threat, said that: "This fourth revolution is coming at us like a tsunami. The speed cannot be compared with past revolutions, and ... the speed of this revolution is so high that it is difficult or even impossible for the political community to keep up with the necessary regulatory and legislative framework."³ The journalistic literature also notes that: digital transformation as "the main term of the fourth technological revolution" means that "big data, systems for their analysis and subsequent forecasting will change absolutely all spheres of human life: work, relations with the state, study, science, medicine. , communication, personal relationships. Already, the introduced technologies are fundamentally changing humanity. We do not just use the benefits of the fourth industrial revolution, we are used to them and take them for granted."⁴. Attention is drawn to the technologies of the fourth industrial revolution, which "humanity is using right now: the state as a platform; internet of things; artificial intelligence; machine vision; analytics based on big data; augmented reality"⁵.

Critics of the forecasts of the industrial revolution note the challenges and threats of the introduction of "Industry 4.0", indicate that it: "will increase the threat of cyberterrorism and fundamentalism, will contribute to an even greater dominance of the economies of developed countries over developing countries; "In the conditions of blurring the boundaries between the physical and virtual world, a person is more and more open not only for progress, but also for manipulation, a kind of "reading", which creates problems of protecting personal information."⁶ Experts see in connection with the expanding practice of commercial activity on the Internet the threat of invasion into the sphere of the budgetary sovereignty of the nation state, since there are problems of taxation of subjects of electronic commercial activity, etc.

It draws attention to the fact that the beginning of two information revolutions (the 3rd and 4th industrial revolutions - from the 60s of the XX century) coincides with the period, which, according to popular beliefs, coincides with the beginning of the processes of globalization and regionalization. This gives reason to believe that the modern processes of globalization and regionalization are largely caused by "information revolutions". The definitions of globalization given by the authors of the textbook from MGIMO on the broad and narrow definitions of

² Mesnyanko Anton. The fourth industrial revolution is approaching

³ Klaus Schwab, Source- <http://www.weforum.org/about/k..>

⁴ The fourth industrial revolution: technologies and their features | Boonet.online

⁵ ibid

⁶ Andrey Torin, editor of the International Affairs magazine. What does the fourth industrial revolution bring to humanity? 14:11 26.07.2016 • A lecture on the prospects of the "fourth industrial revolution" and its consequences for modern society was held at the ZIL Cultural Center.

globalization seem to be fair, each of which the authors say that globalization is "based on the achievements of the modern information, communication and technological revolution."⁷ Some Russian and foreign researchers raise the topic of "fragmentation of law". So, Russian scientists - N.N. Chernogor, and A.S. Emelyanov, drawing attention to the challenges of globalization for the nation state, in relation to Russia, believe that this process "seriously affects the unity of the Russian legal space." The authors note that today the processes of globalization and regionalization "are based on the concept of an" open society ", the basis of which is international trade, entailing the erosion of national legal spaces, the revival of the seemingly long forgotten idea of" Lex mercatoria "(from the Latin. commercial law"). The absence of real trans-subject connections may entail the inclusion of border territories in the zones of influence of foreign states and transnational corporations. In fact, if such a process develops, the "crumbling" of the legal space of the Russian Federation will begin. Individual municipalities, and perhaps regions, without de jure separating from Russia, will find themselves de facto in a different legal space, on their territory the laws of other states or trade customs will prevail."⁸ The same Russian researchers cite a scientist from China Zhou Yizhi, according to whom: "There is a very dangerous situation in the world, within which some powerful states and transnational companies, under the slogans of globalization and regionalization, are trying their best to introduce into the public consciousness the idea of the disappearance of state borders, elimination of state sovereignty, which will undoubtedly weaken the position of sovereign states in solving domestic and international problems ... According to representatives of the PRC, no goals of international economic integration, which they indisputably recognize and which they strive to achieve, can justify the elimination or the slightest infringement of the sovereignty of national states; without strong sovereign national states supporting market relations, progressive economic development of all mankind is impossible"⁹.

Taking into account the above arguments, one should also agree with the authors from MGIMO that: "The very fact of raising the issue of globalization of world economic and political development is an intellectual challenge to Mankind. And it is very important to respond to it in a timely and accurate manner. In the modern computerized world, those who have intellectual initiative are able to direct the development of world political and economic thought in the direction they need. And, ultimately, he gets the opportunity to rule the world, although not directly, not directly. It is bad if, when solving conceptual and fundamental problems of world social development and world security, an intellectual initiative turns out to be monopolized by any one country or one intellectual group. Bad - not only for the global co-development process or for other countries, but also for the monopolist country itself. Bad - because to develop a historically

⁷ Regional subsystems and regional problems of international relations. Textbook // Edited by A.D. Voskresensky. Moscow State Institute of International Relations (University). East / West

⁸ Chernogor N.N., Emelyanov A.S. Spatial-legal matrix of modern Russia. // Journal of Russian Law, 2020, N 5. P. 16

⁹ Chernogor N.N., Emelyanov A.S. The specified article. P. 17-18

significant theory without benevolent and interested in the ultimate success of opponents means introducing the risk of ruining even the greatest idea."¹⁰

In the Russian Federation, the relevance of solving conceptual and fundamental problems of world social development and world security in a computerized world is maintained at a high official level. According to the Kremlin press service, at a meeting of the Council for Science and Education, President of the Russian Federation V.V. Putin called the factor determining the further development of mankind: "The one who wins the global competition for technology and knowledge will determine the further development of mankind." It is quite obvious that the one who gets ahead will determine the further development of all mankind. And therefore, scientific and technological sovereignty is without any exaggeration a question of the present and future of Russia". The President also noted that the security of the country, the competitiveness of the national economy and domestic companies, everyday life and the well-being of people depend on the level of scientific and technological development. Russia has everything to be among the leaders in the field of science. First of all, these are talented youth and strong scientific schools. "We need to build up this potential"¹¹.

In view of the above, interdisciplinary ones related to the impact of information revolutions on changes in various spheres of life of states, institutions of civil society, humans, as well as changes in artificial systems are relevant. In this context, scientific research in the framework of a new scientific direction called "synergetics" is of particular interest. The subject of synergetics is the study of large self-regulating and self-developing natural and artificial systems. As for the method, according to the definition given by V.S. Stepin: "The key idea of substantiating synergetic concepts included in the general scientific picture of the world is universal (global) evolutionism"¹²; which "is not reduced only to the idea of development, extended to all objects of the Universe. It also includes the idea of a connection between evolutionary and systemic concepts When constructing a "synergetic version" of the general scientific picture of the world, it will be necessary to solve the problem of including a person and his values in it."¹³ Characterizing the main ideas of synergetics, Russian scientists Knyazeva E.N. and S.P. Kurdyumov is called among them the following: "The basic, pivotal for cybernetics and general systems theories are the concepts of "information" and "information approach", and the focus of synergetics is on the concept of organization and self-organization and their mechanisms."¹⁴ V.S. Stepin also draws attention to the

¹⁰ Regional subsystems and regional problems of international relations. Textbook // Edited by A.D. Voskresensky. Moscow State Institute of International Relations

¹¹ Vedomosti. February 08, 18:19 / Technology

¹² Stepin Vyacheslav. Self-Developing Systems and Philosophy of Synergetics "Economic Strategies", MIR VRAZNOS, 2009, No. 07. Pp. 24-35 Stepin Vyacheslav Semenovich - Academician of the Russian Academy of Sciences Stepin V.S. Issue 7. Error Detector 2009 This publication is a report by the author at the international conference "The Way to the Future - Science, Global Problems, Dreams and Hopes", held on November 26-28, 2007 at the Mstislav Keldysh Institute of Applied Mathematics of the Russian Academy of Sciences in Moscow.

¹³ Stepin Vyacheslav. The specified article

¹⁴ Knyazeva E.N., Kurdyumov S.P. The laws of evolution and self-organization of complex systems. M "Science". 1994. p.9, p.15.

fact that: "Research into complex self-regulating systems has become especially active with the emergence of cybernetics, information theory and systems theory."¹⁵. The main ideas of synergetics also include the following: "three key ideas: self-organization, open systems, nonlinearity"¹⁶. It is also pointed out that according to synergetics: "complexly organized socio-natural systems cannot be imposed on the ways of their development", that "for complex systems, as a rule, there are several alternative ways of development"¹⁷. According to the theory of synergetics: chaos should not frighten and should not be perceived as "a purely destructive beginning of the world" that "leads to nowhere", and chance should not be "expelled from scientific theories", should not be considered "secondary, secondary, not of fundamental importance factor ". "Imbalance and instability" cannot be perceived "from the standpoint of the classical mind as annoying troubles that must be overcome", as "something negative, destructive, misleading, from the correct trajectory."¹⁸

In our opinion, not all the ideas of synergetics can be agreed with, but taking into account the subject of this direction, its connection with the topic of information revolutions (3rd and 4th industrial revolutions - from the 60s of the XX century) and processes of globalization and regionalization, but a benevolent and interested in ultimate success opposition to this theory is relevant. So, it is difficult to agree with the idea of the world development through dynamism (development of instability), through the competition of complexly organized systems, reaching the stage of chaos. This view is associated with the economist Adam Smith's theory of the invisible hand of the market about market power, which helps supply and demand in a free market automatically reach equilibrium. We must agree with the opinion that: "The theoretical description of the processes of achieving a state of dynamic chaos" as a factor of progress "generating this or that organization, order ... is based on the introduction of special idealizations"¹⁹, it has been repeatedly refuted by practice.

At the same time, the ideas of synergetics concerning the definition of synergetics "as knowledge about self-developing systems" are very interesting, referring to self-developing systems not only biological objects, modern design systems, modern complex computer networks, the Global Web - the Internet, but also "all social objects", Which, according to researchers of the synergetic scientific direction, also "belong to the type of complex self-developing systems."²⁰ It is proposed to carry out research in order to better adapt the research methodology of natural and technical sciences in interdisciplinary research with social and human sciences, taking into account

¹⁵ Stepin V.S. Self-developing systems and post-nonclassical rationality. P.2

¹⁶ Knyazeva E.N., Kurdyumov S.P. Specified work. P. 15

¹⁷ Knyazeva E.N., Kurdyumov S.P. Specified work. P. 3-4

¹⁸ Knyazeva E.N., Kurdyumov S.P. Specified work. P. 6, 7

¹⁹ Stepin V.S. Self-developing systems and post-nonclassical rationality

²⁰ See: Stepin V.S. Self-developing systems and post-nonclassical rationality; Knyazeva E.N., Kurdyumov S.P. Specified work

the correlation of natural and artificial. As V.S. Stepin: "in the transition to the study of large systems, the categorical apparatus developed on the basis of classical mechanics becomes inadequate and requires serious adjustments. Large systems acquire a number of new characteristic features."²¹ Among such new characteristic features, the following are noted: "Complex self-developing systems are characterized by openness, the exchange of matter, energy, information and with the external environment;²² in the Russian scientific literature it is noted that the specifics of synergetics (as a method of scientific research) is largely associated with the term "interdisciplinarity", but it cannot be considered that this is a radical difference and even the complete opposite of synergetics to the disciplinary approach. According to V.S. Stepin, which seems convincing: "this interpretation is concretized through the description of disciplinary research as a solution to problems determined by ideas about the subject, where vertical connections from theory to experience and vice versa dominate. In interdisciplinary research, on the contrary, it is assumed that the main thing is horizontal connections, knowledge of the method and the transfer of the method from one science to another. This kind of reasoning, which outwardly seems plausible, requires clarification."²³ You should also support V.S. Stepin on the need to expand interdisciplinary synthesis in scientific research: connecting in research subjects such branches as: physics, biology, social sciences and humanities²⁴.

Taking into account the previous characteristics of synergetics as a scientific direction, the peculiarities of its subject, which is "universal (global) evolutionism", and methods that are associated with the possibilities and development of information technologies, interdisciplinary studies of natural and humanitarian sciences with the law: domestic and international are relevant. The organization of the world during the period of industrial information revolutions is compatible with the institutions of state and law, but needs their modifications. The principle of the rule of law should remain the limit of the development of nonlinearity in global social self-developing systems; global practice also testifies to the relevance of supporting state sovereignty. It seems that the concept of national states in the period of globalization also implies their strengthening as accomplices of financial, socio-political changes in the world, as complex economic and social corporations operating in a transnational format, both in natural and artificial spaces, organized on the principle of nonlinearity, open to surrounding external systems, and open in internal relationships between their constituent subsystems, like other systems, to the exchange of "matter, energy, information"²⁵.

²¹ Stepin V.S. The specified article. P. 2

²² Stepin Vyacheslav. Self-Developing Systems and Philosophy of Synergetics "Economic Strategies", MIR VRAZNOS, 2009, No. 07. P. 24-35

²³ Stepin V.S. The specified article. P. 7

²⁴ Stepin V.S. The specified article. P. 8

²⁵ Stepin V.S. Self-developing systems and post-nonclassical rationality. P.5

Based on the constructive ideas of synergetics, let us turn to the analysis of the features of the constitutional institution of the President of the Russian Federation.

The modern constitutional model of the institution of presidential power in Russia was created in connection with significant and large-scale changes and additions to the status of the President of the Russian Federation introduced by the Law of the Russian Federation on amendments to the Constitution of the Russian Federation of 1993, introduced by the Law of March 14, 2020 N 1-FKZ "On improving the regulation of certain issues of organization and functioning of public authorities. "77.92% of citizens voted for the amendments in the all-Russian vote on the ratification of this Law. Residents of most Russian regions were in favor of the amendments. The law of the Russian Federation on the amendment to the Constitution of the Russian Federation retained the strong position of the President of the Russian Federation in the system of organization of the highest power in Russia, but at the same time, the Russian system of "separation of powers" was largely rationalized, changes were made to the ratio of collegiality and one-man management, taking into account the processes of globalization and regionalization taking place in the world and updating the issues of ensuring the state sovereignty of Russia and the sovereignty of Russian law. With the adoption of the Law on Amendments to the Constitution (of March 14, 2020), the residency qualification for a candidate for the President of the Russian Federation has significantly "grown", new requirements for candidates for the President of the Russian Federation have been introduced: permanent residence in the Russian Federation for at least 25 years who previously had citizenship of a foreign state or a residence permit or other document confirming the right to permanent residence of a citizen of the Russian Federation on the territory of a foreign state. The requirement for a candidate for the post of President of the Russian Federation that he does not have citizenship of a foreign state does not apply to citizens of the Russian Federation who previously had the citizenship of a state that was adopted or part of which was adopted in the Russian Federation and permanently resided in the territory of a state adopted in the Russian Federation or a territory adopted in The Russian Federation is a part of the state. The President is prohibited from opening and having accounts (deposits), keeping cash and valuables in foreign banks located outside the territory of the Russian Federation" (part 2 of article 81 of the Constitution of the Russian Federation of 1993 as amended by the Law on the amendment to the Constitution of 2020).

President of the Russian Federation in the systems of horizontal organization of power in the Russian Federation. The current model of the organization of presidential power in Russia, according to the Law on the amendment to the Constitution of March 2020, presupposes the implementation by the President of the Russian Federation of his powers on the basis of his inclusion in a number of systems of organization of state power in Russia. From the standpoint of the scientific and theoretical approach, these systems can be differentiated into small and large. In the first case, we are talking about state bodies that ensure, under the leadership of the President of the Russian Federation, his powers as the sole head of state, the guarantor of the Constitution, the

sovereignty and integrity of the Russian Federation, the guarantor of fundamental rights and freedoms. Among them, we will especially note the constitutionally established ones - the Security Council, the Presidential Administration, the plenipotentiary representatives of the President in federal districts and in federal government bodies. By "large systems of organization of state power" in our classification, we mean constitutional systems that make up the mechanism of "division of powers" horizontally, and a system of federal structure.

With the adoption of the Law on the amendment to the Constitution of the Russian Federation of 03/14/2020, the powers of the President of the Russian Federation in the sphere of executive power are strengthened. The high importance of the post of the Chairman of the Government of the Russian Federation is preserved and confirmed (Article 111 of the Constitution of the Russian Federation of 1993). At the same time, in the Constitution of the Russian Federation, as amended by the Law on the 2020 amendment, it is said that: the President of the Russian Federation "carries out general management of the Government of the Russian Federation"; he has the right not only to "preside over meetings of the Government of the Russian Federation", but also to exercise general management of the executive branch (paragraph "b" of Art. 83, Part 1 of Art. 110 of the Constitution of the Russian Federation as amended by the Law of 2020). Of the Constitution, the Chairman of the Government "bears personal responsibility to the President of the Russian Federation for the exercise of the powers vested in the Government of the Russian Federation (Article 113 of the Constitution as amended by the Law on Amendment, 2020). The President not only "appoints the Chairman of the Government of the Russian Federation, whose candidacy has been approved by the State Duma on the proposal of the President of the Russian Federation ", but also "relieves the Chairman of the Government of the Russian Federation from office" (clause "a" of Article 83 of the Constitution of the Russian Federation of 1993 as amended by the Law of 2020).

Prior to the adoption of the 2020 Constitutional Amendment Law. in the Constitution of the Russian Federation of 1993. they spoke first of all about the collegial responsibility of the Government to the President. The peculiarity of the new concept of the President is related to the fact that the collegial responsibility of the Government to the head of state at the constitutional level is supplemented by norms on the individual responsibility of executive bodies and officials to the President of the Russian Federation. This means the strengthening of the signs of the presidential form of government in Russia, which corresponds to the history and traditions of the practice of one-man rule in Russia. Strengthening the signs of the presidential form of government in the version, which is formulated in the Law on the amendment to the Constitution of 2020, does not remove, but, on the contrary, increases the responsibility of the President of the Russian Federation for the quality of the exercise of his personnel powers before the voters in the next presidential election: after all, according to the analyzed Law in the power of the President to replace the ineffective Prime Minister.

The law on the amendment to the Constitution of the Russian Federation of 2020. the powers of the President of the Russian Federation related to criminal appointments in the system of the prosecutor's office and in the system of judicial power have been expanded, the powers of the President have been envisaged related to the functional interaction of the head of state with these institutions.

President of the Russian Federation in the systems of the federal organization of Russia. One of the very interesting novelties of the modern constitutional development of Russia, which, in our opinion, is associated with the development of the model of the federal structure of Russia, is the constitutional legitimation of the State Council - a federal state body that initially functioned under the President of the Russian Federation (in 2000-2020) as a consultative institution, based on the Decrees of the President of the Russian Federation. In his Address to the Federal Assembly (dated January 15, 2020), the President of the Russian Federation made a proposal to “radically increase the role of governors in the development and adoption of decisions at the federal level. In connection with the adoption of the Law on Amendments to the Constitution of the Russian Federation of 1993 (from 03/14/2020) and the Law "On the State Council of the Russian Federation" (from 08/12/2020), the legal characteristics of the State Council are radically changing. The status of the State Council is being developed in the context of the concept of "public authority" introduced for the first time in the text of the Constitution of the Russian Federation and is defined as a constitutional state body formed by the President of the Russian Federation, functioning in a unified system of public authority (clause 1 of article 3 of the Federal Law). At the same time, according to the Federal Law, “the unified system of public power means” the authorities of three levels: “federal government bodies, government bodies of the constituent entities of the Russian Federation, other government bodies, local government bodies in their aggregate, exercising within the constitutionally established limits on the basis of principles of coordinated functioning and established on the basis of the Constitution of the Russian Federation and in accordance with the legislation of organizational, legal, functional and financial and budgetary interaction, including on the transfer of powers between levels of public authority, its activities in order to respect and protect the rights and freedoms of man and citizen, creating conditions for the socio-economic development of the state” (clause 1 of Article 2 of the Federal Law). The essence of the novelty is that through the new concept of the State Council, regionalization mechanisms are included in the process of successful fulfillment of social obligations of the state as ways to expand the foundations of governance, to include the regional and municipal levels in the implementation of national obligations. The importance of the powers that are in the 2020 Constitutional Amendment Law. entrusted to the State Council lies in the fact that their list includes such directions as: "Ensuring the coordinated functioning and interaction of public authorities, determining the main directions of the domestic and foreign policy of the Russian Federation and priority directions of the socio-economic development of the Russian state. "To understand the

political and legal nature of the State Council, it is important to pay attention to the provisions of the Federal Law, which provide for the rules governing the interaction of the State Council with bodies and organizations of the public power system: Federation, other state bodies, local self-government bodies, consultative and advisory bodies under the President of the Russian Federation, organizations, institutions of civil society (Article 15).

In conclusion, we note that the constitutional legitimation of the State Council in the Russian Federation and its new concept, provided by the Law on the State Council, the range of public authorities of the Russian Federation included in the system of interaction with the State Council, along with the one originally provided for in Article 71 of the 1993 Constitution of the Russian Federation. institute of subjects of joint jurisdiction of the Federation and its subjects give grounds for the conclusion that the constitutional novelties of 2020 in the form of the state structure of Russia, signs of cooperative federalism are increasing. Taking into account the enormous scale of the state territory and the composition of the population, the diversity of climatic and time zones, the large length of the state border, the large number of subjects of the Russian Federation - regions, territories, republics, autonomies, cities of federal significance, the multinational composition of the population, etc., the idea of constitutional legitimation of the State Council deserves special attention to the subject of steps towards a new quality of management.