SAINT-PETERSBURG UNIVERSITY

REVAZOV
Mikhail Arkadievich

CONSTITUTIONAL LAW REQUIREMENTS TO THE LANGUAGE OF NORMATIVE ACTS AND THEIR APPLICATION IN JUDICIAL PRACTICE

Scientific specialty 5.1.2. Public law (state law) sciences

Dissertation for a degree of candidate of legal sciences

Translation from Russian

Academic supervisor:
candidate of legal sciences,
professor
Belov Sergey Alexandrovich

Saint Petersburg
2023

Contents

Introduction

Relevance of the research topic. The relevance of this study is confirmed by the analysis of law enforcement practice, which revealed the following problems related to the development of regulations and their perception by citizens:

1. The use of special terminology in normative legal acts (hereinafter-normative acts) makes them inaccessible to a broad range of people.

2. The current legislation on the state language contains a number of gaps that create a situation of legal uncertainty and do not allow the formation of uniform judicial practice. In particular, there is no comprehensive consolidation of the norms of the modern Russian literary language, which forces the courts to arbitrarily determine their sources.

3. The requirements for the use of special terminology are violated in the normative acts - the same terms are used with different meanings.

4. There are no unified approaches to assessing the ability of citizens to understand the meaning of a legal document.

5. The use of explanatory dictionaries is proposed as a universal mechanism that gives everyone the opportunity to understand the content of normative act or another legal document. However, this mechanism does not have a uniform practice of application and contains a number of disadvantages described below.

The reason for the emergence of these problems, which are represented today in the law enforcement sphere by thousands of judicial acts, is the lack of clearly formulated requirements for the language of normative acts, as well as a single mechanism for verifying compliance with these requirements.

The establishment of the state language is one of the tools for the implementation of the state national policy, and also contributes to the creation of a unified communicative information space. But the effective use of the state language is impossible by simply assigning a special status to the language.

Language as a system of communication signs requires research in the science of constitutional law, since the connection between language and law is undeniable.

This relationship manifests in various aspects. Language is an essential instrument for the implementation of legal relations; an element of the constitutional and legal status of public education; cultural value; the heritage of the nation and people, including the multinational people of the Russian Federation.

Special attention should be devoted to the state language as an element of the constitutional and legal status of the state, because without the functioning of the language, the existence of the state will be impossible. The state language of the Russian Federation is the object of legal regulation, which is confirmed by normative acts issued in 2005 - 2009. The issues of legal regulation of the status of the state language are now being studied by specialists in constitutional law.

Lawmaking is the most significant of those areas in which the use of the state language is obligatory. Normative acts are the main way of conveying legal information to recipients. The most important thing in this process is mutual understanding of the subjects of legal relations, which is the basis for the existence of requirements for the language of normative acts aimed at increasing the level of clarity of normative acts for recipients, to prevent the occurrence of legal uncertainty. The norms regulating the use of the state language, the creation of normative acts and other legal documents are contained in various acts, but they are based on basic rules fixed at the constitutional level. In this regard, the desire to identify not individual, but all the basic constitutional requirements for the language of normative acts, seems relevant and significant. At the same time, constitutional requirements for the language of normative acts in this work are understood as requirements that are either directly formulated in the provisions of the current Constitution, or are based on constitutional norms (and their specific content is derived by interpretation, taking into account their development in legislation).

Every year there is a constant increase in the number of issued regulations. In such circumstances, significant importance should be attached to the quality of the texts of these documents. Regulation of social relations by means of law is possible only when the norms encoded in the texts of normative acts are clear to all subjects of such legal relations. This has always been obvious, which explains the long-

standing interest in the formation of requirements for the quality of laws, their text and the language in which they are written. Textual defects of normative acts do not allow citizens to exercise their rights and properly perform their duties. Legal communication becomes impossible due to the fact that members of the society cannot interpret the provisions of normative acts in the same way.

This study summarized existing views on the problems of legal communication and the language of normative acts, as well as the place of normative acts in legal communication. Special attention is devoted to the analysis of constitutional provisions that contain requirements for the language of normative acts. The analysis of law enforcement practice was significant for the study, which touched upon various aspects related to defects in regulatory legal acts that lead to a situation of legal uncertainty, problems of intelligibility of legal documents for citizens and the peculiarities of the application of norms regulating the use of Russian as the state language.

The degree of development of the research topic. The analysis of special legal literature allows us to conclude that various aspects of the problem considered in the work have already become the subject of research. The works on legal technique are mainly of a complex nature, but the problem of the language of normative acts and the requirements for the text of normative acts is only partially addressed in them in accordance with the direction of these studies. The issues of the origin of such claims are usually not considered. In other works, the authors refer only to certain requirements that are imposed on the language of normative acts, while these works usually have the character of either theoretical research or analysis of problems arising in the practical sphere. As part of the study of the nature of legal communication, the authors rarely consider the problems of the language of normative acts and ways to increase the level of clarity of normative acts for recipients. It is also difficult to find works that would be based on an analysis of a comparable number of law enforcement acts adopted on issues related to the topic of the study.

Some theoretical aspects of this topic are reflected in the works of A. V. Polyakov, I. L. Chestnov, M. V. Antonov, S.S. Alekseev, N. I. Gryazin, R. Jhering, D. A. Kerimov, A. S. Pigolkin, A. A. Ushakov.

Today, the problem of constitutional requirements to the language of normative acts in their works is addressed by: A. Y. Alatortsev, L. M. Bazavluk, S. A. Belov, N. S. Bondar, G. A. Gadzhiev, E. M. Dorovskikh, V. V. Elistratova, T. S. Sadova, D. V. Rudnev, A. V. Chervyakovsky, A. N. Shepelev.

The connection between language and law was also noted in the works of M. A. Osadchy[1], R. R. Palekh[2], V. V. Sorokin[3] and others. Among the dissertation studies of recent years, we can mention the works of A. A. Parfenov[4] (examines the issues of communication in law), R. M. Khairullina[5] (explores the problems of publishing regulations in the official languages of the republics within the Russian Federation), E. A. Derbysheva[6] (focuses on the study of the principle of legal certainty, special attention deserves consideration of this principle as a source of the requirement of clarity), E. V. Pirmaeva[7] (examines in detail the theoretical issues related to the judicial interpretation of legal documents).

In foreign literature, the issues of the quality of the language of laws, the approaches of law enforcement officers to the problem of understanding regulations are considered by such authors as Robert K. Rasmussen, Samuel A. Thumma, Jeffrey L. Kirchmeier, William N. Eskridge, Nicholas S. Zeppos, Thomas M. Cooley, Dennis R. Klinck and others. The analysis of the works of these scientists made it possible to reflect a number of aspects presented in the work in a comparative way.

---

[1] Osadchiy M. A. Russian language on the verge of law. The functioning of the modern Russian language in the conditions of legal regulation of speech. M., 2018. 254 p.

[2] Palekh R.R. Legal communication in the mechanism of legal influence // Legal communication of the state and society: domestic and foreign experience. Proceedings of the International Scientific Conference. Voronezh, 2020. P. 225-229.

[3] Sorokin V.V. Language and law // Jurislinguistics, 2020. No. 15 (26). P. 5-7.

[4] Parfenov A.A. Legal competence as a legal entity: diss. cand. jur. sciences. Kaliningrad, 2020. 25 p.

[5] Khairullina R.M. Adoption and publication of the laws of the republics within the Russian Federation in the official languages of the republics and publication of federal laws in the official languages of the republics: constitutional legal research: diss. cand. jur. sciences. Kazan, 2021. 201 p.

[6] Derbysheva E. A. The principle of legal certainty: concept, aspects, place in the system of principles of law: diss. cand. jur. sciences. Ekaterinburg, 2020. 238 p.

[7] Pirmaev E.V. Judicial interpretation: theoretical and legal research: diss. cand. jur. sciences. Penza, 2019. 30 p.

The object of research is the constitutional requirements for the language of regulations.

The subject of the research is to ensure effective communication through constitutional requirements for the language of regulations.

The purpose of the dissertation research is to identify the main constitutional requirements for the language of normative acts, determine their content, and identify law enforcement problems in the implementation of these requirements.

The objectives of the study are determined by its purpose and include:

1. Designing the content of constitutional requirements for the language of normative acts;
2. Development of a concept for ensuring the communication effectiveness of normative acts through the design of requirements for their publication;
3. Identification of constitutional provisions containing requirements for the language of normative acts;
4. Establishment of the content of the constitutional requirements for the language of normative acts, considering their features and functions performed;
5. Analysis of legal disputes arising from non-compliance with the requirements for the language of regulations.

Research methodology and methods. The methodological basis of the dissertation research is represented by general scientific (analysis, synthesis, induction, deduction, comparison, forecasting), particular scientific (concrete sociological, statistical) and special (formal legal, legal modeling) methods of cognition traditionally used in legal science. The study is based on the analysis of current scientific works on topics related to the subject of this study, the analysis of law enforcement practice, primarily court decisions, which considered the problem of compliance with the requirements for the language of regulations and the clarity of these acts to their recipients, identifying contradictions in judicial practice, regulation and scientific literature, the analysis of these contradictions and the

proposal of ways to resolve them, the analysis of modern Russian legislation on the state language.

The empirical basis of the thesis is the decisions of the courts of general jurisdiction and arbitration courts, as well as the decisions of the Constitutional Court of the Russian Federation, which addressed the following issues: the use of explanatory dictionaries by the courts to determine the meaning of disputed words and expressions, application of the norms of the Federal Law of June 1, 2005 No. 53-FZ "On the state language of the Russian Federation" (hereinafter - Law on the State Language, Federal Law No. 53-FZ)[8], establishment by the courts of normatively fixed norms of the modern Russian literary language, which must be taken into account in the areas of mandatory use of the state language, analysis of the understandability of the "legal language" for citizens; the use of the term "lawn" in regulations", the use of explanatory dictionaries by courts for the interpretation of legal documents. The decisions made after 2009 were mainly selected, because during this period the Russian Ministry of Education and Science approved a list of grammars, dictionaries and reference books containing the norms of the modern Russian literary language when it is used as the state language of the Russian Federation. The analysis largely took into account how actively the courts apply this "List". Monitoring of law enforcement practice on these issues was continuous and included an analysis of all solutions presented in the relevant databases and identified by search queries. The search for relevant court decisions was carried out using the tools available in these databases. In total, over 2500 court decisions were analyzed, the most illustrative examples are presented in the work. More information about the results of the monitoring studies can be found on the portal of St. Petersburg State University "Monitoring of Law Enforcement" on the Internet[9].

In addition to national law enforcement practice, the practice of US courts was analyzed on the issues of understandability of regulations and interpretation of their

[8]On the State language of the Russian Federation: Federal Law No. 53-FZ of June 1, 2005 // Collection of Legislation of the Russian Federation. 2005. No. 23. Art. 2199.

[9] St. Petersburg State University Portal "Law Enforcement Monitoring" [website]. URL: https://pravoprim.spbu.ru (accessed: 14.07.2022).

provisions using explanatory dictionaries. The practice of the Supreme Court of the United States over the past 10 years has been mainly investigated.

The academic novelty of the research is expressed in the fact that for the first time in modern legal science, the key constitutional requirements for the language of normative acts based on the analysis of the nature of normative acts as one of the types of legal texts are formulated at the general theoretical level. Constitutional provisions are considered as sources of requirements for the language of normative acts, such an approach is rarely found in the scientific literature. In the dissertation research, attention is focused on the practical side of the problem of non-compliance with language requirements, for which, on the one hand, an analysis of the mechanisms for eliminating language defects of normative acts at the stage of their development was carried out, on the other hand, an analysis of those disputes that arise in law enforcement practice.

The main provisions to be defended:

1. A uniform understanding of the content of a normative act by its recipients is a necessary condition for the emergence of effective legal communication based on such an act. This applies both to the initial transfer of information from the legislator to an indefinite circle of recipients of the normative act, and subsequent interaction between the recipients of the normative act. At the same time, a uniform understanding should not be identified with the same understanding, which is almost impossible to achieve. The recipients of a normative act may not perceive it in the same way, but within certain boundaries formed for fixing the normative provision. The vagueness of such boundaries or the impossibility of defining them leads to a situation of legal uncertainty.

2. The basis of the normative consolidation of the order of use of the state language is the constitutional principle of equality and the requirement of mandatory publication of normative acts, from which follow the requirements of the certainty of the text of the normative act and the intelligibility of its recipient follow. The peculiarity of understanding the sources of these requirements in Russian law is their conditionality by the constitutional principle of equality. In turn, the European Court

of Human Rights (hereinafter – ECHR) lays down the principle of the rule of law as the basis for such requirements.

3. The constitutional requirement for the publication of normative acts in the state language is aimed at increasing the level of clarity of normative acts for recipients. The state language here acts as a universal means of communication in a multinational state. The implementation of this requirement is impossible without the approval of the sources of the norms of the modern Russian literary language in the prescribed manner.

4. The comprehensibility of a normative act published in the state language of the Russian Federation is a presumption for citizens of the Russian Federation. The very fact of publication of a normative act cannot mean that the content of the act is clear to its recipients. An act written with the repeated use of complex highly specialized terms and constructions (in legal language) turns out to be incomprehensible to most recipients. The desire to achieve legal accuracy should not endanger the clarity of the normative act, since in this case, achieving accuracy becomes meaningless. This conclusion is also true for attempts to simplify the language of normative acts due to deviations from legal accuracy. The balance between clarity and accuracy should be achieved through the use of natural language when writing regulations. Special legal terms and constructions should be included in the text in cases where this is the only way to avoid legal uncertainty. The incomprehensibility of legal terms for citizens can be compensated by the presence of special explanatory dictionaries and explanations of normative acts by specialists in the field of jurisprudence. All this will make the result of the application of regulations as predictable as possible for citizens.

5. The peculiarities of the language and the different level of education of citizens make it inevitable that situations arise in which it is necessary to establish the content of a normative act, its correct understanding. An analysis of the law enforcement practice of Russian and foreign courts has shown that explanatory dictionaries are universal tools that provide effective means to begin the process of determining the meaning of words and expressions used in a legal document. Owing

to dictionaries, lawyers and judges have additional tools to more accurately determine the meaning of words already taking into account the context. Failure to take into account the context would lead to the fact that those responsible for the administration of justice would rely too much on the author of the dictionary. At the same time, the abundance of dictionary sources with different contents makes it necessary to develop a mechanism for the use of dictionaries for the interpretation of normative acts. First of all, such a mechanism is necessary for law enforcement agencies. Taking into account this mechanism by the legislator in the rule-making process will significantly increase the accessibility of the content of legal acts to their recipients. The solution of such problems should take place in close cooperation of lawyers and linguists.

6. Constitutional provisions on the status of the Russian language as the state language in Russia, as well as the possibility in the republics within Russia to give the status of the state language to other languages have created preconditions for the creation of multilingual regulations. In the development of constitutional norms, the current Russian legislation provides for a number of cases when a regional state language can be established, and when a regional language is used for the publication of normative acts. This publication is additional to the publication of the act in Russian, but the publication of normative acts in the state languages of the subjects may be both informational in nature and entail legal consequences associated with the entry into force of the act. Thus, Russian legislation provides for the possibility of the existence of bilingual legislation at the level of the subjects of the Russian Federation. Such publication of acts in several languages should be legally divided into two groups – the publication of acts for the purpose of additional information (does not affect the legal force of the act) and the official publication of normative acts in two or more languages. It will also require the regulatory consolidation of the procedure for the development of regulations in several languages.

Theoretical and practical significance of the study. The work contains a number of theoretical developments related to the study of such issues as the concept

and role of legal texts, the language of legal texts and their functions in the framework of legal communication. The paper attempts to identify the main constitutional and legal requirements for the language of normative acts and to disclose their content. The analysis of law enforcement practice made it possible to identify key language defects of normative acts that arose due to non-compliance with the constitutional requirements for the language of normative acts, generating conflicts in the legal sphere. The conclusions and recommendations formulated in this study can be used in law enforcement practice and in theoretical research on the requirements for the language of normative acts; in normative activity.

The work provides a comprehensive analysis of the concept of the language of normative acts and the basic constitutional requirements that apply to the language when it is used to create normative acts. The findings are based on the study of Russian and foreign scientific literature, current legislation at various levels, law enforcement practice of Russian and foreign courts, the European Court of Human Rights, which makes them relevant for researchers, legislators and law enforcement officers. The totality of the research results is the formulation of basic constitutional and legal requirements for the language of normative acts, which should be taken into account by legislators and law enforcement officers. The results obtained can be used to specify the requirements for the language of normative acts in legislation.

The degree of validity and approbation of the research results. The dissertation was completed and discussed at the Department of Constitutional Law of St. Petersburg State University. Some of the results of the study were presented for discussion in the framework of scientific and practical conferences, which were carried out with the presence of representatives of various authorities, practicing lawyers and scientists. The main provisions of the dissertation research have been reported and discussed at Russian and international scientific conferences:

1. Scientific and practical conference "Practice of law enforcement monitoring and results of law enforcement by branches of legislation" (St Petersburg University, November 25, 2016);

2. Annual Scientific and Practical Conference on Law Enforcement Monitoring (Ministry of Justice of the Russian Federation, June 1, 2018);

3. International Scientific and Practical Conference "Language Policy in Russia and the world" (Moscow, December 6, 2019);

4. VI Forum of Rectors of Humanities Universities and Deans of Humanities Faculties of Russia and France "Information Technologies and Humanities" (Moscow, January 30-31, 2020);

5. International Joint Scientific Conference "Internet and Modern Society" (St. Petersburg, June 17-20, 2020);

6. International Scientific and Practical Conference "Issues of the Russian language in legal matters and procedures" (St. Petersburg, May 18, 2021).

The main provisions of the dissertation research are reflected in the following publications:

1. Monographs

1.1. Belov S. A., Kropachev N. M., Revazov M. A. Legislation on the State Language in Russian Judicial Practice / S. A. Belov, N. M. Kropachev, M. A. Revazov. St. Petersburg: Publishing House of St. Petersburg. University, 2018. 240 p.

1.2. Belov S. A., Kropachev N. M., Revazov M. A. Judicial control over compliance with the norms of contemporary Russian literary language // The National Language of Russia: Legal Norms and Language Norms/ S. A. Belov, N. M. Kropachev, L. A. Verbitskaya. St. Petersburg: Publishing House of St. Petersburg. University, 2018. P. 96-120.

2. Articles

2.1. Belov S. A., Kropachev N. M., Revazov M. A. Judicial control over compliance with the norms of contemporary Russian literary language // Law, 2017. No. 3. P. 103-115.

2.2. Belov S. A., Kropachev N. M., Revazov M. A. Monitoring of law enforcement in St. Petersburg State University // Law, 2018. No. 3. P. 67-74.

2.3. Belov S. A., Revazov M. A. Theory and Practice of Legal Documents Interpretation by Courts with Using Dictionaries // Law. Journal of the Higher School of Economics. 2023. Vol. 16. No. 1. P. 4-26.

2.4. Revazov M. A. Language of publication of normative acts: problems of bilingualism of regional legislation and ways to solve them // Questions of Ethnopolitics, 2020. No. 2. P. 54-67.

2.5. Revazov M. A. Constitutional requirements for the language of normative acts // Journal of Constitutional Justice, 2020. No. 1. P. 26-31.

2.6. Blinova O. V., Belov S. A, Revazov M. A. Decisions of Russian Constitutional Court: lexical complexity analysis in shallow diachrony // CEUR Workshop Proceedings. Proceedings of the International Conference "Internet and Modern Society" (IMS-2020) /Radomir V. Bolgov, Andrey V. Chugunov, Alexander E. Voiskounsky (eds.). 2021. P. 61-74.

2.7. Revazov M. A. Literal interpretation of legal documents in Russian judicial practice // Questions of the Russian language in legal cases and procedures. International Scientific and Practical Conference. St. Petersburg: First Class, 2021. P. 33-50.

2.8. Revazov M. A. Problems of Legal Documents Translation and Adoption of Multilingual Acts // Law, 2023. No 1. P. 176-189.

The materials and provisions of this research have been used by the author in conducting lectures, consultations and seminars on the academic disciplines "Constitutional Law" and "Fundamentals of Constitutional Law" at St Petersburg state University and discipline "Constitutional Law" at the Russian Presidential Academy of National Economy and Public Administration. The research materials were discussed at the "Research Institute of Problems of the State Language" of St. Petersburg State University.

The structure of the dissertation is determined by the subject, goals and objectives of the study. The dissertation consists of an introduction, three chapters consisting of seven paragraphs, a conclusion and a bibliography. All chapters and

paragraphs are arranged in a clear logical sequence that allows you to reveal the topic of the study.

Chapter 1. Regulations and language in legal communication

1.1. The place of normative acts in legal communication

1.1.1. Legal communication

The term "communication" is most often defined as a social phenomenon that occurs between people and has a semantic aspect[10]. There are grounds to talk about the possibility of communication not only between people, but also in the framework of this work, it is legal communication in human society that will be considered.

There are different approaches to understanding communication. For example, A. Y. Babaytseva identifies four types of communication[11], of which the most interesting is thought communication. It structurally consists of six elements:

1. Two or more participants endowed with consciousness and proficient in the norms of some semiotic system, for example, language. The sender of the message (the creator of the text) is the communicator (sender), and the recipient of the message;
2. Situation or situations that they seek to comprehend and understand;
3. Messages (texts) expressing the meaning of the situation in the language or elements of this semiotic system;
4. Motives and goals that make texts directional, which encourages subjects to contact each other and interact;
5. The process of material transfer of texts;
6. Perception (interpretation) of the message (text) reflected in the recipient's behavior.

Special attention in the legal literature is devoted to the issues of legal communication and, accordingly, the role of regulations in this process[12]. An indication that the language of law or legal language performs a communicative

---

[10] Polyakov A.V. Law and communication // Actual problems of theory and history of state and law: Proceedings of the interuniversity scientific and theoretical conference. St. Petersburg, 2003. P. 104.
[11] Babaytsev A.Y. Communication // Postmodernism. Encyclopedic dictionary. Minsk, 2001. P. 372.
[12] Makushina E. B. Legal communication as a phenomenon of law and communication // Bulletin of the Chelyabinsk University. Ser. 9. Pravo, 2004. No. 1. P. 142; Lazareva V.V. Integral legal understanding in the Russian theory of law: history and modernity // Legislation and Economics, 2008. No. 5. P. 10; Arkhipov S.I. The concept of legal communication // Russian Law Journal, 2008. No. 6. P. 9.

function or a constructive function can be seen quite often[13]. Legal information, which is put in the form of a legal text, is transmitted and fixed with the help of language.

The ideas of legal communication have long been developed in the German philosophy of law by scientists, including V. Kravets, N. Luhmann, Y. Habermas, G. Teubner and others. Considerable attention is devoted to the development of ideas about the role of communication in national legal thought. First of all, we should refer to the works of A. V. Polyakov, the author of the communicative theory of law. His works are of great interest in the scientific community, and the ideas expressed become the subject of discussions in face-to-face and correspondence discussions. It is also worth noting the contribution of I. L. Chestnov, M. V. Antonov, E. V. Timoshina to the development of the communicative approach.

The structure of legal communication, from the point of view of the transmission of information, is represented by subjects and content. Subjects are those who transmit and, accordingly, who receive information. In other words, it is the sender and the recipient. When it comes to regulatory acts, we should understand the sender as a person who has legislative powers and implements them by issuing regulatory legal acts. The recipient will be an indefinite circle of persons, because a distinctive feature of regulatory acts is the uncertainty of the recipient.

For legal communication, the most important thing is the perception of the transmitted information. The ordering of legal information guarantees a uniform perception and understanding of its content by all participants in legal communication - the recipient's understanding of the text of the information must coincide with the meaning that the sender has put into it. At the stage of linguistic expertise of the draft regulations, its text is checked for compliance with the norms of the Russian language or the language in which it is adopted (published), and an assessment is also carried out for compliance with the stylistic requirements for drafting regulations, including the requirements of the rules of legal technique. The rulemaking process is considered completed after the official publication of the text

[13] Pigolkin A. S. The language of law: features // The language of the law. M., 1990. P. 22.

of the normative act and its entry into force, which initiates the process of communication based on this act. The content of communication is information that is transmitted using linguistic means. Sometimes it is noted that the language of legal acts is the state language of the Russian Federation - the Russian language, regional state languages, as well as the native languages of the indigenous peoples of the Russian Federation. This statement can be assessed as not entirely true. The language of legal acts is not just a state language, it is a more complex phenomenon.

"Legal communication can be defined as meaningful interaction of subjects mediated by legal texts. A text reveals its meaning, becomes a source of law only when there are social subjects interpreting it who are able to understand this meaning and embody it in their behavior"[14]. Usually, the emphasis is on the interaction of subjects, while "the role of the text that became the basis for this communication often remains outside the scope of analysis"[15]. This is done because of the desire to substantiate and consider the communicative nature of law, but the text mediates the emerging communication.

A. V. Polyakov identifies the following elements of communication: any communication is possible only between subjects, carriers of social meaning and social figures; communication is based on the presence of texts to be interpreted; communication is not just the assimilation of any textual information by subjects, but also subsequent interaction between them based on the information received[16]. Particular attention is given to the fact that the text will receive legal significance only when the subjects begin to act accordingly on its basis. But this is only the final stage of communication, it is the text that is necessary for its emergence.

For the purposes of this study, the legal text will be considered as a textual source, and first of all a normative act containing obligatory rules of conduct that performs the function of regulating relations between various subjects. The existence

---

[14] General theory of law: A phenomenological and communicative approach: a course of lectures / A.V. Polyakov. St. Petersburg, 2003. P. 278; The communicative concept of law: questions of theory: Discussion of A.V. Polyakov's monograph / Intro. words by A. V. Polyakov. St. Petersburg, 2003. P. 7-9.

[15] See for example: Popov V.I. The communicative function of law // Bulletin of Economic Security, 2020. No. 2. P. 19-22.

[16] Polyakov A.V. Communicative legal understanding: Selected works. St. Petersburg, 2014.P. 9.

of legal texts will be associated precisely with their form – the information in the legal text is presented using a special sign system – language. Many researchers rightly point out that law is not reduced to linguistic or textual forms, the world of law is more diverse[17]. In addition to linguistic forms, law exists in non-linguistic forms. These non-linguistic forms can find a variety of embodiments. These can be various pointers and signs, special characters, and so on. At the same time, in any of the forms we can observe a system of information, the creation, transmission and preservation of which is a legal regulation[18]. However, the main form of securing legal information is language[19]. Moreover, without disputing the existence of non-linguistic forms, it can be noted that they are preceded by a norm fixed in the linguistic form. For example, A. A. Ushakov noted the necessity of such a sequence[20]. This opinion can be recognized as fair, since without the initial agreement of the members of the society about what this or that sign, symbol, tablet, and so on will mean, there will be no unity between them in understanding such non-linguistic forms. The legal content will be clear only if it is initially reflected in the text form.

It is wrong to identify the right only with written texts, even with laws and other regulations. It is correctly noted that the right does not arise at the behest of the legislator. This does not mean that the legislator does not have a role in the creation of law – he constructs legal texts, including normative acts reflecting the values of the central zone of culture and interpreted as socially significant rules of behavior – this lawmaker stimulates the emergence of law[21]. It is the legislation that establishes the rights and obligations of subjects and responsibility in the prescribed manner. Thus, I. L. Bachilo, separating law and law, identifies three approaches to their relationship:

1. The law is considered as a virtual representation of a fair, expected, possible establishment of the order of interaction of actors of the social system of

[17] Vlasenko N. A. The language of law. Irkutsk, 1997. P. 29-31.
[18] Cherdantsev A. F. Logic and inguistic phenomena in jurisprudence: monograph. M., 2012. P. 5.
[19] Ibid. P. 5.
[20] Ushakov A. A. Essays of Soviet legislative stylistics. Ch. 1, 2. Perm, 1967. P. 78.
[21] The communicative concept of law: questions of theory: discussion of A.V. Polyakov's monograph. P.132-133.

society;

2. Assessment of the normative embodiment of law in the law on the basis of the implementation of the principles of legal awareness by the participants of lawmaking and at the same time by the executors of the law;

3. Assessment of the adequacy of the practical application of positive law and the state of "living law" - the current law as a real socio-political phenomenon.

At the same time, positive law is represented in the current acts, norms of legislation and forms of its application, is implemented in the behavior of participants in legal relations. In turn, within the framework of the communicative aspect of law, attention is focused on the issues of legal language – the language of the legislator, interpreter, expert, user of legal information[22].

The emergence, modification or termination of legal relations is often associated with the emergence of legal norms. Here, legal texts are the sources of the norm, act as a prerequisite. On this basis, a written legal text can be defined as a source of legal norms compiled and accepted in the prescribed form by an authorized person, which is associated with the emergence, modification or termination of subjective rights and legal obligations or the establishment of powers. It is not uncommon to find a division into normative and individual legal acts, or more complex classifications.

The important role of legal texts in the process of legal communication is also that the implementation of various legal procedures is based on them. The result and an indicator of the effectiveness of legal communication may be lawful or unlawful behavior of legal entities. This conclusion is based on the idea that through legal texts there is an indirect and direct impact on the recipients of the act. Legal influence "is understood as a complex phenomenon, the subject of which includes such economic, political, social relations that are not regulated by law, but on which it somehow extends its influence"[23].

M. Van Hook notes that law is inherently based on communication, for

---

[22] Bachilo I. L. Right and law: infocommunication aspect // Proceedings of the Institute of State and Law of the Russian Academy of Sciences, 2013. No. 4. P. 43-45.

[23] Matuzov N. I., Malko A. V. Theory of state and law: Textbook. M., 2005. P. 306.

example, between the legislator and citizens[24]. Communication should not be reduced only to the interaction between these subjects, although not all researchers adhere to this position. The institution of legal communication can also be defined as a system of principles and methods of communication between the state and society. Such communication is carried out by legal means and has legal consequences[25]. With this approach, the main role in legal communication is given to normative acts emanating from the state. Often, legal communication in modern society is reduced to the legislative consolidation of rights and obligations, which is positioned as a step in the development of law from legal custom to legal law[26]. A broader view of communication participants includes all individuals as subjects of law, as well as socio-legal entities derived from them[27].

A. V. Polyakov presented a comprehensive approach to the study of the operation of law from the standpoint of communicative legal understanding. He distinguishes three stages of the operation of the right. The first stage - legal modeling – consists in creating textual legal models. The second stage of the operation of law is the cognitive construction of the legal norm. Such a construction is preceded by the informational and value impact of the legal text on social subjects. To do this, it is necessary to communicate the content of legal texts to all recipients. Today, in relation to normative acts, the procedure for publishing acts is used for these purposes. However, for the emergence of an actual rule of law, the cognitive rule contained in the text must receive a socio-value significance and socio-functional confirmation. At the third stage of the operation of the law, legal relations turn into an active form. At this stage, secondary legal texts appear, which correct the meaning of the primary cognitive-textual norm, clarify it. As a result, a rule of law arises as a result of the transfer of a cognitive-textual (communicative) legal norm to the social level, and only with its social legitimization and functional action,

---

[24] Van Hook M. Law as communication. St. Petersburg, 2012. P. 20.
[25] Khaliulin V. E. Legal communication as a basis for the formation and functioning of civil society // Bulletin of the Saratov State Academy of Law, 2007. No. 6 (58). P. 23.
[26] Grafsky V. G. Legal communication and legal communication // Proceedings of the Institute of State and Law of the Russian Academy of Sciences, 2013. No. 4. P. 33.
[27] Communicative theory of law and modern problems of jurisprudence: To the 60th anniversary of Andrei Vasilyevich Polyakov. Collective monograph: in 2 vol. Vol. 1. P. 354.

the latter receives a complete legal meaning and is transformed into an actual rule of law (communicative norm)[28].

In this mechanism, several points at once draw attention to themselves, which cannot be considered separately. The norm should be textually constructed, brought to the recipient, understood by the recipient, on the basis of such an understanding, the recipients should build their behavior. Even noting that the rule of law appears only when subjects begin to act in a certain way, we must not forget that the text that was perceived by these subjects acts as an information source of behavior. If we assume that they understood the meaning of the text in different ways, then it will not work on its basis. But if the text was perceived uniformly, then the subjects will be able to interact, but this will contradict the meaning that the legislator tried to lay down – it means that the text falls out of this order of law, an incorrect understanding of the meaning laid down by the legislator breaks the connection of this text with the behavior that is based on its incorrect perception by the recipients. There is always an invisible plan in law, which is revealed through interpretation, in relation to normative acts – this is the semantic content laid down by the legislator[29].

A. V. Polyakov insists that law is the result of social self-regulation carried out through primary and secondary legal texts, as a consequence of a continuous process of communication. As a result, the society selects texts that receive the meaning of legal texts[30]. This notion requires additional reservations. It is implied that within the framework of the rule of law, society through the state selects texts to which it attaches the importance of legal ones, so normative acts appear. As a result, it is unlikely that the new legal act will be rejected by society. In contrast, it is possible to simulate a situation related to an act of the state, which comes from the forces in power trying to impose their will on others. In this case, the risk increases that the company will not follow the provisions of such an act. At the same time, A. V. Polyakov notes that self-organization is impossible without communication, that is, without the selection of necessary and proper options for social relations,

[28] Polyakov A. V. Communicative legal understanding: Selected works. P. 26-33.
[29] Isaev I. A. The shadow side of the law: the irrational in law. M., 2014. P. 23.
[30] Polyakov A. V. Communicative legal understanding: Selected works. P. 10.

strengthening and streamlining ties and interactions between people, developing common means of such communication, without norms, values, ideals, objectifying texts, language codes for their translation[31].

Yu. Habermas wrote that every effective norm must satisfy the condition that the direct and side effects that the general adherence to it will have to satisfy the interests of each individual can be accepted without any coercion by everyone to whom it concerns[32]. In this idea, Yu. Habermas reflected the importance of a uniform understanding of the norm both by directly interacting subjects and by a third party, for whom the meaning of the behavior of others should be obvious. Law is a social phenomenon, and any social actions, including legal ones, must be understood by all representatives of society, otherwise they lose their social significance[33]. A. V. Polyakov notes that any communication is a combination and balance of the personal and the superpersonal (public, social). On the one hand, a person enters into communication, but the reverse side of the interaction turns out to be others. Moreover, the connection between them and one person is mediated by social institutions objectified in the form of various texts that must be understood and perceived by them[34]. The law is based on the unity of the internal understanding of what needs to be done and the action - "Any interaction implies the same understanding of what should be done and the expectation that another subject of interaction will carry out such actions"[35].

Law exists at various levels, including at the level of society and the state. And at all these levels, the right does not arise by itself, at the direction of someone. "Any legal law is a text. But the text as a sign system refers to another reality, which it means, represents. At the same time, the text reveals its meaning, becomes a legal

---

[31] Polyakov A. V. Law, state, communication // Social legal state: questions of theory and practice: materials of the interuniversity scientific and practical conference. St. Petersburg, 2003. P.18.
[32] Habermas Yu. Moral consciousness and communicative action. St. Petersburg, 2000. P. 179.
[33] Chestnov I. L. Legal communication in the context of postclassical epistemology // Pravovedenie, 2014. No. 5 (316). P. 33.
[34] Polyakov A. V. The Russian idea of "revived natural law" as a communicative problem (P.I. Novgorodtsev v. L.I. Petrazhitsky) // Proceedings of the Institute of State and Law of the Russian Academy of Sciences, 2013. No. 4. P. 119.
[35] Antonov M. V., Polyakov A.V., Chestnov V.L. Communicative approach and Russian theory of law // Jurisprudence, 2013. No. 6 (311). P. 84.

text and a source of law only when there are social subjects interpreting it who are able to understand this meaning and embody it in their behavior"[36].

Legal texts are an integral part of the means of legal communication along with legal information contained in the texts of newspapers, commentaries and other sources of information. Legal information is conveyed to the subjects of legal relations through the use of legal communication tools (for example, through the publication of regulatory legal acts in official sources, their placement in information and legal systems), and this information must be properly understood by the recipients.

1.1.2. Understanding the meaning of the text as a necessary element of communication

Any communication is always attended by a text that implies the existence of the recipients of the text. These recipients should understand the meaning of the text, identify its value and use such a text as a basis for subsequent interaction. Communication is considered to have taken place only if the specified processes have occurred[37]. "For the emergence of law, it is important not only the origin of the legal text, but also the knowledge of a special code that allows the generally recognized way to determine the legal and non-legal rights and obligations of recipients and act accordingly"[38]. V. Kravitz notes the existence of an elementary unit of normative communication – a three-stage selection process in which information, communication and understanding are combined in an emergent unit of law. All three of these components should be equal to each other, only in this case legal communication takes place. He examines this scheme using the example of a legislator. So, the legislator decides the law by fixing the regulatory information necessary for this in the form of a judgment "if ... then"; publishes the law in the accepted form, namely informs and addresses it to those whom it concerns. Regardless of how factual and regulatory information is produced, it needs not only

[36] Antonov M. V., Polyakov A.V. Legal communication and the modern state // Jurisprudence, 2011. No. 6 (299). P. 218.
[37] Polyakov A. V. Farewell to the classics, or how the communicative theory of law is possible // Russian Yearbook of the Theory of Law, 2008. No. 1. P.15.
[38] Ibid. P.19.

communication, but also understanding. Legal communication is possible only on the basis of understanding[39]. An important point should be noted here, which is that within the framework of communication that occurs between the legislator and the recipient of the normative act, there is a one-way flow of information. Return requests to the legislator from the recipient of the normative act are impossible.

In this regard, attention should be paid to the fact that, thanks to which the understanding of the meaning of normative acts by their recipients is achieved. A simple statement that the normative act is the same for everyone externally is not enough. I. P. Farman laid the basis for understanding language, text, dialogue as universal ways of communication and the basic principles of culture and human existence[40].

The main place here is occupied by language. The text is formed on the basis of the language, as well as the dialogue, which is based on the text, but is not possible without the language. There are three approaches to defining the role of language in the legal literature. Firstly, language is perceived as a communication tool, that is, a means of communication. Secondly, language is defined as a means of expressing one's thoughts. Thirdly, language is considered as a sphere that determines the direction of development and the nature of mental activity, as well as the nature of intersubjective communications[41].

In Russian legal thought, there is a tendency to an increasing understanding of the communicative nature of law and, accordingly, to an increasing "linguistic centrism". The role of language in the structure of communication is not just that language acts as a means of expressing and communicating the will of the legislator to the recipients, but also that it is the main form of existence of law[42].

R. Koening, in turn, draws attention to the fact that normative and legal communication is not connected with language or with written text as a means of

---

[39] Kravitz V. Modern law and the system of law in the perspective of the theory of communication // Russian Yearbook of the Theory of Law, 2011. No. 4. P. 179.
[40] Farman I. P. Model of communicative rationality (based on the socio-cultural concept of Jurgen Habermas) // Rationality at the crossroads. Book 1. M., 1999. P.288.
[41] Sorokina Yu. V. Language and legal communication // History of State and Law, 2016. No. 5. P.32.
[42] Golev N. D. Legal communication in the mirror of natural language / N.D. Golev // Jurislinguistics-7: Language as a phenomenon of legal communication: interuniversity collection of scientific articles. Barnaul, 2006. P. 17.

communication - communication is based on interpersonal behavior, in which norms are initially rooted and continue to take root. Legal communication constantly goes through dependent processes of differentiation, transmission and understanding of information[43].

G. Provansher, considering the problem of communication in law separately from the ideas of A. V. Polyakov, M. Van Hook, etc., comes to the conclusion that language is a common foundation that guarantees the possibility of communication in general. "But language structures do not always allow accurate and lossless transmission of information. Moreover, its encoding by the sender and decoding by the recipient largely depend on the context in which the sender and recipient are located"[44].

Insufficient attention is given to the issues of the language of normative acts when discussing the problems of legal communication. Usually, the authors focus their attention on the nature of communication, considering the place of normative acts in the structure of communication, stating only their existence. Against this background, it is necessary to highlight the work of A. V. Polyakov on the language of rulemaking and issues of legal technology[45]. It is essential to note several positions expressed in it that are important for this study. Firstly, language acts as a means of communication existing within texts. On this basis, it is concluded that the norms of law are possible only if there is a text fixing mandatory rules of conduct. Secondly, the legal text assumes that the subjects have the ability to understand and evaluate its meaning, on the basis of which they will act. Thirdly, understanding the meaning of a legal text is a necessary element of any legal activity, and the interpretation of legal texts should be considered as an individual intellectual process aimed, among other things, at understanding the meaning of the text.

The existence of recipients capable of understanding the meaning of a legal

---

[43]Gromitsaris A., Kravets V., Fidler K. Legal communication in the modern legal system // Pravovedenie, 2013. No. 6 (311). P.76-77.

[44] Antonov M. V. Law and Communication. Book review: Provencher G. Droit et communication: liaisons constates. Reflexions sur la relation entre la communication et le droit. Bruxelles: E.M.E., 2013. 204 p.// Pravovedenie, 2014. No. 4 (315). P. 274.

[45] Polyakov A. V. Communicative legal understanding: Selected works. P. 362-382.

text is always assumed. But this is an ideal situation, to achieve which it is necessary not just to create a text, but to create it in a certain way, with a focus on the recipient, without textual defects. The creator of a normative act should always take into account that the act should be understandable to its recipient. "Otherwise, at the level of legal behavior, the recipient subject will either ignore it, or look for ways to lawfully or unlawfully circumvent it"[46].

As a result, it should be noted that a normative act is not a law yet. M. Van Hook rightly points out that the emergence of law cannot be a unilateral process: "citizens – elections - parliamentary legislation - judicial application"[47]. The legislator creates a text, including a normative act, which should absorb the values that the recipients of the act should perceive. Acceptance of these values, behaviors, is possible only for those recipients who were able to understand the act, identify its meaning, which will give them the opportunity to start acting in accordance with it. A. Ross, within the framework of such reasoning, distinguished directives and norms[48], on which E. Pattaro relied in his works later. He called directives language, a linguistic expression by which someone orders something to be done. At the same time, a directive always remains a directive regardless of whether it is followed. A norm is a behavior, a pattern of behavior that is executed because it is perceived as mandatory, and this execution does not depend on any directives[49]. The directive and the norm are not completely independent concepts. It can also be said that the directive can become the norm if it is properly perceived and put into the basis of behavior. If the subjects follow the directive only under threat of punishment, then the norm will not arise.

The normative act should be considered as an external expression of the rule of law, its consolidation with the help of linguistic means. A rule of law for a rule of law acts as "its symbolic cover, a text that has no direct legal meaning until it passes

---

[46] Communicative theory of law and modern problems of jurisprudence: To the 60th anniversary of Andrei Vasilyevich Polyakov. P 366.
[47] Van Hook M. Law as communication // Jurisprudence, 2006. No. 2 (265). P. 54.
[48] Ross A. Directives and norms. New York: Humanities Press, 1968. 188 p.
[49] Polyakov A. V. Postclassical jurisprudence and the idea of communication // Pravovedenie, 2006. No. 2 (265). P. 38.

through the subject's mind and is perceived, interpreted and evaluated in such a way as to serve as a rule to which the subject is obliged to obey"[50]. This is the basis for the division into the material in law, normative acts, and the ideal - interpretation and legitimation of legal texts, awareness of subjective rights and obligations[51]. It is impossible to legitimize an incomprehensible text.

The abovementioned provides grounds to say that the existence of a normative act today is often a necessary condition for legal communication. This position is based on the idea that society selects for itself the "right" behaviors, which are fixed through state mechanisms through the provisions of regulations. These acts underlie the interaction of the subjects of society. But for this, the subjects must understand the act, identify these "correct" behaviors. If a normative act is incomprehensible to the recipient, then it cannot be the basis for the subject's choice of a certain behavior option. A normative act is a text, it is created using linguistic means, which should be understandable to the recipients of the act. The language of the act should be clear, and the meaning that the legislator tried to put into the act should also be obvious. The creation of the text of a normative act, like any other text, is preceded by the idea that the author of the text is trying to put into it[52]. The issue of the language of the normative act deserves separate consideration.

1.2. The language of the normative act: features of stylistics, terminology and syntax

1.2.1. "Language of regulations"

Language and law are two phenomena that have met for a long time. The language that appeared in the form of oral speech was used for direct communication between people. With the development of human society, the number of spheres in which language has become a necessary element has also expanded. The oral form was not enough to perform the tasks for which the language began to be used. This was the impetus for the appearance of written speech or writing, which made it easier

[50] Communicative theory of law and modern problems of jurisprudence: To the 60th anniversary of Andrei Vasilyevich Polyakov. P. 11.
[51] Ibid. P 24.
[52] Kargina E. M. Intonational structure of the text as an independent unit of communication // Bulletin of Chelyabinsk State University, 2020. No. 1 (435). P. 71.

to transmit and store information. The regulation of relations between people turned out to be one of those areas where language was actively involved, including in writing. The written legal norm in comparison with the oral way of fixing the norms was much more stable and uniform in application. Scientists attribute the appearance of the first written documents containing legal norms to the Ancient World. So, the Laws of the twelve tables date back to the V century BC, and the Laws of Hammurabi – XVIII century BC. Today, the importance of language in the field of law is constantly increasing, which makes the study of this issue relevant. The style of the language of legal texts, the requirements for such a language are extremely important issues. Inaccuracies and errors in the use of language tools are unacceptable in the legal sphere, because even a seemingly insignificant defect can lead to serious consequences when applying an imperfect legal act. In turn, the quality of legal texts increases the security of members of society, contributes to strengthening the reputation of the legislator and the level of public confidence in the state. "The violation of the logic of the law, the inaccuracy of its wording, the uncertainty of the terms used generate numerous requests, entail additions, interpretations and clarifications, cause an unproductive waste of time, effort and energy and at the same time are a breeding ground for bureaucratic red tape, allow you to distort the meaning of the law and apply it incorrectly. The more perfect the text of the law, the less it will cause difficulties in its implementation. That is why style and language are the basis of lawmaking"[53].

The study of the essence of legal texts inevitably leads us to the problem of the language of these texts and the rules of its use. When creating legal documents, it is necessary to use the rules of legal technique. Following these rules should allow the recipient of the document to form an understanding of its meaning, which the author sought to convey. An important role in this is played by the language, which is used when creating legal documents. Today we can say that there are a significant number of requirements addressed to the text of a legal document concerning the language of this text. The question of the concept of the language of the legal text

[53] Kerimov D. A. Culture and technology of lawmaking. M., 1991. P. 89.

and, in particular, the legal text, and the legal and technical rules for its preparation has always been relevant and has been considered in various historical epochs.

One of the first thinkers who formulated the requirements for the development of laws is Montesquieu. From his work "The Spirit of Laws", written in the XVIII century, it follows that the syllable of laws should be concise and simple, it is necessary to use generally understandable concepts and expressions understandable to a non-professional[54].

Legal philosophers and lawyers in the XX century continued the discussion on the topic of the language of the law. E. V. Vaskovsky believed that the law should not only be fair, but also expedient – that is, it should most correspond to the conditions under which it is issued, and lead to the best consequences from its adoption[55]. To achieve such a result, it is necessary, among other things, to properly formulate the provisions of the law in terms of their language.

The philosopher of law L. Fuller in the famous work "The Morality of Law" formulated general and formal requirements for the law. He wrote that the law should extend its effect to everyone without exception (have a sign of universality), be communicated to everyone, have no retroactive effect, should be understandable to everyone regardless of their professional competencies and level of education, should be enforceable and actually valid[56].

The issue of terminology remains the subject of active discussions in the legal literature today. The frequently used term "Language of law" is not established. Today, there is no uniform generally accepted term in the literature that would denote the language used in the creation of legal texts. different authors use the concepts of "legal language", "language of law", "law language". The terms "language of legislation" and "language of jurisprudence" are also used. The most common term is "legal language". That is, there are several terms denoting the same thing at once. Although some authors still find differences in the content of these

---

[54] Montesquieu C. Selected works. M., 1955. P. 651-654 // Electronic library "Platonanet" [Electronic resource]. URL: https://inlnk.ru/NDDKn (accessed 07.07.2022).
[55] Vaskovsky E. V. Guide to the interpretation and application of laws. For novice lawyers: A practical guide. M., 1997. P. 84-86.
[56] Fuller L. L. The Morality of Law. trans. from English by T. Danilova, ed, A. Kuryaev. M., 2007. P. 51-52.

concepts. For example, N. I. Vlasenko points out the distinctive features of the "language of law" and the "legal language". Thus, the "language of law" is the lexicon of the law, other regulatory legal acts and acts of official interpretation. At the same time, the language of law is, as it were, "immersed" in the legal language and enriched by it. In turn, the legal language is understood as the legal lexicon, the entire vocabulary of jurisprudence, that is, the entire system of terms, concepts, words and phrases that law operates in all its expressions[57].

A. N. Shepelev defines "legal language" as a unique legal phenomenon based on the relationship between language and law, which is a socially and historically determined system of methods and rules for the verbal expression of concepts and categories developed and applied in order to regulate the relationship of subjects in the legal life of society[58].

L. M. Bazavluk also points out the variety of terms used with similar content[59]. He notes that in literary sources the language of the law is designated by various terms: the language of legislative, regulatory acts; legal, legislative language; state language; official language. At the same time, he gives preference to the term "language of the law".

Yu. Yu. Kulakova defines the language of law as "a form of expression and cognition of the true reality reflecting the legal system of the society in which it functions"[60]. As we can see, this concept is based on the consideration of the language of law from the point of view of the theory and philosophy of law.

As a result, most authors agree that the language of law or legal language has its own specifics, which is due to the functions performed by it and is expressed, among other things, in the stylistic features of the language. In addition, it can be concluded that, even without mentioning it directly, most authors single out the legal language subsets, which they associate with the fact that the legal language is used to create a written text. It is also separately indicated that the legal language is also

---

[57] Vlasenko N. A. The language of law. P. 14-15.
[58] Shepelev A. N. Theory of legal language // Legal Policy and Legal Life, 2015. No. 2. P. 142-143.
[59] Bazavluk L. M. The language of law as a special legal language // Scientific Bulletin of the Orel Law Institute of the Ministry of Internal Affairs of Russia named after V.V. Lukyanov, 2017. No. 4 (73). P.145.
[60] Kulakova Yu. Yu. The language of law // Legal Technique, 2007. No. 1. P. 218 – 219.

used in oral speech, and not only for the creation of written documents. Based on the revealed meaningful closeness of these concepts, in this paper they will be used as synonymous. These disputes continue when deciding whether the text of normative acts is special because of its features. Sometimes it is given an intermediate position between special and non-special texts[61].

1.2.2. Functions of language in law

There are quite a large number of functions that the language performs in the field of law. Some authors emphasize the functions that language performs in any sphere and transfer them to the legal field. For example, the function of a translator of culture is indicated, respectively, the language of law will be a translator of legal culture[62].

Philologists point out that the structure of society is reflected at the level of the language of law due to the idealization and conceptualization of public relations[63].

It is also noted that any sphere associated with the process of idealization involves the formation of a specific logical-categorical apparatus aimed at the effective expression of reflected processes, phenomena and norms, that is, we are talking about the formation of a terminological base[64].

There are several requirements for the language. Firstly, the regulation of social processes should be clear. Secondly, the requirement of systematicity and universality of the language of law must be observed. Thirdly, the language of law, including the terms used, should be understandable to those to whom the legal texts are addressed, these terms should not be too difficult for members of society who do not have special education to understand[65].

The existence of a special language of law is disputed by few today. At the

---

[61] Sharafutdinova O. I., Popovskaya V. I. Text of the law: special vs not special // Bulletin of Chelyabinsk State University, 2020. No. 12 (446). P. 175.
[62] Belokon L. V. Culture of language and the language of law // Legal Technique, 2016. No. 10. P. 577.
[63] Letuchina T. A. Institutional characteristics of judicial discourse as a kind of legal discourse (based on the material of the French language) // Bulletin of Moscow State Linguistic University, 2012. No. 10 (643). P.199.
[64] Kunina M. N. The institutional nature of the language of law // Bulletin of the Krasnodar University of the Ministry of Internal Affairs of Russia, 2017. No. 1 (35). P. 199-200.
[65] Ibid. P. 200.

same time, several different opinions are presented in the literature regarding the structure of the legal language[66].

Depending on the sphere of use of the language, the language of lawmaking, the language of law enforcement practice, technical and linguistic tools of distributing legal information, the language of scientific and educational legal literature, the state language are distinguished[67].

P. Sandrini demonstrates a similar approach related to the sphere of language use in his works[68]. He distinguishes three types of legal texts: lawmaking texts, justice texts and administrative texts. Another variation of this approach can be called the position of A. N. Shepelev, who distinguishes the language of the law, the language of legal doctrine, the professional speech of lawyers, the language of procedural acts, the language of contracts[69].

S. V. Akhmetova, naming as a criterion the level of the legal system (normative, activity, ideological), speaks of three areas of language functioning – lawmaking, law enforcement, including contractual activity, and legal doctrine. Another criterion that she points out may be the stylistic features of a language functioning in a particular area. In such a classification, the language of normative acts has a certain stylistic unity, and the language of law enforcement is divided into the language of documents (compiled by government agencies and individuals) and the oral speech of lawyers[70].

There are still quite a lot of similar classifications. Some authors single out the substructures of the legal language. Others turn to the stylistic features of the legal language. M. L. Davydova distinguishes two functional styles – the legislative substyle and the everyday business substyle (the language of other legal documents)[71].

---

[66] Akhmetova S. V. The language of judicial documents // Yuridicheskaya nauka, 2017. No. 3. P. 18.
[67] Morozova L. A. Language and law // Law: sat. studies. program. M., 2001. P. 108.
[68] Muschinina M. M. On legal linguistics in Germany and Austria // Jurislinguistics - 5: Legal aspects of language and linguistic aspects of law: interuniversity collection of scientific papers, Barnaul, 2004. P. 23.
[69] Shepelev A. N. The language of law as an independent functional style: abstract. diss. cand. jur. sciences. Tambov, 2002. P. 14.
[70] Akhmetova S. V. The language of judicial documents // Yuridicheskaya nauka, 2017. No. 3. P. 19.
[71] Davydova M. L. On the question of the style of the language of law // Jurislinguistics – 11: law as discourse, text and word: interuniversity collection of scientific works. Kemerovo, 2011. P. 73. The author also identifies four levels

At the same time, most authors agree that the quality of regulatory legal acts is extremely important. Therefore, the language of such acts should not have defects in accuracy, clarity, correctness, and so on. It is noted that the text of a regulatory legal act is often used as a model, which is quoted in law enforcement acts, by professional lawyers in their activities and ordinary citizens.

When scientists discuss the functions of language in law, they also point out that the language has some functions similar to the functions of law. For example, language performs functions related to the regulation of human behavior, that is, language acts as a regulator of public relations, which, as you know, is the essence of law[72]. E. N. Atarshchikova notes that the accepted forms of using words sometimes determine the forms of behavior of people. This aspect of the relationship between language and law affects the problems of culture and psychology of people [73].

The famous sociologist P. Berger defined language as a "system of verbal signs"[74]. At the same time, he called the language "a repository of a huge variety of accumulated meanings, life experiences that can be preserved in time and passed on to future generations." In his works P. Berger pointed out the different functions that language performs in the social space[75]. A number of them retain their significance even when it comes to language in law. He noted that language contains objectifications and categories necessary for constructing social reality, as well as means of objectifying new experience; legitimizes and explains social reality; contains objectifications of social institutions; confirms to individuals the reality of everyday life; gives an outlet beyond the reality of everyday life[76].

Legal language is a kind of scientific language and has special features. Such

---

of legal language - the language of normative legal acts, the language of law enforcement and other individual acts, the professional speech of lawyers, the language of legal doctrine.

[72] Atarshchikova E. N. Integrative function of legal culture in the development of language and law // Jurislinguistics. 2004. No. 5. P 181.

[73] Worf B. L. The relation of norms of behavior and thinking to language // Zvegintsev V.A. History of linguistics of the XIX—XX centuries in essays and extracts. Ch. I.M., 1965. P. 256-260.

[74] Berger P. Social Construction of reality: A Treatise on the sociology of knowledge. M., 1995. P. 64.

[75] Leonova E. P. Social functions of language // Actual problems of Humanities and Natural Sciences, 2011. No. 10. P. 129.

[76] Berger P. Ibid. P.69, 100-115, 125, 249.

features include generality; abstractness; consistency; the use of a special conceptual apparatus and language constructions. The presence of these signs, from the point of view of R. Jhering, is the reason for the low accessibility and comprehensibility of the texts of laws for a broad range of people. In his opinion, in order to facilitate the subjective perception of the norms of law, their quantitative and qualitative simplification is necessary. Accordingly, quantitative simplification is achieved by reducing the amount of normative material published, qualitative – by means of legal savings and reducing normative material to simple components[77].

Contemporary researchers also note that it is necessary to distinguish between the functions of language, which it performs in any sphere, and the functions of language in law. Thus, language performs social functions for the formulation of thoughts (constructive function) and functions for the transmission of messages and communication (communicative function)[78], functions of influencing the recipient[79]. At the same time, in law, these functions are also inherent in the language, but there are others that are peculiar to the use of language in the legal sphere. So, when scientists talk about the language of normative acts, they note that through such acts there is an impact on people's consciousness, they are informed of a model of correct behavior and an attempt is made to stimulate such behavior. Such a function of language is called the function of obligation, that is, through language there is an impact on people's consciousness in order to cause their proper behavior[80]. At the same time, ideal images and role models are created in the minds of people[81].

Language acts as a means that allows to create legal regulation. With the help of language, legal prescriptions are expressed and fixed in the legal text. Such a legal text takes the form of a legal document. Therefore, a distinctive feature of the language of the law is that it exposes the legal norm in the form of a legal document that will become a source of legal information. Any legal text is based on words,

---

[77] Jhering R. Legal technique / Trans. from German F. S. Shendorf. St. Petersburg. 1905. P. 28–33.
[78] Bazavluk L. M. The language of law as a special legal language // Scientific Bulletin of the Orel Law Institute of the Ministry of Internal Affairs of Russia named after V.V. Lukyanov, 2017. No. 4 (73). P. 146.
[79] Rakhmanin L. V. Stylistics of business speech and editing of official documents. M., 2015. P. 18.
[80] Bazavluk L. M. Ibid. P. 147.
[81] Alekseev S. S. General theory of Law: in 2 vol. 1981. Vol. 1. P. 175, 185.

word formations and grammatical sentences[82]. The language of law is a kind of system of lexical and grammatical means of expression, which performs a communicative function in this communication environment[83].

1.2.3. Regulatory language style

Legal documents can be conditionally divided into the following groups: normative acts; law enforcement acts; agreements; other documents. When creating different legal documents, their own characteristics and requirements are manifested, which have developed, first of all, historically. The most significant legal document for this study is a normative act. It is to this type of legal documents that the maximum number of requirements is imposed, since it has the signs of general obligation – it must ensure accurate compliance with uniform legal requirements, and is the main legal regulation.

Their appropriate compilation, linguistic content and compliance with the rules of grammar and stylistics, in addition to compliance with the requirements of legal technology, should ensure its understanding by all citizens, an unambiguous interpretation of the law and, as a result, the normal activities of the state, including the uniform application of regulations. Identification of requirements for the drafting of normative acts will allow developing rules for their formation and execution.

It is necessary to determine the style of the language, since a certain functional orientation of speech and the language means used are associated with it. The language of the legal text does not exist as an independent phenomenon. It is always formed on the basis of the literary language, but acquires special features that are associated with the functions of the law– with the regulation of relations in society.

The first thing in which such acquired features manifest themselves is the stylistics of the language of the legal text. The language is subject to the requirements of accuracy, clarity, intelligibility, logic, etc., that is, the maximum accuracy of the presentation of information using language means is required. A. A. Ushakov drew attention to the fact that the legislator encounters a special

---

[82] Vlasenko N. A. The language of law. P.18.
[83] Elistratova V. V. Modern legal language: the relationship between language and law // Language and the world of the studied language, 2016. No. 7. P. 16.

linguistic style in his work, and this is the field where the legislator can show his skills[84]. This skill can be expressed in the competent and skillful use of techniques, rules and means of legal technique, in compliance with those requirements that are addressed to the text of the normative act. Only in this way it is possible to fix information in the text of the normative act, which should have a high degree of formalization, clarity, comprehensibility and unambiguous content. S. S. Alekseev wrote about the legal language, "the features of which are the imperative style of presentation, certainty and accuracy of thought"[85].

Currently, there are various styles of modern literary language that differ in their functionality: colloquial, scientific, artistic, journalistic, official business. The highest accuracy of the information presented and its clarity for others can be provided by the official business language. The official business language does not involve the use of visual and expressive means and techniques, it allows you to clearly express a thought even without using special terminology. Nevertheless, an analysis of the normative acts issued in recent years has revealed the use of scientific and journalistic styles by their developers. The primary use of the official business language when writing regulations is explained and determined by their nature - the focus on the regulation of public relations.

The main features that the official business style of the language has in relation to the writing of normative acts are: neutrality; simplification and grounded use of linguistic means; stability of the use of grammatical and syntactic means; uniformity of the structure of the construction of normative acts, the use of cliche phrases. In this regard, it is possible to distinguish the official business style - the style of the language of the law.

Based on the analysis of normative acts and the practice of application, the characteristics that are inherent in the style of the language of normative acts are distinguished:

Firstly, it is the sequence of presentation of the normative act. When writing

---

[84] Ushakov A. A. Essays of Soviet legislative stylistics. P. 1, 2. Perm, 1967. P. 14.
[85] Alekseev S. S. State and law: studies. 3rd ed., reprint. and additional M., 1996. P. 146.

the text of a regulatory act, it is necessary to take into account the basic laws of logic. The normative act must contain consistent internal content, which cannot change according to its text. At the same time, in writing a normative act, it is necessary, in order to avoid violating the law of identity, to avoid logical contradiction to other normative acts – the regulation of one incident in one act cannot but be identical to the regulation of the same incident in another act. In order to avoid a conflict of normative acts, Paragraph 1 of Article 15 of the Constitution of the Russian Federation establishes that laws and other legal acts should not contradict the Constitution of the Russian Federation, federal laws cannot contradict federal constitutional laws (Paragraph 3 of Article 76), laws and other normative legal acts of subjects of the Russian Federation cannot contradict federal laws (Paragraph 5 of Article 76). The logical laws of the excluded third and sufficient reason should also be taken into account when creating the text of the normative act. Identification of different concepts should also be avoided.

Thus, the text of the normative act should be logically coherent, and should not be in conflict with other normative acts.

Secondly, the consistency of the statement. The provisions of the regulatory act must be coordinated. At the same time, a part of the normative act should not be perceived separately from the whole. The consistency of the act assumes the interaction and connection of all its parts.

Thirdly, conciseness. Stylistically, the language of the law does not imply the use of means to enhance the artistic expressiveness of the text, for example, hyperbole, comparisons and metaphors. The text of the act should not contain a statement of scientific discussions, arguments and emotional statements. Conciseness also implies the use of short sentences, which ensures the clarity of the text of the normative act.

Fourth, abstractness. Laws should not be casual – go into the details of public relations. Casuistry and the inability to generalize social relations and develop universal regulation for them indicates a low level of legislative technique[86]. In

[86] Borisov G. A. Theory of State and law: textbook. Belgorod, 2007. P.115-118.

comparison with laws, by-laws, for example, such as instructions, rules, procedures, should detail the provisions of laws. The abstractness of the presentation of the act has morphological features – it is characterized by the use of abstract nouns, verbal nouns and adjectives, passive participles, verbs in the imperative mood and the rare use of personal pronouns.

Fifth, the use of a single conceptual apparatus. This characteristic concerns both special legal terminology (for example, easement, restitution, plaintiff, etc.) and other terminology accepted in society or in any professional field (for example, technical concepts). The unity of the conceptual apparatus is ensured, among other things, by the adoption of norms-definitions. The norms of definitions in the literature are understood as a brief definition of a concept, including its characteristics in a concise or generalizing form[87]. The definition norm introduced by one normative act should be taken into account when creating all other normative acts. If it is impossible to avoid using the term in a different meaning in another act, the scope of such an interpretation of the concept must be determined (for example, only in this normative act and related by-laws).

It follows from the above that the style of the language of normative acts is characterized by consistency, coherency, conciseness and the use of a single conceptual apparatus. The correct application of the rules of legal technique, taking into account the peculiarities of the vocabulary, syntax and morphology of the language of the law, the requirements for the text will ensure the accuracy and clarity of regulations.

The analysis of the language requirements imposed on the style of legal documents set out in normative acts allows us to come to a conclusion about its formality, categoricity, consistency and brevity. For example, the Resolution of the State Standard of the Russian Federation No. 65-st of March 3, 2003 establishes uniform requirements for the preparation of organizational and administrative documents, Instructions for judicial record-keeping in the district court, approved by

[87] Berchenko A. Ya. Once again about the problem of law and the law // Journal of Russian Law. 1999. No. 3-4. P. 80.

the order of the Judicial Department at the Supreme Court of the Russian Federation No. 3 of April 29, 2003, establishes requirements for the preparation of procedural documents by the court and the execution of court cases. Nevertheless, the formalization of the style of the language of the law should not hinder the perception of the legal text by a broad range of people.

Accessibility of the legal text, its uniform interpretation and application is ensured by compliance with the rules of spelling, grammar, syntax in its compilation, as well as taking into account the requirements of legal technology[88]. The rules of legal technique prescribe to clearly define the subject of legal regulation, consistently and concisely state the text of the normative act, observe the unity of the form and content of the normative act.

1.2.4. Special terminology

Separately, we will consider the use of special terminology in the text of normative acts.

As already noted, the law is characterized by terminological diversity. Words and phrases used in a legal text – in a law (other normative act), in an individual legal act, differ in that they are expressed in a certain legal-linguistic form, often in the form of terms[89]. Words and terms in this case are understood as synonyms. At the same time, such a special terminology in science acts as a tool to increase the level of accuracy and clarity of information presentation. One of the main difficulties is presented by the fact that many terms are not words used exclusively in a certain scientific field. Most often these are words that are taken from an ordinary, natural language, and which have received their unique meaning within a specific sphere. This feature of special terms should be taken into account by everyone who works with legal texts. It is impossible to allow substitution of the meanings of the term used – to give it the meaning that is assigned to the same word when using it in other spheres of life.

---

[88] Safina S. B. Style and language of constitutions: regional aspect // Vestnik VEG, 2013. No. 2 (64). P. 66.

[89] Gerasimovich L. I., Chervonyuk V. I. Language of constitutional law and constitutional-legal terminology // International Journal of Constitutional and State Law, 2017. No. 4. P. 94.

Normative legal acts are addressed to an unlimited number of persons, in this regard, they must be publicly accessible for understanding and have an accurate and unambiguous meaning. Nevertheless, even the use of commonly used words in the context of a normative act can cause difficulties in its application, and sometimes the terms become understandable only to a limited group of people[90]. This is due to the fact that in the modern language it is common for words to have several meanings, and some words may simply not be intended for use in a normative act[91].

The mechanism for transmitting legal information through legal texts is the use of certain concepts, established formulations that are developed and recognized by the legal community.

The terms used in legal texts must necessarily be unified, since they are of great importance[92]. In the philosophy of science[93] and the theory of law[94], the term is quite reasonably required to be unambiguous. The terminological apparatus should ensure the strictness of scientific thought, and in law, in addition, the clarity of legal regulation.

The following types of terms are usually considered in the literature: common, legal and technical (professionalism)[95]. The legal terminology is the most applicable in the language of legislation. Legal terms are classified into general legal, intersectoral and sectoral[96]. The use of commonly used terms is allowed if they do not contradict already accepted legal terms. The use of professional terms should also be due to the lack of analogues of such words in legal and commonly used terminology. At the same time, such terms should be used only in the meaning in which they are used in professional fields (for example, medical terms). Separately, a reservation should be made regarding terminology borrowed, for example, from

---

[90] Kravchuk Yu. S. On the composition of legal terminology: real estate / realty in English and Russian // Theoretical and Applied Linguistics, 2021. Vol. 7. No. 1. P. 96.
[91] The Hon Justice G.T. Pagone. Tax uncertainty // Melb. U. L. Rev. 2009. P. 888.
[92] Magomedov S.K. Unification of terminology of normative legal acts of the Russian Federation: diss. cand. jur. sciences. M., 2004. P. 37.
[93] Voishvillo E. K. Logic: textbook for university students. M., 2010. P. 65.; Natanson E. A. Requirements for scientific and technical terms // Scientific and technical information, 1966. No. 1. P. 4.
[94] Kashanina T. V. Legal technique. M., 2011. P. 259; General theory of law / ed. A.S. Pigolkin. M., 1996. P. 217.; Chukhvichev D.V. Legislative technique. M., 2012. P. 180.
[95] Teliya V. N. Russian phraseology: Semantic, pragmatic and linguocultural aspects. M., 1996. P. 16.
[96] Pigolkin A. S. The language of law // Pravovedenie, 1991. No. 5. P. 108-110.

the norms of foreign law. The use of such terminology is permissible only if there is no possibility to adapt the term (or find a similar term) in the Russian language.

Terminology should be consistently used throughout the text of the regulatory act, as well as in all industry regulations. The lexical meaning of the word should be clear and not subject to various interpretations. Terminology should be consistently used throughout the text. It seems appropriate to draw a parallel between the word used in the text and its antonym, such a word should have a lexical meaning opposite to it in order to facilitate understanding of the text of the law, its completeness and clarity. the regulatory act, as well as in all industry regulations. The lexical meaning of the word should be clear and not subject to various interpretations.

Thus, the use of special terminology should not interfere with the perception of the normative act by all citizens. It is required to use mainly the terms generally accepted in the Russian literary language. In order to ensure the clarity of regulations, the use of abbreviations and various abbreviations should be abandoned. This is of great importance, since the clarity of the text of the normative act exclusively to one group of citizens, for example, depending on their profession or other characteristics, violates the constitutional principles of equality and justice.

The legislator must give the legal term a single definition that includes all the essential features for the application of the relevant norm[97]. When formulating a definition norm, it is necessary to be guided by the laws of logic, and also take into account that the definition should be proportionate to the concept, reflect its essential distinguishing features and not contain terms that complicate the understanding of the concept.

Excessive use of special terminology and its explanation in the form of inclusion of norms-definitions in normative acts can lead directly to the opposite effect – complicate the understanding of the normative act. Analysis of regulatory acts at both the federal and regional levels show excessive and, often, unnecessary introduction of norms-definitions, while the quality of drafting is so. It is necessary

[97] Pigolkin A.S. Registration of draft normative legal acts (legislative technique) // Problems of law-making of the subjects of the Russian Federation. M., 1998. P.109.

to pay attention to the fact that regional legislation also duplicates the norms-definitions from federal legislation.

It seems that the introduction of norms-definitions should be limited to cases in which it is impossible to understand a normative act without explaining the content of the term.

Legal terminology, which has been developing for a considerable time and continues to be formed today, has such an important characteristic as stability. This is due to the fact that new subjects who need to turn to legal terms should use them in the meanings that are already inherent in them, and not form new definitions for terms that have already been introduced into scientific circulation. This feature of legal development is due to the factor of legal acculturation[98].

The terms may have a legal character - they may be fixed in the legislation together with the definition of how this term should be understood. But it is worth bearing in mind that terms are also used that do not have a legal definition fixed in the norm-definition. Such terms are doctrinal in nature[99].

The language of the law is closely connected with the general literary language. He is a product of natural language development. At the same time, the basis of the legal language is a special terminology[100].

1.2.5. Compliance with the rules of grammar, spelling and punctuation

Having considered the requirements for the style of the language of the law and the use of terminology, we will consider the rules of grammatically correct sentence composition.

In the normative act, it is preferable to draw up simple sentences, since they are the most accessible for perception and understanding. When using several adverbial and participial phrases in sentences, it is advisable to divide such sentences into several. Similarly, it is recommended to avoid the same type of parts that make

---

[98] Chervonyuk V. I. State, law, globalization // State and Law, 2003. No. 8. P. 94-97.

[99] Gerasimovich L. I., Chervonyuk V. I. Ibid. P. 96. As examples, the authors cite such terms as "constitutionalism", "constitutional status", "constitutional legal personality", "constitutionalization", "constitutional economy", "economic constitution".

[100] Elistratova V. V. Modern legal language: the relationship between language and law // Language and the world of the studied language, 2016. No. 7. P. 17.

up similar grammatical forms (for example, starting with the words "which"). Experts also recommend using no more than five words between the main and dependent part of the grammatical structure, otherwise clarity between syntactic connections in the sentence is lost[101].

Accordingly, the legislator needs to find a balance between the simple formulation of proposals and the need for a capacious and generalized writing of the rules of law. Equally important is the observance of the rules of spelling and punctuation in legal texts. This requirement seems obvious, since without it is impossible to achieve accuracy, clarity, certainty of the language of the normative act. "Compliance with the rules of the Russian language can be considered as a basic requirement for the language of normative legal acts, the basis for further improvement of the texts of normative acts"[102]. The language used in the creation of legal texts, and primarily regulatory acts, is the state language of the Russian Federation – Russian. As mentioned above, when using the language to create legal texts, stylistic features are revealed. In addition, there are features in terms of the use of punctuation marks. When using the modern Russian literary language as the state language, the rules of the Russian language must be observed without fail. Any deviations in which the peculiarity of legal texts will manifest must be within the framework of these rules. The importance of this requirement is difficult to overestimate. The text of the normative act, of course, is not a rule of law, but its image, reflection[103]. The textual presentation of information in the legal text will be interpreted and applied by various subjects. The language of the normative act is a model, a guideline for law enforcement acts. To clarify the meaning of a normative act, among others, a grammatical method of interpretation is also used, which is usually considered as a priority. This method is addressed specifically to the study of the text of the act, the language in which it is written, since it is through the text that the legislator tries to convey the meaning and essence of those provisions that

[101] Gubaeva T. V. Language and law. The art of word possession in professional legal activity. M., 2014. P. 74-76.
[102] Vavilova A.A. The meaning of spelling and punctuation in the text of a normative legal act // Jurislinguistics, 2007. No. 8. P. 82.
[103] Gryazin N. I. The text of the law. Tallinn. 1983. P. 22.

he sought to lay down in this act.

The legislator is charged with the duty to use the modern Russian language in his activity. First of all, it concerns the creation of normative acts. Accordingly, the observance of the rules of spelling and punctuation is implied. "The slightest inaccuracy, the absence of a comma, an incorrect case, the wrong kind of verb can significantly distort the meaning of a normative act, lead to the fact that the act will be understood and applied completely differently than the legislator expected"[104].

The existence of rules necessarily entails a violation of these rules. In our case, these are errors that are present in the texts of normative acts, spelling and punctuation errors – grammatical errors[105]. Different mistakes entail different consequences. A. A. Vavilova proposed a classification of possible errors, taking into account the consequences that they entail[106]. This classification deserves attention. So, the author highlights the following possible errors and their consequences.

Firstly, these are errors that do not entail changes in the semantic content of the text. Such mistakes are obvious. As examples, cases of missing words, incorrect coordination and management are given. This includes any errors that are "technical" in nature, including typos, repetitions of words, as well as obvious grammatical errors. If such an error is detected, it is proposed to apply this act as if there is no error in it, since otherwise the normative provision simply loses its meaning.

Secondly, mistakes that distort the meaning of the text, making it absurd at the same time. That is, initially the test seems correct, but when trying to understand its meaning, the recipient is facing the fact that there is an error in the text that deprives the text of meaning. Anyone who is familiar with the subject of regulation of this act can identify such an error. The correct version of the text is also usually obvious. If such an error is detected, the author suggests applying the norm in accordance with its real meaning. At the same time, attention is drawn to the fact

---

[104] Vavilova A. A. Ibid. P. 83.
[105] Commentary on the Constitution of the Russian Federation (article by article) / L. V. Andrichenko, S. A. Bogolyubov, N. S. Bondar [et al.]; ed. V. D. Zorkin. 2nd ed., revised. M., 2011. P. 392.
[106] Vavilova A. A. Ibid. P. 84-85.

that the law enforcement authorities actually have two options - to apply the act in accordance with its exact textual meaning or in accordance with the meaning that it would have without error. A. A. Vavilova points out that the true meaning of the normative provision in such a situation is not difficult to identify, it remains only to reasonably explain why the act cannot be applied in accordance with the literal meaning. However, it is possible that not all law enforcement authorities will follow this path, which will negatively affect the uniformity of law enforcement practice and put citizens or other entities in an unequal legal position.

Thirdly, mistakes that distort the meaning of the text, but at the same time give it a new meaning, which can also be perceived as the real will of the legislator. This error deprives the act of the meaning that the legislation tried to lay in it, while giving it a different one, which, theoretically, could also be laid in this provision. Here we can give a classic example: "Execute cannot be pardoned." The comma can be in any place, it will not deprive the position of meaning and will not look like an error. If the author of the text wants to pardon a person, but puts a comma after the word "execute", then he makes a punctuation error, since in order to give the sentence the meaning he wanted, the comma should be put in another place. This original meaning is known only to the author of the text, others see only textual visualization, and extract meaning from it. Such an error can be detected only by having serious knowledge of the issue that the norm is aimed at regulating, and not any person who has applied to a "defective" act can do this. At the same time, an error in the text may actually turn out to be an error in its understanding, and it was not the legislator who made the mistake, but the one who works with the act. But even if the recipient is sure that there is an error in the text that has distorted its meaning, he cannot unambiguously determine the true meaning of the disputed provision. The recipient is forced to try to guess what kind of meaning the legislator tried to put into the act. At the same time, he will depart from the literal understanding of the text of the disputed act. It will be much more difficult to justify such actions compared to the case described in the situation with errors of the second type. Moreover, refusal to follow the letter of the law can be regarded as a violation, and from a formal point

of view this is the only correct assessment. However, when applying the text in accordance with its literal meaning, the recipient will come into conflict with the true meaning laid down by the legislator in the text.

This situation is unacceptable from the point of view of the requirements of legal certainty. In such a case, it is necessary to put the question as soon as possible not about what the meaning of the disputed provision actually is, but about the validity of such a provision.

The classic of Russian jurisprudence N. M. Korkunov, arguing about possible errors in the text of the normative act, reasonably stated: it is necessary to assume that the legislator observed the rules of grammar and logic, but this is just an assumption. If an error is found in the text, then it is necessary to establish the true meaning that the legislator tried to give it, and apply this provision exactly in this sense, despite the fact that it will not correspond to the literal meaning of what is stated in the text. This is justified by the fact that the text is intended to convey the will of the legislator, which is the legal norm, and if the text and the will of the legislator differ, then there can be no rule of law in such a text[107].

Using the example of this classification of possible errors, it can be concluded that any errors can be divided into two groups – changing the meaning of the normative provision and not changing it. At the same time, there are errors in the second group that deprive the text of meaning, make it absurd. It is easy enough to detect them, but even after identifying such an error, it is necessary to approach very carefully and reasonably the question of whether to apply the act in accordance with its literal interpretation or in accordance with its obvious meaning, which was distorted by the error.

The conducted research suggests that at the moment the lack of uniform regulation of the application of the language of legislation, in particular the lack of requirements for the formulation of definitions, the use of terminology, does not allow the issuance of regulations that meet the requirements of the literary Russian language and are understandable and accessible to all citizens. Drawn up with

[107] Korkunov N. M. Course of lectures on the general theory of law. St. Petersburg, 1907. P. 342.

violations of the rules of grammar, vocabulary and other rules, the normative act will not be fully perceived by the persons to whom it is addressed, and will create an opportunity for its incorrect application and interpretation. Consequently, uniform and consistent law enforcement activity is impossible if the requirements imposed on the texts of normative acts are not observed at the stage of law-making. High-quality legislation should have a regular structure, use understandable definitions and avoid the use of archaisms and excessive use of professionalism. Failure by the creator of a normative act to comply with the requirements for the language of the law does not allow such an act to be considered understandable to a broad range of people, which in the future may call into question its legitimacy.

Chapter 2. Requirements for the language of normative acts and their sources

2.1. The constitutional principle of equality, which requires the certainty of the texts of normative acts

2.1.1. Legal certainty

It is difficult to imagine the stable existence of human society without legal regulation today. Without legal norms that fix the rules of behavior of members of society, a person risks becoming a victim of arbitrary violence, which will not be perceived by members of society as a negative phenomenon. Based on this, we can say that any law is better than no law. But if the provisions of the law create legal uncertainty, this will inevitably cause conflicts and a violation of the order that should have been formed on the basis of the law[108].

Legal certainty has been the subject of discussion in the scientific literature for a long time. The authors define the content of this concept in different ways, and disputes continue about the origin of the legal certainty requirement. The European Court of Human Rights and the Constitutional Court of the Russian Federation have made a serious contribution to the understanding of legal certainty.

N. S. Bondar, arguing about legal certainty, connects it with the certainty of legal norms. He notes the importance of this issue for the theory of law, law enforcement and norm-control activities[109]. Some experts in the field of procedural law have noticed a desire to "narrow" the scope of legal certainty, reducing it, for example, to a prohibition on reviewing court decisions that have entered into force without the necessary grounds[110]. But such an opinion cannot be considered sufficiently reasoned.

The differences in possible approaches to understanding legal certainty have been demonstrated most fully in modern literature by M. V. Presnyakov[111]. The author notes that the concept of legal certainty has a general legal significance, but

---

[108] Cooley T. M. The uncertainty of the law // Am. L. Rev. 1888. P. 351.
[109] Bondar N. S. Legal certainty - the universal principle of constitutional norm control (practice of the Constitutional Court of the Russian Federation) // Constitutional and municipal law, 2011. No. 10. P. 8.
[110] Mantashyan A. O. The principle of certainty in modern civil procedure // Magistrate, 2011. No. 5. P. 18.
[111] Presnyakov M. V. Legal certainty as a quality of law // Citizen and Law, 2012. No. 10 P. 28.

it can be considered in several aspects at once. Thus, legal certainty can act as a qualitative characteristic of law; in this aspect, the formal certainty of law comes first as the most important feature of law.

Legal certainty is an immanent characteristic of law, a certain quality that is inherent to the law as a phenomenon. At the same time, legal certainty is considered as an expression of a number of principles, including the principle of equality, justice, legality.

For this study, the concept of legal certainty is of significant interest in the sense that legal certainty implies formal certainty of law. Textual consolidation of legal norms should be carried out in such a way that the text of the normative act is defined in its content. Thus, the requirement of certainty of the text of normative acts can be considered as one of the expressions of the concept of legal certainty, as one of its aspects. At the same time, the requirement for regulatory certainty must be conditioned by something, be aimed at achieving specific goals.

2.1.2. Constitutional principle of equality and legal certainty

The Constitution of the Russian Federation in Paragraph 1 of Article 19 determines the principle of equality, establishing that everyone is equal before the law and the court[112]. The content of this constitutional principle includes a large number of different aspects, which often become the subject of scientific discussions. This constitutional principle is not a simple declaration, it contains requirements that are aimed at achieving a state of equality.

Equality is ensured in various ways. One of the most important ways is to achieve uniform application of regulations in similar situations. In similar factual circumstances of a case of legal significance, regardless of the place and time of consideration of the case, the same rule of law should be perceived and applied by the law enforcement authorities in the same way. To do this, the rule of law should be fixed in a normative act in such a way that its application becomes predictable and uniform, the law enforcement authority should not be able to voluntarily choose

[112] The Constitution of the Russian Federation (adopted by popular vote on December 12, 1993 with amendments approved during the all-Russian vote on July 1, 2020).

the option of behavior that clearly does not follow from the applicable norm. In order to achieve such predictability in the application of legal norms, attention should be paid primarily to their textual consolidation in normative acts. The constitutional principle of equality implies the constitutional requirement of certainty of legal norms, and consequently, the requirement of certainty of the texts of normative acts.

V. M. Lebedev correctly noted: "The uncertainty of the content of legal norms entails an ambiguous understanding of them and, consequently, their ambiguous application, creates opportunities for unlimited discretion in the process of law enforcement and leads to lawlessness, and therefore to violation of constitutional principles"[113]. A regulatory act, the provisions of which do not comply with the requirement of certainty, creates a threat of corruption. So, today, corruption-causing factors are recognized as the presence in the normative act of provisions that establish unreasonably broad limits of discretion for the law enforcement authority or the possibility of unjustified application of exceptions to the general rules, as well as provisions containing uncertain, difficult and (or) onerous requirements for citizens and organizations[114].

The texts of normative acts must be clear, understandable, accessible, which often acts as one of the main requirements of legal technique[115]. In works on legal technique, this issue is not always given due attention, the authors rarely turn to the search for sources of such a requirement, and also often consider it in conjunction with other requirements that apply to the text of a normative act.

It should be noted that the scientific literature often writes about compliance with the requirement of certainty in certain areas. For example, such areas are

[113] Speech by the Chairman of the Supreme Court of the Russian Federation V.M. Lebedev at the VIII All-Russian Congress of Judges // Russian Justice, 2013. No. 2. P. 10-13.
[114] Paragraph 2 of Article 1 of Federal Law No. 172-FZ of July 17, 2009 "On Anti-Corruption expertise of Regulatory Legal Acts and Draft Regulatory Legal Acts" // Collection of Legislation of the Russian Federation, 2009. No. 29. Art. 3609.
[115] Kashanina T. V. Legal technique. M., 2007. P. 119–121.

criminal law[116], business[117] or tax law[118]. A detailed review of such studies allows us to conclude that most of them are devoted to specific problems that are related to the scientific interests of the authors of these studies. In such works, the requirement of certainty is considered in relation to the relevant field, while there is no reason to say that the requirement of certainty in criminal law is something fundamentally different from the requirement of certainty, for example, in tax law. The authors pay attention to the industry specifics of the expression of this requirement, but they do not demonstrate any essential differences in the content of the requirement of certainty of normative acts. Referring to such studies, one can always see in them the conclusion that the provisions of a normative act should contain clear and understandable prescriptions, which should be formulated in a way that is understandable to everyone, not allowing their arbitrary interpretation and application. The authors only add some specifics peculiar to a particular branch of law. Thus, in the works of specialists in criminal law, the need for clarity and comprehensibility of the formulation of the corpus delicti is noted, in the works on tax law – the opportunity for everyone to find out from the text of the law what taxes and fees, when and in what order, he is obliged to pay. In the foreign literature on this issue, it is also pointed out that the collection of taxes should be predictable and clearly regulated, excluding the arbitrary application of norms depending on the desire of the authorized bodies[119].

The Constitutional Court of the Russian Federation often links the specifics of the content of the principle of certainty with the industry whose norms have become the subject of its consideration[120]. However, the Constitutional Court of the Russian Federation pays considerable attention to the source of the requirement for

---

[116] See, for example: Alatortsev A. Yu. The problem of the certainty of the criminal law in the decisions of the Constitutional Court of Russia and the Federal Constitutional Court of Germany // Comparative Constitutional Review, 2017. No. 1. P. 118 – 133.

[117] Ershova I. V. The concept of entrepreneurial activity in theory and judicial practice // Lex russica, 2014. No. 2. P. 163.

[118] Terekhina A. P. Legal principles of taxation // Financial Law, 2012. No. 5. P. 33-39.

[119] The Hon Justice G.T. Pagone. Tax uncertainty // Melb. U. L. Rev. 2009. P. 887.

[120] See, for example: Judgment of the Constitutional Court of the Russian Federation No. 5-P of March 28, 2000 and Judgment of the Constitutional Court of the Russian Federation No. 3-P of February 20, 2001.

the certainty of the text of a normative act, as well as the content of this requirement as a whole.

2.1.3. "The quality of the law"

The Constitutional Court of the Russian Federation in its practice tries to establish requirements for the quality of laws based on the interpretation of traditional constitutional principles and general legal principles. Within the framework of this approach, the requirement of legal certainty was identified by the Constitutional Court of the Russian Federation as one of the aspects of the constitutional principle of the rule of law, and following the Federal Constitutional Court of Germany, the general legal criterion of certainty, clarity, unambiguity of the legal norm was recognized as arising from the constitutional principle of equality of everyone before the law and the court[121].

Judge of the Constitutional Court of the Russian Federation G. A. Gadzhiev in his works notes that neither the legislation nor the doctrine knows such a thing as "the quality of the law", which would contain the quality standards of legislative texts. In his opinion, the main criterion for the "quality of the law" is judicial practice, since it is the judicial processes that demonstrate the ambiguity and inconsistency of the norms that caused the dispute[122].

The European Court of Human Rights is also dealing with the issue of criteria for the "quality of the law". A. Y. Alatortsev, analyzing the practice of the ECHR, comes to the conclusion that on the basis of the Convention on the Protection of Human Rights and Fundamental Freedoms, the Court deduces two main requirements for the quality of the law – accessibility and predictability[123]. The predictability of the law implies the clarity of the law – "a person should be able to foresee, with a reasonable degree in specific circumstances, if necessary, by seeking appropriate assistance, the consequences that a particular action will entail. Thus, the ECHR considers predictable the law, which, without the explanation of a

---

[121] Gadzhiev G. A. The principle of legal certainty and the role of courts in ensuring it. The quality of laws from the Russian point of view // Comparative Constitutional Review, 2012. No. 4. P. 18-19.
[122] Ibid. P. 21.
[123] Alatortsev A. Yu. Criteria of certainty of the criminal law in the practice of the European Court of Human Rights // Scientific works. Russian Academy of Legal Sciences. M., 2017. P. 151.

professional, will not be understandable to an ordinary person. But as A. Y. Alatortsev notes, the Court limits the criterion of predictability of the law to subjective signs of the recipient of the norm, implementing the principle of "law for professionals", this is demonstrated by the example of criminal law norms[124].

2.1.4. The requirement of certainty in Russian law

Despite the fact that the requirement of certainty of the texts of normative acts has been repeatedly considered by the Constitutional Court of the Russian Federation and analyzed in the scientific literature, there are some discrepancies in understanding the origin of this requirement and its correct name.

The Constitutional Court of the Russian Federation has repeatedly pointed out in its decisions that, in accordance with the constitutional principle of equality of all before the law and the court, prohibitions and other provisions enshrined in the law must be definite, clear, unambiguous[125]. In turn, the uncertainty of the content of the legal norm allows for the possibility of unlimited discretion in the process of law enforcement and thereby violates the principle of equality, as well as the principle of the rule of law.

The criterion of certainty of a legal norm as a constitutional requirement for a legislator was formulated, as pointed out by the Constitutional Court of the Russian Federation, in 1995[126].

The authors also derive the requirement of certainty from the constitutional principle of the rule of law or the principle of the rule of law[127]. Sometimes it is pointed out that the principle of certainty "was derived from the general legal principle of legal responsibility, which in turn is a development of the constitutional principle of equality of everyone before the law"[128]. M. V. Presnyakov deduces the requirement of certainty of law from the constitutional principle of justice[129]. It is

---

[124] Ibid. P. 152.
[125] Paragraph 4 of Judgment of the Constitutional Court of the Russian Federation No. 9-P of May 27, 2003.
[126] Judgment of the Constitutional Court of the Russian Federation No. 11-P of March 16, 2018; Judgment of the Constitutional Court of the Russian Federation No. 3-P of April 25, 1995.
[127] Terekhina A. P. Legal principles of taxation // Financial Law, 2012. No. 5. P. 35.
[128] Kopin D. V. Constitutional principles of establishing a tax obligation: a retrospective of the fundamental acts of the Constitutional Court of the Russian Federation in the field of taxation // Taxes, 2016. No. 24. P. 12.
[129] Presnyakov M. V. Constitutional concept of the principle of justice / ed. G.N. Komkova. M., 2009. P. 20.

important that the principle of equality is almost always called as a source of the requirement of certainty of the text of legal acts. It would be a mistake to say that the requirement of certainty has no connection with the principle of the constitutional state, the rule of law and other constitutional principles. This is due to the fact that these principles do not exist separately in a vacuum, they are interconnected. But it is the principle of equality, the implementation of this principle that generates the requirement of certainty of the text of normative acts.

Considering the provisions of Paragraph 1 of Article 54 of the RSFSR Housing Code in 1995, the Constitutional Court of the Russian Federation noted its referential nature and the uncertainty of the legal content. The Court analyzed not only the text of the disputed norm, but also the practice of its application, as a result of which it was noted that under legally similar circumstances, cases of this category are resolved by courts in different ways, which entails different legal consequences for citizens. As a result, the Constitutional Court of the Russian Federation stated that the possibility of arbitrary application of the law is a violation of the equality of all before the law and the court proclaimed by the Constitution of the Russian Federation. In other words, the Constitutional Court of the Russian Federation concluded that the principle of equality of all before the law and the court requires certainty of the text of normative acts, which does not allow arbitrary interpretation and application of norms. Violation of this requirement entails violation of the constitutional principle of equality.

Certainty, clarity and unambiguity are considered synonymous concepts in most cases. Regardless of how one or another author designates the specified requirement – "certainty", "clarity" or "certainty, clarity and unambiguity", the content of this requirement is the same. In this work, we will talk about the requirement of "certainty", without giving the requirements of clarity and unambiguity a separate meaning independently.

Speaking about the fact that the constitutional principle of equality requires certainty of the text of normative acts, it is necessary to determine to whom this requirement is addressed.

It is obvious that the requirement of certainty is addressed, first of all, to the legislator who creates the text of the norm. We can say that this is a requirement for the text of the norm. A normative act is always implemented in the form of a text document. This means that in order to comply with the requirement of certainty, it is necessary first of all to use language tools. The creators of the written text "in the linguistic design of thought, in one way or another, turn to the issues of language, thinking and being, to the relationship of form and content in language"[130]. That is, it is a requirement for the language of normative acts, with the help of which the text of the act is created.

Being limited only to the text of the norm, a number of factors remain without attention, which also significantly affect the certainty of the textual consolidation of the norm. The requirement of certainty is addressed not only to the text of the norm. The text of a normative act, written even in the simplest language, may be vague and have ambiguous content, but it is often possible to notice this only outside of this text[131]. When assessing the certainty of a disputed provision, the place of this provision in the system of regulatory prescriptions should be taken into account[132]. This conclusion, made by the Constitutional Court of the Russian Federation, is supported and cited by many modern researchers of this problem[133].

N. S. Bondar notes that the requirement of certainty has, in addition to the doctrinal, also a normative content. In the normative content, he identifies three elements: "a) the requirement of consistency, precise certainty of the content of the legal norm; b) the requirement of uniform interpretation of the legal norm; c) the requirement of uniform application of the legal norm"[134]. In addition, the shortcomings of the legal construction of the norm, inconsistency in its

---

[130] Sukhinina I. Genre and language of rulings of the Constitutional Court of the Russian Federation // Russian Justice, 2001. No. 10. P. 27.
[131] Klinck D. R. The Language of Codification // Queen's L.J. 1989. P. 58.
[132] Bozhenok S. A. Criminal liability for illegal turnover of payment funds // Judge, 2016. No. 4. P. 41 - 42.
[133] Elinsky A. V. Legal positions of the Constitutional Court of the Russian Federation on responsibility for crimes in the sphere of economy // Russian investigator, 2011. No. 22. P. 16.; Baranov V. A., Baranova E. V. Actual issues of qualification of an administrative offense related to failure to inform customs authorities about the interruption of delivery of goods // Lawyer, 2010. No. 10. P. 23.
[134] Bondar N. S. Legal certainty – the universal principle of constitutional norm control (the practice of the Constitutional Court of the Russian Federation) // Constitutional and Municipal Law, 2011. No. 10. P. 8.

understanding, the possibility of arbitrary enforcement of the norm are important[135]. The requirement of certainty, addressed to the application of the norm, was also noted by G. A. Hajiyev[136]. N. I. Polishchuk points out that the certainty of normative acts allows the subjects of legal relations to more accurately predict the results of their actions, and also ensures their predictability. At the same time, "the accuracy and clarity of legislative prescriptions ... act both in legislative and law enforcement activities as a necessary guarantee of ensuring effective protection against arbitrary prosecution, conviction and punishment"[137].

In other words, the uncertainty may be caused by the textual consolidation of the norm, its place in the system of legal regulation, as well as the practice of its application. At the same time, one should agree with those authors who point out that the uncertainty in the practice of applying the norm is most often due to the fact that the text of the norm contains a defect that caused such a situation. But it is necessary to make a reservation that this is not always the case – in rare cases, it is the practice of applying the norm that makes this norm uncertain, since it creates unreasonably different options for its application. In addition, we must not forget that the uncertainty expressed in the different application of the norm can only be apparent, based on the fact that the court took into account the circumstances of the case that are inaccessible to an external observer, which became the reason for the different application of the norm[138].

It is possible to give an example of such a situation, when some law enforcement authorities deviate from the established and generally recognized approaches to the application of the norm.

---

[135] Alatortsev A. Yu. The problem of the certainty of the criminal law in the decisions of the Constitutional Court of Russia and the Federal Constitutional Court of Germany // Comparative Constitutional Review, 2017. No. 1. P. 125.
[136] See the dissenting opinion of the Judge of the Constitutional Court of Russia G.A. Gadzhiev on the Judgment of the Constitutional Court of the Russian Federation of March 22, 2005 No. 4-P.
[137] Polishchuk N. I. The functional value of the principle of legal certainty in the rule-making policy of the state // The Rule of Law: Theory and Practice, 2017. No. 4 (50). P.116.
[138] "Glorious uncertainty of the law" from Thompson's tradesman's Law library // U.S. Intelligencer & rev. 1831. P. 125.

Thus, by virtue of Paragraph 1 of Article 11 of Federal Law No. 113-FZ of July 25, 2002 "On Alternative Civil Service"[139], citizens have the right to submit applications for replacement of conscription military service with alternative civil service to the military commissariat, where they are on military registration, in the following terms:

until April 1 - citizens who must be called up for military service in October - December of the current year;

until October 1 - citizens who must be called up for military service in April - June next year.

Law enforcement practice interprets this provision of the law as enabling a citizen to exercise his right to submit a relevant application only within the specified time frame. Violation of deadlines without a valid reason entails refusal to accept the application[140]. However, in a variety of analyzed cases, the courts in similar cases interpreted this provision in such a way that an application submitted outside the established deadlines without valid reasons can still be considered by the military commissariat[141]. The said provision may also be understood in such a way that an application submitted in violation of the established deadline and whose satisfaction was refused for this reason is considered to have been submitted in time for the next conscription campaign[142]. Such cases create a conflict between the original meaning of the norm and the rule of behavior that has been revealed in practice. If such contradictions arise, it is necessary that subsequent similar disputes confirm the correctness of the deviation from the letter of the law or recognize its fallacy, otherwise such practice will generate uncertainty of the provisions of the law[143].

---

[139] On Alternative civil service: Federal Law No. 113-FZ of July 25, 2002 // Collection of Legislation of the Russian Federation. 2002. No. 30. Art. 3030.

[140] Decision of the Constitutional Court of the Russian Federation No. 447-O of October 17, 2006; Decision of the Primorsky Regional Court of July 9, 2015 on case No. 33-5726; Appeal decision of the Stavropol Regional Court of January 27, 2015 on case No. 33a-34/2015.

[141] Appeal decision of the Moscow City Court of September 4, 2017 on case No. 33a-3933/2017; Appeal decision of the Lipetsk Regional Court of July 29, 2015 on case No. 33-2037/2015.

[142] Appeal decision of the Judicial Board for Administrative Cases of the Volgograd Regional Court of October 10, 2013 on case No. 33-11038.

[143] Bairtos R. T. The uncertainty of the law // Virginia Law Journial, 1886. P. 452.

The Constitutional Court of the Russian Federation is trying to find criteria that would allow assessing compliance with the requirement of certainty of the texts of normative acts. Summarizing several of his statements on this subject, it can be noted that one of such criteria is the following provision: any normatively fixed rule of conduct must be clearly defined in the law, as well as measures of responsibility for its violation. At the same time, the text of the norm should be sufficient for everyone to understand it and act in accordance with it. The norm should be "predictable" for everyone. The Court also does not exclude cases when the necessary degree of certainty of legal regulation can be achieved by identifying more complex interrelations of legal regulations[144]. The application of the norm is also allowed in accordance with the interpretation given to it by the court.

But it should be noted here that if the application of a norm without its judicial interpretation violates the principle of equality, creating a situation of uncertainty, then such a judicial interpretation is nothing more than a way to eliminate the uncertainty caused by the imperfection of the text of the norm. It can be concluded that the Constitutional Court of the Russian Federation, describing the criterion of certainty, also indicated a way to eliminate uncertainty that does not require changing the text of the normative act.

A. Y. Alatortsev points out that such a criterion is new for Russian practice, but it has been known for a long time and is actively used in European courts. Thus, this criterion is used by the Federal Constitutional Court of Germany in assessing the compliance of laws with Article 103.2 of the Basic Law of Germany, and the ECHR - in assessing the compliance of a norm with Article 7 of the Convention for the Protection of Human Rights and Fundamental Freedoms[145].

The question of whether the principle of certainty imposes requirements only on the quality of the textual embodiment of norms or on the practice of their application has been raised repeatedly, and the answer has changed over time. It is

---

[144] Judgement of the Constitutional Court of the Russian Federation No. 21-P of December 23, 1997; No. 4-P of February 23, 1999; No. 8-P of May 27, 2008; No. 4-P of от March 12, 2015.

[145] Alatortsev A. Yu. The problem of the certainty of the criminal law in the decisions of the Constitutional Court of Russia and the Federal Constitutional Court of Germany // Comparative Constitutional Review, 2017. No. 1. P. 125.

noted that the ECHR initially applied this requirement to the text of the law, but in the case of "Kruslin v. France"[146] The Court concluded that the concept of "law" used in the European Convention for the Protection of Human Rights and Fundamental Freedoms covers both positive law and judicial practice[147].

The requirement of certainty, which is also addressed to law enforcement authorities, is based on the fact that in their activities they must interpret the norm. At the same time, the law enforcement authority becomes a "co-author" of this norm, since trying to identify the meaning laid down by the legislator, he will almost inevitably change it, even slightly[148]. But the law enforcement authority is still obligated by the textual expression of the norm, therefore, the requirements of certainty are simultaneously imposed both on the text of normative acts and on the practice of their application. At the same time, the distortion of the original meaning of the norm in the process of application may not be due to defects in the textual embodiment of the norm or errors in its interpretation. The meaning that the legislator lays down in the act is often associated with the current state of society or with individual circumstances. Over time, the situation may change and new law enforcement authorities will no longer take these circumstances into account when interpreting the norm, but the norm in its textual form will continue to exist, and it will receive a new interpretation based on existing realities[149]. It is in such cases that, in order to preserve the certainty of the norm, its judicial explanation, which was mentioned above by the Constitutional Court of the Russian Federation, seems to be the most effective.

---

[146] Judgment of the European Court of Human Rights of April 24, 1990 on case "Kruslin v. France" (Complaint No. 11801/85).

[147] Gadzhiev G. A., Kovalenko K. A. The principle of legal certainty in constitutional justice // Journal of Constitutional Justice, 2012. No. 5. P. 13.

[148] Taeva N. E. Some problems of revealing the constitutional and legal meaning of norms by the Constitutional Court of the Russian Federation // Constitutional and Municipal Law, 2014. No. 12. P. 25-26.

[149] Kryazhkov V. A. Interpretation of the Constitution by the Constitutional Court of the Russian Federation: practice and problems // Bulletin of the Constitutional Court of the Russian Federation, 1997. No. 3. P. 9.

2.1.5. Risks of violating the requirement of certainty

Considering the most common cases of the risk of creating a normative act, the text of which does not fulfill the requirement of certainty, various researchers distinguish the following.

Often the cause of uncertainty is the referential nature of the norm. Constructing a reference norm is a more complex process than creating a simple norm. The legislator needs to show skill and correctly establish which parts of the norm should be fixed in which acts. Uncertainty arises in cases when the legislator leaves without a clear answer those who are trying to find the missing parts of the norm, giving a reference in the text of the normative act to other, clearly not specified acts. However, this is not a reason to speculate on this topic and demand the rejection of reference norms. With their competent design, and with due attention to them from the legislator, they do not create uncertainty. Moreover, reference standards are ubiquitous. At the same time, a standard situation is when a regulatory norm is in one normative act, and sanctions for its violation are placed in another normative act[150].

It should also be taken into account that there are quite a large number of norms that outwardly seem uncertain. These are norms containing general provisions, which the legislator does not have the opportunity to specify. As an example of such norms, norms-principles are usually cited, applying which must be guided by the circumstances of a particular life situation and considerations of legal justice[151]. The texts of constitutional acts usually contain such norms-principles in large quantities, which gives some researchers a reason to distinguish constitutional texts from the total number of legal texts due to their specific aspects – the ideological nature of the norms, uncertainty, vagueness and generality[152].

Acts that are also of a scientific and theoretical nature, for example, decisions of the Constitutional Court of the Russian Federation, are more difficult to

---

[150] Voevodina A. I. Problems of qualification of illegal banking activity // Business security, 2015. No. 3. P. 34.
[151] Gadzhiev G. A., Kovalenko K. A. Ibid. P. 17.
[152] Pfersmann O. Onomastic sophism: to change, not to know (on the interpretation of the Constitution) // Pravovedenie, 2012. No. 4. P. 107.

understand, due to the fact that they require the appropriate skills of the recipients. But since they are not addressed to certain professionals in the legal sphere, but to an indefinite group of people, their formulations should be clear, understandable and unambiguous[153]. Referring to the decisions of the Constitutional Court of the Russian Federation, even professionals in the field of jurisprudence pay attention to the fact that these are acts written in a very competent language, but they are not convenient for use[154]. The reason for this is that the decisions of the Constitutional Court of the Russian Federation are always filled with complex and voluminous arguments, behind which the legal position is hidden. A. B. Bogolomov, discussing the possibility of judges to apply the legal positions of the Constitutional Court of the Russian Federation, noted this problem as follows: "Of course, in the course of diligent work, it is possible to "translate into Russian" the text of this decision, but the judge applying the decision of the Constitutional Court of the Russian Federation has no guarantee that the "dry residue" isolated by him" and there is a legal position of the Constitutional Court, and if so, then in full"[155]. Other authors also point to this problem[156]. A normative provision fixed using complex structures and provided with additional information may be incorrectly identified from the text of the act, which will cause a situation of uncertainty.

The sphere of special attention for the legislator should be the use of special terms. First of all, the risk of violating the principle of equality is created when scientific terms that do not have a legal definition are included in the text of regulatory legal acts. Such terms in the scientific environment can be understood by the authors in different ways, which will inevitably cause contradictions in the analysis of the text of the normative act. A. A. Petrov, as an example of such a

---

[153] Chepurnova N. M. Decisions of the Constitutional Court of the Russian Federation as a model of legal harmony // Russian Justice, 2001. No. 10. P. 28.

[154] Blinova O. V., Belov S. A, Revazov M. A. Decisions of Russian Constitutional Court: lexical complexity analysis in shallow diachrony // CEUR Workshop Proceedings. Proceedings of the International Conference «Internet and Modern Society» (IMS-2020) /Radomir V. Bolgov, Andrei V. Chugunov, Alexander E. Voiskounsky (eds.). 2021. P. 72.

[155] Bogomolov A. B. Application by courts of general jurisdiction of the legal positions of the Constitutional Court of the Russian Federation // Russian Justice, 2010. No. 1. P. 64.

[156] Kryazhkova O. N., Rudt Yu. A. The arrangement of the places of the terms in the decisions of the constitutional courts: why does the amount change? // Comparative Constitutional Review, 2015. No. 5. P. 127.

scientific term, which is often used by the Constitutional Court of the Russian Federation, calls "the legal norm"[157].

Obviously, the cause of uncertainty may be conflicts of norms, as well as gaps in regulatory regulation. The requirement of certainty of the text of the normative act obliges to avoid such phenomena.

Most often, the uncertainty of the text of a normative act is caused by the use of evaluative concepts by the legislator. The fact that there is an evaluative concept in the text already implies that such a concept does not have a clear content, and the law enforcement authority is obliged to include in this concept the content that he considers appropriate, taking into account the limits established by the norm.

"Ambiguity, vagueness and inconsistency of legal regulation prevent an adequate understanding of its content, allow the possibility of unlimited discretion in the process of law enforcement, lead to arbitrariness and thereby weaken the guarantees of protection of constitutional rights and freedoms"[158]. Considering such significant consequences of violation of the requirement of certainty of the text of the normative act, the Constitutional Court of the Russian Federation has repeatedly noted that the revealed violation of the requirement of certainty is already enough to disqualify the norm.

Some authors point out that the uncertainty present in normative regulation is not such a "terrible" phenomenon as it was described above. But it is worth noting that this position is more often held by representatives of common law countries. As arguments, they refer to the fact that the uncertainty of the law can give participants in legal relations (especially in the field of private law) the necessary freedom, which will only have a positive effect on them, and in the case when the negative consequences of the presence of uncertainty begin to manifest themselves, the courts will eliminate them by forming an appropriate practice of applying controversial

---

[157] Petrov A. A. The legal quality of the decisions of the Constitutional Court of the Russian Federation: the formulation of the question and some practical problems // Comparative Constitutional Review, 2014. No. 2. P. 98.

[158] Sergevnin S. L., Bushev E. A., Kuznetsov D. A. The principle of legal certainty: some approaches of the Constitutional Court of the Russian Federation and the European Court of Human Rights. Comparative legal analysis of the Decision of the Constitutional Court of the Russian Federation No. 14-P of May 23, 2017 and the Decision of the European Court of Human Rights of March 28, 2017 in the case "Z.A. and Others v. Russia"// Journal of Constitutional Justice, 2018. No. 1 (61). P. 32.

provisions[159]. However, the issue of eliminating the uncertainty of the regulatory provision cannot be left to the competence of courts or subjects of legal relations. The uncertainty of the regulatory provision should be eliminated by the legislator, and until then, the application of such norms threatens the equality of participants in legal relations.

The consequence of violating the requirement of certainty of the text of normative acts is the recognition of normative acts as invalid due to the uncertainty of their provisions. S. A. Belov, analyzing modern Russian judicial practice on the issue of invalidating normative acts due to the fact that they contain provisions that do not meet the requirements of clarity, certainty and unambiguity, comes to the conclusion that "the courts use three types of grounds for recognizing a normative act as containing legal uncertainty inactive: this is a violation of the requirements of the systemic nature of the current legislation, the vagueness of verbal formulations and the content uncertainty"[160].

The development of modern legislation and the acceptance of a large number of new acts that regulate even narrow issues is a way to overcome the uncertainty contained in legal regulation. The basic idea is clear – the more detailed regulations are available, the fewer unaffected aspects remain, the fewer opportunities for arbitrary application of existing norms. However, the reverse point of view seems to be more justified, according to which an increase in the number of regulations, especially in the volumes in which it occurs today, is a factor that contributes to the emergence of legal uncertainty[161]. It is increasingly difficult for the legislator to find a place for new norms in the system of current legislation, to coordinate regulatory provisions among themselves, to use the correct terms and concepts in the text of the act.

---

[159] MacNeil I. Uncertainty in Commercial Law // Edinburgh L. Rev. 2009. P. 98.
[160] Belov S. A. Recognition of normative acts as invalid due to the uncertainty of their provisions [Electronic resource] // Law Enforcement Monitoring Portal: [website]. Access mode: URL: https://clck.ru/Vv53G (accessed: 07.14.2022).
[161] D'Amato A. Legal Uncertainty // Cal. L. Rev. 1983. Vol. 1. P.1- 8.

2.2. Constitutional requirement of obligatory publication of normative acts understandable to recipients

2.2.1. Official publication of normative acts

The Constitution of the Russian Federation contains two terms, the correlation of which is disputed in the literature[162]. Paragraph 3 of Article 15 of the Constitution of the Russian Federation indicates that laws are subject to official publication. At the same time, regulating the legislative process in Article 107 and fixing the powers of the President of the Russian Federation in Article 84, the term "promulgation" is used in the text of the Constitution of the Russian Federation. In accordance with Article 4 of the Federal Law "On the Procedure for the Publication and Entry into Force of Federal Constitutional Laws, Federal Laws, Acts of the Chambers of the Federal Assembly", official publication means the first publication of the text of the act in strictly defined publications[163]. The law also distinguishes a simple publication - the position of the text of the act in other printed publications. Promulgation means bringing normative acts to the public on television and radio, distribution to state bodies, officials, enterprises, institutions, organizations, transmission through communication channels, distribution in machine-readable form[164]. The legal consequences are associated precisely with the official publication of the act, since it is implied that the provided methods of official publication will allow all its recipients to familiarize themselves with the published acts. In the comments to the Constitution of the Russian Federation, it is noted that the publication in Articles 84 and 107 of the Constitution of the Russian Federation should be understood as official publication, since otherwise it turns out that the legislative process is not fully described[165]. In some cases, even without a special reservation on the part of the

---

[162] Chervyakovsky A. V. Normative regulation of issues of official publication of laws in the Constitution of the Russian Federation and the constitutions of neighboring countries // Modern Law, 2016. No. 10. p. 17.

[163] On the procedure for the publication and entry into force of Federal Constitutional Laws, Federal Laws, Acts of the Chambers of the Federal Assembly: Federal Law No. 5-FZ of June 14, 1994 // Collection of Legislation of the Russian Federation. 1994. No. 8. Art. 801.

[164] Article 5 of Federal Law No. 5-FZ of June 14, 1994 "On the procedure for the publication and entry into force of Federal Constitutional Laws, Federal Laws, Acts of the Chambers of the Federal Assembly" // Collection of Legislation of the Russian Federation. 1994. No. 8. Art. 801.

[165] The Constitution of the Russian Federation. Doctrinal commentary (article-by-article) / Author's hand. Col. Yu. A. Dmitriev / Scientific ed. Yu. I. Skuratov. 2nd ed., izm. I. dop. M.: Statute, 2013. P. 545-546.

author of the work, it is indicated that in these articles the publication completes the legislative process[166].

A. N. Golovistikova concludes that the drafters of the Constitution of the Russian Federation did not attach due importance to the precise use of the terms "publication", "official publication" and "publication", and this "theoretically allows for the possibility of abuse when the adopted law is de jure made public (for example, published in an unknown newspaper or mentioned on the radio), but de facto this event remains unknown to the general public"[167].

Normative acts must be officially published. An act unpublished in accordance with the established procedure in accordance with Paragraph 3 of Article 15 of the Constitution of the Russian Federation cannot be applied. The Supreme Court of the Russian Federation even specifically made a reservation that an unpublished regulatory legal act cannot be used as a justification for the decision taken by the court [168]. In the literature, attention is drawn to the fact that the moment of the official publication of the act and its entry into force differ[169]. This remark should be taken into account, but it is important that the entry into force of the act is associated with the official publication, it is impossible to do without this obligatory action. Therefore, it is necessary to understand exactly what official publication means and what goals are achieved by this procedure.

I. A. Poberezhnaya points out that there is no unified view in the literature on the content of the concept of "the procedure for publishing regulatory legal acts". She proposes to include in this concept "legal regulation of the totality of all actions and procedures of state bodies and officials aimed at the official publication of normative acts, as well as the totality of these actions and procedures, including the

---

[166] Commentary on the Constitution of the Russian Federation (article by article) / L. V. Andrichenko, S. A. Bogolyubov, N. S. Bondar [et al.]; ed. V. D. Zorkin. 2nd ed., revised. M., 2011. P. 613.

[167] The Constitution of the Russian Federation. Doctrinal commentary (article-by-article) / Author's hand. Col. Yu. A. Dmitriev / Scientific ed. Yu. I. Skuratov. 2nd ed. M., 2013. P. 546.

[168] Paragraph 6 of the Resolution of the Plenum of the Supreme Court of the Russian Federation of October 31, 1995 No. 8 "On some issues of application by courts of the Constitution of the Russian Federation in the administration of justice".

[169] Belyaeva O. A. Legal regulation of purchases carried out by a budgetary institution at the expense of funds from income-generating activities // Commentary of judicial practice / ed. by K.B. Yaroshenko. M., 2016. No. 21. P. 129 - 145.

specifics of publication in various state languages, the procedure for identifying texts, establishing equal legal force of texts published in different state languages"[170].

When issuing normative acts, different requirements are imposed on them, and the nature of such requirements is non-uniform. M. E. Babich notes that, for example, the registration of an act in the Ministry of Justice of Russia is a requirement of the Rules for the Preparation of regulatory legal acts of federal executive authorities[171], and their state registration, and the requirement of official publication is a constitutional requirement[172].

The requirement for the official publication of normative acts in accordance with the position of the Constitutional Court of the Russian Federation follows from the requirements of certainty, clarity, unambiguity of the legal norm and its consistency with the system of current legal regulation derived from the constitutional principles of the rule of law, the rule of law, legal equality and justice[173].

2.2.2. "The presumption of knowledge of the law" and "The presumption of understanding the law"

As you know, ignorance of the law does not relieve one from responsibility. This classic expression should be understood today in such a way that the law is accessible to everyone if it is published in the proper form, which means that everyone can get familiar with it. Based on this, it is assumed that the law is known to everyone, and everyone acts in accordance with its requirements. A. A. Tillet called this a "presumption of knowledge of the law", which he defined as "the assumption that a properly published law is known to everyone and is subject to compliance by everyone from the moment it enters into force"[174]. This means that

---

[170] Poberezhnaya I. A. Constitutional regulation of the procedure for publishing normative legal acts in the state languages of the republics within the Russian Federation // Bulletin of the Academy of the General Prosecutor's Office of the Russian Federation, 2014. No. 5 (43). P. 35.

[171] On approval of the Rules for the Preparation of Normative Legal Acts of Federal Executive Bodies and their State Registration: Decree of the Government of the Russian Federation No. 1009 of August 13, 1997 // Collection of Legislation of the Russian Federation, 1997. No. 33. Art. 3895.

[172] Babich M. E. Licensing of waste management activities: problems of law enforcement // Ecologist's Handbook, 2016. No. 7. P. 27.

[173] Shchur-Trukhanovich L. V. The legal content of the system of international treaties that form the Common Economic Space of Russia, Belarus and Kazakhstan. 2012 // Legal reference system "ConsultantPlus". 2012.

[174] Tillet A. A. Presumption of knowledge of laws // Jurisprudence, 1969. No. 3. P. 35.

for the presumption to exist, it is necessary that the legislator not only adopt the act, but also provide every citizen with the opportunity to familiarize himself with its contents. A.S. Pigolkin notes that the presumption of knowledge of the law includes the requirement that the law is understandable to all citizens[175].

Legislation will be able to effectively perform the function of regulating relations in society only with regulatory verification of legislative acts and a convenient and accessible form of receipt of acts by the population provided by the state[176]. Effective ways of communicating the content of new regulations to the recipients significantly increase the effectiveness of legal regulation, since the rule of behavior becomes known to everyone and it becomes possible to correlate their behavior with it. The most important thing is to convey the content of the norms to the recipients, and not to notify them of the adoption of certain new provisions. Accordingly, laws should contain clear and understandable norms[177]. But it becomes more and more difficult to achieve this with the increase in the regulatory framework. The current legislation is subject to constant reform, which is why citizens do not see the point in familiarizing with incomprehensible, contradictory and constantly changing regulation[178]. M. V. Nikiforov draws attention to the fact that a large number of acts adopted today are only acts that make changes to the adopted documents. It is often impossible to understand from the text of such an act what is being discussed in the act that is being amended, because the published document contains excerpts from certain provisions of the law or individual words that are changed to others by the new act[179].

The methodology for analyzing accessibility to the perception of the text of the normative act was proposed by B. S. Muchnik[180]. He recommends highlighting a fragment of the text of a normative act, then comparing the result of the initial

---

[175] Pigolkin A. S. Publication of normative acts / edited by A.S. Pigolkin. M., 1978. P. 109.
[176] Yurtayeva E. A. Normativity of legislation: modern modulations in Russian lawmaking / E. A. Yurtayeva // Journal of Russian Law, 2012. No. 11. P. 29.
[177] Afanasyev S., Uroshleva A. Review of rulings issued by the Constitutional Court of the Russian Federation // Comparative Constitutional Review, 2017. No. 5. P. 143.
[178] Sokolov N. Ya. Official publication of regulatory legal acts and legal awareness of lawyers // Bulletin of the Russian Law Academy, 2011. No. 3. P. 21.
[179] Nikiforov M. V. Subjects of administrative rulemaking: monograph. N. Novgorod, 2012. P. 143.
[180] Muchnik B. S. Fundamentals of stylistics and editing. Rostov-on-Don, 1997. P. 468.

(involuntary) perception of the text with its final perception based on semantic analysis. Based on the results of the comparison, a fragment of the text of the normative act should be evaluated from a stylistic and linguistic point of view. In case of discrepancy between linguistic conclusions and legal prescriptions, it is necessary to justify the necessity of correcting the text of the normative act. In this process, the linguist's task is to compare the system of linguistic means, elements of the normative act and the text as a whole, taking into account the style-forming requirements for the language of the law.

A. S. Pigolkin in his writings points out the criteria for the quality of the law from a linguistic point of view[181]. He identifies four main criteria. Authors of works on legal technology also refer to this classification of criteria[182].

The first is the simplicity of the text of the law. The simplicity of the text should be expressed in the fact that the direct order of words is mainly observed. In addition, the legislator should not abuse the use of participial and adverbial phrases that create sentences overloaded with information. The simplicity of the text makes it easier to understand, and an understandable law will be better executed. Here we can cite the statement of V. D. Zorkin, in which he assessed the current tax legislation: "Often in tax laws, the original meaning is lost behind the flow of words, and the number of internal contradictions only increases"[183].

The second criterion is the brevity of the law. Brevity is achieved by removing repetitions and uninformative parts from the text that are not valuable for the content of the act. The essence of the law should come out in the first place and be obvious.

Clarity is the third criterion. Clarity means that the text is understandable to the recipient. Clarity, as mentioned above, is achieved due to the simplicity of the text. But simplicity does not imply the rejection of special legal terminology, although the author makes a reservation that legal professionalisms are incomprehensible to the majority of the population. In turn, D. A. Kerimov notes

---

[181] Pigolkin A. S. The language of the law: features. P. 22.
[182] Krasnov Yu. K., Nadvikova V. V., Shkatulla V. I. Legal technique: textbook. M., 2014. P. 322.
[183] Zorkin V. D. Constitutional and legal aspects of tax law in Russia and the practice of the Constitutional Court // Comparative Constitutional Review, 2006. No. 3. P. 100.

that "simple words, terms and phrases frequently used in everyday life and easily perceived by people should be used in the text of the law"[184].

The last of the four criteria is called accuracy. Accuracy is the correspondence of the legislator's idea and its reflection in textual form. The higher the accuracy, the greater the correspondence of the text to the idea embedded in it.

The recipients of a normative act should be understood as everyone to whom its normative provisions apply or may apply. It is impossible to limit the circle of recipients to law enforcement officers, professional lawyers or entities operating in those areas where the provisions of the regulatory act are aimed at regulating relations. The problem of who is the recipient of a normative act is often raised when discussing the comprehensibility of acts. This is reasonable, since it is the recipients who should understand the act. At this stage, it is necessary to answer the question of how clear the regulations are to the ordinary population and persons with special education. Usually, the authors get to the conclusion that almost any normative provision is understandable only to professionals, but sometimes it is concluded that no one can understand the act at all. For example, M. V. Andreeva notes that normative acts often indicate the range of legal relations to which the act applies, but this is done in such a way that these provisions are not sufficiently clear not only to the recipients of the laws, but also to legal practitioners[185]. In this case, the recipients of laws are understood to be state bodies, local self-government bodies, citizens and legal entities. There are also conclusions in the foreign literature that regulatory provisions are sometimes incomprehensible to lawyers and judges, not to mention ordinary citizens[186]. V. D. Zorkin, in regard to the norms of tax law, drew attention to the fact that sometimes not only taxpayers, but also tax consultants and lawyers cannot say exactly what the legislator means. This leads to the fact that different law enforcement authorities give different interpretations to the same norms and as a result, citizens of a single country pay taxes under different laws[187].

---

[184] Kerimov D. A. Legislative technique. Scientific-methodical and educational manual. M., 2000. P. 64.
[185] Andreeva M. V. The effect of tax legislation in time: A textbook / ed. S.G. Pepelyaev. M., 2006. P. 70.
[186] Schroth P. W. Language and Law // Am. J. Comp. L. Supp. 1998. P. 39.
[187] Zorkin V. D. Ibid. P. 102.

Thus, it is also noted that the recipients of the norms are taxpayers, and not only professionals in the field of tax law.

Speaking of acts having a narrow scope of application, some authors are trying to narrow down the circle of recipients of this act. So, if special recipients are not directly allocated, then a reservation can be made about the main, major, primary recipients of the norm. For example, K. V. Davydov, arguing about the nature of administrative regulations, concludes that "the main recipient of administrative regulations of federal executive authorities were and still are civil servants. Therefore, one of the key issues for the correct understanding and constructive development of the institute of administrative regulations is the problem of official regulations of civil servants"[188].

Talking about the recipients of legal acts, some authors prefer to talk about the recipients of law enforcement acts, since for such acts it is usually easy to identify the persons to whom the act is addressed. As for the normative acts, they do not have specific recipients, they are designed for an indefinite circle of persons[189]. This feature of normative acts is noted quite often. V. M. Zhuikov, highlighting the signs of a normative act, notes that three signs are necessary in order for the act to be considered normative legal: the act was adopted by the competent authority, the content of the act is a legal norm, the legal norm is addressed to an indefinite circle of persons and is designed for repeated application[190]. The peculiarity of the recipient is precisely presented by the author, together with the possibility of repeated application, as a distinctive feature of normative acts, allowing them to be separated from other legal acts.

V. A. Kirsanov, expressing a similar thought, concludes that normative acts have a "non-specific recipient"[191]. In addition, a normative act in most doctrinal sources, in the practice of the Constitutional Court of the Russian Federation and

---

[188] Davydov K. V. Administrative regulations of federal executive authorities of the Russian Federation: questions of theory: monograph / ed. Yu. N. Starilov. M., 2010. P. 221.
[189] Sokolova M. A. Defects of legal documents: monograph. M., 2016. P. 82-83.
[190] Zhuikov V. M. Judicial protection of the rights of citizens and legal entities. M., 1997. P. 243 - 244.
[191] Kirsanov V. A. Theoretical problems of legal proceedings on challenging normative legal acts: abstract. diss. cand. jur. sciences. M., 2001. P. 20.

other courts is understood as "an act of general action addressed to an indefinite circle of persons, designed for repeated use, containing concretizing normative prescriptions, general rules and being an official state regulation, mandatory for execution"[192]. In other words, the legal norm contained in the normative act has a general character, which is expressed in the fact that the norm is valid an unlimited number of times in each case when there are circumstances provided for by the hypothesis of this hole. The general nature of the norm is reflected in the features of the recipient of the norm. It is impossible to identify the recipient point-by-point outside the framework of a specific legal relationship, this is an indefinite circle of persons. The general legal norm "is characterized by a personal lack of specificity of recipients - it extends its effect not to individually defined, but to any persons who enter or may enter into legal relations on its basis, is addressed, as a rule, to a circle of persons defined by common characteristics (citizens, members of parliament, pensioners, firms, etc.)"[193].

The most correct recognition seems to be that normative acts have recipient, despite the fact that it is impossible to determine it exhaustively. The statement that only law enforcement acts have recipient looks extremely controversial on the grounds that normative acts would be disconnected from reality if they did not have recipient. The consolidation of rules of conduct in normative acts implies the desire to regulate relations in society between various subjects. If these regulations are not addressed to anyone, then why are they needed and on what basis will they be required to be implemented? An indefinite circle of persons must be recognized as the recipient.

Thus, by official publication, the content of the normative act should be presented for free access to an indefinite circle of persons. The accessibility of the content should mean that any person who has applied to the published text of the normative act will be able to understand the meaning of this act. If an ordinary

---

[192] Blinov A. B. Acts of the President of the Russian Federation and their challenge // State power and local self-government, 2017. No. 1. P. 56.

[193] Theory of state and law: Textbook for law schools / A.I. Abramova, S.A. Bogolyubov, A.V. Mitskevich and others; ed. A. S. Pigolkin. M.: Gorodets, 2003. P. 145.

member of the society cannot understand the meaning of the published act due to the lack of special education, then it should be recognized that the publication has not achieved its purpose[194]. As part of the publication of the act, it is impossible to concretize it, state it in "simple language", simplify it, and so on. The text of this act, which was developed as part of the rule-making process, is published. This means that the mandatory publication of a normative act, which loses its meaning if the text of the act is incomprehensible to the recipient, calls on the legislator to formulate the acts in such a way that they are accessible to an indefinite circle of persons to whom this act will extend its effect. However, the practice of legislative activity in some US states demonstrates that some other approaches can be used. Thus, the requirements for the intelligibility of the language in which a legal document is presented can be applied to all written acts intended to regulate relations in society. Or the range of legal documents to which such requirements were imposed was narrowed down to those acts that extended their effect to ordinary consumers, that is, persons without special training. At the same time, the rules for conducting transactions with securities or the procedure for issuing commercial loans were excluded from the scope of the requirements for the clarity of the act, for example[195].

As a result, we are faced with the fact that the comprehensibility of the law published in the state language is presumed. It is practically impossible to disprove this presumption in practice, as will be shown in the third chapter.

2.2.3. The dependence of the clarity of the normative act on the language of its publication

Now it is necessary to distract from the complexity of the text of the normative act, from the problem of determining the recipient of the act, and turn to an issue that is rarely covered in detail in the literature in the context of the problem of clarity of the normative act – to the question of the language in which the normative acts are published. One of the guarantees that contribute to increasing the level of clarity, including regulations for the entire population of the country, is the consolidation of

[194] Saveliev D. A. The study of the complexity of proposals that make up the texts of legal acts of the authorities of the Russian Federation // Pravo. Journal of the Higher School of Economics, 2020. No. 1. P. 51
[195] Ross S. M. On legalities and linguistics: plain language legislation // Buff. L. Rev. 1981. P. 321.

the Russian language as the state language, the use of which is mandatory in the activities of authorities. The Russian Federation is a multinational state, while the Russian language acts as the language of interethnic communication. The logic is obvious - the Russian language is understood by most recipients of normative acts; Russian language proficiency is recognized for at least all citizens of the Russian Federation. This is achieved by using the Russian language in the educational process, in the activities of organizations of all forms of ownership, etc. Naturalized citizens, upon entering into the citizenship of the Russian Federation, must confirm their knowledge of the Russian language.

However, the current legislation regulating the procedure for the publication of federal and regional regulations does not fully follow this approach for certain reasons, which causes serious difficulties, which will be discussed below.

A number of languages with a special status are used in the Russian Federation. In accordance with Paragraph 1 of Article 68 of the Constitution of the Russian Federation, the Russian language is the official language of the entire territory of Russia. The republics that are part of the Russian Federation have the right to establish their official languages. The Constitution of the Russian Federation does not limit the number of languages that republics are authorized to establish as state languages[196]. However, the official languages of the republics cannot be considered as an alternative to the Russian language and should be used alongside and on an equal basis with it. Due to the fact that not all languages that are native to the peoples living on the territory of Russia are endowed with the status of the state language, the legislator uses such a concept as "the language of peoples" in a number of normative acts.

In the context of the existing linguistic diversity, one of the tasks of the state is to create conditions for the preservation and development of existing languages, including for their use in the spheres of state and public life (in official spheres). The use of several languages can be called an expression of linguistic pluralism, which

[196] For example, the official languages in the Karachay-Cherkess Republic are Abaza, Karachay, Nogai, Russian and Circassian.

contributes to the effectiveness of the functioning of various social institutions to a greater extent than the use of only one language in a multinational society[197]. The most important condition for the use of language in official spheres is the regulatory regulation of this process. This issue will be discussed in detail in the final paragraph of this chapter.

A number of practical problems arise when using several languages to publish regulations at both the federal and regional levels.

The Law on the State Language regulates the peculiarities of the use of the Russian language as the state language of the Russian Federation, including defining the areas in which its use is obligatory[198]. In accordance with Paragraph 5 of Article 3 of Law No. 53-FZ, such areas include the official publication of international agreements of the Russian Federation, as well as laws and other normative acts. The question of which language the act is published in does not arise due to the fact that Russian is the only state language in the Russian Federation. That is, international agreements of the Russian Federation, laws and other normative acts are subject to official publication in a language understandable to everyone - Russian. Here it would be possible to put an end, noting that in this way the official publication of the act achieves its goal, since the act, set out in Russian, is understandable to its recipients, but there are still a number of important provisions in the legislation regulating the process of publishing normative acts, including in other languages.

Thus, the problem of insufficient use of the Russian language to ensure that the act is understandable to the population arises when acts are published not only in Russian, but also in other languages. As already mentioned, the use of the state language of the Russian Federation is obligatory when publishing laws and other regulatory legal acts at both federal and regional levels. However, the most acute problem in the publication of regional acts is related to bilingualism (multilingualism) regional legislation[199].

---

[197] Rodriguez C. M. Language and Participation // Cal. L. Rev. 2006. P. 687.
[198] On the State language of the Russian Federation: Federal Law No. 53-FZ of June 1, 2005 // Collection of Legislation of the Russian Federation. 2005. No. 23. Art. 2199.
[199] Vasilyeva L. N. Bilingualism of normative legal acts in the Russian Federation: improving the legal framework // Journal of Russian Law, 2008. No. 8. P. 28.

Further, when mentioning the bilingualism of regional legislation, it implies the possibility of using more languages in certain cases.

The basis for the existence of bilingual legislation is laid down in Paragraph 2 of Article 68 of the Constitution of the Russian Federation, according to which republics have the right to establish their own state languages. These constituent entities of the Russian Federation were formed according to the national-territorial principle, and, as a rule, the official language of the republic is the language of the titular nation of the region. Other constituent entities of the Russian Federation - territories, regions, cities of federal significance, autonomous region, autonomous districts were formed, unlike republics, according to the territorial principle. The fact that the Constitution of the Russian Federation does not provide for the possibility of establishing a state language for these regions does not mean that there is no problem of bilingualism of legislation in them, which will be demonstrated further.

The provisions of Paragraph 2 of Article 68 of the Constitution of the Russian Federation were specified by the Law "On the Languages of the Peoples of the Russian Federation"[200] (hereinafter - Law No. 1807-1). Articles 12 and 13 of this Law in relation to federal acts establish that federal constitutional laws, federal laws, acts of the chambers of the Federal Assembly of the Russian Federation, decrees and orders of the President of the Russian Federation, decisions and orders of the Government of the Russian Federation are officially published in the state language of the Russian Federation. In the republics, these legal acts, along with official publication, may be published in the state languages of the republics.

For regional acts, Law No. 1807-1 provides that laws and other regulatory legal acts of the republics, along with official publication in the State language of the Russian Federation, may be officially published in the state languages of the republics. Laws and other normative acts of territories, regions, cities of federal significance, autonomous regions, autonomous districts are officially published in the official language of the Russian Federation. At the same time, if necessary, these

[200] On the Languages of the Peoples of the Russian Federation: Law of the Russian Federation No. 1807-1 of October 25, 1991 // Vedomosti SND and VS RSFSR. 1991. No. 50. Art. 1740.

normative acts, along with official publication, may be published in the languages of the nations of the Russian Federation in accordance with the legislation of the constituent entities of the Russian Federation.

These normative formulations contain several problems related to the existence of bilingual regional legislation.

Law No. 1807-1 uses the concepts of publication and official publication. Is there a difference between them, what is it and what consequences does it entail? There is a difference, and it is of a fundamental nature. Federal acts are officially published in the state language of the Russian Federation throughout Russia. Normative acts of all constituent entities of the Russian Federation are also officially published in the state language of the Russian Federation. The legislator indicates the official publication in the case of the normative acts of the republics, which are officially published already in the state language of the republic along with publication in Russian.

In turn, the legislator uses the term "publication" in relation to federal acts when they are published in the state language of the republic along with the official publication in Russian. The same term is used when regulating the possibility of regions (other than republics) to publish regional acts in the languages of the peoples of the Russian Federation.

The use of different formulations within the framework of Law No. 1807-1 does not seem to be accidental.

Thus, the official publication in Law No. 1807-1 implies an obligatory element of rule-making activity, without which the application of the act does not entail legal consequences. By simple publication, it is probably understood that the population is informed about the content of regulations of various levels in a language that they understand (in addition to Russian).

Such conclusions entail serious consequences related to the correlation of variants of one normative act published in several languages. It is appropriate to consider this difference in relation to acts of the federal and regional level.

For federal-level acts, the moment of entry into force is associated with their publication in Russian, which occurs at the same time throughout Russia. Publication in the official language of the republic does not affect the legal force of these acts in any way, may be significantly delayed in time, may be obligatory or optional (depending on regional legislation). It is also worth paying attention to the fact that with a literal interpretation of Articles 12-13 of Law No. 1807-1, it should be concluded that acts of the federal level are not published in the languages of the peoples of the Russian Federation.

A more difficult situation is emerging for the acts of the republics. The legislation of the Republic may establish the obligatory publication of regional acts in the state language of the republic along with the state language of the Russian Federation, may establish the right to such publication, or may even establish the mandatory publication only in the state language of the Russian Federation. In the last case, a situation arises similar to the publication of federal acts. And for the first and second cases it is necessary to give a number of explanations. If the authority of the republic must or has decided to publish a regional act in the state language of the republic, then how is it obliged to do this? The obvious answer is in accordance with the legislation of the republic. This is the wording contained in the constitutions of a number of republics. Special legislation contains similar formulations: "The official publication of the normative act of the Republic of Mari El is the first publication of its full text in official periodicals. The laws of the Republic of Mari El are published in the official languages of the Republic of Mari El"[201], "Laws and other regulatory legal acts adopted by the supreme state authorities of the Republic of Khakassia, along with official publication in the state language of the Russian Federation, may be officially published in the Khakass language"[202] and etc. As the analysis of the normative acts of the republics demonstrates, that they superficially regulate the procedure for publishing normative acts in two languages.

[201] Article 22.2 of the Law of the Republic of Mari El of March 6, 2008 No. 5-Z " On normative legal acts of the Republic of Mari El: Law of the Republic of Mari El".
[202] Article 11 of the Law of the Republic of Khakassia of October 20, 1992 No. 11 " On the languages of the peoples of the Russian Federation living on the territory of the Republic of Khakassia".

Such a procedure should take into account the following. The regional act must necessarily be published in the state language of the Russian Federation. With this moment it is necessary to associate the onset of the legal consequences of its entry into force. If the act was originally published in the official language of the Republic, then such an act should not be considered officially published before it is published in Russian. In cases when, in accordance with regional legislation, a regulatory act is subject to publication in two languages, such publication must be carried out at the same time (the text of the act in two languages should be published in one source or in different languages in different sources, but on the same day). If the act is published later in the state language of the republic, and the obligation to publish it in several languages is provided, then it would be logical to assume that it is at the time of publication in the last of the provided languages that the procedure for publishing the act is considered completed. Such an approach would also harmoniously correspond to the situation when publication in Russian occurs later than others. Otherwise, it should be recognized that the publication of acts of a constituent entity of the Russian Federation in the regional state language of the republic is of the same informational nature as the publication of federal acts, since the onset of legal consequences of the publication of the act is associated exclusively with publication in Russian. In connection with the above, the question arises, how to perceive the provision common in regional legislation that the official publication is the first publication of the text of the act[203]? Such norms should contain an indication of the first comprehensive publication of the text of the act, which (the text) is presented in all obligatory languages[204]. If this provision is interpreted differently, it will again be concluded about the informational nature of the publication in the official language of the republic. In support of this point of view,

[203] On the procedure for the official publication and entry into force of the laws of the Republic of Tatarstan, resolutions of the State Council of the Republic of Tatarstan and its Presidium, normative legal acts of the President of the Republic of Tatarstan, the Cabinet of Ministers of the Republic of Tatarstan, other executive authorities of the Republic of Tatarstan: Law of the Republic of Tatarstan of April 29, 2022 No. 24-ZRT.

[204] Paragraph 5 of Article 43 of the Law of the Kabardino-Balkarian Republic of August 3, 2002 No. 52-RZ "On legal acts in the Kabardino-Balkarian Republic": The publication of the signed law of the Kabardino-Balkarian Republic is carried out by the Head of the Kabardino-Balkarian Republic by the first official publication of the full text of the law of the Kabardino-Balkarian Republic in the official languages of Kabardino-Balkaria. The Balkar Republic no later than twenty-four days after its adoption.

one can also mention the fact that regional legislation often indicates the equivalence in legal terms of the text of the act published in different languages[205]. A more detailed analysis of this provision will be made in the following parts of the work.

The situation with regional acts of other constituent entities (not republics) when they are published not only in the state language of the Russian Federation, but also in the languages of the peoples of the Russian Federation is similar to the publication of federal acts in the languages of the republics - publication in the languages of the peoples of the Russian Federation is informational in nature and does not generate any legal consequences. This is often explicitly stated in regional legislation[206]. It is worth noting that, based on the literal interpretation of the articles of Law No. 1807-1, acts are not published at all in the republics in the languages of the peoples of the Russian Federation. It seems that the legislator has skillfully kept silent about the possibility of publishing normative acts in the languages of the peoples of the Russian Federation, giving the republics the right to independently settle this issue.

In almost all republics, several languages have the status of the state language. The exception is the situation in the Republic of Karelia. In accordance with the Constitution of the Republic of Karelia, the state language is Russian, and it is also provided that the Republic of Karelia has the right to establish other state languages on the basis of the direct will of the population of the Republic of Karelia expressed by referendum. In turn, the legislation of the Republic of Karelia establishes that the Karelian, Vepsian and Finnish languages constitute the national heritage of the Republic of Karelia and, along with other languages of the peoples of the Republic of Karelia, are under its protection, and it is possible to publish regulations in these languages.

---

[205] Article 12 of the Law of the Republic of Ingushetia of August 16, 1996 No. 12-FZ "On the State Languages of the Republic of Ingushetia": The texts of the laws of the Republic of Ingushetia and other legal acts adopted by the People's Assembly of the Republic of Ingushetia, the Head of the Republic of Ingushetia, the Government of the Republic of Ingushetia are published in both state languages and have equal legal force.

[206] Article 6 of the Yamalo-Nenets Autonomous Okrug of April 5, 2010 No. 48-ZAO "On the native languages of the indigenous peoples of the North on the territory of the Yamalo-Nenets Autonomous Okrug": In order to improve the legal literacy of the indigenous peoples of the North, the state authorities of the Autonomous Okrug organize the translation of the laws of the Autonomous Okrug and other regulatory legal acts of the Autonomous Okrug in the field of guaranteeing the rights of the indigenous peoples of the North into their native languages and their publication.

The presence of bilingual legislation inevitably raises the question of the identity of the content of the texts of one act published in different languages.

In cases when publication in a second language (in addition to publication in Russian) is of an informative nature, the texts of the act in different languages are assumed to be identical, but all versions of the text, except for the one published in Russian, are only its translation. In the event of discrepancies, the law enforcement officer is obliged to consider the text published in Russian as the only correct one.

The situation related to the publication of normative acts in two or more official languages of the republics (along with the publication of the act in Russian) seems disputable. Obviously, none of the versions of the text of the published act can be considered a translation. But due to linguistic differences, the texts of acts made in different languages cannot be identical.

At the stage of preparation of a normative act, its draft is developed in one language, after that it is subject to translation into other languages and adoption by the authorized body. It is also possible that the act is adopted in one language and is subsequently translated and officially published in other languages. The first situation looks most appropriate to the current legislation, since it is implied that the text of the act in all languages must be adopted by the legislator, because it is almost always indicated that texts in different languages are authentic in content and have the same legal force. Nevertheless, one indication of the presumption of authenticity of the content of a normative act published in different languages is clearly not enough to solve all the problematic issues in this area.

Let us imagine a case in which a person, guided by a normative act in the "first" language, commits certain actions, and another person, guided by the same act in the "second" language, indicates the illegal behavior of the first person. How should the dispute between the parties be resolved, given that both acts have equal legal force, and both persons act strictly in accordance with the requirements of the normative act in the appropriate language? The situation seems both insoluble and unavoidable with bilingual legislation. The reason for such a case may be the use of words and expressions in the text of a normative act in one language that have no

analogues in another language, and this problem is almost always encountered when trying to use two languages to express the same thought[207].

Currently, both in theory and in practice, there are attempts to create certain mechanisms to overcome this problem or reduce the possibility of its occurrence.

Among the proposed mechanisms, the following can be noted: the involvement of linguists at the stage of developing a draft act in several languages; the creation of specialized services for the translation of normative acts, which will be responsible for the quality of translation; giving one of the versions of the text an advantage in identifying discrepancies, etc. For example, the literature suggests the creation of a federal state agency for the translation of federal laws and other regulatory legal acts from the state language of the Russian Federation into other languages of its subjects[208]. However, all the proposed solutions do not eliminate the problem of achieving authenticity of the content of bilingual legislation equivalent in legal force.

The presented detailed analysis of the established procedure for the official publication and publication of federal and regional regulations in several languages leads to several conclusions that demonstrate some inconsistency of these provisions. The initial thesis was that the official publication aims to convey to the recipients of the act its provisions in a form understandable to them. The current legislation clearly indicates that the act published in Russian remains incomprehensible to the population of certain regions and localities. If the publication of the act, along with the Russian language, was carried out in other languages, then one could say that to understand the content of the act, the Russian language is sufficient, and publication in other languages is only an additional guarantee that gives the population the opportunity to study the content of the act in other, more understandable languages. However, in cases where official publication in several languages is obligatory, it should be stated that the Russian version of the act is not sufficient for the recipients to understand its content. There is a clear

---

[207] Tamayo Y. A. "Official language" legislation: literal silencing // Harv. Blackletter L. J. 1997. P. 109-110.
[208] Gubaeva T. V., Malkov V. P. State language and its legal status // State and Law, 1999. No. 7. P. 9.

contradiction, which can be demonstrated by such an example: a regional normative act must be officially published in Russian, along with the publication in Russian, in the state language of the republic, thereby implying that only in this way it will become clear to the recipients due to the features of the official publication, which was mentioned above. At the same time, in the same republic there may be no obligation to publish federal regulations in the regional language, and in any case, the region cannot associate any legal consequences with such publication regarding the validity of this act in time. This means that federal acts imply the intelligibility of the Russian-language text, and regional acts do not imply such intelligibility. There is no basis for such a distinction. The solution to this problem can be found in the recognition that the official publication of the act in Russian is the publication of the text of the act in a language understandable to all its recipients. Publications in other languages always serve only as an additional guarantee of the clarity of the text of the act. The difference in legal consequences and the obligation to use languages other than Russian when publishing acts should be understood as the implementation of the language policy of the Russian Federation aimed at maintaining linguistic diversity. It is also necessary to pay attention to the time of the appearance of the norms of legislation regulating the use of regional languages when publishing regulations – this is 1991, the time of the birth of the current Russian legislation. Considering the political situation in the country at that time, it can be assumed that such powers of the republics in the field of fixing and using the regional state language are due to political motives, and not to the desire to make regulations more understandable to the population.

The existence of bilingual legislation in the Russian Federation is intended to ensure that normative acts are brought to the entire population speaking different languages and, as a result, to increase the level of legal literacy. However, the legal regulation of the application of bilingual legislation should fully ensure the avoidance of legal conflicts and difficulties in interpreting the norms of law.

2.3. Constitutional requirement for the publication of normative acts in the state language of the Russian Federation

2.3.1. State language of the Russian Federation

The Constitution of the Russian Federation in Paragraph 1 of Article 68 has fixed the provision that the state language of the Russian Federation throughout the territory is Russian. This brief provision finds its development in the legislation on the state language. In Law No. 53-FZ and in the Law of the Russian Federation No. 1807-1, as well as in a number of other acts that cover issues of the procedure for using the state language. It is worth mentioning that there are usually two approaches to determining what the state language is. The first approach is that it is a language used by state bodies, or it is a language that is obligatory for use in other areas, even without the participation of the state. In the second case, the state language covers almost all public spheres[209].

E. M. Dorovskikh notes the inconsistency of the emergence of normative regulation of the Russian language use and consolidation as the state language. It is indicated that the issue of the state language in the Russian Federation was not settled in any way until October 1991, when Law No. 1807-1 was adopted. At the same time, in the Tuvan ASSR, Chuvash SSR and Kalmyk SSR in 1990-1991, the status of the state language was assigned to the Russian language and to the languages of the titular nations of these regions. In accordance with Article 3 of the Law on Languages, Russian has become the state language throughout the Russian Federation. In 1993, in the Constitution of the Russian Federation, the status of the Russian language as the state language of the Russian Federation was confirmed, and the republics within the Russian Federation were assigned the right to establish their own state languages and use them in official communication along with the Russian language. After the adoption of Law No. 53-FZ, no other acts of this level in the field of regulating the use of the state language were adopted[210]. The normative

---

[209] Korhecz T. Official Language and Rule of Law: Official Language Legislation and Policy in Vojvodina Province, Serbia // Int'l J. on Minority & Group Rts. 2008. P. 459.

[210] Dorovskikh E. M. On the question of the differentiation of the concepts of "state language" and "official language" // Journal of Russian Law, 2007. No. 12. P. 9.

regulation of the procedure for using the state language today is reflected in other acts, including by-laws, which will be mentioned below.

The most attention of these acts is attracted by Law No. 53-FZ, which regulates the peculiarities of the use of the Russian language as the state language of the Russian Federation, including defining the areas in which its use is obligatory. Thus, the use of the state language is required in the activities of federal state authorities, state authorities of the constituent entities of the Russian Federation, other state bodies, local self-government bodies, organizations of all forms of ownership, including in office management activities, as well as in the official publication of international treaties of the Russian Federation, as well as laws and other normative acts. Consequently, the Russian language as the state language of the Russian Federation performs an integration function, acting in this capacity, it is also the language of legislation.

At the same time, in accordance with paragraph 6 of Art. 1 of Law No. 53-FZ, when using the Russian language as the state language, it is not allowed to use words and expressions that do not comply with the norms of the modern Russian literary language (including obscene language), with the exception of foreign words that do not have commonly used analogues in the Russian language.

Based on this provision, we can conclude that it is the modern Russian literary language that should be used as the state language of the Russian Federation.

It is possible to distinguish between the linguistic term "Russian literary language" and the legal term "state language". If we turn to linguistics, then the literary language is recognized as "the main form of existence of the national language, accepted by its native speakers as an exemplary one; a historically developed system of commonly used linguistic means that have undergone long-term cultural processing in the works of authoritative masters of the word, in oral communication of educated native speakers of the national language"[211].

[211] Trosheva S. B. Literary language // Stylistic encyclopedic dictionary of the Russian language. 2nd ed. M., 2011. P. 208.

T. S. Sadova and D. V. Rudnev point to the traditional features of the literary language, highlighting five such features: normalization, codification, relative stability (historical stability, traditionality), polyfunctionality, developed variability and flexibility[212].

The Russian literary language from a legal point of view (as the state language) is the Russian language, which is obligatory for use in the areas established by law, and which must comply with the legally fixed norms of the modern Russian literary language.

It is necessary to address the goals pursued by the legislator, establishing regulations on the use of the Russian language as the state language. The analysis of the current legislation on the state language allows us to identify two main goals[213].

The first goal is to ensure effective communication in society. This goal is discussed in detail by S. A. Belov and N. M. Kropachev[214]. The state language appears primarily in a multicultural society as a way of interethnic communication – the interaction of different ethnic groups. This goal makes it necessary to establish the order of choice of the language used and to consolidate the obligatory spheres of use of the state language, which makes it possible to fix a certain priority of the language having the status of the state language over all other languages. "Language acts as a binding link in the relationship between a person, society and the state. The Russian language, being the language of interethnic communication, is the main means of communication for a multinational people"[215].

The second goal is to limit language practice that does not comply with ethical norms, decency and social standards of communication rules. In pursuit of this goal, the legislator prohibits obscene language and requires compliance with the rules of

---

[212] Rudnev D. V., Sadova T. S. Russian language as a state and Modern Russian literary language (in the aspect of the implementation of the Federal Law "On the State Language of the Russian Federation") // Journal of Russian Law, 2017. No. 2. P. 59.
[213] Belov S. A., Kropachev N. M., Verbitskaya L. A. The National Language of Russia: Legal Norms and Language Norms. St. Petersburg: Publishing House of St. Petersburg. University, 2018. P. 110.
[214] Belov S. A. Kropachev N. M. What is needed for the Russian language to become the state language? // Law, 2016. No. 10. P. 107.
[215] Voronetsky P.M. On the constitutional and legal status of subjects of linguistic legal relations // Journal of Russian Law, 2007. No. 11. P. 45.

the language that are fixed in grammars and reference books: literate speech is part of the etiquette of standards accepted in modern society.

Law No. 53-FZ indicates that the state language of the Russian Federation is a language that promotes mutual understanding, strengthening interethnic connections of the peoples of the Russian Federation in a multinational state.

Such goals of fixing the state language for the national legal order are not new. A.S. Hayrapetyan, studying the state language in the Soviet period, concludes that there was no systematic regulation of the use of languages at that time and was represented only by separate rules. At the same time, the Russian language in reality occupied a more significant place than it was normatively provided for (the obligation to consolidate and obligatory use of the state language was criticized by V.I. Lenin[216]). This was due to the fact that the Russian language, compared with other languages of the peoples of the USSR, has great functional capabilities. Russian was the official language of communication of the USSR and all the Union republics, and also acted as the national language of the USSR[217].

The spheres of obligatory use of the state language are extremely diverse. Among them are legislative activities, office work, media activities, etc. The sphere of lawmaking is of particular interest, since a normative act always has a written form, the rules established by it are set out by means of written speech in a certain language[218].

It is often pointed out that "the same" state language cannot be used in these spheres, attention is drawn in the literature precisely to the fact that there are different styles of language, and in the obligatory spheres of use of the state language there is no single style to be used. In these areas, the official business style, journalistic, etc. are used, and each functional style of the language implies the presence of features of language norms. From a linguistic point of view, this is fair, but there is a situation when language norms find their legal consolidation. The

---

[216] Lenin V. I. Is a Compulsory Official Language Needed? // Proletarskaya Pravda. No. 14 (32). January 18, 1914 // The Collected Works of V.I. Lenin. 5th edition, vol. 24. P. 295.
[217] Hayrapetyan A. S. Consolidation of the legal regime of the Russian language in Soviet constitutions // Bulletin of the Saratov State Academy of Rights, 2011. No. 2. P. 38.
[218] Erdelevsky A. M. On the interpretation of the law // Legal reference system "ConsultantPlus". 2001.

current legislation on the state language obliges to apply to a single method of determining the norms of the modern Russian literary language for all areas of obligatory use of the state language. In connection with such a divergence of linguistic and legal understanding of the features of the state language, the question of the relationship between the modern Russian literary language and the Russian language, which is used as the state language, is raised. When the question arises about the relationship of two concepts, there may be three possible answers – these are concepts that coincide, do not coincide, or partially coincide. The option with a mismatch of these concepts will not be considered because of the obvious impossibility of such a situation, and such an approach will directly contradict the current legislation, which establishes that when using the Russian language as a state language, it is necessary to use the modern Russian literary language.

T. S. Sadova and D. V. Rudnev, answering the question posed above, come to the following conclusion: "Traditionally, they proceed from the fact that the Russian language as the state language is one of the functions of the Russian literary language. This follows from the traditional identification of functional styles within the framework of the Russian literary language, among which the business style is mentioned. Indeed, the three signs of literary language - normalization, codification, relative stability - are quite applicable to the business style. However, referring to the definition of literary language, it can be seen that a number of definitional features of the language of legal communication will be absent. It is unlikely that all the language means used in legal communication can be classified as commonly used. As for the indication that linguistic means have undergone "long-term cultural processing in the works of authoritative masters of the word," it is not applicable to legal communication at all"[219].

D. Y. Karkavina considers that the consolidation of the language as the state language is an instrument for the implementation of the national policy of the state, ensuring political and cultural unity[220]. Thus, the state language allows to create a

[219] Rudnev D. V., Sadova T. S. Ibid. P. 60.
[220] Karkavina D. Y. Commentary to the preamble // Commentary to the Federal Law of June 1, 2005 No. 53-FZ "On the State language of the Russian Federation" (article-by-article) // Legal reference system "ConsultantPlus". 2006.

unified communicative space in which all communication participants will share information in understandable forms using a single language, to which uniform requirements should be imposed. In order for communication to be effective, the information exchanged in this space must be understandable to the subjects of communication, the creation of a situation of ambiguous interpretation of the transmitted information will negatively affect the certainty of the position of the subjects of communication.

The official publication of normative acts in the state language is a constitutional guarantee of the right of citizens to know about the content of issued normative acts. The norms of law contained in them must be understandable to citizens, otherwise this goal of official publication will not be achieved. The aspect of the comprehensibility of the provisions of the issued regulations was discussed in detail in the previous paragraph of the work. The publication of a normative act, the provisions of which are incomprehensible to the recipients, will turn the official publication simply into a procedure necessary from a formal point of view, which will not have a semantic content. "The right of citizens to access and understand information concerning them extends the requirement of obligatory use of the state language not only to the sphere of official communication with public authorities, but also to all areas of official public communication. For example, protecting the rights of citizens as consumers of goods or services, the legislator establishes the obligation to label or advertise any products in the state language"[221]. It is important to remember that when issuing regulations, the state language should be used, which is the modern Russian literary language.

Thus, the consolidation of the status of the Russian language in the Constitution and the development of this provision in legislation follow one common goal – to create conditions for effective communication in a multinational society. The requirement for the publication and publication of normative acts in Russian is considered as constitutional, not legislative[222]. This requirement stems from the

[221] Belov S. A., Kropachev N. M. Ibid. P. 110.
[222] Revazov M. A. Constitutional requirements for the language of normative acts // Journal of Constitutional Justice, 2020. No. 1. P. 30.

constitutional provision, which implies the use of the state language in the official sphere, which unquestionably includes legislative activity. Further legislative development of this provision only concretized it. Based on this, the content of this requirement should be determined in more detail. First, to establish what is considered as the norms of the Russian literary language. Secondly, to consider the implementation of this requirement at the regional level.

2.3.2. Norms of the modern Russian literary language

As above mentioned, when using the Russian language as the state language, the modern Russian literary language should be used. To implement this requirement, it is necessary to establish a list of sources of norms of the modern Russian literary language. These sources must be approved by the State in accordance with the established procedure[223]. After the changes in the legislation on the state language that occurred in 2023, the Government of the Russian Federation is responsible for determining the procedure for the formation and approval of the norms of the modern Russian literary language. At the same time, the norms of the modern Russian literary language are understood as the rules for the use of language tools, fixed in normative dictionaries, reference books and grammars. To date, a list of grammars, dictionaries and reference books has been approved containing the norms of the modern Russian literary language when it is used as the state language of the Russian Federation (according to the results of the examination), as well as the rules of Russian spelling and punctuation (hereinafter - the List)[224]. Initially, this duty was assigned to the Ministry of Education and Science of the Russian Federation, which approved the corresponding List[225]. This List included only 4 sources: a spelling dictionary of the Russian language (edited by B. Z. Bukchin, I.

[223] But many linguists disagree with this approach, who do not associate the codification of language norms with the recognition of such codes by the state. See for example: Shmelev A.D. Codification of Russian spelling and writing people's proper names with a capital letter - is there a problem? // Russian Speech, 2020. No. 4. P. 44-45

[224] On the procedure for approving the norms of the modern Russian literary language when it is used as the state language of the Russian Federation, the rules of Russian spelling and punctuation: Decree of the Government of the Russian Federation of November 23, 2006 No. 714 // Collection of Legislation of the Russian Federation. 2006. No. 48. Art. 5042.

[225] On approval of the list of grammars, dictionaries and reference books containing the norms of the Modern Russian literary language when it is used as the State language of the Russian Federation: Order of the Ministry of Science and Higher Education of the Russian Federation No. 195 of June 8, 2009 // Rossiyskaya Gazeta. 2009. No.156.

K. Sazonov, L. K. Cheltsova), a Russian grammar dictionary (edited by Zaliznyak A. A.), a dictionary of stresses of the Russian language (edited by Reznichenko I. L.), a large phraseological dictionary of the Russian language (edited by V. N. Telia). No other sources that government agencies, linguists, lawyers and other specialists often consult have the above-mentioned special status, since they are not approved in accordance with the established procedure. The absence of this status formally allows us to speak about the inadmissibility of referring to these sources to establish the norms of the modern Russian literary language. However, law enforcement practice knows a lot of examples of the use of such "unofficial" sources.

According to the results of the analysis of law enforcement acts, primarily court decisions, it can be noted that very often in their decisions, the courts indicate that modern Russian legislation obliges in established areas to use the norms of the modern Russian language, the rules of Russian spelling and punctuation. At the same time, the courts refer to the fact that in pursuance of the Decree of the Government of the Russian Federation of November 23, 2006 No. 714 "On the procedure for approving the norms of the modern Russian literary language when it is used as the state language of the Russian Federation, the rules of Russian spelling and punctuation" and on the basis recommendations of the Interdepartmental Commission on the Russian Language (Minutes of April 29, 2009 No. 10), by order of the Ministry of Education and Science of Russia of June 8, 2009 No. 195, a list of grammars, dictionaries and reference books was approved containing the norms of the modern Russian literary language when it is used as the state language of the Russian Federation. It is important that the Rules of Russian Spelling and Punctuation, approved in 1956 by the Academy of Sciences of the USSR, the Ministry of Higher Education of the USSR and the Ministry of Education of the RSFSR (hereinafter - the Rules of Russian Spelling and Punctuation), are currently being applied. But at the same time, pointing to the fact of the existence of the approved List, there are no references in the decisions of the courts to the sources themselves that were included in this List. The Rules of Russian Spelling and

Punctuation are actively used, as well as various other dictionaries, examples of which are listed below.

Decisions where courts are guided by a list of dictionaries, which was approved by the Ministry of Education and Science, act as an exception. If the court consistently argues its position, then after mentioning the Decree of the Government of the Russian Federation No. 714 and the order of the Ministry of Education and Science of the Russian Federation No. 195, it should conclude that the norms of the modern Russian literary language are contained in dictionaries, grammars and reference books approved by these normative acts. In one of the analyzed cases[226], the court turned to the Spelling Dictionary of the Russian language edited by Bukchin B. Z., Sazonov I. K., Cheltsov L. K. to resolve the issue of the existence of such an abbreviation or abbreviation as "project declaration". Another possible option is to appeal to the courts to dictionaries to determine whether there is a controversial word in them or not, which becomes the criterion for the conformity of this word to the norms of the modern Russian literary language[227].

In most cases, the courts turn to sources not included in the List[228]. As a result of the analysis of court decisions, the sources that the courts turned to identify the norms of the modern Russian literary language were identified (the names are taken from the texts of court decisions without making changes):

1. The Large explanatory dictionary of the Russian language of the Institute of Linguistic Research of the Russian Academy of Sciences (St. Petersburg, "Norint", 1998);

2. A large explanatory dictionary of the Russian language Kuznetsova S. A.;

3. The large explanatory dictionary of the modern Russian language: In 4 volumes/ edited by D. N. Ushakov. Vol. 1. M., 1935; Vol. 2. M., 1938; Vol. 3. M, 1939; Vol. 4, M., 1940; reprint edition M., 1995; M, 2000;

---

[226] Decision of the Arbitration Court of the Samara region of February 8, 2011 on case No. A55-25414/2010.
[227] Decision of the Vologda Arbitration Court of March 30, 2012 on case No. A13-928/2012.
[228] Belov S. A., Kropachev N. M., Revazov M. A. Judicial control over compliance with the norms of contemporary Russian literary language // Law, 2017. No. 3. P. 114.

4. A large phraseological dictionary of the Russian language. Meaning. Usage. Cultural commentary. Telia V.N. - M.: "AST-PRESS", 2008;

5. Spelling dictionary: textbook for students of elementary school - 22 ed. - M.: Enlightenment, 1991 (Recommended by the Ministry of Education of the RSFSR);

6. Spelling dictionary of the Russian language. Bukchina B. Z., Sazonova I. K., Cheltsova L. K. - M: "AST-PRESS", 2008. 1288 p.;

7. Rules of Russian spelling and punctuation (approved by the USSR Academy of Sciences, the USSR Ministry of Higher Education, the RSFSR Ministry of Industry 1956);

8. Jargon Dictionary;

9. Dictionary of obscenities of the Russian language, edited by D.I. Kveselevich;

10. Dictionary of the Russian language argo;

11. Dictionary of the Russian language Ozhegova S. I.;

12. Dictionary of the Russian language edited by Evgenieva A. P.;

13. Dictionary-reference on the website www.baurum.ru;

14. Dictionary of Russian swearing (St. Petersburg, Norint, 1998);

15. Modern explanatory dictionary of the Russian language by T. F. Efremova;

16. Modern Economic Dictionary (INFRA-M, 2006, Raizberg B. A., Lozovsky L. Sh., Starodubtseva E. B.);

17. Explanatory dictionary of the Russian language (edited by D. N. Ushakov. – M.: State Institute "Sov. encikl."; OGIZ; State Publishing house of foreign Languages. and nats. words., 1935-1940);

18. School word-formation dictionary of the Russian language author Tikhonov A. N. M.: Citadel-trade, 2008. 576 p. (prize of the Government of the Russian Federation in the field of education);

19. Electronic version of Ushakov's explanatory dictionary of the Russian language.

L. A. Verbitskaya wrote that today it is necessary to establish a large number of grammars, dictionaries and reference books that contain the norms of the modern Russian literary language. At the same time, a detailed list of 47 sources is provided, which are recommended as a guideline[229].

The analysis of law enforcement practice at the same time showed that the sources included in the List are practically not used by law enforcement officers. This fact cannot be assessed as the fact that such consolidation of the list of dictionaries, grammars and reference books is not in demand by law enforcement authorities. Considering that other sources are actively used that are not fixed as sources of the norms of the modern Russian literary language in the prescribed manner, we can conclude that such a List is extremely in demand, but not in the form in which it is presented today. It seems that this List should be supplemented and constantly updated. For example, the analysis of practice showed a great demand for explanatory dictionaries, as well as the active application of the "Rules of Russian Spelling and punctuation"[230]. The approval of the sources of norms of the modern Russian literary language used in practice in accordance with the established procedure will allow avoiding discrepancies in the definition of these norms, eliminate the heterogeneity of judicial practice. As a result, it will be possible to significantly reduce the number of regulations that create uncertainty due to the fact that the words and expressions used in regulations cannot be unambiguously interpreted on the basis of a single source.

2.3.3. Compliance with literary norms in bilingual regional legislation

For normative acts issued in Russian, the problem of the correspondence of the text to the norms of the modern Russian literary language, due to the described difficult situation with the consolidation of these norms, is the main one in resolving the issue related to the language of the act[231]. It is worth noting that the problem of

---

[229] Verbitskaya L. A. Russian as the state language: the current state and measures for its strengthening and development // Russian Humanitarian Journal, 2015. Vol. 4. No. 2. P. 94.

[230] Rules of Russian spelling and punctuation: approved. Academy of Sciences of the USSR, Ministry of Higher Education of the USSR and Ministry of Education of the RSFSR, 1956.

[231] There are a number of other problems that need to be analyzed and solved, including the problem of the use of certain words and expressions in normative acts that create a situation of legal uncertainty, violation of the clarity and

compliance with the norms of the modern literary language in relation to the publication of normative acts is also relevant when publishing such an act in other languages besides Russian.

Regional legislation may also contain requirements for compliance with literary norms in relation to the use of both state languages and the languages of the peoples of the Russian Federation[232]. The absence of such requirements does not entail discretion in the application of language norms and rules in official spheres. The analysis of the legislation of the constituent entities of the Russian Federation has shown that the normative regulation of this issue at the regional level is either completely absent, or is limited to general phrases about the need to take into account certain language norms.

On the one hand, with bilingualism of legislation, a normative act drafted in Russian is meant to be identical to an act in another language. On the other hand, it is not clear how the norms of the Russian literary language and, for example, the norms of the Mari (mountain and meadow) literary language relate to each other. Can these norms come into conflict with each other when creating a bilingual act, how to determine the range of these norms, which norms to follow in the absence of such regulation in the legislation of the subject of the Russian Federation?

It is possible to imagine a situation in which a version of a normative act drafted in Russian contains violations of modern Russian literary language norms, and on this basis, the court is faced with the question of invalidating this act in the relevant parts. What should happen in this case with the version of this act in another language, which is recognized as equal in legal force to the version drafted in Russian? The provisions of the act drafted in another language cannot violate the norms of the modern Russian literary language. Let us assume that the act in another language fully meets the requirements established for the use of such a language.

---

comprehensibility of normative acts, etc. But these problems of the "language of normative acts" affect somewhat different aspects than this work.

[232] Paragraph 5 Decree of the Government of the Republic of Mari El of 8 December. 2010 No. 329 "On the approval of the Regulations on the use of languages when publishing socially significant information on the territory of the Republic of Mari El": When publishing socially significant information, the state languages of the Republic of Mari El and other languages are used in accordance with their literary norms.

There are no grounds for correcting a non–Russian version of the text in this case, it is not a translation from Russian - it acts as an independent version of the text. As a result, a situation arises when there is one act, the text of which is presented in two languages, both versions have equal legal force, are recognized as identical in content, but actually differ. This will entail serious problems associated with the application of such an act. The task of drafting normative acts in several languages "is complicated by the requirements of the highest accuracy, the identity of acts in versions in different languages, the peculiarities of using special legal terminology in different languages"[233].

The problem of defining and fixing the norms of the modern Russian literary language is acute. It seems that the solution to this problem depends on the active interaction of the legislator with specialists in the field of jurisprudence and linguistics, as a result of which it is necessary to develop a mechanism for the normative consolidation of the norms of the modern Russian literary language in sufficient volume for its use in those areas where the use of the state language of the Russian Federation is obligatory. A similar proposal can be addressed to those constituent entities of the Russian Federation in which several languages have the status of the state language in order to determine the norms that these state languages must comply with when used in official spheres of activity.

[233] Revazov M. A. Problems of Legal Documents Translation and Adoption of Multilingual Acts // Law, 2023. No 1. C. 186.

Chapter 3. Application of requirements to the language of normative acts in rulemaking and judicial practice

3.1. Ensuring compliance with the language requirements of normative acts in the legislative process

3.1.1. Legal technique

Within the framework of law-making activities, there are two main components. The first is connected with the fact that the subject of law-making activity must formulate a legal norm. And the second is to consolidate this legal norm in textual form. Some authors take the process of documenting the norms of law beyond the framework of law-making activities on the grounds that there is no longer the creation of law, it is only a technical process[234]. But regardless of what position individual specialists adhere to, the activity of textual registration of legal norms is always recognized as significant and deserving of the closest attention. Jhering also noted that the presence of technical inaccuracies and defects in the law should be considered as an imperfection of the law. Such deficiencies hinder the development of law and simply harm it[235].

As already mentioned, legal technique helps to avoid such inaccuracies when fixing legal norms in legal texts. Some authors call it a law–making technique, but the same thing is meant by this - a set of techniques and methods that allow us to present legal information qualitatively in a legal text. Speaking about legal technique and law-making technique, or as it is sometimes called – legislative technique, it is noted that legal technique is a general concept that is divided into the technique of creating normative acts and individual legal acts.

The methods of legal technique are diverse and numerous. V. M. Syrykh in his works gives their classification[236]. The author identifies four groups of such methods. Firstly, the methods used at the stage of developing the concept of the act. Secondly, methods of formulating specific legal norms or developing a mechanism

---

[234] Bulatova Yu. V. Law-making technique as a component of legal expertise of management decisions // Modern Law, 2009. No. 6. P. 8.
[235] Jhering R. Legal technique / Translated from German by F. S. Shendorf. St. Petersburg, 1905. P. 29.
[236] Syrykh V. M. The subject and system of legislative technique as an applied science and academic discipline // Legislative technique of modern Russia: status, problems, improvement. N. Novgorod, 2001. Vol. 1. P. 14.

for their implementation. Thirdly, the methods of constructing the text of the act being developed. Fourth, methods for evaluating the effectiveness of the developed norms. This is a very broad view of what is meant by the methods of legal technique. We can agree with Y. V. Bulatova, who notes that of the above classification, only the third group should be considered within the framework of the issue of law-making technique.

Of greatest interest are such means as the language by which any norm is reflected in the text. Along with the language, such related categories as vocabulary, spelling and punctuation rules, stylistic features, etc. are also considered. The issue of systematization of all methods of law-making technique is still relevant today[237]. There is no clear definition of the scope and legal content of legislative instruments in the doctrine[238]. But this is a question that goes beyond the scope of this study, although it is closely related to it.

3.1.2. Linguistic evaluation of the text of normative acts and their drafts

An important role in the rule-making process is played by expert analysis of adopted laws and draft laws, which should ensure the necessary quality of regulations[239]. When preparing a draft normative act, it is necessary to carry out its linguistic expertise, aimed at eliminating logical, stylistic, grammatical errors and language anomalies (violations of the rules of use of words)[240]. The presence of inaccuracies and errors in the use of language rules in the text of the normative act leads to an ambiguous interpretation of the norms, which reduces the possibility of their effective application.

The current legislation provides for an expert assessment of the text of normative acts. The evaluation of draft regulations is of the greatest interest for this

---

[237] Ibid. P. 15.

[238] Soloviev O. G., Goncharova Yu. O. Debatable aspects of determining the list of means and techniques of legislative technique in the law-making process // Bulletin of P. G. Demidov Yaroslavl State University. Humanities series, 2021. T. 15. No. 1 (55). P. 79.

[239] Usmanova E. F., Paulova Yu. E. The concept and significance of the examination of bills in modern Russia // Law and the State: theory and practice. 2020. No. 3 (183). P. 99.

[240] Bazavluk L. M. On some features of linguistic analysis and editing of a legal text // Formation and improvement of multicultural linguistic personality of specialists by means of native, Russian and foreign languages: A collection of materials of the All-Russian "round table". Orel, 2016. P. 18.

study. Particular importance in this area is attached to the linguistic expertise of draft regulations, primarily draft laws.

In accordance with the Regulations of the State Duma of the Federal Assembly of the Russian Federation, on behalf of the responsible Committee, the Legal Department of the State Duma Apparatus carries out article-by-article legal and linguistic expertise of the draft law[241]. At the same time, in accordance with Paragraph 7 of Article 121 of the Regulations, the linguistic expertise of the draft law consists in assessing the compliance of the Russian text with the norms of the modern Russian literary language and giving recommendations for the elimination of grammatical, syntactic, stylistic, logical, editorial and technical errors and errors in the use of terms. For linguistic expertise, an assessment is provided not only for the compliance of the text of the normative act with the norms of the modern Russian literary language, but also takes into account the peculiarities of the language of normative acts. Such features should be recognized aspects described in the first chapter of this work, including the style of regulations and the order of use of special terminology.

The conclusion prepared by the Legal Department of the State Duma Apparatus on the basis of the results of the legal examination of the draft law should reflect whether the internal logic of the draft law has been violated, whether there are conflicts between sections, chapters, articles, parts and paragraphs of the draft law. If there are such contradictions, they should be named specifically, and it is also necessary to give recommendations for their elimination.

The Regulations of the Federation Council of the Federal Assembly of the Russian Federation[242] also provide that draft act submitted to the Federation Council for consideration pass legal and linguistic expertise in the Legal Department of the Federation Council Apparatus and are approved by their officials.

---

[241]Paragraph 6 of Article 121 of the Regulations of the State Duma of the Federal Assembly of the Russian Federation, approved by the Resolution of the State Duma of the Federal Assembly of the Russian Federation of January 22, 1998 No. 2134-II of the State Duma "On the Regulations of the State Duma of the Federal Assembly of the Russian Federation".

[242] On the Regulations of the State Duma of the Federal Assembly of the Russian Federation: Resolution of the State Duma of the Federal Assembly of the Russian Federation of January 22, 1998 No. 2134-II GD // Collection of Legislation of the Russian Federation. 1998. No. 7. Art. 801.

The content of linguistic expertise is similarly disclosed in other normative acts. Thus, the Law of Moscow "On Legal Acts of the City of Moscow" defines linguistic expertise of draft legal acts as a study aimed at evaluating the texts of draft legal acts for their compliance with the norms of the modern Russian literary language, taking into account the functional and stylistic features of legal texts, eliminating spelling, punctuation errors[243].

3.1.3. Anti-corruption expertise of draft regulations

Another mechanism aimed at eliminating violations of the requirements for the language of normative acts, it is necessary to recognize the anti-corruption expertise of draft normative acts. When creating a normative act, the legislator is obliged to comply with the norms of the modern Russian literary language. In addition, the legislator must take into account the requirements for the language of normative acts – logical harmony, clearness, clarity and certainty, comprehensibility, take into account the peculiarities of the stylistics of normative acts and the rules for the use of special terms. Such increased requirements for the verification of the text of the normative act are due to the functions that are assigned to it.

Failure to comply with these requirements entails the occurrence of those factors that are called corruptiogenic. The reasons for this may be different, starting with the peculiarities of the Russian language, ending with the insufficient qualifications of the drafters of the normative act. Even a legally accurate normative act can be created in violation of the language requirements of this act. E.I. Galyashina correctly notes that "the text of the law must be not only legally literate, but also linguistically verified"[244].

The general rules for conducting such an examination are fixed by Federal Law No. 172-FZ of July 17, 2009 "On Anti–Corruption Expertise of Regulatory

---

[243] On legal acts of the City of Moscow: Moscow Law No. 25 of July 8, 2009 // Vedomosti of the Moscow City Duma. 2009. No. 8. Art. 214.

[244] Galyashina E. I. Linguistic expertise of normative legal acts as a means of preventing corruption // Bulletin of Economic Security, 2020. No. 2. P. 148.

Legal Acts and Draft Regulatory Legal Acts"[245] (hereinafter - Law No. 172-FZ), Federal Law No. 273-FZ of December 25, 2008 "On Combating Corruption"[246] and the Decree of the Government of the Russian Federation of February 26, 2010 No. 96 "On Anti–Corruption expertise of Regulatory Legal Acts and Draft Regulatory Legal acts"[247] (hereinafter - the Decree of the Government of the Russian Federation No. 96). Anti-corruption expertise is subject not only to the current regulations, but also to draft regulations.

Anti-corruption expertise is conducted on a mandatory basis. The obligation to conduct the examination is assigned to the Prosecutor's Office of the Russian Federation and the Ministry of Justice of the Russian Federation. In addition, anti-corruption expertise of draft normative acts is carried out by bodies, organizations and their officials - in relation to draft normative acts developed by them.

To understand the potential of such a mechanism and its significance in the issue of ensuring compliance with the requirements for the language of regulations, it is necessary to refer to the Methodology of examination approved by the Decree of the Government of the Russian Federation No. 96. According to this Methodology, expertise, including draft regulations, is carried out in order to identify corruption factors in them and their subsequent elimination.

The Methodology distinguishes two groups of corruption factors. The first group is corruptionogenic factors that establish unreasonably broad margins of discretion for the law enforcer or the possibility of unreasonable application of exceptions to the general rules. Any of the factors indicated in this group negatively affects legal certainty, and therefore carries a threat to the equality of citizens' rights before the law. Some of them can be singled out in particular: the breadth of discretionary powers formulated in the draft normative act; the definition of competence according to the formula "entitled", which is a dispositive

[245] On Anti-corruption expertise of Regulatory Legal Acts and Draft Regulatory Legal Acts: Federal Law No. 172-FZ of July 17, 2009 // Collection of Legislation of the Russian Federation. 2009. No. 29. Art. 3609.
[246] On combating corruption: Federal Law No. 273-FZ of December 25, 2008 // Collection of Legislation of the Russian Federation. 2008. No. 52. Art. 6228.
[247] On Anti-corruption expertise of Regulatory Legal Acts and Draft Regulatory Legal Acts: Federal Law No. 172-FZ of July 17, 2009 // Collection of Legislation of the Russian Federation. 2009. No. 29. Art. 3609.

establishment; the absence or incompleteness of administrative procedures; regulatory conflicts - contradictions, including internal ones, between the norms, creating for state bodies, local governments or organizations (their officials) the possibility of an arbitrary choice of norms to be applied in a particular case.

The second group is corruptionogenic factors containing uncertain, difficult or burdensome requirements for citizens and organizations. In this group, such a factor as legal-linguistic uncertainty is highlighted - the use of unstable, ambiguous terms and categories of an evaluative nature.

From the above provisions of the Methodology, it can be seen that at the stage of the development of the act, with the help of anti-corruption expertise, it is possible to identify and eliminate collisions and gaps in normative regulation, avoid the use of evaluative concepts and terms that do not have an unambiguous definition, eliminate other causes of legal uncertainty due to defects in the text of the normative act.

However, as practice shows, conducting anti-corruption expertise, especially draft regulations, faces a number of problems. The legislation closely links the conduct of anti-corruption expertise with the monitoring of law enforcement.

Thus, Article 3 of Law No. 172-FZ, which affects the procedure for conducting an examination, mentions the monitoring of law enforcement four times, describing the procedure for conducting an examination.

An analysis of the provisions of the Decree of the Government of the Russian Federation No. 96, in particular, the Methodology of the examination, shows that the Methodology does not sufficiently address the issues of organizing anti-corruption expertise by various entities and does not determine the place of law enforcement monitoring in this activity.

In addition, in accordance with Law No. 172-FZ, anti-corruption expertise is carried out not only when monitoring law enforcement, but also when conducting legal expertise. What is legal expertise is a separate issue. For example, the provision of the Law of Moscow[248] defines this concept, extending it only to draft regulations.

---

[248] Paragraph 2 of Article 14 of the Law of Moscow of July 8, 2009 No. 25 "On legal acts of the City of Moscow".

Thus, the legal expertise of draft legal acts is an examination aimed at establishing compliance of draft normative acts with generally recognized principles and norms of international law, international treaties of the Russian Federation, the Constitution of the Russian Federation, federal legislation, legal acts of higher legal force, requirements of legal technology[249].

The Prosecutor's Office pays considerable attention to the anti-corruption expertise of draft regulations. The subject of cases in the courts was often the failure of this duty by local governments. If local authorities do not conduct such examinations, then their inaction is recognized as contrary to the law. At the same time, the prosecution authorities are guided by regional and municipal regulations, but first of all they pay attention to paragraph 2 of Art. 6 of Law No. 172-FZ. In such cases, the applicants demand to oblige certain local authorities to conduct an anti-corruption examination of specific municipal acts as part of the monitoring of law enforcement.

The stated requirements, which are repeated by the courts satisfying them, look something like this: "Oblige the administration of the Sadovsky rural settlement of the Anninsky municipal district of the Voronezh Region within a month within the framework of monitoring the enforcement of regulatory legal acts to conduct an anti-corruption examination of Resolution No. 105 of August 23, 2011 "On approval of the Regulations on the protection of personal data of employees of the administration of the Sadovsky rural settlement of the Anninsky municipal District Voronezh region". Oblige the Council of People's Deputies of the Sadovsky rural Settlement of the Anninsky Municipal District of the Voronezh Region to conduct an anti-corruption examination of the following decisions within a month within the framework of monitoring the enforcement of regulatory legal acts ...".

Failure to fulfill the obligation to conduct an anti-corruption examination is detected by the prosecutor's office. At the same time, the prosecutor's office can check not only a separate municipality, but several at once, and then apply to the

[249] Regarding the correlation of the concepts of legal expertise, legal monitoring, monitoring of law enforcement, etc., see more https://clck.ru/XAobC (accessed: 14.07.2022).

court about the inaction of each, in which the above requirements are not fulfilled. For example, a number of similar cases were discovered, considered by the courts of the Kemerovo region, where the illegal inaction of local authorities of 9 municipalities at once was established. But this practice is found only in certain regions of the country.

If such inaction is revealed, the court can either simply oblige local governments to monitor municipal legal acts, or specify this obligation, for example, as follows: "to monitor the enforcement of the provisions of municipal legal acts related to the daily needs of citizens, in order to identify contradictions, excessive regulation and difficult to understand provisions that contribute to manifestations of corruption and hinder the development of legal literacy of citizens"[250].

The courts separately note that conducting an anti-corruption examination is an obligation, and not the right of bodies and organizations that adopt regulations. The courts also adhere to the position that the anti-corruption expertise of acts is carried out during their legal examination and monitoring of their application. That is, law enforcement monitoring is one of the processes within which an anti-corruption examination of an act is carried out. At the same time, by virtue of paragraph 4 of the Decree of the President of the Russian Federation No. 657 of May 20, 2011[251], federal executive authorities, state authorities of the subjects of the Russian Federation and local government can carry out monitoring on their own initiative. This provision gives rise to assumptions that local governments participate in law enforcement monitoring on a voluntary basis. However, they should be interpreted in such a way that these entities can additionally voluntarily monitor the enforcement of acts not adopted by them. Monitoring of regulations adopted by them is obligatory.

The analysis of court cases related to the anti-corruption expertise of municipal acts showed the frequent absence of a municipal act regulating the conduct of such expertise. The courts pay attention to this, assessing this as inaction.

---

[250] Decision of the Novoselitsky District Court of the Stavropol Territory of April 19, 2017 on case No. A-180-17.
[251] On the monitoring of Law Enforcement in the Russian Federation: Decree of the President of the Russian Federation No. 657 of May 20, 2011 // Collection of Legislation of the Russian Federation. 2011. No. 21. Art. 2930.

In the operative part of the decision, it is indicated that the local government is obliged to develop and adopt a regulatory act regulating the procedure for conducting an anti-corruption examination of regulatory legal acts[252]. Given that the court indicates the need for such an examination as part of the monitoring of law enforcement, the local government will have to reflect this approach in the act that it is obliged to develop by court decision. In other words, all authorities should issue a regulatory act regulating the procedure for monitoring the enforcement of the acts they adopt. An analysis of the acts of federal executive authorities showed that the acts regulating the conduct of anti-corruption expertise were adopted by the overwhelming majority of them, while such acts are based on the Methodology indicated above[253].

In the literature, there are types of anti-corruption expertise. One of these types is called incomplete anti-corruption expertise of normative acts and draft normative acts[254]. The incompleteness is manifested in the fact that the analysis is not carried out to identify all the factors specified in the Methodology, attention is paid to only one or several of them. Such incomplete anti-corruption expertise includes legal and linguistic expertise of normative acts and draft normative acts[255].

Legal-linguistic uncertainty is singled out as a separate corruption-causing factor. At the same time, the uncertainty of a legal-linguistic nature has received a rather limited definition, as a result of which it is reduced to the use of ambiguous terms and evaluative concepts. E. I. Galyashina, drawing attention to the fact that in

---

[252] Decision of the Anninsky District Court of the Voronezh Region of December 12, 2011 on case No. 2-636/2011; Decision of the Anninsky District Court of the Voronezh Region of December 9, 2011 on case No. 2-641/2011.

[253] See for example: On approval of the procedure for conducting an anti-corruption examination of Normative Legal Acts and Draft Normative Legal Acts of the Ministry of Culture of the Russian Federation: Order of the Ministry of Culture of the Russian Federation No. 774 of December 15, 2010 // Bulletin of Normative Acts of Federal Executive Bodies. 2011. No. 10; On Approval of the Procedure for Conducting Anti-Corruption Expertise of Normative Legal Acts and Draft Normative Legal Acts of the Federal Service for State Registration, Cadastre and Cartography: Order of the Federal Service for State Registration, Cadastre and Cartography of April 15, 2010 No. P/138 // Rossiyskaya Gazeta. 2010. No. 130; On the organization of work on the anti-corruption expertise of normative legal acts and draft Normative Legal Acts issued by the Federal Agency of Scientific Organizations: Order of the Federal Agency of Scientific Organizations of December 25, 2013 No. 11n // Rossiyskaya Gazeta. 2014. No. 6; On approval of the procedure for conducting anti-corruption expertise of Normative Legal Acts (draft regulatory legal acts) Investigative Committee of the Russian Federation: Order of the Investigative Committee of the Russian Federation No. 38 of July 3, 2012 // Rossiyskaya Gazeta. 2012. No. 192.

[254] Slepkova O. A. Classification of types of anti-corruption expertise of regulatory legal acts and draft regulatory legal acts of the Federal Customs Service of the Russian Federation // Administrative and municipal law, 2013. No. 12. P. 1170.

[255] Kudashkin A.V. Anticorruption canberranspertis: theory and practice. M., 2012. P. 48.

the text of the normative act "part of the information is expressed explicitly, that is, with the help of terms and terminological combinations specially designed for its expression, and part implicitly - with the help of structural and reference components of the text", suggests that all the identified corruption-causing factors should be attributed to legal-linguistic factors. She justifies this by the fact that all these factors are contained in the text of the normative act, in the language means used, in the language organization of the text[256].

This position deserves attention, since legal norms find their consolidation in the text of the normative act with the help of linguistic means. This means that even if the provisions of the normative act do not meet the requirement of certainty, are incomprehensible to the recipients, etc. the reasons for this must initially be sought in the text of the act, in non-compliance with the requirements for the language in which the normative act should be stated. Compliance with the requirements of legal technology only without due attention to the linguistic literacy of the text of normative acts will inevitably generate negative consequences in the form of violations of the requirements of certainty and clarity of normative acts, the presence of violations of the rules of the modern Russian literary language in the acts.

When identifying legal and linguistic corruption factors, an important requirement is consistency in assessing the provisions of the analyzed act. The question of the significance of evaluating any regulatory provision in a system with other norms has already been considered above. In the literature, when discussing the issue of methodological support for anti-corruption expertise, the authors point to insufficient attention to this aspect[257]. The development of high-quality methods of legal and linguistic expertise is a condition for achieving the objectives of the examination – the identification of corruption-causing factors[258].

---

[256] Anti-corruption expertise of normative legal acts and their projects / M. S. Azarov, V. V. Astanin, I. S. Barzilova, etc.; comp. E.R. Rossinskaya. M., 2010. P. 80.
[257] Rossinskaya E. R., Galyashina E. I. On the question of the form and content of the expert opinion of the anti-corruption expertise of normative legal acts and their projects // Actual problems of Russian law. 2013. No. 10. P. 13.
[258] Anti-corruption expertise of normative legal acts and their projects / M.S. Azarov, V.V. Astanin, I.S. Barzilova, etc.; comp. E.R. Rossinskaya. P. 45.

The methods of ordinary linguistic expertise should be equally used in identifying legal-linguistic uncertainty. This applies, among other things, to methods of primary linguistic analysis, level linguistic analysis, associative-semantic and formal-logical analysis, etc[259].

It must be recognized that the lack of a detailed clear methodology for conducting linguistic evaluation of legal texts significantly reduces the effectiveness of linguistic expertise. Such an approved methodology will be in great demand, and it must necessarily regulate the analysis in several main areas.

The first direction should be related to the terminology used in the analyzed text. Here it is necessary to evaluate the appropriateness of the use of terms and their choice. It should be checked whether the same terms are used in the same semantic meaning. It is also impossible to allow the same phenomena to be denoted by different terms. It is necessary to prevent cases of repeated inclusion of a legal definition of a term or concept in the text, if a similar definition has already been given by the legislator in another normative act. The comprehensibility of the terms used can also be assessed – whether they are specialized or commonly used.

The second direction should concern the identification of evaluative concepts in the text of the normative act. It is necessary to predict the consequences of applying a provision with an evaluative concept, as well as to make efforts to find a way to consolidate this normative provision without using such concepts.

The third direction can be associated with checking compliance with the norms of the modern Russian literary language. It is necessary to analyze the text of the normative act for the use of foreign words, unacceptable words and expressions, for compliance with various rules of the Russian language. This also applies to assessing the correctness of the construction of complex proposals, which today are overloaded with regulations.

The above-mentioned expert assessments of draft regulations are considered as the main mechanisms that make it possible to identify and eliminate language

---

[259] Potapova R. K., Potapov V. V. Semantic field "drugs". Discourse as an object of applied linguistics. M., 2004. P. 137 - 138.

defects in the text at the stage of development and adoption of the normative. It is also necessary to note several other procedures that claim to improve the quality of the text of normative acts, increase the level of their intelligibility to recipients, etc.

Thus, the Public Chamber of the Russian Federation approved the procedure for conducting a public examination of draft regulations[260]. At the same time, in accordance with this Procedure, the conduct of public expertise is based, among other things, on the principles of quality and responsibility. This is due to the fact that a normative act must comply in content and form with the requirements of legislation, legal, economic, social aspects must be taken into account when developing it, it must have a detailed and at the same time logical, clear structure, be accessible for understanding and use. However, the procedure for the direct implementation of public expertise does not affect the issues of logic, clearness and comprehensibility of the provisions of draft regulations.

Concluding the conversation about various expert assessments of normative acts, it is worth agreeing with the opinion present in the literature that the issue of adopting a single federal law on the examination of normative acts and consolidating unified approaches to conducting examinations deserves to be studied[261].

As a mechanism to encourage officials to be more attentive to their duties, their monetary encouragement is used. The President of the Russian Federation proceeded from this when, in 2001, he established additional salary allowances for officials of legal services of state bodies whose main official duties include conducting legal expertise of legal acts and their drafts, preparing and editing draft normative acts and their approval as a lawyer or executor with a higher legal education. Such a measure was supposed to improve the quality of preparation of draft normative acts[262].

---

[260] Regulations on the procedure for conducting public expertise: Decision of the Council of the Public Chamber of the Russian Federation of May 15, 2008, Protocol No. 4-S. Access from the legal reference system "ConsultantPlus".
[261] Medoeva B. K. Correlation of regulatory impact assessment procedures and expertise in Russian rulemaking // Proceedings of the Institute of State and Law of the Russian Academy of Sciences, 2020. Vol. 15. No. 6. P. 225.
[262] On some measures to strengthen the legal services of state bodies: Decree of the President of the Russian Federation No. 528 of May 8, 2001 // Collection of Legislation of the Russian Federation. 2001. No. 20. Art. 2000.

3.2. Judicial control of compliance with constitutional requirements for the language of normative acts

Above, mainly theoretical arguments were presented justifying the need to recognize, consolidate and comply with a number of requirements for the language of normative acts. However, the analysis of the current practice of implementing these requirements is also of great importance for this study. The analysis of judicial acts made it possible to identify the main violations that are allowed; the problems faced by citizens and law enforcement officers; the ways of their resolution chosen by the courts. The evaluation of judicial practice makes it possible to formulate the most problematic groups of issues that could be avoided by consistently implementing the constitutional requirements for the language of normative acts. The analysis of law enforcement practice was carried out using methodological developments of St. Petersburg State University[263].

3.2.1. Recognition of normative acts as invalid due to the uncertainty of their provisions

The requirement of certainty, clarity and unambiguity of the text of normative acts follows from the provisions of the Constitution of the Russian Federation and has been formulated more than once in the decisions of the Constitutional Court of the Russian Federation[264] and the European Court of Human Rights[265].

The uncertainty of the content of the norm creates a threat to equality before the law and the court: an uncertain legislative provision may be interpreted differently in cases, despite the similarity of their factual circumstances, and entail different legal consequences in the same situations. In addition, citizens who do not have special education find themselves in a vulnerable position when entering into

---

[263] Belov S. A., Kropachev N. M., Revazov M. A. Monitoring of law enforcement in St. Petersburg State University // Law, 2018. No. 3. P. 70-72.

[264] Judgments of Apr. 25, 1995 No. 3-P, of July 15, 1999 No. 11-P, of May 27, 2003 No. 9-P, of May 27, 2008 No. 8-P, of July 13, 2010 No. 15- P, of November 11, 2003 No. 16-P, of January 21, 2010 No. 1-P, of December 20, 2011 No. 29-P, of April 22, 2013 No. 8-P, of April 16, 2015 No. 8-P, of June 2, 2015 No. 12-P, of July 19, 2017 No. 22-P, of March 16, 2018 No. 11-P, of February 25, 2019 No. 12-P, of March 5, 2020 No. 11-P.

[265] Judgment of the European Court of Human Rights of April 26, 1979 on case "Sunday Times" (Sunday Times) v. the United Kingdom (No. 1)" (Complaint No. 6538/74); Judgment of the European Court of Human Rights of March 28, 2000 on case "Baranowski v. Poland" (Complaint No. 28358/95); Judgment of the European Court of Human Rights of July 31, 2000 on case "Jecius v. Lithuania" (Complaint No. 34578/97); Judgment of the European Court of Human Rights of October 14, 2010 on case "A.B. v. the Russian Federation" (Complaint No. 1439/06).

legal relations regulated by regulations with unclear formulations. The uncertainty of the content of a normative act also provides broad discretion for the person who applies this normative act, creating prerequisites for corruption. Based on these requirements, the Plenum of the Supreme Court of the Russian Federation indicated the uncertainty of the content of the normative act as the basis for declaring it invalid[266].

As noted above, in 2015 at St. Petersburg State University S.A. Belov conducted research of judicial practice on the issue of recognition of normative acts as invalid due to the uncertainty of their provisions[267]. In the course of the research, about 1,000 court decisions adopted by courts of general jurisdiction were analyzed. The author points out that during the analysis of law enforcement practice, three types of grounds for recognizing a normative act as containing legal uncertainty were identified – this is a violation of the requirements of the system of the current legislation, the uncertainty of verbal formulations and substantive uncertainty.

Cases of violation of the rules for the use of terms in the text of the normative act, including cases of using terms without a clear definition of their content, including the inclusion of incorrect terms in the text, were attributed to the violation of the consistency of the current legislation.

The analysis of cases of the courts' influence on the uncertainty of verbal formulations allowed S.A. Belov to identify several groups among them at once, which is a consequence of the variety of cases in which such uncertainty was found. Such groups may include: situations related to references in the text of normative acts to other normative acts in an abstract form; situations in which evaluative concepts were recognized as uncertain; situations in which the definition of the content of a word and expression depended on the discretion of officials; situations in which explanations of concepts placed in the brackets; situations in which the cause of uncertainty was the grammatical construction of sentences.

---

[266] Paragraph 25 of Resolution of the Plenum of the Supreme Court of the Russian Federation of November 29, 2007 No. 48 (ed. of February 9, 2012) "On the practice of consideration by courts of cases on challenging normative legal acts in whole or in part".

[267] Belov S. A. Recognition of normative acts as invalid due to the uncertainty of their provisions. URL: https://clck.ru/XAox3 (accessed: 07.08.2021).

The author associates the content uncertainty with the lack of clear grounds and criteria for the application of normative provisions, or the ambiguity of the terms used, the choice of possible meanings of which is not defined, as well as with the simultaneous use of concepts that do not agree with each other in one normative act.

The main reason for the emergence of a situation of legal uncertainty is the disregard by the legislator of the requirements that are imposed on him when various terms and concepts are included in the text of the normative act.

After 5 years, a re-analysis of court decisions taken in the period from 2016 to 2023 by courts of general jurisdiction was carried out. During the analysis of practice, attention was also directed to how the approaches of courts to solving the problem of uncertainty in the provisions of normative acts have changed. The analysis was based on more than 2.5 thousand court decisions, which raised the question of recognizing the normative act as invalid.

Application of the Resolution of the Plenum of the Supreme Court of the Russian Federation No. 48 of November 29, 2007

During this period of time, the resolution of the Plenum of the Supreme Court of the Russian Federation of November 29, 2007 No. 48 "On the practice of consideration by courts of cases on challenging normative acts in whole or in part" (hereinafter – the resolution of 2007) became invalid due to the adoption of the resolution of the Plenum of the Supreme Court of the Russian Federation of December 25, 2018 No. 50 "On practice consideration by courts of cases on challenging regulatory legal acts and acts containing explanations of legislation and having regulatory properties" (hereinafter – the resolution of 2008)[268]. Until December 25, 2018, the resolution of 2007 was applied by the courts quite actively. For example, with reference to it, cases were resolved on challenging the rules of land use and development[269], resolutions of local government[270], rules of

[268] Resolution of the Plenum of the Supreme Court of the Russian Federation of December 25, 2018 No. 50 "On the practice of consideration by courts of cases on challenging normative legal acts and acts containing Explanations of legislation and having normative properties". Access from the legal reference system "ConsultantPlus".
[269] Decision of the Pervomaisky District Court of Krasnodar of July 25, 2018 on case No. 2A-7742/2018.
[270] Decision of the Central District Court of Tver of December 15, 2017 on case No. 2A-2440/2017.

landscaping[271].

However, even after 2018, the application of the resolution of 2007 by the courts did not stop. The courts' references to paragraph 25 of this resolution and to many others were revealed[272]. In some cases, the resolution of 2007 and the resolution of 2018 ruling were applied to resolve the same dispute[273]. It is worth noting that since 2019, only about 30 cases of application of the resolution of 2007 have been identified, while for the period, for example, from January 2017 to December 2018, more than 200 such cases have been detected.

This circumstance is significant, since the resolution of 2018 does not contain a provision similar to paragraph 25 of the resolution of 2007. Of course, this cannot be perceived as a rejection of the statement that the uncertainty of the content of the normative act should be considered as the basis for its invalidation. However, as the analysis of court decisions shows, the presence of such an explanation has a positive effect on the uniformity of law enforcement practice.

Grounds for invalidating normative acts containing legal uncertainty:

a) Violation of the requirement of consistency of the current legislation

In this category of cases, the majority are cases where the provisions of a normative act did not correspond to an act of more legal force[274].

In some cases, the courts noted that the fact of duplication of federal legislation may lead to uncertainty if, on the basis of such provisions, prosecution is possible. The courts pointed out that the norms of federal legislation, which extends its effect to the entire territory of the Russian Federation and is binding on all subjects of legal relations, do not need to be confirmed by regulatory legal acts of municipalities[275].

---

[271] Decision of the Rostov Regional Court of October 18, 2018 on case No. 3A-441/2018.
[272] Decision of the Volkhov City Court of June 11, 2019 on case No. 2A-446/2019; Decision of the Kemerovo Regional Court of March 28, 2019 on case No. 3A-119/2019; Decision of the Magadan City Court of December 17, 2019 on case No. 2A-1857/2019; Decision of the Leningrad Regional Court of August 2, 2019 on case No. 3A-156/2019.
[273] Decision of the Nizhny Novgorod Regional Court of November 29, 2019 on case No. 3A-866/2019; Decision of the Leningrad Regional Court of August 13, 2019 on case No. 3A-161/2019.
[274] Decision of the Tomsk Regional Court of September 6, 2019 on case No. 3A-47/2019; Decision of the Omsk Regional Court of February 27, 2020 on case No. 3A-78/2020; Decision of the Nizhny Novgorod Regional Court of January 23, 2020 on case No. 3A-5/2020.
[275] Decision of the Yamalo-Nenets Autonomous District Court of May 21, 2018 on case No. 3A-87/2018.

b) The presence of formulations that contain uncertainty

Most of the analyzed disputes were related to references in the text of normative acts to other normative acts in an abstract form. The most frequent court decisions in this group concerned the invalidation of the provisions of regional laws on administrative responsibility.

For example, as a reason for challenging the article of the Law of the Smolensk Region "On Administrative Offenses on the territory of the Smolensk Region", which establishes administrative responsibility "*for non-compliance with the requirements of normative acts of local government bodies in the field of landscaping"*, the court indicated that *"by its legal construction, this norm is blank and does not carry specific information about the act that is the nature of the offense does not allow us to draw an unambiguous conclusion for which specific actions administrative responsibility is provided. In addition, the indication in the disposition of the article that liability occurs only if the actions (inaction) do not form the composition of an administrative offense provided for by the Administrative Code of the Russian Federation, and indicates the legal uncertainty of the contested norm"*[276].

In a number of other regions, according to the applicant and the court, the law did not formulate the objective side of the offense - it did not contain a specific indication of the action (inaction), in the commission of which administrative responsibility ensues. The norm was a blank, *referring to unnamed normative acts, which entailed legal uncertainty as to what specific actions and for non-compliance with which normative acts administrative responsibility could occur*[277]. Similar problems with the definition of the objective side of the offense were also identified when using the concepts of "*plot without a hard surface"* and *"building zones of apartment buildings"* in the act without appropriate definitions[278].

[276] Decision of the Smolensk Regional Court of March 15, 2017 on case No. 3A-4/2017.
[277] Decision of the Samara Regional Court of October 29, 2019 on case No. 3A-1704/2019; Decision of the Nizhny Novgorod Regional Court of November 8, 2019 on case No. 3A-784/2019; Decision of the Stavropol Regional Court of August 12, 2019 on case No. 3A-226/2019.
[278] Decision of the Volgograd Regional Court of July 2, 2018 on case No. 3A-193/2018.

In addition to cases related to administrative responsibility, cases of uncertainty were found when describing the procedure for obtaining various permits. For example, the court concluded that the principle of certainty, clarity and unambiguity of legal regulation was violated, since the norm, referring to *"agreement in the prescribed manner"*, did not name the constituent parts of this order[279].

However, judicial practice is not uniform in the issue of the admissibility of the use of reference norms. Decisions of the opposite content are also taken. Thus, the reference to *"the procedure established by the current legislation of the Russian Federation"* in one of the cases, according to the court, does not contain legal uncertainty, since the legislation does not prohibit the use of blank norms, and such formulations carry sufficient and necessary information about the acts to be applied[280].

c) The presence of evaluative concepts

In response to the numerous demands of the plaintiffs to recognize the normative act as invalid due to the presence of evaluative concepts in its text, the courts note that the requirement of certainty of legal regulation obliges the legislator to formulate legal prescriptions with a sufficient degree of accuracy, allowing citizens and organizations to conform their behavior to them - both prohibited and permitted, does not exclude the use of evaluative or generally accepted concepts, the meaning of which should be accessible for perception and understanding by the subjects of the relevant legal relations either directly from the content of a specific regulatory provision or from a system of provisions that are clearly interrelated, or by identifying a more complex relationship of legal prescriptions, in particular with the help of explanations given by courts on questions of their application. This is done with references to the judgments of the Constitutional Court of the Russian Federation of November 11, 2003, No. 16-P, of April 14, 2008, No. 7-P, of March

[279] Decision of the Rostov Regional Court of October 18, 2018 on case No. 3A-441/2018.
[280] Decision of the Leningrad Regional Court of January 13, 2020 on case No. 3A-26/2020; Decision of the Tula Regional Court of May 29, 2017 on case No. M-89/2017.

5, 2013, No. 5-P, of May 23, 2013, No. 11-P; the decision of the Constitutional Court of the Russian Federation of July 16, 2013 No. 1173-O and etc.[281].

Accordingly, in each such dispute, the court decided whether the evaluative concept used allows its content to be identified uniformly. It was not always possible to do this. Most of these cases are related to combating corruption, namely, anti-corruption expertise of regulations and their drafts.

For example, the act provided that one of the conditions for receiving lifting allowances is *"work experience in the specialty"*. However, given that the concept of "work experience" in different situations can be interpreted in different ways, and the fact that this concept is not specified in the legal act, including in terms of correlation with the work experience of citizens, the prosecutor came to the conclusion that there are - a legal act of a corruption component, in the form of a breadth of discretionary powers, due to the absence or uncertainty of the conditions or grounds for making a decision when determining the work experience of a candidate for lifting benefits[282].

Ambiguous situations appear when the lack of a definition of a concept is filled with an indication of what actions this concept implies. For example, in a dispute about how to understand the term *"cleanliness"*, the court pointed out that the absence of a definition of this word does not matter, since the act establishes a list of measures aimed at maintaining cleanliness and order, which are prescribed to be observed on the territory of the city. This, according to the court, makes the term "cleanliness" understandable and definite[283]. It is difficult to agree with this conclusion, since the means of achieving the result cannot reflect all the essential features of the result. Consequently, the content of the term "cleanliness" has remained undisclosed, which may affect the uniformity of application of this norm.

d) Use of words with indefinite content

In the Republic of Chuvashia, about 70 cases were identified in which the court found unclear the terms *"other place not designated for parking"*, *"place not*

[281] Decision of the Khabarovsk Regional Court of May 17, 2019 on case No. 3A-85/2019.
[282] Resolution of the Selemdzhinsky District Court of the Amur Region of October 24, 2018 in case No. 5-35/2018.
[283] Decision of the Belgorod Regional Court of September 7, 2018 on case No. 3A-139/2018.

designated for this purpose" contained in the provisions of the Rules for landscaping the territory of Cheboksary[284]. The courts pointed out that the presence of such formulations leads to ambiguity in the definition of such places, allows for free interpretation of the specified definition of the place and, as a result, makes it possible to unreasonably bring to administrative responsibility.

Examples of such situations may be cases of the use of certain words and phrases, for example: *"entitled"* - provides a dispositive opportunity for authorities to commit actions against citizens and organizations[285]; *"conducted by the ministry"* - gives the possibility of a contradictory interpretation, since there are several ministries in the structure of the authorities[286]; *"approval of regulatory authorities*" - does not allow to determine the form of approval, by which regulatory authority it should be issued, for what type of activity, etc.[287]

The indication of the *"adjacent territory"* in the acts is particularly controversial. Usually, the decision of the case is related to whether the size of the adjacent territory is determined or not. But another important circumstance is also noted – the existence of a justification for establishing exactly this size of the adjacent territory. In one of the cases, the court pointed out that determining the size of the adjacent territory is the right of the administrative defendant, which is not limited by the maximum or minimum values established by the federal legislator, nevertheless, it should not be implemented arbitrarily[288].

Cases have also been identified, decisions on which look unreasonable and incorrect. For example, in accordance with the normative act, it was allowed to build buildings based on historical and archival materials in wooden or brick (with wood paneling, *in some cases* - without paneling) execution in two floors with a hip roof, *in exceptional cases*. The applicant considered this condition to be indefinite and giving an unreasonable breadth of discretion for the law enforcement authority. The

---

[284] See, for example, Decision of the Leninsky District Court of Cheboksary of March 31, 2016 on case No. 12-362/2016; Decision of the Leninsky District Court of Cheboksary of April 5, 2016 on case No. 12-398/2016; Decision of the Kalininsky District Court of October 21, 2016 on case No. 12-793/2016.
[285] Decision of the Soviet-Havana City Court of the Khabarovsk Territory of March 10, 2015 on case No. 2-450/2015.
[286] Decision of the Khabarovsk Regional Court of May 17, 2019 on case No. 3a-85/2019.
[287] Decision of the Soviet-Havana City Court of September 20, 2017 on case No. 2a-871/2017.
[288] Decision of the Kirov Regional Court of July 2, 2018 on case No. 3a-37/2019.

court objected as follows: *"The specified paragraph allows the construction of buildings in two floors in exceptional cases, since in the main drawing of the project of the zones of protection of historical and cultural monuments of the city of Vologda, the historical environment of the cultural heritage object consists of one-story residential buildings with private plots. Any construction in the two-storey zone under consideration is an exception. During the trial in the case, the court found that all developers who have the intention of building buildings in two floors, the conduct of this construction is allowed".* In other words, the definiteness of the concept was established by the court on the basis that it was applied uniformly in practice[289]. The verbal formulation and its possible semantic content were not analyzed by the court.

e) The use of sentences whose grammatical construction has caused uncertainty

In a 2015 study, it was noted that the cause of uncertainty may not be in the nature of the words and phrases used, but in the grammatical construction of sentences.

For example, Article 1 of the Federal Law of April 15, 1998 No. 66-FZ "On Horticultural, Gardening and Dacha Non-Commercial Associations of Citizens" defines a garden land plot as a land plot provided to a citizen or acquired by him for growing fruits, berries, vegetables, melons or other. This provision, according to the legal position expressed in the Judgment of the Constitutional Court of the Russian Federation of April 14, 2008 No. 7-P *"generates legal uncertainty, violates the constitutional principle of equality.* The problem is precisely that the conjunction "and also" can be interpreted as *"either"* or *"and"*. Because of this, it is impossible to define the exact concept of a garden plot. This circumstance has been repeatedly mentioned in cases related to the recognition of a garden house as residential[290].

---

[289] Decision of the Vologda Regional Court of October 25, 2018 on case No. 3A-235/2018.

[290] Decision of the Metallurgical District Court of Chelyabinsk of July 22, 2019 on case No. 2-1760/2019; Decision of the Metallurgical District Court of Chelyabinsk of October 12, 2018 on case No. 2-2189/2018; Decision of the Kopeysky City Court of July 12, 2017 on case No. 2-1709/2017; Decision of the Metallurgical District Court of Chelyabinsk of June 15, 2017 on case No. 2-1440/2017; Decision of the Sosnovsky District Court of Chelyabinsk of February 16, 2017 on case No. 2-550/2017.

The absence of the union *"or"* in one of the norms of the Rules of Land Use and Development of the city of Elista also caused disputes, which led to the establishment of two restrictions at the same time during the construction of buildings: on the maximum number of floors and on the maximum height of buildings, which directly contradicted the Urban Planning Code of the Russian Federation. The established restrictions in the form of the maximum number of floors, the maximum height of buildings should be indicated through the union *"or"*[291].

Conclusions on the analysis of practice in section 3.2.1:

1. The uncertainty of the provisions of regulatory acts remains a common reason for their invalidation. But the detection of this defect is one of the most difficult, in comparison, for example, with the detection of acts adopted outside the competence or in violation of the established procedure. Establishing the uncertainty of the content of the norm requires the court to deeply analyze the controversial situation.

2. The cancellation of the Resolution of the Plenum of the Supreme Court of the Russian Federation of November 29, 2007 No. 48 "On the practice of consideration by courts of cases on challenging normative acts in whole or in part" in 2018 did not exclude the application of its provisions by courts in dispute resolution, but significantly reduced the number of references to this act.

3. Two trends in practice have been identified that differ significantly from the dominant approaches that have developed in law enforcement. Firstly, without sufficient justification, the courts recognized the use of blank norms as permissible in cases where it was impossible to unambiguously determine the acts to be applied. In such cases, the majority of courts resolved similar disputes in a completely different way, recognizing the use of such blank norms as unacceptable. Secondly, it is impossible to draw a conclusion about the certainty of the evaluative concept based not on the analysis of its possible semantic content, but from the practice of its application. The use of the phrase *"in exceptional cases"* and the like

[291] Decision of the Supreme Court of the Republic of Kalmykia of March 12, 2018 on case No. 3A-10/2018.

is unacceptable without specification in the text of the normative act. Filling such concepts with content by law enforcers cannot eliminate the uncertainty of the legal norm.

3.2.2. Judicial view on the problem of identifying the content of legal texts

Life in modern society is inextricably linked with legal documents. It is difficult even to imagine yourself in isolation from a variety of legal norms. A person living a ordinary day, as they say – "home-work-home", is associated with a huge variety of legal documents. These are a variety of documents – laws, by-laws, local acts, contracts, receipts, etc. According to the information from the legal reference system ConsultantPlus, at the beginning of July 2023, there are about 230 thousand valid regulations of the federal level in Russia, of which about 9.5 thousand laws. And if we add to this number regional legislation, contracts, acts of state authorities, then the total number of relevant legal documents becomes difficult to imagine.

With the help of all these documents, legal communication takes place. Important information is encoded by the sender using language means and sent to the recipient, who must decipher this code and receive exactly the information that was sent to him. In other words, the legislator who has issued the law expects that any representative of an indefinite circle of his recipients will be able to understand the idea that he has put into it on the basis of the text of the law. The parties to the contract usually have no doubt that the counterparty understands the text of the contract in accordance with the meaning that we put into it. When everything works that way, we can talk about effective communication. But with such a number of legal documents, "failures" can happen for a variety of reasons. The result of such "failures" are disputes between the parties who disagree about the correct understanding of the text. Normative acts are one of the most significant and common types of legal documents, but not the only one. This leads to the need to address disputes in the analysis of law enforcement practice, in which nuances related to other documents were touched upon, but which are also significant for the analysis of normative acts.

A universal means of resolving disputes related to a different understanding of the legal text is an appeal to the court. At the same time, the court will have to familiarize with the disputed legal text, decipher its meaning and determine which of the parties to the dispute was right, offering one or another interpretation. Of great interest was the study of who and in what cases refer to a misunderstanding of legal documents, how courts evaluate such arguments, with which courts interpret disputed documents. One of the goals of this analysis was to identify a universal mechanism, the use of which will allow you to correctly understand any legal document.

To achieve this goal, a large-scale analysis of Russian law enforcement practice was carried out, similar problems abroad, in particular in the USA, were analyzed in a comparative way, and the views of national legal scholars existing in the scientific literature were analyzed.

St. Petersburg State University has significant recent experience in conducting research on related topics affecting the use of the state language, including in legal documents[292]. These works can be recommended for a more complete acquaintance with such an aspect of the issue under consideration as regulatory (not only constitutional) requirements for the language of legal documents. In this part of the work, this issue will be touched upon only indirectly, the main emphasis will be placed on practical problems related to the fact that the legal document turned out to be incomprehensible to the recipient.

Analysis of the practice of judicial assessment of the ability of recipients of legal documents to understand their content

The first stage of the study was the analysis of cases in which the courts assessed the arguments of the parties to the dispute about the impossibility of identifying the meaning of the provision of a legal document. In the absence of clear

[292] Belov S. A., Kropachev N. M. What is needed to make Russian the state language? // Law, 2016. No. 10. P. 100-112; Belov S. A., Kropachev N. M., Verbitskaya L. A. The National Language of Russia: Legal Norms and Language Norms. St. Petersburg: Publishing House of St. Petersburg. University, 2018. 128 p.; Belov S. A., Kropachev N. M., Revazov M. A. Legislation on the State Language in Russian Judicial Practice. St. Petersburg: Publishing House of St. Petersburg. University, 2018. 240 p.; Belov S. A. Legal requirements for the use of the Russian language in Russia // Medi@llmanakh, 2020. No. 6 (101). P. 152-163; Belov S.A., Tarasova K.V. Intelligibility of texts of legal documents: fiction or presumption? // Bulletin of St. Petersburg University, Law, 2019. Vol. 10. No. 4. P. 610-625.

requirements for the language of legal documents, we get a situation where such documents differ significantly in the level of saturation with legal terms, special field terms, and the complexity of the structures used.

The majority of such documents in the practice of courts are normative acts. Each of these acts, written by professionals in this field, should be clear not only to law enforcement officers, but also to all those who are subject to these acts. That is, an ordinary person who does not have a legal education should be able to understand the meaning laid down in the normative provision and act in accordance with it in order to exercise their rights legally or not to commit an offense, etc. Those cases where the understanding of a normative act differs significantly: among individuals, among the majority of the population and law enforcement authorities, among certain law enforcement officers, should be carefully analyzed in order to identify and eliminate their causes. Normative acts were not the only type of legal documents, the clarification of the provisions of which caused controversy. Cases of difficulties in understanding contracts and law enforcement acts have also been identified.

It should be noted right away that courts do not often consider and analyze cases in their pure form when a person cannot correctly identify the meaning of a legal document, however, this issue is often raised as a concomitant in resolving a variety of disputes. In this section, an attempt will be made to highlight all the main cases encountered in judicial practice, in which the question of a person's ability to understand the meaning of a legal document is raised. Some of the cases presented will not be directly related to the linguistic features of the texts, but they are important for a broader perception of the trends that currently exist in judicial practice.

The collection of law enforcement practice was carried out by decisions of courts of general jurisdiction and arbitration courts. In total, more than 1,500 court decisions were collected and analyzed, the most significant of which are presented in this section. The judicial practice of all regions of Russia has been studied since 2006.

The study showed that the parties to the dispute may refer to a misunderstanding of legal acts or other documents containing legal terminology in completely different circumstances and for different reasons. Among them, the following can be distinguished: ignorance of the law, lack of education of the proper level, ignorance of the Russian language, state of health, age, state of intoxication. At the same time, civil disputes are characterized by attempts to challenge a will or contract, for administrative and criminal cases – disputes about the observance of procedural rights, including the right to use the native language.

Turning to specific examples, you can notice some interesting details of such cases. The main trend identified in judicial practice is the judicial non-recognition of significant references to misunderstanding of a legal document, but depending on the individual details of each particular case, the position of the court may sometimes change.

Among the norms of the Administrative Code of the Russian Federation in the analyzed cases, Article 19.3 repeatedly raised questions among the parties to the dispute[293]. This norm provides for liability for disobeying a lawful order of a police officer, a military officer, an employee of the federal security service, an employee of state security bodies, an employee of bodies exercising federal state control (supervision) in the field of migration, or an employee of a body or institution of the penal enforcement system or an employee of the National Guard of the Russian Federation. In some cases, the persons brought to responsibility referred to the fact that *they did not understand that their actions violated this provision, since it does not contain a specific list of possible requirements. Among such cases, for example, refusal to provide a traffic police officer with a driver's license*[294]*, or to travel for a medical examination*[295] . Such arguments are recognized by the courts as untenable.

[293] The Code of the Russian Federation on Administrative Offences of December 30, 2001 No. 195-FZ. Access from the legal reference system "ConsultantPlus".
[294] Decision of the Kinelsky District Court of the Samara region of February 5, 2013 on case No. 5-42/2013; Decision of the Moscow City Court of August 8, 2018 on case No. 7-9726/2018.
[295] Decision of the Ulugh-Khem District Court of the Republic of Tyva of June 27, 2019 on case No. 12-16/2019; Decision of the Altai Regional Court of December 25, 2018 on case No. 7-489/2018.

It is worth noting another case – *the inability to understand the requirements of a police officer due to alcohol intoxication of a person.* The court may not take into account this factor at all and how it affected the behavior of the person[296]. When being held liable under Article 19.3 of the Administrative Code of the Russian Federation, an important circumstance is whether the person to whom the claims were addressed could understand them. If the degree of intoxication is such that a person is unable to understand these requirements, then bringing to responsibility under this article looks controversial. You can also pay attention to the fact that in most cases, when people who are intoxicated are detained in public places, they are not held accountable under Article 19.3 of the Administrative Code of the Russian Federation. However, if a person in a state of intoxication was driving a car, then cases of prosecution under this article are quite common[297].

Individual legal acts may also be unclear. A significant number of such acts are refusals, for example, in the provision of a land plot, the issuance of various permits, etc. The grounds for making such a decision are listed in the relevant normative act. However, if an individual legal act does not contain a reference to a specific provision based on which a decision was made, such an act may become incomprehensible to the person in respect of whom it was adopted[298]. In this case, we are no longer talking about the fact that the person does not understand the meaning of the text of the act, but that it lacks important elements, without which it is impossible to fully understand it.

The party to the dispute may demand from the court *an explanation of the judicial act.* The courts proceed from the fact that acts are subject to clarification, which are set out in a language that causes a double understanding of the conclusions, contains uncertainties that allow for ambiguous interpretation, etc. If the act is presented in a *competent legal language*, or using understandable

[296] Decision of the Krasnooktyabrsky District Court of Volgograd of January 21, 2013 on case No. 5-90/2013.
[297] See, for example, Decision of the Lipetsk Regional Court of February 21, 2019 on case No. 7-15/2019.
[298] Decision of the Mtsensk District Court of the Orel region of December 17, 2012 on case No. 2-641/2012; Appeal decision of the Penza Regional Court of February 15, 2018 on case No. 33a-551/2018.

formulations, then such an act does not need explanations[299]. At the same time, it does not matter whether the party to the dispute can adequately identify the meaning of the terms and concepts used in the presentation of the act.

If the court comes to the conclusion that the issues stated by the applicant are not related to the content of the act, but to the mechanism of its execution, it also refuses to give explanations. At the same time, the court notes that its competence does not include an explanation of the procedure for applying the current legislation[300].

Procedural rules can be no less difficult to understand than material ones. In one of the cases, the applicant pointed out that Article 381 Paragraph 3 of the Civil Procedure Code of the Russian Federation[301] does not clearly state the right of a person who filed a cassation complaint with the Judicial Board of the Supreme Court of the Russian Federation and was refused transfer to the Judicial Board for Civil Cases of the Supreme Court of the Russian Federation that he can appeal to the Chairman of the Supreme Court or his deputy[302].

It is possible to understand the law only if you know about it – this is the position held by some applicants. In one of the cases, the applicant challenged her prosecution on the grounds that she was not aware of the existence of a law that she had violated[303]. This argument was not accepted by the court, since ignorance of the law does not give the right not to comply with it. Article 15 of the Constitution of the Russian Federation refers specifically to the obligation to comply with the law, and not to know it. It may, of course, be said that you cannot observe what you do not know, at least observe consciously. The court pointed out in this case: the fact that the applicant did not know about the provisions of the law does not exempt her

[299] Decision of the Arbitration Court of the Central District of October 8, 2014 on case No. A64-2673/2013; Decision of the First Arbitration Court of Appeal of March 18, 2015; Appeal decision of the Moscow Regional Court of October 23, 2019 on case No. 33-34547/2019.
[300] Decision of the Arbitration Court of the Trans-Baikal Territory of September 2, 2013 on case No. A78-9614/2012.
[301] Civil Procedure Code of the Russian Federation No. 138-FZ of December 14, 2020. Access from the legal reference system "ConsultantPlus".
[302] Decision of the Nizhny Novgorod Regional Court of October 2, 2012 on case No. 33-7328/2012; Decision of the Moscow City Court of July 10, 2019 on case No. 7-6776/2019.
[303] Decision of the Justice of the Peace of the Judicial dictrict No. 53 of the Vyazemsky district of the Khabarovsk Territory of August 19, 2013 on case No. n/n.

from administrative responsibility, since by virtue of her entrepreneurial activity, *she needs to know* and be guided by the provisions of the laws regulating her activities. This is the realization of the presumption of knowledge of the law, which in the practice of our courts also includes the presumption of understanding the laws.

A significant number of the analyzed disputes were due to the fact that the *applicant's knowledge of the Russian language* was not *at a sufficient level* to understand the legal language.

The reasons for misunderstanding the text of the signed civil contract are sometimes recognized as ignorance of the Russian language and legal education. In one of the cases, the court agreed with the argument of the disputing party that the applicant could not write in Russian, had a secondary education received in Azerbaijan, had not studied in Russia, and also had no legal education. Based on this, the receipt was declared invalid[304].

Ignorance of the Russian language is the argument that often sounds when considering criminal and administrative cases. Persons refer to the fact that they cannot understand the meaning of the accusation, the meaning of legal norms, etc. In these cases, the court decides whether it is necessary to provide an interpreter[305].

It is worth noting that the persons to whom the translator is assigned sometimes refer to the fact that the translator did not explain to them the legal terms used. The courts point out that this is not within the competence of the translator[306]. If the legal aspects of the case are not understood, the person should turn to the court[307] or to the defender[308] for clarification. As an interesting feature of cases involving persons who do not know Russian, it is worth noting that the court can take into account the misunderstanding of legal terms in a particular language. For example, a person speaks Tajik at the everyday level, and in order to understand

[304] Decision of the Krasnobakovsky District Court of the Nizhny Novgorod Region of March 22, 2016 on case No. 1-21/2016.
[305] Decision of the Supreme Court of the Republic of Sakha (Yakutia) of January 13, 2015 on case No. 22-2169/2014; Decision of the Kostroma Regional Court of July 7, 2014 on case No. 33-1061/2014.
[306] Appeal decision of the Nizhny Novgorod Regional Court of March 14, 2016 on case No. 22-1208/2016.
[307] Administrative decision of the Krasnoyarsk Regional Court of 24 December 2015 on case No. 7P-497/15.
[308] Verdict of the Oktyabrsky District Court of Krasnoyarsk of January 27, 2016 on case No. 1-15/2016 (1-273/2015).

legal terms, he needed a translation into Uzbek[309]. The court in this particular case took into account this argument and returned the case to the prosecutor. However, this is a clear discrepancy with the established judicial practice, the main trend of which is the recognition of the sufficiency of language proficiency at the everyday level. Legal terms can be explained to a person by a defender, in this case it is not even necessary to involve an interpreter, although both the defender and the translator are usually involved in the case.

The sufficient level of language proficiency is a separate issue. This concept is evaluative and its content is determined in various ways at the discretion of the court[310]. The reason for clarifying the level of proficiency in Russian may be not only the requirement of a person, but, according to some courts, his surname, name and patronymic, if they were not traditionally Russian, if his appearance is not Slavic, etc.[311] Such arguments of the court sound very doubtful. First of all, the basis for checking the level of knowledge of the Russian language and attracting an interpreter is the statement of the person, his citizenship, a clear misunderstanding of employees of the authorized bodies addressing the person in Russian, etc. Russia is a multinational country, and the conclusion about the knowledge of the Russian language cannot be made dependent on belonging to the "Slavic nationality", and determined by such criteria as appearance, traditional name or otherwise.

The conclusions of the courts linking the knowledge of the Russian language by foreign citizens with the status of the Russian language in the country of which the person is a citizen are also doubtful. In one of the cases, the court indicated that the fact that the defendant is not a citizen of the Russian Federation cannot indicate that he does not know the Russian language. The defendant is a citizen of Kyrgyzstan, the Russian language in Kyrgyzstan has the status of an official

---

[309] Decision of the Ruza District Court of Ruza of July 14, 2016 on case No. 1-118/2016.
[310] Resolution of the Nakhodka City Court of the Nakhodka City District of August 1, 2016 on case No. 5-1563/2016; Decision of the Kochubeyevsky District Court of the village of Kochubeyevskoye of April 6, 2017 on case No. 12-32/2017; Appeal decision of the Sverdlovsk Regional Court of Yekaterinburg of October 19, 2015 on case No. 22-7597/2015; Appeal decision of the Trans-Baikal Regional Court of Chita of July 11, 2016 on case No. 22K-2423/2016.
[311] Decision of the Sovetsky District Court of Omsk of October 9, 2014 on case No. 12-248.

language in accordance with Article 10 of the Constitution of the Kyrgyz Republic[312]. However, even giving the Russian language official status in another country cannot certainly indicate that all citizens of this country are fluent in it, and even more so that they understand legal terminology in Russian.

A separate reference to the legal illiteracy of Russian citizens in civil disputes is not perceived by the court, since this does not indicate a defect of will when making a transaction, a misconception about the nature of the transaction. At the same time, the court takes into account all the evidence in the case in order to determine the will of the person when making the transaction[313].

Such arguments of the parties in administrative or criminal cases are not perceived by the courts, since special legal terms are used in accordance with their use in normative acts, and they are explained to the participants of the cases, as well as their rights[314]. If a person initially does not indicate the incomprehensibility of legal terms to him and does not ask them to explain to him, then later the court no longer attaches importance to such statements[315]. In the case when a person claims a lack of understanding of legal terms, he is usually assigned a lawyer, since the reason for this situation is only the lack of special education[316].

To clarify whether a person speaks Russian, the courts use information about educational institutions in which the person was trained, about the place of residence, place of work, about living together with Russian-speaking persons, about serving in the Armed Forces of the Russian Federation. Witness statements may also serve as evidence of proficiency in the Russian language. In administrative cases, the most common evidence is the protocol on an administrative offense, in which there is a signature of the person in the appropriate column, which is put in confirmation that the person speaks Russian. Such protocols may also contain explanations of the person written in Russian. However, the question often arises whether such a

[312] Decision of the Justice of the Peace of the Judicial dictrict No. 7 of the Zheleznodorozhny district of Khabarovsk of May 17, 2012 on case No. b/n.
[313] Appeal decision of the St. Petersburg City Court of March 24, 2016 on case No. 33-6013.
[314] Decision of the Kopeysky City Court of the Chelyabinsk region of August 15, 2014 on case No. 1-285/2014.
[315] Decision of the Ivanovo Regional Court of November 10, 2014 on case No. 12-200/2014.
[316] Appeal decision of the Smolensk Regional Court on September 7, 2016 on case No. 22-1601/2016.

protocol proves that a person really speaks Russian. In most cases, the courts do not question this argument.

A rare case is the court's conclusion that the applicant's handwritten explanations contained in the protocol on an administrative offense and written explanations do not indicate proficiency in the Russian language, nor do they say that the person understands the meaning of legal terms and the sane qualification of an administrative offense. That is, we are not even talking about a simple signature, but about explanations in the protocol. A person who has made such explanations may, for example, state that the handwritten explanations available in the procedural documents are copied from the sample provided by the official, but they are incomprehensible to him[317].

As an example, which demonstrates that handwritten notes do not prove knowledge of the Russian language at the proper level, one can cite a case in which the court found that such notes of the person being held liable are insignificant in volume, made with numerous errors and indicate a low-level proficiency in Russian. At the same time, the court pointed out that the official did not take into account that the language of administrative proceedings contains special legal terms and concepts and differs significantly from the spoken language[318]. The logic of this approach is understandable, if a person does not understand Russian, then he will not understand the document that he signs, since the protocol is drawn up in Russian.

In civil disputes, there is a common reference to misunderstanding *due to a state of health:*

With reference to the state of health, heirs often try to challenge the will of a deceased relative by law. To resolve the issue of whether the testator could understand his actions and realize the meaning of the will, the courts often appoint an examination.

The examination does not guarantee an answer to this question, so, for example, in one of the cases, the members of the expert commission came to the

[317] Decision of the Lomonosov District Court of the city of Arkhangelsk of May 27, 2015 on case No. 12-55/2015.
[318] Decision of the Severodvinsk City Court of the Arkhangelsk region of April 7, 2016 on case No. 12-115/2016.

conclusion that according to the materials submitted for expert research, it is not possible to solve the question of whether the subject was in such a state that would deprive him of the opportunity to understand the meaning in a legally significant period their actions and guide them, understand the meaning, the meaning of the transaction. If the examination could not give an answer to the question, then the court decides the case based on the assessment of other evidence available in the case, including the testimony of witnesses[319].

If the psychiatric examination finds that the party to the transaction had an incorrect perception and understanding of the situation, the developing legal situation was not fully taken into account, the legal facts were distorted and the consequences of the transaction were not sufficiently predicted, due to which there was an erroneous idea regarding the nature of the transaction being made, as well as regarding the legal consequences of the transaction, this will be decisive in resolving the case in favor of the person trying to invalidate the completed transaction[320]. Accordingly, the reverse conclusions of the examination will lead to the opposite decision of the court[321].

The stated requirements can also be satisfied with the combination of such circumstances as old age, health status, general illiteracy, lack of legal education[322].

A particular but common case of misunderstanding of the terms of the contract is the reference of the party to the dispute to the fact that she did not understand the terms of the loan agreement as a whole, or the insurance terms included in the loan agreement were not clear[323].

Conclusions based on the results of the first stage of the practice analysis in section 3.2.2:

The courts are trying to insist that a competent legal language is

[319] Decision of the Kineshma City Court of the Ivanovo region of March 22, 2016 on case No. 2-45/2016; Appeal decision of the Moscow City Court of December 20, 2019 on case No. 33-57344/2019.
[320] Decision of the Frunzensky District Court of the city of Yaroslavl of March 22, 2016 on case No. 2-84/2016.
[321] Appeal decision of the Supreme Court of the Karachay-Cherkess Republic of March 23, 2016 on case No. APL-35/2016; Decision of the Central District Court of Tula of September 16, 2016 on case No. 2-2245/2016.
[322] Decision of the Mamadyshsky District Court of the Republic of Tatarstan of September 22, 2016 on case No. 2-733/2016.
[323] Appeal decision of the Krasnoyarsk Regional Court of July 4, 2016 on case No. 33-8554/2016.

understandable to anyone who speaks Russian. Special education is not required to understand the legal language. However, judicial practice contains many examples of how courts recommend requesting clarification of legal terms from specialists, and in administrative and criminal cases this function is assigned to defenders, who are appointed, among other things, because a person cannot understand the legal language. This indicates that today everyone must comply with the laws, but often only specialists can understand them. In such a situation, it is necessary to raise the question of who the acts written in legal language were originally designed for. And, based on the answer to this question, it will be possible to try to form requirements for such a language that will cover issues of the permissibility of using legal terms and constructions that may not be understandable to persons without special education.

If a person does not speak Russian at the proper level, then an interpreter is assigned to him. The translator's competence does not include clarification of legal terms, this function is assigned to the lawyer. In judicial practice, there is no unified approach to determining a sufficient level of proficiency in the Russian language, as well as there are no uniform ways to determine this level. If for foreign citizens the analysis of their level of proficiency in Russian and their ability to understand legal terms is carried out in most cases, then for Russian citizens it is often stated that knowledge of Russian at the everyday level is sufficient. A normative settlement of this issue would allow a uniform approach to its solution, would help prevent violations of the rights of participants in the case, would reduce the number of abuses of rights aimed at delaying the case.

Assessment of the complexity of the "legal language" for understanding by persons without special education

The analysis of judicial practice carried out at the first stage showed that all cases in which the parties to the dispute referred to a misunderstanding of certain provisions of regulations, contracts and other things can be divided into four conditional groups according to such criterion as the cause of misunderstanding. Among them:

1. misunderstanding due to the uncertainty of the content of the norm;
2. misunderstanding due to physical condition;
3. misunderstanding due to the fact that Russian is not the native language;
4. misunderstanding due to the complexity of legal constructions, legal terminology, and its differences from the meanings of words in everyday speech.

The first three groups were discussed in detail in the previous section. The fourth group is of particular interest, and this section will be devoted to its study.

The courts allow very emotional statements about the current situation and point to existing problems. To quote one of them: *"An ordinary citizen does not know his rights and sometimes does not want to know them. The only thing that worries him is the speedy resolution of the issue without wasting additional time resources and coming into contact with laws, requirements and movements that are difficult to understand. Taking into account the blurred powers of the authorities, the lack of legal literacy of the population, an ordinary citizen sometimes believes that he has been "cornered", and he will strive in every possible way to solve his issues in any available way, including illegal. In turn, an unscrupulous official can offer such a citizen a quick, but not entirely legal way out of the current situation. Many citizens use such "services"*[324].

Let us consider individual cases in which the complexity of the legal language was assessed by the courts.

The complexity of understanding procedural rules

Procedural rules, despite the fact that they must clearly regulate the procedure for performing certain actions, can be no less difficult to understand than material ones.

Cases of such misunderstanding or erroneous understanding of procedural norms are constantly encountered in judicial practice. Here are an example of such cases:

In one of the cases, the applicant referred to the fact that due to changes in the

[324] Decision of the Sinarsky District Court of Kamensk-Uralsky, Sverdlovsk region, of February 24, 2011 on case No. 2-326/2011.

procedural legislation regarding the procedure for appealing, he was unable to orient himself in the timing of filing a complaint. He believed that a valid reason is also the fact that he is an Armenian by nationality and poorly understood the law, which specifies the procedure for appealing court decisions held in the case[325]. But even such arguments are not recognized as valid.

References of persons to legal illiteracy are not taken into account by the courts, since this is not an obstacle to understanding the norms of law[326]. At the same time, it is often indicated that a person can apply for legal assistance[327]. If a person refers to the impossibility of obtaining legal assistance due to a difficult financial situation, the court may answer that this is not a valid reason, since it does not relate to objective reasons that prevent them from exercising their right to appeal a judicial act[328].

In addition to the argument about the possibility of seeking legal assistance, the courts also give some arguments that, in their opinion, indicate that the person should have understood the normative act or contract. The most common among them is a reference to the professional activity of a person: *"the applicant held the position of head of the personnel department, which, by virtue of official duties, implies knowledge of labor legislation"* [329], or the applicant is engaged in entrepreneurial activity[330].

In one of the analyzed cases, a curious argument was found: "in accordance with the Civil Code of the Russian Federation and the Law of the Russian Federation No. 14-FZ of April 8, 1998 "On Limited Liability companies", *special knowledge (specialized education, "understanding", etc.) is not required* a mandatory condition for conducting commercial activities, exercising the powers of the general director,

[325] Decision of the Judicial board for Civil Cases of the Saratov Regional Court of February 26, 2013 on case No. 33-1142; Decision of the Moscow City Court of July 10, 2019 on case No. 7-6776/2019.
[326] Appeal decision of the Omsk Regional Court of September 25. 2019 on case No. 33-6143/2019.
[327] Appeal decision of the Moscow City Court of March 4, 2015 on case No. 33-6227; Appeal decision of the Voronezh Regional Court of January 24, 2019 No. 33-693/2019.
[328] Appeal decision of the Voronezh Regional Court of July 26, 2018 on case No. 33-5112/2018.
[329] Appeal decision of the Yamalo-Nenets Autonomous Okrug Court of May 16, 2016 on case No. 33-1151/2016; Appeal decision of the Omsk Regional Court of September 5. 2018 on case No. 33-5701/2018.
[330] Decision of the Thirteenth Arbitration of Appeal Court of October 30, 2015 No. 13AP-19087-2015 on case No. A42-803/2015.

creating legal entities. It is enough that the person is legally capable, therefore, the signing of the documents indicates that he understood or should have understood the meaning of the signed documents "[331].

Judicial practice in all such disputes varies. Although in a smaller number, there are cases when courts take into account the complexity of understanding regulations, contracts or individual terms by persons without special education.

There are such examples as in the practice of restoring missed deadlines: if a citizen participating in the construction misses the deadline for closing the register for a good reason, the court is not deprived of the right to consider restoring it before starting settlements with creditors[332]. As such a reason, the citizen indicated legal illiteracy and the lack of qualified legal assistance. Considering that the applicant was *an individual who did not have special legal knowledge*, the integrity of whose actions was not disputed by the parties, the court considered it possible to restore the missed deadline for filing a claim for the transfer of residential premises, to include the claims in the register of claims of the debtor's creditors[333].

This is also the case in practice related to compliance with administrative procedures: a legal entity produced waste passports; this was done in violation of the administrative procedure established by regulatory acts. According to the representative of the legal entity, this procedure is *difficult to understand*, which caused its non-compliance. This argument allowed the court to recognize the committed offense as insignificant, since it is not due to unlawful intent, but to the complexity of the violated procedure[334].

Compliance with and understanding of administrative procedures is also recognized by representatives of the authorities. In one of the analyzed court decisions, the head of the Department of Architecture and Urban Planning of the

---

[331] Decision of the Ninth Arbitration of Appeal Court of September 1, 2011 No. 09AP-20798-2011-AK on case No. A40-6680-11-129-29; Appeal decision of the Moscow City Court of July 2, 2018 on case No. 33-29015/2018.
[332] Resolution of the Presidium of the Supreme Arbitration Court of the Russian Federation of April 23, 2013 No. 14452/12 on case No. A82-730/2010-30- B/11-Dzt.
[333] Decision of the Nineteenth Arbitration of Appeal Court of March 24, 2014 on case No. A14-16687/2009.
[334] Decision of the Justice of the Peace of the Judicial district of the Shuryshkarsky judicial district of the YNAO of April 9, 2015 on case No. 5-113/2015; Decision of the Fifteenth Arbitration of Appeal Court of September 24, 2012 No. 15AP-10767-2012 on case No. A53-26584/2011.

administration of one of the municipalities directly indicated that for an ordinary citizen, issues and procedures related to the proper registration of real estate objects *are difficult to understand*[335].

In conclusion, it is necessary to give an example of a dispute that was resolved with the application of legislation on social insurance. The court stated that the subject matter of the case *is difficult for an ordinary citizen to understand*, based on this, he needed the help of a lawyer[336].

The meaning of terms in everyday speech and in the legal sphere

The analysis of judicial practice has shown that many disputes considered by the courts are related to the fact that the same word has several semantic meanings. The semantic meaning may differ significantly when using a word as a legal term, or as a word in everyday speech. This semantic difference is most often indicated by the court. Such cases occur in a variety of disputes, here are some examples of those words that have become the subject of consideration by the courts:

1. *"Fraudster".* The Court of Appeal, when making the decision, proceeded from the fact that the word "fraudster" in Russian, in addition to the special legal meaning of the term, has other semantic meanings. So, according to the Large Explanatory Dictionary of the Russian language (edited by S. A. Kuznetsov, 1st ed.: St. Petersburg: Norint), the word "fraudster" has a different meaning: "Abusive. About someone who caused displeasure, irritation, anger"[337].

2. *"Crime".* When making the decision, the court proceeded from the fact that the word "crime" in the Russian language, in addition to the special legal meaning of the term, has other semantic meanings. So, according to the Explanatory Dictionary of the Russian language (in 4 volumes/ edited by D. N. Ushakov. — M.: State Institute "Sov. encycl."; OGIZ; State Publishing House of foreign Languages. and nats. words., 1935-1940) the word "crime" has a figurative meaning: "Wrong, harmful behavior. (With such a voice, not learning to sing is c.")[338].

---

[335] Decision of the Zhukovsky District Court of the Bryansk region of April 6, 2016 on case No. 12-7/2016.
[336] Decision of the Orekhovo-Zuyevsky City Court of the Moscow Region of March 21, 2015 on case No. 2-7/2015.
[337] Decision of the Fifteenth Arbitration of Appeal Court of October 2, 2012 on case No. A53-11522/2012.
[338] Decision of the Fifteenth Arbitration of Appeal Court of January 24, 2011 on case No. A32-23653/2010.

3. *"Emergency".* The Court took into account the fact that the phrase "emergency" in the Russian language, in addition to the special legal meaning of the term, has other semantic meanings. So, according to the Explanatory Dictionary of the Russian language (Ed. by D. N. Ushakov. - M.: State in-t "Sov. encikl."; OGIZ; State Publishing house in foreign. and nats. words., 1935 - 1940) the word "emergency" has the meaning: "An event, an adventure, an accident, something that violates the normal order, the usual course of things. (A street accident. An emergency! N. V. Gogol; He again drew the public's attention to the forgotten emergency. A. S. Pushkin; Why did no extraordinary emergency occur to me? I. S. Turgenev; Emergency Department in the newspaper)[339].

4. *"Criminal record".* The understanding of the term "criminal record" causes controversy when registering a candidate for deputy. This term becomes the subject of consideration in cases when the information about the criminal record is not indicated by the candidate and the question arises about the fact of their concealment. Among other things, analyzing the very meaning of the term "criminal record", the courts point out that Article 86 of the Criminal Code of the Russian Federation regulates that a person convicted of committing a crime is considered to be convicted from the date of entry into force of the guilty verdict until the moment of repayment or removal of the criminal record, and a person released from punishment is considered not to be convicted. At the same time, the concept of "information about the criminal record of a candidate" used in electoral legislation does not coincide with the concept of "criminal record" in criminal legislation, where the presence of a criminal record has legal significance in resolving issues of criminal responsibility, affects the qualification of the deed for certain types of crimes, is taken into account when deciding on the presence of recidivism of crimes, sentencing and entails other legal consequences in cases and in accordance with the procedure established by federal laws. Within the meaning of Paragraph 6 of Article 86 of the Criminal Code of the Russian Federation, the repayment or removal of a criminal record cancels only the criminal-legal consequences associated with a

[339] Decision of the Arbitration Court of the Rostov region of August 15, 2011 on case No. A53-10128/2011.

criminal record, but the fact of conviction as a negative assessment of the actions of a citizen by the state at the time of the conviction remains an objective criterion affecting the voters' assessment of the reputation of a candidate for an elective position[340]. In this case, the difference in the meaning of the term was revealed even when using the legal field.

5. *"Loan".* Currently, the concept of "loan" is considered to relate exclusively to property transferred for gratuitous use, however, in a number of cases, including in by-laws and legal literature, the term "loan" is used as a synonym for "borrowing, credit" (see the Big Legal Dictionary, ed. Moscow, INFRA-M, 2001, p. 585). A similar interpretation of the term "loan" as a synonym for the term "credit" is also found in dictionaries of foreign words[341].

Without conducting a detailed analysis, the courts also referred to a misunderstanding of the following terms: "joint management"[342]; "chief administrator of budget funds", "manager of budget funds" and "recipient of budget funds"[343]; "deterioration of housing conditions"[344], "turnover of alcoholic beverages"[345], etc.

In the scientific literature, attention is often paid to this problem. For example, analyzing the situation with the application of criminal legislation, it is noted that the words used in normative acts (for example, "cause", "consequence", etc.), due to the vagueness of natural language, differ in the capacity of content and the universality of their application. When using them in everyday life, they are always considered in a narrow, specific sense, taking into account the specific context of their application - so that interlocutors who differ in sanity almost always understand each other. And in criminal law, a conceptual apparatus is used, *although based on*

---

[340] Decision of the Krasninsky District Court of the Smolensk region of September 7, 2015 on case No. n/n.
[341] Appeal decision of the Khanty-Mansiysk Autonomous Okrug - Yugra of February 12, 2019 on case No. 33-1013/2019.
[342] Verdict of the Ramon District Court on case No. 1-22/2014.
[343] Decision of the Supreme Arbitration Court of the Russian Federation of April 4, 2007 No. 3142-07 on case No. A72-1287-06-25-44.
[344] Decision of the Moscow City Court of June 30, 2016 No. 4g-7413/2016.
[345] Decision of the Fifteenth Arbitration of Appeal Court of May 20, 2019 No. 15AP-5648/2019 on case No. A32-5917/2019.

the everyday meaning of words, but differing in its own legal terminology[346].

The need for specialized education for a correct understanding of legal terminology

The question of the impact of having a legal education on the ability to understand laws, contracts, and individual legal terms is certainly raised. As will be noted in other cases, the courts indicate that there is no need to have a special education to understand *a competent legal language.* It is interesting that in judicial practice it is impossible to unambiguously find the level of education that would be sufficient. So, sometimes the courts indicate which education is sufficient to understand the legal language[347]. In one of the cases, the court pointed out that the arguments of the victim's representative about the lack of understanding of the legal language and procedural features of the consideration of the case in a special order are groundless, since the victim: "has a higher education that allows you to understand the essence of the procedural features of the consideration of a criminal case in a special order, which does not require special knowledge in the field of jurisprudence". The question arises, and if a person did not have a higher education, would the position of the court have changed? In another case, in order to confirm that the person understood legal terms, the court indicated that he had a secondary special education[348]. And sometimes 5 grades of secondary school are considered sufficient[349].

But it is worth noting that the court may recognize that the text of the legislative act is incomprehensible to an ordinary person, but this does not give this person the right to refer to such a circumstance[350]. The courts explicitly state that *if a person does not understand the legal language, then he should seek legal assistance from professionals.*

---

[346] Soktoev Z. B. Causal connection in traffic crimes // Lex russica, 2013. No. 7. P. 706–717.
[347] Appeal decision of the Yurginsky City Court of October 13, 2016 on case No. 10-35/2016.
[348] Decision of the Lagan District Court of Lagan of October 14, 2013 on case No. 1-1/2014.
[349] Decision of the Yamalo-Nenets Autonomous Okrug Court of February 20, 2012 on case No. 22-180/2012.
[350] Decision of the Leninsky District Court of Nizhny Tagil, Sverdlovsk region, of March 15, 2011 on case No. 2-489/2011.

Earlier in the work, the issue of explaining court decisions incomprehensible to the parties to the dispute has already been analyzed. The main trend on this issue looks like this: if a judicial act is presented *in a competent legal language*, then such an act does not need explanations. Is this the only condition that ensures the clarity of the judicial act? The courts answer that there are other conditions. Thus, analyzing the decision of the court of first instance, the higher court found that the conclusions of the court were written in one compound sentence, and by virtue of its construction, the conclusions are difficult to understand. Meanwhile, the verdict of the court must be lawful, justified, and also *written in accessible terms understandable to all participants in the process*[351].

Jurors in criminal proceedings and the prohibition on the use of legal terms

Very extensively represented in judicial practice are cases in which the court is tasked with resolving a dispute about how correctly questions for jurors are drawn up. Article 339 of the Code of Criminal Procedure of the Russian Federation contains a list of requirements that must be met by questions posed to jurors. Two of them are particularly worth noting. Thus, in accordance with Paragraph 5 of this article, questions that require jurors to legally qualify the status of the defendant (about his criminal record), as well as other issues that require a proper legal assessment when making a verdict by jurors, cannot be raised separately or as part of others. Paragraph 8 provides that questions are put in formulations understandable to jurors.

As the analysis of judicial practice shows, law enforcement authorities often combine these two requirements. At the same time, in our opinion, it is completely unreasonable, the requirement of Paragraph 3 is often understood as a prohibition on the use of any legal terms in matters, although the meaning of this provision is completely different. Such a prohibition is interpreted by law enforcement authorities as the need to translate legal categories and terms into everyday language.

The analyzed cases contain similar formulations in abundance:

1. "The question sheet is compiled in accordance with the requirements of Paragraph 8 of Article 339 of the Criminal Procedure Code of the Russian Federation

---

[351] Verdict of the Vyksa City Court of the Nizhny Novgorod region of July 12, 2012 on case No. 10-13/2012.

in formulations understandable to jurors, e*xcluding the use of purely legal terminology*, and does not contain contradictions"[352];

2. "The questions to be resolved by the jurors are put *in formulations understandable to the jurors*, therefore, in the question sheet, *without using legal terms*, the questions are set out in expressions understandable to the jurors"[353];

3. "The question was formulated using legal terminology *that is not clear to all jurors*"[354].

For example, the use of the expression "criminal business", "criminal activity", "illegal actions" in the question is recognized as a violation, since these terms are criminological and legal in nature[355]. Analyzing the wording of the question "Do you have any convicted close relatives?", "Maybe one of you was involved in criminal proceedings in a different capacity?", the court noted that this question *contains a legal term, and is incomprehensible to a person who does not have the appropriate education*[356]. Such conclusions of the courts are very common and they can be reduced to something like this formula: "the question is saturated with legal formulations (contains legal terms), the understanding of which requires legal knowledge"[357].

Without dwelling on the specifics of the criminal procedure legislation, we note what is important for our research. In this category of cases, judges, public prosecutors, and professional defenders agree on one thing – legal terms are incomprehensible to a person who does not have a legal education. In some cases, the criterion of clarity of the question is trying to state the existence of jury requirements to clarify the issue, but in the vast majority of the analyzed cases, the dispute about clarity was resolved by the fact of the presence of legal terms in the question.

---

[352] Appeal decision of the Supreme Court of the Russian Federation of April 8, 2015 No. 55-APU 15-1sp.
[353] Appeal decision of the Supreme Court of the Russian Federation of October 20, 2016 No. 53-APU 16-23sp.
[354] Decision of the Supreme Court of the Russian Federation of April 5, 2006 No. 49-o05-94sp.
[355] Decision of the Supreme Court of the Russian Federation of May 13, 2010 No. 58-O10-25sp.
[356] Decision of the Supreme Court of the Russian Federation of December 22, 2005 No. 55o-05-21sp.
[357] Decision of the Supreme Court of the Russian Federation of November 24, 2003 No. 89-O03-65.

Misunderstanding of the terms of the civil contract

The case widely presented in judicial practice is the reference of the party to the imposition by the bank of the need to conclude an insurance contract when receiving a loan, and the lack of understanding of the non–necessity of this action. Despite the large number of such cases, the vast majority of them are not resolved in favor of the applicants. However, among the analyzed decisions, there were also those cases in which the court did not support the position of the bank or insurance company. Credit agreements and insurance contracts can be quite voluminous, written in a language difficult for an ordinary person, however, as a rule, they contain all the necessary conditions, which gives the courts grounds to refuse to satisfy such requirements, since upon careful reading of these contracts, the parties to the dispute should not have doubts about the interpretation of the conditions on which these contracts are concluded[358]. The courts also point out that when concluding a civil contract, the party is not deprived of the opportunity to seek legal assistance[359]. The purpose of such an appeal may be explicitly stated by the courts in the decision: "the plaintiff was not deprived of the opportunity to seek legal *assistance to clarify the meaning and consequences* of the contract concluded by her"[360].

In our opinion, the widespread reference in the practice of courts to the possibility of a party to a dispute to seek legal assistance is related to the following circumstances. On the one hand, the current civil legislation is aimed at maintaining the stability of turnover. Therefore, the grounds for invalidating contracts are connected at least with complete illiteracy (inability to read and write)[361], and not with legal. It is assumed that the party to the contract is either able to understand the meaning of the concluded contract, or to do so with the help of specialists, having realized in advance their inability to independently assess the legal consequences of the concluded contract. And if the contract is concluded, it is assumed that the parties fully understand the consequences. On the other hand, the courts understand that an

[358] Decision of the Zavolzhsky District Court of the city of Ulyanovsk of September 14, 2016 on case No. 11-135/2016; Decision of the Leninsky District Court of Irkutsk of September 7, 2016 on case No. 2-3692/2016.
[359] Decision of the Krasnoyarsk Regional Court of July 4, 2016 on case No. 33-8554/2016.
[360] Appeal decision of the Novosibirsk Regional Court of May 7, 2015 on case No. 33-3833/2015.
[361] Decision of the Tenth Arbitration Court of Appeal of August 14, 2014 on case No. A41-14422/2014.

ordinary person may not be well versed in legal specifics. They point to two correct, from their point of view, models of behavior in a situation where there is a legal misunderstanding: to refuse to commit legally significant actions or to seek legal assistance. At the same time, it is clearly implied that only professionals can provide such assistance. In other words, the courts do not even try to insist that anyone who speaks Russian can understand the legal features, correctly understand the regulations, correctly draw up a civil contract, etc. Legal illiteracy is considered not as a fundamentally negative phenomenon, which is worth fighting, but as a statement of fact: "you can't know everything, you don't know yourself – ask a professional".

The analysis of those cases that stand out from the general trend showed that the court can take into account a set of circumstances, for example, the age of the plaintiff, legal illiteracy, the initiative of the bank in concluding the contract, the fact that the concluded contract by its nature was difficult to understand. Under such conditions, the court recognized that the plaintiff was mistaken about the legal consequences of its conclusion when making the contract[362].

In rare cases, including those related to the violation of consumer protection legislation by a credit institution, the court may recognize the text of the loan agreement, loan application forms, etc. difficult for ordinary consumers to understand the product[363].

The ability to correctly understand the content of the concluded contract is significantly influenced by the form in which the text of the contract is presented. In a number of cases, the courts pointed out that the terms of the contract were set out in an *obviously difficult form for the consumer to understand*. This was expressed in the fact that the text of the contract was printed in small print without specifying paragraphs and splitting into paragraphs, which made it difficult to correctly understand the content of the contract. In another similar case, the text of the rules for the provision of services was set out in small print and printed in three columns

[362] Appeal decision of the Pskov Regional Court of November 3, 2015 on case No. 33-1802.
[363] Decision of the Arbitration Court of the Sverdlovsk region of November 6, 2014 on case No. A60-39898/2014.

on each sheet, which was also assessed by the court as a clear obstacle to understanding such Rules[364].

Conclusions based on the results of the second stage of the practice analysis in section 3.2.2:

The text of any legal act is subject, among others, to the requirement of clarity. This requirement, arising from the norms of the Constitution of the Russian Federation and formulated in a number of legal positions of the Constitutional Court of the Russian Federation, is reflected in the Resolution of the Plenum of the Supreme Court of the Russian Federation of November 29, 2007 No. 48 and in the provisions of the legislation on anti-corruption expertise of regulations.

It is implied that the regulations should be understandable for all citizens of the country. "The requirement for the official publication of normative acts is established as a guarantee of the opportunity to know about the rights granted to citizens and the duties assigned to citizens. Official publication would be meaningless if the language in which regulations are published was incomprehensible to citizens"[365].

The results obtained are not the most comforting for ordinary citizens.

Firstly, the concept of "competent legal language" has been fixed in law enforcement practice. If the text of a regulatory act, a law enforcement decision, etc. is written in a competent legal language, then it is recognized as fulfilled in compliance with the requirements that are imposed on such a text. At the same time, it is impossible to put an equal sign between "legal language" and "understandable language". Rather, it is implied that a text written in a competent legal language can be understood with the application of certain efforts or as a result of the help of professionals.

Secondly, law enforcement practice is completely contradictory in assessing the ability of ordinary citizens to understand the "legal language".

---

[364] Appeal decision of the Omsk Regional Court of July 13, 2016 on case No. 33-6020/2016.
[365] Belov S. A. Kropachev N. M. What is needed for the Russian language to become the state language? // Law, 2016. No. 10. P. 100 - 112.

Administrative and criminal cases are characterized by the recognition that the offender has sufficient knowledge of the Russian language and, far from always, a minimum level of education (there is also no unified approach to this minimum level of education) to understand the legal language. If a person continues to insist that legal terms, laws, etc. are incomprehensible to him, then he should be assisted by a professional lawyer with the appropriate education.

It is characteristic of civil cases that the courts adhere to the position that citizens *must* understand the legal language. At the same time, they can understand it independently, with the help of professionals or by virtue of their position or the nature of the work performed. If independent understanding is impossible, including due to the lack of a person's specialized education, then such a *person always has the opportunity to seek legal assistance.* If this is not done, then the person himself is responsible for the misunderstanding.

In cases related to the analysis of issues for jurors, it is explicitly stated that *legal terminology is incomprehensible to persons without a relevant specialized education.* Jurors cannot be sent for legal aid, but in a number of cases, the participants in the trial insisted that jurors could turn to the presiding judge for explanations of incomprehensible legal terms.

What is common to all these cases is that the understanding of the legal language by persons without special education is not a presumption, and in the case of jurors, the presumption of misunderstanding of the legal language is rather manifested. If a person cannot understand the legal language himself, then professional help is always available for him – this approach runs like a red thread through the analyzed court decisions. Thus, the courts recognize that the legal language is understood by persons with a legal education, and others may not understand it, but this is not a problem from the point of view of the courts.

Thirdly, the legal language, many legal terms are based on natural language. The everyday meaning of many words may differ significantly from their meaning in the legal sphere. This circumstance creates a "trap" for ordinary citizens. It becomes difficult to understand not only the legal term, it becomes difficult to

understand that this term is incomprehensible to a person. After reading the text in which legal terms are used, a person can give these terms the meanings that they are given when used in everyday communication. A person usually finds out about a mistake already in court. Such an error would not have occurred if the authors of legal documents and law enforcement authorities had used words in their generally accepted, rather than highly specialized meaning.

Fourthly, cases in which the courts defend persons claiming a lack of understanding of the legal language are quite rare. And in such cases, a whole group of arguments is usually used, since one reference to misunderstanding in most cases is not enough.

Fifth, the complexity of the legal language has a significant impact on the general level of legal culture in society. The publication of a normative act today cannot automatically mean that its content is clear to everyone. It is possible to combat this situation by improving legal literacy – introducing appropriate courses into the educational process, conducting special courses and seminars for the working population, etc. Special attention should be paid to the language, which today is understood as a "competent legal language". It is necessary to turn it into an "understandable competent legal language". And it should become understandable not for professionals in the field of law, but for ordinary citizens.

Sixth, the only mechanism by which the courts revealed the meaning of disputed words and expressions was the use of explanatory dictionaries. This is a logical way out of the situation, since in most cases it is stated that proficiency in ordinary language is sufficient to understand legal documents. Explanatory dictionaries just contain the meanings of words in their everyday use. But the use of dictionaries to interpret ambiguous words and expressions is a rather complicated process with all the external simplicity. The following sections will focus on the specifics of using this mechanism in national and foreign practice.

3.2.3. General analysis of the problems of judicial interpretation of legal documents using dictionaries

The generally accepted requirement of certainty, clarity and unambiguity of the text of normative acts should contribute to their uniform understanding by the court, other law enforcers and citizens. However, practice shows us the existence of a huge number of disputes, for the solution of which the courts had to initially identify the content of the text that was in front of them. The appearance of such disputes can be considered inevitable due to the peculiarities of the language, which implies the presence of a large number of polysemous words and expressions in its composition. It is also worth noting that there are specialized terms in languages that have a highly specialized meaning, which is not known to everyone. Some words, having the usual "commonly used" meaning, may receive additional special meaning in certain areas. These and many other linguistic features make the process of uniform determination of the content of the text of a legal document a complex procedure that requires great skill from judges.

Interpretation of legal documents for courts today is one of the main activities. The solution of any dispute will always be related to how the court interprets a particular legal text. This may concern the text of the constitution, a law or a contract.

If there is a dispute about how to correctly understand a word or phrase in a legal document, the judge has several "options". He can give an interpretation based only on his own opinion, can refer to external sources, can attract the help of a specialist (for example, when it comes to the interpretation of a technical term). The problem of the judge's own interpretation consists in its insufficient substantiation. This may look like an attempt to replace the legislator. In the other two cases, the judge is faced with the problem of sources that can be referred to. Dictionaries are most often among such sources. Examples of the use of dictionaries by judges for the interpretation of texts of legal documents, and primarily regulations, can be found all over the world. In Russia, courts of general jurisdiction interpret court

decisions[366], expert opinions[367], contracts[368], laws[369] and other texts. U.S. courts actively use dictionaries in their practice. For example, the US Supreme Court alone has decided more than 250 cases using dictionaries over the past decade [370]. Even the judges of the ECHR are faced with the need to use dictionaries to resolve disputes[371].

Why the dictionary turned out to be such a universal assistant to judges in the interpretation of legal documents, which dictionaries and in which cases it is necessary to use, which "pitfalls" judges need to avoid – an attempt to answer these questions will be made further.

Dictionary and "language of the law"

National practice has long been faced with the problem of the "special" language of legal documents, and as a consequence - with the problems of understanding the provisions of these documents by society. M. O. Akishin, in his work[372] containing an analysis of the development of the legal language in Russia, with reference to M. L. Davydova[373], notes that in the XVIII century there is an awareness that the lexical composition of the normative act is not words from colloquial speech, but legal concepts that express stable features of legal reality; are semantic the core of the rule of law; have the same legal force as the normative act fixing them; can be interpreted in law enforcement practice. The system of legal concepts forms the conceptual apparatus of law.

Catherine the Great thought about the accessibility of the meaning of legal acts and the rules of its interpretation. The rules of casual interpretation, as O. A. Omelchenko notes, the Empress developed in the project of codification of

---

[366] Appeal decision of the Belgorod Regional Court of July 23, 2015 on case No. 33-2935/2015.
[367] Appeal decision of the Supreme Court of the Udmurt Republic of April 29, 2015 on case No. 33-1503.
[368] Appeal decision of the Moscow City Court of April 6, 2016 on case No. 33-7012/2016.
[369] Appeal decision of the Judicial Board for Administrative Cases of the Supreme Court of the Russian Federation of September 7, 2019 No. 78-APA19-65.
[370] See for example: Stokeling v. United States. No. 17-5554 (2019); Mont v. United States. No. 17-8995 (2019); Wisconsin Central Ltd., et al. v. United States. No.17-530 (2018).
[371] See for example: Judgment of the European Court of Human Rights of January 29, 2009 on case "Andreyevskiy v. the Russian Federation" (Complaint No. 1750/03); Judgment of the European Court of Human Rights of August 27, 2015 on case "Parrillo v. Italy" (Complaint No. 46470/11); Judgment of the European Court of Human Rights of March 20, 2018 on case "Radomilja and Others v. Croatia" (Complaints No. 37685/10 and 22768/12).
[372] Akishin M. O. State transformations and the legal language of the Russian Empire of the XVIII century // Genesis: Historical Research, 2016. No. 4. P. 60.
[373] Davydova M. L. Regulatory and legal prescription. Nature, typology, technical and legal design. M., 2009. P. 120-122

state law in the 1780s, while she considered the main way to clarify the will of the legislator[374]. Catherine II in her "Order" put forward requirements for both the text of legal acts and the order of their interpretation[375]. Thus, in Article 151, she notes the impossibility of judicial interpretation of criminal laws, since judges are not legislators. In turn, in Articles 157-158 of the "Order" it was noted that the interpretation of laws is evil, but the presence of such unclear laws that need to be interpreted is also evil. This situation is aggravated when "they (laws) are written in a language unknown to the people, or expressions unknown."

Accordingly, the Order already then expressed the idea that laws should be written in simple language; "and the code, containing all the laws in itself, should be a common book and which could be obtained for a small price like a primer; otherwise, when a citizen cannot find out by himself the consequence of the conjugate with his own affairs and concerning his person and liberties, he will depend on a certain number of people who have taken the laws into their custody and interpret them. Crimes will not be so frequent; the more people will read and understand the code. And in order to do this, it should be prescribed that in all schools children should be taught to read and write alternately from church books and from those books that contain legislation."

Since that time, the requirement of accuracy, simplicity and clarity of the language of legislation has become dominant[376]. Duke M. M. Shcherbatov, arguing about the required simplicity of the language of laws, noted the connection between the complexity of laws and law enforcement errors. He noted that where the law is clear and consistent, a prudent judge will not be able to commit abuse as a result of an error. But there is also a problem of judges' qualifications: "Entering the state of the Russian Empire, where civilian service mostly serves as a refuge, retired from military service, are there many judges who would know the laws, or at least would know and understand their reason from the grammatical addition of the Russian

[374] Omelchenko O. A. Ideas of constitutional law and "universal legality" in the legal policy of "enlightened absolutism" in Russia // Problems of political and legal ideology. M., 1989. P. 90.
[375] Catherine II. About the greatness of Russia / Empress Catherine II [Comp.: I. Ya. Losievsky]. M., 2003. P. 72-155.
[376] Akishin M. O. Ibid. P. 62.

word? And, however, these are not only lower judges, but also higher ones, without studying, are determined; the law, although not yet clear, does not seem clearer to them yet; the court is depraved and contradictory; the laws are overshadowed, and the people suffer"[377]. To deal with this problem, it is proposed to raise the level of legal literacy in every possible way.

An important direction of improving the legal language or the "language of laws" is the compilation of dictionaries[378]. The first such dictionary is called the "Lexicon of Russian historical, geographical, political and civil" by V. N. Tatishchev[379]. The first explanatory dictionary was the Dictionary of the Russian Academy in six parts, which contained the interpretation of 43357 words. All 6 volumes were published from 1789 to 1794. This dictionary contained definitions of the main legal terms of the XVIII century.[380] Since that time, it can be said that dictionaries have been in the service of state bodies, since they had the opportunity to get acquainted with their contents within the framework of their activities.

Today, the relevance of the problems of clarity and intelligibility of the language of legal documents has only increased, and the practice of using dictionaries as a mechanism for establishing the meaning of controversial words and expressions has reached broad distribution.

Proceeding from the fact that by official publication the content of the normative act should be presented for free access to an indefinite circle of persons, the availability of the content should mean that any person will be able to understand the meaning of this act. If an ordinary member of the society cannot understand the meaning of the published act due to the lack of special education, then it should be recognized that the publication has not achieved its goal. Within the framework of the publication of the act, it is impossible to concretize it, state it in "simple language", simplify it, etc. This means that the obligation to publish normative acts,

---

[377] Compositions of Duke M. M. Shcherbatov. St. Petersburg.: Book by B. S. Shcherbatov, 1896-1898. In 2 volumes: Vol. 1: Political writings / Edited by I. P. Khrushchev. 1896., 1060 stb., Vol. 2: Historical-political and philosophical articles / Edited by I. P. Khrushchev and A. G. Voronov. 1898., 630 stb.
[378] Akishin M. O. Ibid. P. 62.
[379] Tatishchev V. N. Selected works. L., 1979. 464 p.
[380] Akishin M. O. Ibid. P. 66.

which loses its meaning if the text of the act is incomprehensible to the recipient, calls on the legislator to formulate the acts in such a way that they are accessible to an indefinite circle of persons to whom this act will extend its effect. Based on this requirement, founded on the Constitution of the Russian Federation, it can be concluded that the language of normative acts is based on natural language – that is, the use of words in their "usual meaning", understandable for native speakers who do not have a special legal education. People who speak the language at a sufficient level will be able to easily understand each other. The discrepancy in understanding what one wanted to say and what the other understood will be insignificant, not affecting the quality of communication[381]. In this regard, it is necessary to give a negative assessment of attempts to artificially, without objective necessity, complicate the legal language, which makes the legal sphere closed and inaccessible to citizens.

Explanatory dictionaries should contain these "ordinary meanings" of words. The dictionary can be used by the court to interpret words used in normative acts, which, in the opinion of the party to the dispute or the court, allow for different interpretations[382]. Dictionary definitions act as a means of helping judges who, based on common sense, an idea of the intentions of the authors of the document or other contextual factors, will be able to form an idea of the semantic content of the word[383]. There is no need to refer to dictionaries in the absence of a dispute about the correct understanding of words.

But which of the dictionaries should be used, is it necessary to give preference to special legal dictionaries, what role should the dictionary play when interpreting the text of a legal document?

Choice of vocabulary and its role

The language of legal documents should be clear and precise, and in order to be understood by others, words should be used in accordance with their usual

---

[381] Baude W., Sachs, S.E. The Law of Interpretation // Harvard Law Review. Vol. 130, No. 4. 2017. 1093.
[382] Rutledge v. Pharmaceutical Care Management Assn. 592 U.S. No. 18-540 (2020).
[383] Hutton C. Objectification and Transgender Jurisprudence: The Dictionary as Quasi-Statute // Hong Kong Law Journal. Vol. 41, No. 1. 2011. P. 41.

meaning. It is necessary to depart from this rule when, as a result of interpretation, we get an absurd or meaningless result. In these cases, we must abandon the literal interpretation of words and look for other ways to establish the meaning of the disputed word[384]. A. V. Smirnov and A. G. Manukyan argue that it is the grammatical method that is primarily subject to application in the interpretation of the norm of law. The unavoidability of grammatical interpretation is primarily explained by the fact that the legal language is part of the Russian language, which means that the legal interpreter cannot ignore the information provided to him by linguistics[385].

The courts express the position that the legislator always uses the usual meaning of words. If he wants to give the word some other meaning, then there should be a special reservation about this[386]. Indeed, there is no specific language for legal documents. The desired situation is when a word in a legal document is used precisely in its usual meaning. This would allow anyone to identify this meaning by referring to an explanatory dictionary. But it is also true that many words, due to time and the peculiarities of legal constructions, "broke away" from their usual meaning and received a new one[387].

In the literature, one may encounter very concise rules for the interpretation of the text of a normative act: "there are four stages in the interpretation of the law: the definition of a legislative purpose, based on the text of the law, in which words are used in their usual meaning. If a special term is identified, then a special dictionary should be involved. It is impossible to rely entirely on the dictionary if we have no evidence that the legislator used this dictionary. If there is no such evidence, then no dictionary can be considered authoritative. The dictionary does not inform about what the word means, it only indicates what the word can mean depending on the context. So, it will be useful to use several dictionaries to identify

---

[384] United States v. Am. Trucking Assns, 310 U.S. 534, 543 (1940) (quoting Takao Ozawa v. United States, 260 U.S. 178, 194 (1922)); Green S. D. Understanding CERCLA through Webster's New World Dictionary and State Common Law: Forestalling the Federalization of Property Law // New England Law Review. Vol. 44, No. 4. 2010. P. 839-840.
[385] Vasev I. N. Grammatical and systemic ways of interpreting the norms of law: the nature of interaction // Jurislinguistics, 2018. No. 7-8. P. 19.
[386] Coon N. 162 Years of Dictionary Use in the Oregon Appellate Courts. Willamette Law Review. Vol. 55, No. 2. 2019. P. 215.
[387] The Dictionary and the Law // Journal of Legal History. Vol. 10, No. 3. 1989. P. 391.

possible meanings of the word"[388]. The rule of identifying the "ordinary meaning" is sometimes called the cornerstone of interpretation[389]. If there is no special definition in the law, or we are not looking at a technical term, then it should be interpreted in accordance with the usual meaning. However, there is no single methodology for identifying such a value. It is even proposed to set this value based on the use of a corpus of texts. In foreign literature, reliance on several dictionaries instead of one is often regarded as a duty of the courts[390]. It is noted that the corpus method makes it possible to identify the "usual meaning" of a word more scientific. Accessing the corpus of dictionaries will be more effective than accessing individual dictionaries[391]. Accessing the corpus of dictionaries will be more effective than accessing individual dictionaries. Each dictionary can be the result of a corpus study of any or special texts[392]. Thus, it is preferable to use several dictionaries at once, this will allow you to more accurately determine the most common ordinary meaning of the word.

The choice between a general dictionary and a special legal one is debatable. A legal dictionary should contain the meanings of words that are assigned to them in a legal context. And these definitions should be accompanied by justification, examples of usage. This will contribute to the predictability and certainty of the law[393]. It would be most reasonable to take a position according to which the court should analyze how the meaning of the word in a legal context differs from its usual use. At the same time, a legal dictionary cannot act as a substitute for a general explanatory dictionary due to the peculiarities of the order of its filling. The modern legal dictionary should include words that, as a result of their interpretation by the courts or in the text of laws, have acquired a quasi-technical meaning, or that are

---

[388] Coon N. 162 Years of Dictionary Use in the Oregon Appellate Courts. Willamette Law Review. Vol. 55, No. 2. 2019. P. 215.
[389] Tankersley D. C. Beyond the Dictionary: Why Sua Sponte Judicial Use of Corpus Linguistics Is Not Appropriate for Statutory Interpretation // Mississippi Law Journal. Vol. 87, No. 4. 2018. P. 641-642.
[390] Coon N. 162 Years of Dictionary Use in the Oregon Appellate Courts. Willamette Law Review. Vol. 55, No. 2. 2019. P. 259.
[391] Mouritsen S. C. The Dictionary is Not a Fortress: Definitional Fallacies and a Corpus-Based Approach to Plain Meaning // Brigham Young University Law Review. Vol. 2010, No 5. 2010. P. 1970.
[392] Mascott J. L. The Dictionary as a Specialized Corpus // Brigham Young University Law Review. Vol. 2017, No. 6. 2017. P. 1558-1559.
[393] Mersky R. M. The Dictionary and the Man: Eighth Edition of Black's Law Dictionary // Washington and Lee Law Review. Vol. 63, No. 2. 2006. P. 722.

often used in laws or other legal documents[394]. When using legal dictionaries based on legal definitions, it should also be taken into account that the definition of a concept (term) is formulated in the text of the law, primarily in order to eliminate incorrect or ambiguous interpretation of this concept (term) not in general, but in relation to the purposes and subject of the law, the area of reality regulated by this law[395].

A legal dictionary will be an important source, but not the only one and not always obligatory, in comparison with a general explanatory dictionary. For example, in England, a legal dictionary appeared in 1527, before the general explanatory dictionary (1604). Before that, dictionaries appeared with translations of Latin words into English. This was due to the fact that many Latin terms were used in the legal sphere, the interpretation of which caused difficulties. It was assumed that native speakers would not encounter problems when interpreting "ordinary" English words. However, today most of the disputes, as it will be shown later, are related to the interpretation of natural language words used in the text of legal documents.

Supporters of the use of dictionaries, meaning descriptive dictionaries, insist on a significant positive effect from the use of dictionaries for the interpretation of words in legal documents. Their thesis is quite simple – dictionaries fix the usual meaning of the word, and if there is no special clause in the normative act, it means that the legislator used the word in its common meaning (ordinary meaning). Accordingly, the use of the dictionary will allow the court to realize the true intention of the legislator. At the same time, it is noted that the "nature" of the meanings recorded in modern explanatory dictionaries and in earlier sources differs significantly[396]. Thus, the problem of choosing a dictionary is not limited to finding suitable general or special modern dictionaries. Trying to interpret the text of a legal

[394] Yates S. Black's Law Dictionary: The Making of an American Standard // Law Library Journal. Vol. 103, No. 2. 2011. P. 181

[395] Batyushkina M. V. Legal concept and legal term: features of correlation and definitions (based on the material of Russian laws) // Bulletin of Kemerovo State University, 2020. Vol. 22. No. 1 (81). P. 210.

[396] Katrechko N. A. The law as the key to justice (based on the material of the German language) // Philological Sciences. Questions of theory and practice Tambov: Diploma, 2009. No. 2 (4). P. 139.

document, we are faced with the need to give an interpretation that both follows from the analyzed text and corresponds to the goals and ideas that the author tried to put into the text. In the aspect of the issue we are discussing, this is manifested in the fact that the meanings of words can change over time. Consequently, the content of dictionaries is also changing. In such circumstances, it is permissible to use in the interpretation of the document only those meanings of words that were known to the authors of the document, taking into account which they could use the interpreted words. This problem, perhaps, has not yet appeared in national practice due to the fact that the current legislation is relatively "fresh", but it is well known in countries where acts adopted, for example, more than 100 years ago continue to operate. The solution of this problem requires a highly qualified court - it is necessary to identify the meaning of the norm that was incorporated into it when it was created, analyze how this meaning could be distorted in the understanding of citizens taking into account the past time, correctly interpret the content of the norm in modern conditions. The judge should not allow the inclusion in the content of the norm of what the authors of the document could not mean, and, conversely, should not limit himself to an outdated definition of a word that cannot take into account the development of society. For example, today, interpreting the second Amendment to the US Constitution, the courts certainly turn to the sources of the period of its adoption to establish what is meant by the word "weapon", this is done to clarify the meaning of the entire norm, its goals, which allows it to extend its effect to the regulation of the turnover of stun guns for self-defense, which did not exist at the time of creation norms.

Is the choice of a suitable dictionary sufficient for the judge to interpret the disputed word by referring to it? No, a dictionary cannot act as an end point in identifying the meaning of a word, it can only point to the starting point. Dictionaries, both general and specialized, including legal ones, only contain a certain set of possible generally accepted meanings of the word. They cannot

unambiguously answer which of them is put into the word used in the document[397]. The compiler of the dictionary is not a legislator, it is impossible to substitute a suitable definition from the dictionary instead of a controversial word in the law. There may be many of these definitions, they may differ from each other to varying degrees, so the judge should rely on the dictionary, but he will be able to make a final conclusion only by correctly assessing all the accompanying circumstances.

Today there are no clear standards for choosing the type of dictionary, a specific dictionary and its publication. Different judges have their own views on this matter, which they do not explicitly express in a structured form. In fact, any of the existing dictionaries are available for use. For example, numbers in 15 thousand editions are called when they talk about existing English-language dictionaries. Various reasons are expressed for the use of certain dictionaries by judges. If we proceed from the conscientiousness of the judges, then we can assume that they take several dictionaries and find out some common understanding of the content of the analyzed term. To be more practical, it is rather worth recognizing that judges simply use those dictionaries that they are most comfortable accessing. If we assume that the judge has a certain interest, then he can sort through dictionaries until he finds a definition that suits him[398]. In the USA, this process of choosing a definition got its name - "dictionary shopping"[399]. In the literature, the prevailing opinion is that the choice of vocabulary is often random.

It was also noted that American courts, when interpreting ambiguous words, give preference to the established practice on the analyzed issue, and if there is a need to turn to the dictionary, it is advisable to use the dictionary of the period of publication of the analyzed document (or an etymological dictionary). To be more precise, the hypothesis is put forward that the developers of the document used words in it in the sense that they were understood by people of that time.

---

[397] Aprill E.P. The Law of the Word: Dictionary Shopping in the Supreme Court // Ariz. St. L.J. Vol. 30. 1998. P. 312-313.

[398] Brudney J., Baum L. Oasis or Mirage: The Supreme Court's Thirst for Dictionaries in the Rehnquist and Roberts Eras // Wm. & Mary L. Rev. Vol. 55. 2013. P. 566.

[399] Eskridge W. N. Cases And Materials On Legislation: Statutes And The Creation Of Public Policy, 2d ed. 1995. P. 625-626; Aprill E.P. The Law of the Word: Dictionary Shopping in the Supreme Court // Ariz. St. L.J. Vol. 30. 1998. P. 281.

Accordingly, dictionaries compiled in parallel with this or a little earlier, most likely give words the same meaning as the authors of the analyzed document. Over time, words can change their meaning, especially given the descriptive nature of most dictionaries. In this regard, especially with regard to documents that are quite old, modern dictionaries are not recommended. Such a rule follows from the practice of using dictionaries by American judges, but the judges themselves did not declare their unswerving adherence to such an order.

When a choice has already been made regarding the type of dictionary, it is necessary to choose one of the definitions presented in the dictionary. The court should not automatically refer to the first of the definitions, ignoring the rest. Here, the context of the use of the word and common sense should help the judge. This is not an easy process, which the use of dictionaries can complicate. Judge J. Breyer noted this problem: "So, where does this duel of definitions lead us? Some seem too narrow; some seem too broad, and some seem indeterminate. The result is ambiguity"[400].

It is important to note an interesting aspect of the relationship between dictionaries and the court. It consists in the fact that each of them can influence each other. The court relies on dictionaries, in turn dictionaries are influenced by the positions of the court. This connection is especially noticeable in relation to legal dictionaries.

At the end, it is worth pointing out one technical point of using the dictionary by the court – such use should be accompanied by a correct reference in the text of the court decision to the source used. It is unacceptable to refer simply to the dictionary of some author, without specifying other data that allows to accurately find the source used by the court.

In practice, the lack of uniform standards for the use of dictionaries results in a variety of variations. General and special legal dictionaries can be used simultaneously[401], or several general ones[402]. Attention is also paid to whether the

[400] Wisconsin Central Ltd., et al. v. United States No. 17-530 (2018).
[401] United States v. Briggs 592 U.S. No. 19-108 (2020).
[402] Tanzin v. Tanvir 592 U.S. No. 19-71 (2020).

meaning of the word has changed since the adoption of the interpreted act, so dictionaries of the time of the adoption of the act and modern ones can be used, often this is done together with references to the practice of resolving similar disputes[403]. It is typical for Russian courts to use links to a dictionary without motivating the choice of a dictionary and limiting themselves to one source, without even specifying the editorial office and the year of publication of the dictionary[404]. It is much rarer to find cases of pointing to a specific edition of the dictionary[405], or even more so cases of using several dictionaries[406].

Disadvantages of using dictionaries

For courts, a dictionary is one of the guidelines for interpreting words and phrases. Along with it, there are other sources – the context, the expressed or implied purpose of the legislator, materials for the development of a normative act, practice, etc. Against the background of these sources, the dictionary does not always look very reliable, since it can only give a definition of a specific word.

In the literature, not all scientists share the presence of a positive effect from the use of dictionaries due to the shortcomings of the dictionaries themselves. Criticism is also expressed regarding the diversity of potentially usable dictionaries. Attempts are being made to limit the range of dictionaries used. For example, in the United States, in the legal field, the "sign of professionalism" is the use of Black's Legal Dictionary, or it is recommended to use dictionaries containing comments given to them by judges.

The quality of dictionaries can also be indicated as a problem. The development of information technology has created the problem of the existence of electronic dictionaries. On the one hand, the courts have gained access to all existing electronic dictionaries, which has significantly expanded the number of such sources in their field of view. On the other hand, electronic dictionaries are not limited to

---

[403] Trump v. New York 592 U.S. No. 20-366 (2020).
[404] See, for example, Decision of the Vladimir Regional Court of July 2, 2020 on case No. 7-61/2020; Decision of the Moscow Regional Court of June 16, 2020 on case No. 3A-1194/2019; Appeal decision of the Primorsky Regional Court of June 10, 2020 on case No. 3/1-37/2020.
[405] Decision of the Rostov Regional Court of June 19, 2020 on case No. 3A-215/2020.
[406] Decision of the Khabarovsk Regional Court of June 9, 2020 on case No. 21-317/2020.

electronic versions of "classical" dictionaries – so-called open dictionaries and free encyclopedias have appeared. A striking example of such a source is Wikipedia. Western colleagues note the main problem of such sources – their format allows users to create articles and definitions without taking into account sources, reliability and accuracy. For example, in the practice of the US Supreme Court there are no cases of references to such "free" dictionaries, but in the practice of lower courts they are quite common (by the end of 2010, more than 370 cases of Wikipedia use by federal courts were identified)[407].

In addition, critics of the use of dictionaries, referring to works on lexicography, note that the dictionary does not give an accurate answer to the question of how words are actually used and how they should be used[408]. Dictionaries do not contain the full meanings of the word; they only reflect the possible use of the word by people[409]. At the same time, modern dictionaries do not seek to form their content on the advanced achievements of literature. It is more important for them to show a variety of views, and for this purpose rather dubious sources of information can be used. Dictionaries also include such definitions of words that are attributed to them mistakenly in everyday communication. Such meanings can be marked as possible variants of the use of the word in colloquial speech. Therefore, we need to carefully evaluate the definitions that the dictionary offers us[410]. The lack of clear rules for identifying the semantic meanings of words can lead to the fact that the law enforcement authority will be able to give the word the meaning that is beneficial to him based on the specific situation[411], and which was not intended by the legislator[412].

There is also the problem of dictionary obsolescence. The language is constantly evolving, which requires dictionaries to promptly account for these

---

[407] Kirchmeier J. L. Scaling the Lexicon Fortress: The United States Supreme Court's Use of Dictionaries in the Twenty-First Century // Marquette Law Review. Vol. 94, No. 1. 2010. P. 82.
[408] Atkins B., Rundell M. The Oxford guide to practical lexicography // Oxford university press. 2008. P. 45-48
[409] Jackson H. Lexicography: An Introduction. 2002. P. 87-92.
[410] Garner B. A. Speak of the Dictionary // Student Lawyer. Vol. 41, No. 6. 2013. P. 17.
[411] Sudha S. The President's Private Dictionary: How Secret Definitions Undermine Domestic and Transnational Efforts at Executive Branch Accountability // Indiana Journal of Global Legal Studies. Vol. 24, No. 2. 2017. P. 532.
[412] Kaye D. H. The Dictionary and the Database // Jurimetrics. Vol. 53, No. 4. 2013. P.392.

changes, especially for general explanatory dictionaries. However, collecting material for the dictionary, editing, printing and selling it takes a lot of time, which makes the dictionary partially outdated by the time it is released[413].

The literature contains fears and simple mistakes in compiling a dictionary related to the human factor[414]. Dictionaries often contain definitions of a general nature, which does not make them erroneous, but this creates a situation where the dictionary will lack, for example, the legal meanings of a commonly used word that is not a legal term.

Nevertheless, the fact of the increasingly active use of dictionaries by courts is confirmed by research on law enforcement practice. This creates the need for a scientific analysis of the accuracy and completeness of existing dictionaries[415].

3.2.4. The practice of using dictionaries by courts on the example of the experience of the highest courts of the United States of America and the Russian Federation

The practice of US courts on the use of dictionaries for the interpretation of various words and expressions in legal documents is much older than the national one and is of great interest. The use of dictionaries is associated with the development of various ideas about the need to identify the meaning of normative acts on the basis of their text[416].

Supporters of such ideas do not deny the importance of the context of the use of a word in real life for its interpretation, but they prefer to limit the context to the "internal context", that is, how a certain term is used in the text[417],, and look at how the ordinary reader understands this term[418]. Sometimes they can turn in their

---

[413] Aprill E.P. The Law of the Word: Dictionary Shopping in the Supreme Court // Ariz. St. L.J. Vol. 30. 1998. P. 287.
[414] Landau Sidney I. Dictionaries: The Art & Craft of Lexicography. Cambridge University Press Cambridge; New York. 2001. 477 p.
[415] Aprill E.P. The Law of the Word: Dictionary Shopping in the Supreme Court // Ariz. St. L.J. Vol. 30. 1998. P. 730.
[416] Pierce R. J., The Supreme Court's New Hypertextualism: An Invitation to Cacophony and Incoherence in the Administrative State // Colum. L. Rev. Vol. 95. 1995. P. 750; Zeppos N. S, Justice Scalia's Textualism: The «New» New Legal Process // Cardozo L. Rev. Vol. 12. 1991. P.1603; Eskridge W. N. Cases And Materials On Legislation: Statutes And The Creation Of Public Policy, 2d ed. 1995. P. 621-622.
[417] Karkkainen B.C. "Plain Meaning": Justice Scalia's Jurisprudence of Strict Statutory Construction // Harv. J.L. & Pub. Pol'y. Vol. 17. 1994. P. 407.
[418] Karkkainen B.C. "Plain Meaning": Justice Scalia's Jurisprudence of Strict Statutory Construction // Harv. J.L. & Pub. Pol'y. Vol. 17. 1994. P. 433.

activities to sources external to the text, for example, to legislative history. However, many rely only on the text of the law[419]. Adherence to such an ideology can be either just a pragmatic approach, or the result of a fundamental non-recognition of the suitability of external sources for the interpretation of a legal text.

General characteristics of the practice of using dictionaries by courts and the frequency of using dictionaries

The Supreme Court of the Russian Federation is much younger than its overseas colleague, but the period of its activity just coincides with the time of the most active use of dictionaries in the US Supreme Court.

As will be shown later, the US Supreme Court has repeatedly used dictionaries in interpreting laws and the Constitution. In Russia, the Supreme Court has somewhat different powers, which created the need to analyze the practice of the Constitutional Court of the Russian Federation as well. It was assumed that if one of the main functions of the court is related to the interpretation and identification of the meaning of normative acts, then it will be active in using dictionaries when making decisions. However, the analysis refuted this hypothesis. Only two cases were identified when the Constitutional Court of the Russian Federation referred to the dictionary to justify its decision.

In the national legal literature, this problem is undeservedly practically ignored, unlike in the United States, where studies of the peculiarities of the use of dictionaries by courts have been conducted for a long time.

One of the basic works in this field was prepared by Jeffrey L. Kirchmeier, a professor of law at New York University, together with Arizona Supreme Court Justice Samuel A. Thumma[420] (some of the statistics in this paper are based on said work). In their article, they examined the use of dictionaries by the US Supreme Court in the first decade of the XXI century, taking into account past research on this topic. Having analyzed the research data, a number of other works and the

---

[419] Rasmussen R. K., A Study of the Costs and Benefits of Textualism: The Supreme Court's Bankruptcy Cases // Wash. U. L. Q. Vol. 71 1993. P. 541.

[420] Kirchmeier J. L. Scaling the Lexicon Fortress: The United States Supreme Court's Use of Dictionaries in the Twenty-First Century // Marquette Law Review. Vol. 94, No. 1. 2010. P. 77-262.

practice of the US Supreme Court, it is possible to form certain conclusions formulated further.

The first use of the dictionary as an information source by the Supreme Court of the United States was noted in 1830, and this practice is developing to this day. The Court turned to dictionaries in a variety of cases – when interpreting the Constitution, provisions of laws, precedents and private law contracts. Curious cases are noted when the Court in its decision turned to the dictionary for the interpretation of the word "court"[421]. The use of dictionaries by the US Supreme Court began gradually, but then quickly gained popularity. In the first decade of the twentieth century, the court referred to dictionaries in twenty-one decisions to interpret twenty-six words and expressions. In the 1960s, judges used dictionaries in only sixteen decisions. Then the Court's use of dictionaries increased significantly: forty times in the 1970s, almost 100 in the 1980s. The Court used dictionaries in 239 decisions to interpret more than 250 words and expressions in the 1990s. In the 2000s, we have 225 solutions in which 295 words and expressions were interpreted using dictionaries. It is noted that from 2001 to 2010, the US Supreme Court used dictionaries to determine the meaning of more than 300 words and expressions. Over the last decade (2010-2020), there are about 250 cases in which the US Supreme Court has turned to dictionaries. It is believed that the US Supreme Court has reached its peak in the use of dictionaries (in terms of the number of cases). The reasons for this are the total number of cases considered by the court, categories of cases, and the practice of individual judges.

Despite the evidence that lawyers are constantly dealing with words, the judicial practice of referring to dictionaries has developed very slowly. Particular activity in the use of dictionaries began to manifest from the middle of the last century and every decade the number of decisions made using dictionaries in the US Supreme Court doubled, reaching its peak by the end of the last century and subsequently moving to a more gradual increase.

---

[421] Small v. United States, 544 U.S. 385 (2005); Feltner v. Columbia Pictures Television, Inc., 523 U.S. 340 (1998).

Given the prevalence of the practice of using dictionaries and its long history, it is surprising that the US Supreme Court has never clearly formulated the procedure for using a dictionary to resolve a dispute. The judges used different dictionaries in many categories of disputes. The judges of the US Supreme Court have used more than 120 dictionaries in their decisions throughout history. Among them, the most frequently cited explanatory dictionary is the third edition of Webster 's Dictionary[422], and the most cited legal dictionary is Black 's Legal Dictionary[423,424].

Despite such extensive practice, the order of use of the dictionary in the process of interpretation is indicated only by the general comments of individual judges[425]. A unified doctrine of the use of the dictionary was not formulated by the US Supreme Court.

In the practice of the Russian Supreme Court, for the entire time of its existence, it was possible to identify only 38 cases in which the "dictionary" is mentioned. Of these, in less than 30 cases, it is possible to talk about the use of a dictionary by the court to identify the meaning of a disputed word or phrase. There are only two similar cases in the practice of the Constitutional Court of the Russian Federation. The main source to which the Supreme Court of the Russian Federation turned out to be a dictionary edited by S. I. Ozhegov.

Based on the practice of the Supreme Court of the Russian Federation, it can be said that the court applies the dictionary in cases where the parties directly or indirectly try to interpret the disputed word or expression. In such cases, the court refers to the dictionary only if it deems it necessary. From the text of the decisions, it is possible to establish only the motives for choosing a particular word for interpretation. The Supreme Court of the Russian Federation does not pay attention to other issues, such as the choice of a specific dictionary or the choice of a definition, in its decisions. The choice of a particular dictionary can be called

---

[422] Webster's Third New International Dictionary of the English Language, Unabridged. Springfield, Mass.: Merriam-Webster. 2002. 2764 p.
[423] Garner B.A editor in chief. Black's Law Dictionary. St. Paul, MN: Thomson Reuters. 2014. 2016 p.
[424] Thumma S. A., Kirchmeier, J.L, The Lexicon Has Become a Fortress: The United States Supreme Court's Use of Dictionaries // Buff L. Rev. Vol. 47. 1999. P. 262-263.
[425] Thumma S. A., Kirchmeier J.L, The Lexicon Has Become a Fortress: The United States Supreme Court's Use of Dictionaries // Buff L. Rev. Vol. 47. 1999. P. 268-272.

random, but taking into account the fact that priority is given to dictionaries from the pool of the most authoritative – for example, dictionaries edited by S. I. Ozhegov, S. A. Kuznetsov, N. Yu. Shvedova, D. I. Ushakov, this conclusion can be made only on the basis of the frequency of use of dictionaries. The Court did not stipulate such a rule in its decisions. Quite often, the court also turns to other dictionaries. Different dictionaries were used as a dictionary source for solving the case: various explanatory dictionaries, dictionaries of synonyms, dictionaries of Russian and foreign languages, and others[426].

Referring to two cases from the practice of the Constitutional Court, it can be noted that in the first case, he interpreted the word "incident": "The circumstances set forth are not a typical law enforcement situation, but an incident, i.e., "a case, an accidental action that has external signs of an offense, but devoid of an element of guilt, and therefore not punishable" (Modern Dictionary of foreign words. St. Petersburg: "Duet", 1994. p. 252)"[427]. In the second case: "from the analysis of the meanings of the words "lawyer" and "defender" in the explanatory dictionaries of the modern Russian literary language, it follows that the word "lawyer" is already in use, since it refers only to the activities of professional lawyers. The word "defender" is broader, since it refers to the activities of any person engaged in the protection or representation of someone's interests in court, legal proceedings. Hence it can be concluded that, using this word in Paragraph 2 of Article 48, the Constitution grants citizens the right to use legal aid not only lawyers, that is, members of the bar association, but also other defenders"[428]. No comments were made on the procedure for using dictionaries in the decisions.

Procedure for the use of dictionaries by the court

The study of the extensive experience of the US Supreme Court, even in the absence of a well-established doctrine of the use of dictionaries, suggests that there is a certain procedure for using this mechanism. It is possible to conditionally

---

[426] Belov S. A., Revazov M. A. Theory and Practice of Legal Documents Interpretation by Courts with Using Dictionaries // Law. Journal of the Higher School of Economics. 2023. Vol. 16. No. 1. P. 9-10.
[427] Decision of the Constitutional Court of the Russian Federation No. 1742-O of September 15, 2016.
[428] Judgment of the Constitutional Court of the Russian Federation No. 2-P of January 28, 1997.

distinguish several extremely important stages in the application of the dictionary in a particular case.

First, it is necessary to choose the word or phrase that should be interpreted. Secondly, it is necessary to choose the type of dictionary, starting with whether a general or special dictionary is required. Thirdly, it is necessary to choose a specific dictionary. Fourth, you need to choose one of several definitions contained in the dictionary in relation to the studied word or phrase. Each stage has its own characteristics.

Word choice. A feature of the practice of American courts is noted, which consists in the fact that most often courts use dictionaries to interpret fairly simple words used in everyday communication. Examples include words such as "assist"[429], "care"[430], "now"[431]. For the correct interpretation, it is not just the choice of the word that matters, but also the form of its use, at what time it was used, etc.[432]

In rarer cases, the U.S. Supreme Court has interpreted legal terms, Latin expressions, or "unusual" words. Such cases include, for example, the interpretation of the word "hydrography"[433].

The explanation of such a trend in the literature is quite interesting. Regular definition of the meaning of words from natural language is associated with their more frequent use in comparison with special terms. In addition, complex, "unusual" words, by their nature, often have definitions fixed in a law, contract or previous court decision. At the same time, judges periodically argue about which words require interpretation[434].

Selection of the dictionary type, specific dictionary and edition. Today there are no clear standards for choosing the type of dictionary, a specific dictionary and its publication. We have already written above about such a phenomenon as "dictionary shopping". The description of this phenomenon appeared on the basis of

[429] Negusie v. Holder, Attorney general. 555 U.S. 511 (2009).
[430] Abbott v. Abbott. No. 08-645 (2010).
[431] Carcieri, Government of Rhode Island, et al. v. Salazar, Secretary of the Interior, et al. 555 U.S. 379 (2009).
[432] Mont v. United States. No. 17-8995 (2019).
[433] Rapanos v. United States. 547 U.S. 715 (2006).
[434] Ali v. Federal Bureau of Prisons, et.al. 552 U.S. 214 (2008).

an analysis of the practice of the US Supreme Court. The prevailing opinion is that the choice of vocabulary is often random. And besides, when the dictionary and the doctrine of *Stare Decisis conflict*, the Court gives preference to its previous positions.

In the described mechanism, special attention is paid to two issues. Firstly, it is the choice of the dictionary editor. With the exception of Black's Legal Dictionary, judges do not seek to use the most recent editions of dictionaries. The reason for this is the order in which dictionaries are compiled. It is noted that today the publishers of dictionaries are trying to focus their attention on including as many "new" words in the text as possible compared to the last edition. Given the limitations on the volume of dictionaries, this leads to the fact that some "ordinary" words may be excluded from the dictionary, or the number of their specified values may be reduced. In this sense, the old edition of the dictionary may be more informative than the new one.

In addition, dictionaries are divided into two types – descriptive and normative dictionaries. Descriptive dictionaries strive to demonstrate the semantic meaning of a word at the moment, or at some pre-specified moment in the past, to show all possible uses of the word. Normative ones indicate not how the word is actually used by native speakers, but how it should be used. With regard to explanatory dictionaries, it is difficult to talk about the possibility of the existence of normative dictionaries, since dictionaries do not contain a "norm" for the use of words, but offer possible options for their interpretation, which exist in practice. It is always more convenient for lawyers to work with strictly defined rules, but with regard to explanatory dictionaries, it is necessary to recognize the inevitability of interaction with sources that reflect constant changes in the language, which is why they cannot contain strict invariable prescriptions for the correct use of certain words.

In the practice of the US Supreme Court, an approach has been developed according to which it is preferable to use descriptive dictionaries of the same period with the document from which the word is to be interpreted. But this is not a strict rule, but only the practice of individual judges, for example, Justice Antonin Scalia.

Secondly, it is a problem of foreign words and specialized dictionaries. In the first decade of the XXI century, judges cited dictionaries of foreign languages only in two cases. One of them used a Spanish dictionary. The last time the U.S. Supreme Court turned to the Spanish dictionary was in 1929. Despite the large number of native Spanish speakers in the United States, it is extremely rare for the Supreme Court to turn to Spanish dictionaries, as well as to any other foreign dictionaries. The most common non-English words to be interpreted were Latin terms, for example: "ejusdem generis"[435] and "prima facie evidence"[436]. But when interpreting these terms, Black's Legal Dictionary was used. It was the same with the interpretation of the term "renvoi", which has French roots[437].

The Court also turned to special dictionaries. For example, to interpret the words "n-th percentile", "quantile", "percentile", "quartile", and "decile", the Court used a mathematical dictionary[438]. Economic dictionaries were used to interpret the terms "net profit", "value", etc.[439].

There are several explanations for the infrequent use of foreign and specialized dictionaries. The main reason is that there are very few such terms in the text of the Constitution or laws, and it is with them that the US Supreme Court deals primarily. Another reason is the commitment to the use of familiar dictionaries, the history of which is known to the judges. However, special dictionaries remain among those used today. There are cases when the US Supreme Court used classical sources, and a separate judge in his opinion pointed out the correctness of using a special dictionary, based on the nature of legal relations and their context[440].

Use cases of dictionaries

Courts use dictionaries in various cases, but most often they are required to interpret the provisions of normative acts, for example, the Constitution or laws.

---

[435] James v. United States. 550 U.S. 192 (2007).
[436] Virginia v. Black, et al. 538 U.S. 343 (2003).
[437] Sosa v. Alvarez-Machain. 542 U.S. 692 (2004).
[438] The Concise Oxford Dictionary of Mathematics, 3 ed. // Oxford University Press. 2005. 512 p.
[439] Morrison, et al. v. National Australia Bank, Ltd, et al., 08 1191 (2010); Verizon Communications, Inc. v. FCC, 535 U.S. 467 (2002); United States v. Santos, et al., 553 U.S. 507 (2008).
[440] Republic of Sudan v. Harrison, et al. No. 16-1094 (2019). Judge Thomas preferred to use a special Diplomatic dictionary to determine the words associated with the transfer through a diplomatic institution.

Interpretation of judicial precedents and contracts are the rarest cases.

In the limited practice of the Supreme Court of the Russian Federation, cases of interpretation of laws, contracts and words used in oral and written statements have been identified. At the same time, no distinctive specifics were revealed.

In the practice of the US Supreme Court, there are many more examples of the use of dictionaries, which caused the allocation of separate groups of disputes depending on which document is interpreted.

Interpretation of the Constitution. The US Constitution was adopted more than 200 years ago. This fact gives rise to disputes related to the understanding of its provisions. There are quite a lot of supporters of the fact that the Constitution should be interpreted taking into account the meanings of the words that took place when writing the Constitution. Thus, supporters of revealing the original meaning of the Constitution insist on the use of dictionaries of the period of adoption of the Constitution and other sources of that time[441].

For example, the interpretation of the Second Amendment to the Constitution caused great disputes. The original text looks like this: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed". The Court used five dictionaries to interpret six words. These are four words directly from the text of the amendment – well regulated, militia, keep and arms. And also, for the interpretation of the words "bear" and "against", which were used to explain the meaning of the amendment.

At the same time, the judges referred to the dictionaries of 1771 and 1773 editions. Some dissenting judges tried to use modern dictionaries. This dispute demonstrated that references to dictionaries, in fact, should act as a starting point for understanding the meaning of the term at the time of its inclusion in the document, and then the context, similar acts of that time, comments of contemporaries, judicial precedents, etc. should be analyzed. This corresponds to the above conclusion that a dictionary is a starting point in an analysis to establish the meaning of a word, and not a point in this analysis.

---

[441] Nelson C. Originalism and Interpretive Conventions // U. Chi. L. Rev. Vol. 70. 2003. P. 519.

Opponents of the use of "old" dictionaries give a number of arguments in favor of their point of view. Firstly, until the middle of the XX century, most dictionaries in the USA were not descriptive, but normative. This casts doubt on the fact that the authors of the analyzed document gave the words the meaning reflected in the dictionary of that era. Secondly, "old" dictionaries often do not have examples, possible contexts and a variety of possible meanings. Thirdly, the quality of the process of compiling dictionaries, especially the oldest ones, raises questions, they often lack links to information sources. Sometimes it is thought that, trying to interpret the word contained in the Constitution, the Constitution becomes the best dictionary for us[442]. So, the judges urge not to forget to consider the options for using the disputed word in other parts of the interpreted document, which will allow to choose the definition in the dictionary more correctly.

Interpretation of laws. When interpreting laws, great importance is attached to the search for the true intentions of the legislator with the help of dictionaries[443]. Many judges attach great importance to dictionaries, sometimes ignoring other sources, primarily the history of the legislative process. Proponents of a different approach express concern, considering it unacceptable to rely on dictionaries in this way. They believe that it is impossible to abandon such sources as legislative history, precedent and a special legal language (the language of laws).

Judges who prefer the use of dictionaries create different practices. Some prefer normative dictionaries, while others prefer descriptive ones. In the Court's practice, there is no discussion of the differences between these approaches and recommendations on the correct behavior of the judge.

For example, when interpreting the term "monetary remuneration", the Court indicated that its task was to interpret the disputed term in accordance with its "usual meaning", which existed at the time of the adoption of the law containing this term. In this case, the Court turned to three dictionaries at once: Webster's Dictionary (2nd

---

[442] Arizona State Legislature v. Arizona Independent Redistricting Commission, et al. No. 13-1314 (2015).
[443] Scalia A. Common-Law Courts in a Civil-Law System: The Role of United States Federal Courts in Interpreting the Constitution and Laws // The Tanner Lectures on Human values, delivered at Princeton University at March 8 and 9. 1995. P. 93-95.

edition 1942), the Oxford English Dictionary (1st edition 1933) and Black's Legal Dictionary (3rd edition 1933), supporting its opinion with reference to existing practice[444]. When interpreting modern legal relations, for example, when creating a website on the Internet, refer to the dictionaries of the latest editions[445].

Conclusions on sections 3.2.3 – 3.2.4:

In order to establish the literal meaning or common usage, it is necessary to identify it. A judge is a specialist in the field of jurisprudence, a member of society, he has his own view on how words from the language of which he is a native speaker are understood. However, the judge's understanding of a certain word may not coincide with the majority's understanding of this word. This requires the judge to turn to some external sources that will be able to demonstrate this commonly used meaning of the interpreted words. These should be some information sources, the quality of which should not cause the court to doubt. It seems to us that such a source can be either an expert opinion, which will be compiled based on dictionaries, or dictionaries examined by the judge.

Despite the large temporary practice of using dictionaries by the US Supreme Court and a significant increase in the number of such cases recently, it is often unclear what exactly guided the judge in deciding on the need to use a dictionary.

It can be assumed that the dictionary is used to collect all possible definitions of a word, and this becomes the starting point of the analysis. This is followed by the study of the context, the history of the legislative process, the analysis of precedents, scientific literature and other sources. This assumption is confirmed in recent decisions of the US Supreme Court, in which conclusions based on dictionary definitions were confirmed after an analysis of judicial practice, other law enforcement practice and analysis of legislation also using the controversial term[446].

The Russian Supreme Court has never explained why it used this or that definition of the word. One could say that the court takes into account the context of the use of the word and chooses the appropriate definition, but there are no

[444] Wisconsin Central Ltd., et al. v. United States No. 17-530 (2018).
[445] Packingham v. North Carolina No. 15-1194 (2017).
[446] New Prime Inc. v. Oliveira No. 17-340 (2019).

references to such an approach in the decisions, and we can only guess about it. In addition, it can be argued that the court in some cases simply ignores the context. For example, when interpreting the word "beatings", which was used when formulating questions to jurors and was explicitly mentioned in the framework of legal procedure, the court stopped at the commonly used meanings of this word. The court simply ignored the possibility that if a commonly used word falls into a special environment and becomes a special term, then within this environment it may have meanings other than its commonly used form. Accordingly, general explanatory dictionaries may not contain these specific meanings.

It can be assumed that the Supreme Court of the Russian Federation considers it necessary to use any words, regardless of the context, in their commonly used sense. But this conclusion is refuted by the practice of lower courts, which are very well aware of the concept of "competent legal language", filled with special terminology that has a specific meaning when used in the legal field of activity.

The Constitutional Court of the Russian Federation, except for the two specified cases, used not dictionaries, but other sources of information for interpretation, while in most cases it gave this interpretation independently. For the US Supreme Court, this was noted as a significant problem. The opinion is expressed in the literature that there the court began to actively use dictionaries in interpreting the Constitution and laws, including in order to demonstrate the objectivity of its decisions, to reduce the number of accusations that the US Supreme Court at its discretion "rewrites" regulations, encroaching on the powers of the legislative branch of government. It is impossible to say unambiguously that this problem is absent in Russia, given the theoretical disputes about whether the decisions of the Constitutional Court have signs not only of law enforcement, but also of a rule-making act.

Questions remain unanswered about the order of application of the dictionaries themselves, about the rules of their choice. The revealed trend of using dictionaries of the same time period as the analyzed document turned out to be interesting.

All these features are derived from the practice of the US Supreme Court, although there is a clear need for judges to explicitly formulate the procedure for conducting an analysis using dictionaries. The question of preferences in the choice of descriptive or normative dictionaries today remains solely at the discretion of specific judges. All this uncertainty forces practicing lawyers to only assume how the court will act in this or that case, while much will depend on which judge will consider the case. The absence of guidelines for conducting such an analysis entails the risk of making decisions in which courts will begin to use dictionaries in order to obtain a definition of a word in isolation from the goals of the legislator, from the needs of life and from the values of the recipients of the analyzed acts.

In the analyzed decisions of the Supreme Court of the Russian Federation, there are no arguments about what type of dictionary should be used. The use of special dictionaries as a phenomenon was not noticed. It can be noted that the Court considers it sufficient to use general explanatory dictionaries in any situation. The decisions never even raised questions about the use of a descriptive or normative dictionary; about the problem of the correlation between the time of publication of the dictionary and the creation of the interpreted document; about the quality of the dictionary used. Regarding the choice of a specific dictionary of the Russian Federation, the Court did not give any recommendations. As a positive phenomenon, it can be noted that the Supreme Court of the Russian Federation periodically uses several dictionaries at once, demonstrating that it has identified the meaning of the disputed word, and not just took a definition convenient for it.

Dictionaries are tools that provide effective means to start the process of determining the meaning of the words used. Thanks to dictionaries, lawyers and judges have additional tools to more accurately determine the meaning of words already taking into account the context. Failure to take into account the context would lead to the fact that those responsible for the administration of justice would rely too much on the author of the dictionary. Lower courts in the United States just express concerns about the occurrence of dependence on dictionaries, they explicitly state that it is impossible to understand the law in the form of a set of quotations

from a dictionary[447]. All this acutely raises the problem of the need to develop clear rules for the use of dictionaries by courts in their work.

As a result of the conducted research, it can be concluded that referring to the dictionary is the starting point for determining the meaning of words and expressions used in a legal document. The dictionary is available today to everyone, judges, legislator, citizens. And everything would be simple if there was one universal dictionary, but there are thousands of them. Therefore, it is necessary to develop rules for the use of dictionaries. These rules should be taken into account in their work by law enforcement authorities and legislators. The creation of a unified approach will allow the whole society with a certain degree of confidence to correctly understand the provisions of the laws, correctly interpret the disputed contract or have an idea of how it will be interpreted by the court.

An analysis of Russian judicial practice suggests that the courts do not even try to formulate the question of the mechanism of using dictionaries in their decisions. Judges from the US Supreme Court have moved much further in this matter, but they also have many unresolved problems in this area. Summarizing the experience of national and foreign courts, it seems possible to form a number of questions, the answers to which will allow us to create an effective mechanism for interpreting ambiguous words and expressions using dictionaries:

1. When to access the dictionary?
2. Which dictionary to turn to?
3. Finding the right dictionary is the end of the research?
4. How to refer to the dictionary?

It should always be remembered that the court is not a legislator, it should not actually create new norms of law by arbitrary interpretation. In this sense, reliance on an external source adds objectivity to the court's decision. It is unacceptable to blindly rely on the dictionary, because the compiler of the dictionary wrote the dictionary, not the law. We get a huge sphere in which the judge must demonstrate

[447] U.S. LEC of Tenn., Inc. v. Tenn. Regulatory Auth., No. M2004-01417-COA-R12CV, 2006 WL 1005134, at *5 (Tenn. Ct. App. Apr. 17, 2006).

his professionalism by correctly identifying controversial textual elements, determining the context of their use, pointing to the most appropriate external sources of interpretation, using them in conjunction with other circumstances of the case.

The development of a unified doctrine of the use of dictionaries by judges seems inevitable for the US Supreme Court. A number of factors contribute to this – the long-standing practice of using dictionaries, discussion of this problem by judges, scientific research in this area. For Russia, the situation of developing unified approaches to the use of dictionaries by courts looks no less in demand, especially given the numerous and heterogeneous practice of courts of general jurisdiction, however, there are no hopes for an independent solution of this problem by judges in the near future. No attention is paid to the theoretical elaboration of this problem either by the Russian courts or by the authors of scientific research.

3.2.5. The use of dictionaries in the activities of the European Court of Human Rights

The activity of the ECHR is quite specific, compared with ordinary courts, however, and there was a place for the use of dictionaries in it. The reason for this is the same here as in other cases – the court needs to decide what the semantic content of the disputed word or phrase is. The ECHR is not an active supporter of the use of dictionaries, based on the number of cases identified. However, in the revealed decisions, the court has never stated that the use of dictionaries is unacceptable. Probably, in the activities of the court, it is simply not so often necessary to establish the correct understanding of a word.

The analysis of the collected decisions showed that three groups of cases can be distinguished when cases of the use of dictionaries to identify the meaning of words and expressions are found in the acts of the ECHR. Firstly, quoting the decisions of national courts, which used the dictionary. Secondly, the independent use of dictionaries to solve the case. Thirdly, the use of dictionaries by judges in their dissenting opinions. The last group turned out to be the most interesting from

the point of view of the mechanism of using dictionaries and the reasoning of judges on this issue.

Quoting decisions of national courts

During the consideration of the case, the ECHR turns to the study of the acts of the national courts that made decisions on the applicant's case. Dictionaries could be used when making decisions by national courts, which was reflected in the acts of the ECHR.

In cases against the Russian Federation, such cases were identified eight times. In part of the cases, the ECHR quoted the decision of the Russian court, removing the references to specific dictionaries, leaving only a note that the definition was taken from a "dictionary" or "authoritative dictionary". Any differences between the dictionary and the authoritative dictionary were not indicated. It can be concluded that these are equivalent concepts in the texts of the ECHR decisions. In these cases, the national court interpreted the words: "protection", "by all means", "honor of the uniform"[448]; "duplicitous", "laughing at someone"[449]; "abnormal"[450]. Another part of the cases was related to the interpretation of the words: "monkey"[451], "indecent"[452], "neo-fascism"[453], "army"[454], "mystery"[455]. These cases differ from the first group in that here the court left an indication of the dictionary in the form as it was done in the decision of the Russian court. It is difficult to say what the motives of the Court are when excluding references to

[448] Judgment of the European Court of Human Rights of March 5, 2019 on case "Skudaeva v. the Russian Federation" (Complaint No. 24014/07).
[449] Judgment of the European Court of Human Rights of January 22, 2013 on case "OOO Ivpress and Others v. the Russian Federation" (Complaints No. 33501/04, 38608/04, 35258/05 and 35618/05).
[450] Judgment of the European Court of Human Rights of July 31, 2007 on case "Chemodurov v. the Russian Federation" (Complaint No. 72683/01).
[451] Judgment of the European Court of Human Rights of November 21, 2017 on case "Editorial Board of the newspaper "Countrymen" (Redaktsiya Gazety Zemlyaki) against the Russian Federation" (Complaint No. 16224/05). The Russian court referred in its decision to the Dictionary of the Russian Language edited by A.P. Evgeniev. Interestingly, the translator of the decision considered such a link incorrect and clarified that, apparently, the Dictionary of the Russian language is meant: in 4 volumes / RAS, Institute of Linguistics. research / Edited by A.P. Evgenieva.
[452] Judgment of the European Court of Human Rights of May 31, 2016 on case "Nadtoka v. the Russian Federation" (Complaint No. 38010/05).
[453] Judgment of the European Court of Human Rights of December 14, 2006 on case "Karman v. the Russian Federation" (Complaint No. 29372/02).
[454] Judgment of the European Court of Human Rights of October 5, 2006 on case "Moscow Branch of the Salvation Army against the Russian Federation" (Complaint No. 72881/01).
[455] Judgment of the European Court of Human Rights of February 5, 2004 on the admissibility of Complaint No. 66801/01 "Irina Aleksandrovna Vorsina and Natalia Aleksandrovna Vogralik against the Russian Federation".

specific dictionaries from the text. Most likely, he attached importance only to the fact of the use of the dictionary by the national court, being indifferent to which dictionary was used.

In 4 more cases, similar cases were identified when quoting the decisions of the courts of Cyprus and France. Twice the national court interpreted the word "ravasakia"[456] in Cyprus, in France the words "novel" and "creative fantasy"[457] and "insult"[458] were interpreted.

Let us pay attention to the last case, as it is interesting from a methodological point of view. The French court interpreted the word "insult": in the dictionary "Petit Larousse" of 1959, 2002 and 2006 editions, the meaning of the word is almost the same - "Insult is a word or action that offends the dignity and honor of another person; in jurisprudence, insult is understood as disrespect for heads of state (1959) or publicly shown disrespect to the President of the French Republic... and this act is recognized as a misdemeanor" (2006). It is noteworthy here that the French court did not just interpret the word. To make a decision, the court found that the word was used in a legal context, this made it possible to identify the necessary definition in a number of proposed dictionaries. In addition, the court took not one dictionary, but several editions at once, issued with a long time interval, and demonstrated that the word has not changed its semantic content. It is impossible to make other comments that are interesting for our research, based on the analysis of these decisions.

Application of the dictionary by the Court

Among the few cases of using the dictionary by the court, it is worth noting several notable points.

Firstly, the Court stated what an explanatory dictionary is in its understanding. Thus, a dictionary is a source of information listing the words of a language and

[456] Judgment of the European Court of Human Rights of December 11, 2008 on case "Panovits v. Cyprus" (Complaint No. 4268/04).
[457] Judgment of the European Court of Human Rights of October 22, 2007 on case "Landon, Ochakovsky-Laurent and Julie v. France" (Complaints No. 21279/02 and No. 36448/02).
[458] Judgment of the European Court of Human Rights of March 14, 2013 on case "Eon v. France" (Complaint No. 26118/10).

giving their various meanings - the main descriptive meaning, but also figurative, allegorical or metaphorical meanings - its main purpose is to reflect the language used by society[459]. The Court gave this definition in a case in which the applicant pointed to an insult by including articles about the word "gypsy" in the dictionary. The ECHR explained that the disputed dictionaries were significant in volume and assumed coverage of the entire Turkish language. They contained an objective definition of the word "gypsy", as well as metaphorical meanings of this word and a number of other expressions used in colloquial Turkish, such as "gypsy money" and "gypsy pink". The Court noted that it would be preferable to mark expressions forming everyday language as "disparaging" or "rude" - especially in a dictionary intended for students.

Secondly, a reference to the dictionary cannot be proof of any factual circumstances, especially if there is other evidence about the actual circumstances of the case. For example, the applicant referred to a medical dictionary, trying to prove the duration of bodily injury depending on the color of the bruises. The dictionary contained an indication that bruises change color after a certain time from the moment of injury. At the same time, there was an expert opinion in the case, which did not correspond to the applicant's calculations. The court, in such circumstances, recognized the unconditional priority of the expert opinion over the reference to the dictionary[460].

Thirdly, the Court also has to resort to the dictionary when interpreting national laws or even national doctrinal or law enforcement positions. This happened with the concept of "totipotent" embryonic cells[461]. The Court stated that in Austria, the law provides that "viable cells" cannot be used for any purpose other than in vitro fertilization. However, the concept of "viable cells" is not disclosed in the legislation. According to law enforcement practice and the opinion of commentators,

---

[459]Judgment of the European Court of Human Rights of March 15, 2012 on case "Aksu v. Turkey" (Complaint No. 4149/04 and 41029/04).

[460] Judgment of the European Court of Human Rights of January 29, 2009 on case "Andreyevskiy v. the Russian Federation" (Complaint No. 1750/03).

[461] Judgment of the European Court of Human Rights of August 27, 2015 on case "Parrillo v. Italy" (Complaint No. 46470/11).

the prohibition imposed by the law applies only to "totipotent" embryonic cells. And these, according to the medical dictionary of the Larousse publishing house, are embryonic cells that have not yet differentiated. Each such cell is potentially capable of giving rise to an entire organism.

Fourth, the dictionary can be used to correctly understand procedural rules. In one of the cases, the Court noted that for the purposes of determining the jurisdiction of the rationae materiae, among all the facts alleged by the applicant(s), a distinction should be made between the main facts constituting the violation and the accompanying factors and circumstances that are related to the main fact(s) and can clarify the issue, but do not constitute a separate violation in accordance with the Convention in a specific case before the European Court of Justice[462]. The dictionary had to be consulted to establish the meaning of the phrase "concomitant factors". The definition was taken from the online version of Black's Law Dictionary with reference to the Internet address and the date the dictionary was accessed.

Dissenting opinions of judges

The procedure of the ECHR involves the possibility of judges who disagree fully or partially with the final decision on the case, to express their private opinions on how the case should be considered. The judges of the Russian Constitutional Court, for example, have a similar opportunity. In the practice of national judges, it was not possible to deduce cases of substantiating their opinions with the help of dictionaries, but the judges of the ECHR demonstrated their views on the practice of using dictionaries to establish the meaning of disputed words and expressions in their dissenting opinions. There were cases when judges criticized the use of the dictionary by the national court, criticized the Court for not using the dictionary, and criticized the Court for incorrectly identifying the meaning of the disputed word. Several cases simply contained a judicial interpretation of the word, which allowed the judge to justify his point of view more convincingly. In such cases, the

[462] Judgment of the European Court of Human Rights of March 20, 2018 on case "Radomilja and Others v. Croatia" (Complaints No. 37685/10 and 22768/12).

dictionaries referred to by the judges were of interest. As examples, we will give three cases illustrating these options for using dictionaries.

Firstly, Judge Georgios A. Serghides criticized the approach of the national court, which interpreted the word "case" on the basis of its own submission[463]. The judge concluded that when interpreting the term "case", the Swiss Federal Court decided that it covers a set of facts and legal arguments. "However, what is meant by legal arguments? The Federal Court did not comment on this issue. Nevertheless, in my opinion, the legal arguments assume and (or) include the opportunity to present their position on the case, and the applicant had such an opportunity only in Switzerland. In addition, the legal arguments relate to both the substantive and procedural aspects of the case. The word "case" is too broad and vague, and it can mean many other things besides the circumstances of the case. It can mean evidence, procedure, remedies, parties and their status, etc.". The judge turned to the Oxford Law Dictionary to identify possible meanings of the word "case"[464].

Secondly, in one of the cases involving the disclosure of personal data, Judges Andras Sajo and Isil Karakas criticized the European Court for not taking into account that the increase in the volume of disclosed data really contributes to satisfying the public interest, since it enhances tax transparency (it was about the disclosure of tax information)[465]. In addition, the possibility of using data in order to show morbid curiosity about other people's affairs does not minimize (and even more so does not exclude) the public's interest in publishing information. The publication of information in a larger volume cannot automatically mean that this information is of less value or less interest to society, or that it allows you to show morbid curiosity about other people's affairs or incline to sensational information. The publication of the data, which is the subject of dispute in the present case, did not concern the intimate aspects of the private life of persons who usually become the subject of morbid curiosity about other people's affairs. The judges dwelt on this

---

[463] Judgment of the European Court of Human Rights of March 5, 2018 on case "Nait-Liman v. Switzerland" (Complaint No. 51357/07).
[464] Law J., Martin E. A. A Dictionary of Law. 7 ed. Oxford University Press. 2014. 602 p.
[465] Judgment of the European Court of Human Rights of June 27, 2017 on case "Satakunnan Markkinaporssi Oy and Satamedia Oy v. Finland" (Complaint No. 931/13).

argument in more detail, since, in their opinion, the majority of judges in vain did not define what should be understood by "morbid curiosity about other people's affairs." The judges filled this gap with a detailed analysis of the controversial concept. Thus, morbid curiosity about other people's affairs is understood as "the practice of obtaining sexual pleasure from peeping at other people when they are naked or having sex" or "getting pleasure by a person when he sees the pain or suffering of other people"[466]. In this sense, the term was used in the Judgment of the European Court in the case "Von Hanover (Princess of Hanover) v. Germany" (§ 65) and in the Judgment of the Grand Chamber of the European Court in the case "Couderc and Company "Ashette Filipacchi Assosier" v. France" (Couderc and Hachette Filipacchi v. France)), complaint no. 40454/07, §§ 99 and 101, ECHR 2015. In these cases, the European Court meant by it mainly curiosity about sexual life. In conclusion, the judges noted, not without irony, that in the present case there is no one of these factors, unless it is assumed that the tax data are a source of sexual pleasure.

Thirdly, Judge Egidijus Kuris[467] did not agree with the meaning given to the provisions of the Convention by the court (it was about the interpretation of article 3)[468]. He conducted his own analysis, taking into account dictionary sources, and made several important theoretical observations. He turned to the Oxford Online Dictionary (as well as to other unnamed dictionaries of the English language) to define the noun " treatment" (as far as it was relevant). The judge defined the controversial term as "the way someone behaves or deals with someone or something", and the verb " be subjected to" as "to cause or force someone or something to experience something (a certain experience or form of treatment, usually undesirable or unpleasant)". Egidijus Kuris noted that these definitions do not distinguish between intent and its absence, which would make it possible to say, as most judges did, that "treatment", that is, behavior, can only be intentional or that

[466] Stevenson A. Oxford Dictionary of English. Oxford University Press. 2017. 2069 p.
[467] Convention on the Protection of Human Rights and Fundamental Freedoms (concluded in Rome on November 4, 1950) // Collection of Legislation of the Russian Federation. 2001. No. 2. Art. 163.
[468] Judgment of the European Court of Human Rights of June 25, 2019 on case "Nicolae Virgiliu Tanase v. Romania" (Complaint No. 41720/13).

a person can be "be subjected to " to something only when the relevant experience is caused by a deliberate act.

The Judge noted that, in theory, it is possible that the drafters of the Convention deliberately decided to give the words used in Article 3 of the Convention a new meaning, although they had a generally recognized, indisputable meaning, as defined in dictionaries. However, there are no signs that the developers have done this with respect to the words " treatment" and "be subjected to" as they are used in the said article.

The judge concluded that it would be appropriate if the majority of judges provided some justification for their most innovative approach to the "present" meaning of the words "treatment" and "be subjected to" as they are used in Article 3 of the Convention, since such a "present" meaning seems to contradict the generally accepted meaning of these words, which has so far also been accepted in the formulations of the European Court. "If, as is often emphasized by the European Court in its case-law, certain concepts used in the Convention are autonomous, where should the limits of this autonomy be established? Can the European Court set these limits the way it wants? Are there any canons of interpretation that should be followed, especially when the supposedly autonomous meaning of a word is discovered after decades of its usual interpretation, which fully corresponds to its generally recognized meaning defined in dictionaries? Can there be any merit in the transition from the generally recognized clarity of legal terms to their relative uncertainty and, accordingly, in generating disagreements between legal and ordinary language where there was once harmony?".

Egidijus Kuris formulated issues relevant to any court in any country. The ECHR has not yet given answers to these questions.

Among other cases of using dictionaries, one can note regular references to the Oxford English Dictionary (different editions of this dictionary are used without any explanations about this). Thus, with the help of this source, the words

"provable"[469], "humanitarian"[470], "unambiguous"[471], "fact" and "assumption"[472], "authority"[473] were interpreted. Once, reference was made to unspecified dictionaries for the interpretation of the word "Schikane"[474], and in another case, the interpretation of the word "proselytism" was given on the basis of the Le Petit Robert dictionary[475].

As a result, it can be noted that the extensive practice of using the ECHR dictionaries has not yet been formed. But the identified cases allow us to note some emerging features: the use by judges of the most authoritative dictionaries of the English language, the predominant indication of correct detailed references to the source used, the desire (at least for some judges) to form a doctrine of identifying the meaning of disputed words and expressions using dictionaries.

3.2.6. Application of Federal Law No. 53-FZ of June 1, 2005 "On the State Language of the Russian Federation" (for the period from 2018 to 2023)

Several years ago, experts from St. Petersburg State University conducted a large-scale study of the practice of the Russian courts applying legislation on the use of language as a state language[476]. Based on the analysis of more than 1.5 thousand judicial acts, conclusions were drawn about the actual enforcement of legal norms regulating this area, which allow us to understand which legislative norms find their practical implementation, and which remain only on paper. The paper presented judicial practice on general issues of the obligation to use the language as the state language, on monitoring compliance with the norms of the literary language in the public sphere and in advertising, where disputes about language formulations most

---

[469] Judgment of the European Court of Human Rights of September 14, 2017 on case "Karoly Nagy v. Hungary" (Complaint No. 56665/09). See the joint dissenting opinion of Judges Andras Chaillot, Luis Lopez Guerra, Nona Tsotsoria and Julia Laffrank.

[470] Judgment of the European Court of Human Rights of January 17, 2017 on case "Hutchinson v. the United Kingdom" (Complaint No. 57592/08). See dissenting opinion of Judge Paulo Pinto de Albuquerque.

[471] Judgment of the European Court of Human Rights of March 4, 2010 on case "Khametshin v. the Russian Federation" (Complaint No. 18487/03).

[472] Judgment of the European Court of Human Rights of May 18, 2004 on case "Prodan v. Moldova" (Complaint No. 49806/99). See the dissenting opinion of Judge S. Pavlovsky.

[473] Judgment of the European Court of Human Rights of April 20, 2004 on case "Amihalachioae v. the Republic of Moldova" (Complaint No. 60115/00). See the dissenting opinion of Judge L. Lukaides.

[474] Judgment of the European Court of Human Rights of April 26, 1995 on case "Prager and Obershlik v. Austria" (Complaint No. 15974/90).

[475] Judgment of the European Court of Human Rights of May 25, 1993 on case "Kokkinakis v. Greece" (Complaint No. 14307/88). See the dissenting opinion of Judge Nicholas Valtikos.

[476] Belov S. A., Kropachev N. M., Revazov M. A. Legislation on the State Language in Russian Judicial Practice. St. Petersburg: Publishing House of St. Petersburg. University, 2018. 240 p.

often arise. The study covered the period from 2009 to 2017 and demonstrated serious problems in the application of legislation on the state language. Since 2017, judicial practice on these disputes has continued to form. Of particular interest is tracking the current specifics of the application of the provisions of the Law on the State Language. In total, about 400 decisions made in the period from 2018 to 2023 were identified in open sources, in which the courts referred to the provisions of Law No. 53-FZ.

Obscene language in the understanding of courts

One of the key issues that courts face is the definition of what obscene language is. In practice, several ways of attributing a word to obscene vocabulary have been identified.

Firstly, obscene words are recognized that are not contained in the dictionaries of the normative dictionaries of the modern Russian language (which ones are often not specified), but are presented in a special dictionary of obscene vocabulary[477].

Secondly, the words that fall under the criteria established by Roskomnadzor are considered obscene. Recall that this department noted that at the moment there is no single list of obscene swear words, however, there is an opinion among experts that four words, as well as words and expressions formed from them, belong to obscene words and expressions[478].

Thirdly, in addition, the courts can state their own understanding of what obscene language is[479]. So, obscene words include *indecent and unseemly words*. Obscene language is not just a series of indecent and unseemly words, but condemning, sharply condemning and offensive words, with the help of which they try to humiliate, offend a person, show his gender, social status, etc. Swearing is expressed in words and expressions that do not correspond to the norms of the modern Russian literary language. Or: "*Obscene language" - indecent language, unseemly language, obscene (obscene) vocabulary.* The presence of such

[477] Decision of the Sovetsky District Court of Omsk of August 15, 2019 on case No. 12-219/2019.
[478] Decision of the St. Petersburg City Court of August 14, 2019 on case No. 12-1214/2019; Decision of the Magadan City Court of May 7, 2018 on case No. 12-115/2018.
[479] Decision of the Dzerzhinsky District Court of Volgograd of July 9, 2019 on case No. 12-646/2019.

explanations only makes the decisions of the courts even more contradictory and complicated. As an interesting feature, it can be noted that the common variant of writing obscene words with omission of letters was recognized by the court as unacceptable, since such spellings do not have other lexical variants of words without violations of the semantic load of phrases, except for obscene ones[480].

As a conclusion, it can be noted that the problem of the uncertainty of the criteria for classifying words as obscene remains relevant. This is a key issue for courts and other law enforcement authorities. Practice has shown that there are no uniform criteria for classifying words as obscene. Courts use different sources and different criteria. This circumstance creates wide limits of discretion for law enforcement agencies. It is necessary to fix the procedure for recognizing a particular word used in specific circumstances as obscene. Linguistic expertise in such cases is often considered unnecessary. And in the case of the appointment of an expert examination, it remains unclear which sources the expert will be guided by, whether they will allow them to unequivocally conclude that the word is censored.

The application of the Law on the State Language in most cases concerns the use of obscene words and expressions. A small part of the cases touches on the problem of the use of foreign words. No other cases of application of Law No. 53-FZ have been identified. That is, the law is not applied to prevent violations of the norms of the modern Russian literary language. Past research has revealed cases of struggle with spelling errors in the field of advertising. However, among the decisions taken since 2018, it was not possible to find such cases, probably these are some isolated cases[481]. This indicates an unjustified narrowing of the list of areas in which the Law on the State Language should play a key role. In fact, its use today is reduced to the prohibition of the use of foreign and obscene words.

---

[480] Decision of the Sovetsky District Court of Omsk of August 15, 2019 on case No. 12-219/2019.

[481] For example: Decision of the Supreme Court of the Russian Federation of November 14, 2019 No. AKP I 19-680 (compliance of the word "arboretum" with the norms of the modern Russian literary language).

3.2.7. Violation of the procedure for issuing and publishing normative acts

In practice, there are also disputes related to the violation of the requirements for the issue and publication of regulations in the official language of the Russian Federation. Such disputes are usually related to the fact that the subjects of the Russian Federation, in which regional state languages are established, are trying to create situations in which the use of the Russian language will be optional when issuing or publishing regulations.

For example, on July 8, 1992, the State Council of the Republic of Tatarstan adopted the Law of the Republic of Tatarstan No. 1560-XII "On the state languages of the Republic of Tatarstan and other languages in the Republic of Tatarstan".

On the basis of Paragraph 1 of Article 14 of this Law on the territory of the Republic of Tatarstan, official office work in the state authorities of the Republic of Tatarstan, local self-government bodies, state bodies, enterprises, institutions and other organizations is conducted in the official languages of the Republic of Tatarstan.

Paragraph 2 of this norm provides that in the area of compact residence of the population who do not speak the official languages of the Republic of Tatarstan, official office work in the state authorities of the Republic of Tatarstan, local self-government bodies, state bodies, enterprises, institutions and other organizations can be conducted in the language of the majority of the population of this area.

When considering this norm, the court initially concluded that there was no need to fix in the contested norm the indication of the mandatory use of the Russian and Tatar languages, since the conduct of official records in the republic in the official languages of the Republic of Tatarstan is provided for in Paragraph 1 of Article 14 of the Law of the Republic of Tatarstan. However, such a conclusion of the court does not follow from the text of the norm or other normative indication, which the higher court insisted on[482]. Within the meaning of the provisions of Law No. 53-FZ, the state language of the Russian Federation throughout its territory is

[482] Decision of the Supreme Court of the Russian Federation of August 6, 2008 No. 11G 08-12.

Russian, which is subject to obligatory use in the activities of state authorities, local self-government bodies, enterprises and other organizations. Paragraph 4 of Article 3 of Law No. 1807-1 provides for the possibility of using the languages of the peoples of the Russian Federation in the territories of their compact residence, but along with the Russian language and the official languages of the republics. In accordance with the controversial provisions of Paragraph 2 of Article 14 of the Law of the Republic of Tatarstan, official record keeping was allowed in state and other bodies and organizations located in an area whose population does not speak either Russian or Tatar, can be conducted exclusively in the language of the majority of the population of this area. Such legal regulation contradicts both the principle of obligatory use of the state language and the requirement of legal certainty.

If you pay attention to the publication of regulations, it should be noted that in the subjects of the Russian Federation that have their own state languages, disputes arise as to in what order and in what language the official publication of regional regulations should take place. Is publication in one of the languages sufficient to comply with the procedure for the official publication of a normative act? Thus, the Government of the Republic of Tyva in one of such cases insisted that the Law of the Republic of Tyva of November 27, 2003, No. 341 VX-1, disputed in the case, was not officially published in the Tuvan language, and therefore was not subject to verification in accordance with Chapter 24 of the Civil Procedure Code of the Russian Federation, as it had not entered into legal force.[483]. Considering this provision, the court concluded that according to Paragraph 3 of Article 15 of the Constitution of the Russian Federation, any normative acts affecting the rights, freedoms and duties of a person and citizen cannot be applied if they are not officially published for public information.

In accordance with paragraph 21 of the Resolution of the Plenum of the Supreme Court of the Russian Federation of November 29, 2007 No. 48 "On the practice of consideration by courts of cases on challenging normative acts in whole or in part", the official publication of a normative act is the publication of its full text

[483] Decision of the Supreme Court of the Russian Federation No. 92-G10-9 of August 25, 2010.

in the official language of the Russian Federation (that is, in Russian) in that mass media information that is defined as an official periodical that publishes normative acts adopted by this body or official.

Article 4 of the Law of the Republic of Tyva of December 29, 2001 No. 1277 "On the Procedure for publication and entry into force of Constitutional Laws of the Republic of Tyva, Laws of the Republic of Tyva, other normative acts of the Republic of Tyva" Constitutional laws of the Republic of Tyva, laws of the Republic of Tyva are promulgated by the Chairman of the Government of the Republic of Tyva by their official publication, which is considered the first publication of their full the text in the newspapers "Shyn", "Tuvinskaya Pravda" or the periodical "Collection of legislation of the Republic of Tyva".

Thus, the normative act comes into force from the moment of its first official publication. At the same time, the court pointed out that laws and other normative acts of the republics, along with official publication in the state language of the Russian Federation, may be officially published in the state languages of the republics.

Let us consider another example from judicial practice. The Law of the Republic of Tyva No. 341 VX-1 of November 27, 2003 was officially published in Russian in the edition "Tuvinskaya Pravda", March 5, 2004, which complies with the requirements of both federal legislation and the legislation of the Republic of Tyva. The Court noted that the fact that the disputed Law was not officially published in the Tuvan language cannot serve as a basis for declaring it invalid, since Paragraph 1 of Article 13 of Law No. 53-FZ grants the right, not the obligation, to publish acts adopted by a subject of the Russian Federation in the official languages of the republics.

This example confirms that judicial practice adheres to the position that the presence of another state language in addition to Russian in a subject of the Russian Federation does not oblige regional authorities to officially publish regulations in several languages. It is obligatory to publish a regional normative act in Russian, which is the state language throughout the territory of the Russian Federation. It is

also possible to publish in a second language, but this is not mandatory and is intended to convey the information contained in the act to the recipient in an additional form. Accordingly, if the official publication is provided for by regional legislation as obligatory, then it will be impossible to refuse to publish the act in the regional language due to the circumstances considered in this paper.

Conclusion

Legal communication is based on a legal text, and a normative act is one of the most widespread and important such texts. The normative act contains provisions that carry the semantic load laid down by the legislator, and understanding the meaning of the act underlies the ability to act on its basis. A normative act incomprehensible to the recipients cannot become the basis for legal communication. If a certain behavior is based on an incorrect understanding of a normative act, then in this case there is no legal communication. The law is not reduced to a normative act, but it is also not a simple behavior of members of society. The normative act should incorporate provisions that will be perceived by society in accordance with exactly the meaning that the legislator tried to convey to the recipients. A normative act is a text that should be equally understandable to the recipients, and the interpretation of the provisions of the act should correspond to the idea of the legislator. In the conditions of modern society, when general norms are mainly used to regulate public relations in various spheres, it is impossible to achieve the same understanding of such norms by their recipients. However, when fixing the norm in the text of the normative act, the legislator put a certain value sense into it. This meaning should be available to the recipients, even with small deviations from the thought of the legislator, but in accordance with a common understanding of the value inherent in the norm. This is how "boundaries" appear, in which there is a uniform understanding.

In the matter of understanding the text, the language with which the act was created comes out in the first place. The conducted research allows us to conclude that today there is no unified approach in the scientific community to what is the language of normative acts. Most authors, agreeing that this is a special language that is used in the preparation of written legal texts, including normative acts, give this concept a different definition. The lack of a unified approach gives rise to the existence of many similar concepts that are used by various authors when studying what in this work we call "the language of a normative act" or "the language of the law". Having considered the main approaches presented today in theory, we can say

that the most correct view is the language of the law as a subfield of the official business language, which is based on natural language. The distinctive features of the language of the law are: increased requirements for the neutrality of speech means and the exclusion of emotionally expressive speech means; striving for maximum compactness of the text and simplification of the text. This should make it clearer and more understandable for ordinary citizens, but the use of colloquial and other styles is not allowed; the active use of a large number of special terms and concepts, the use of which should be subject to strict rules; an increased level of negative consequences in violation of grammatical rules. These features allow the text, compiled in the language of the law, to perform its main functions – to carry out legal communication in society and to exert regulatory influence.

The constitutional requirements for the text of a normative act, for the compilation of which the language of normative acts is used, have been discussed in the literature for quite a long time, but in this work an attempt has been made to identify the basic requirements, reveal their content, consider the features of their expression and scope. In such a comprehensive format, consideration of this issue has not been presented in the literature before. The fundamental normative act, which has such properties as supremacy and supreme legal force, has a constituent character, is the Constitution of the Russian Federation. Based on this, it was initially assumed that constitutional norms should include the requirements that are imposed on the text of normative acts. This idea is presented in modern literature, but has not found proper development.

The requirement of certainty of the text of a normative act is touched upon in sufficient detail in the literature and practice of judicial authorities. The existing approaches to the origin of this requirement were considered. This allowed us to conclude that this requirement is derived from the constitutional principle of equality, which is one of the basic constitutional principles. The requirement of certainty must be imposed both on the text of the normative act and on the practice of its application, and violation of this requirement makes it impossible to apply an

indefinite normative provision without the threat of violating the constitutional principle of equality.

Significantly less attention in the literature is paid to the requirement of clarity of the text of the normative act to its recipient. Conveying the semantic content of the text of a normative act to the recipient is one of the goals of the constitutional requirement for the official publication of the act. In this matter, the fundamental problem is the determination of the recipient of the normative act. This recipient is an indefinite circle of persons – all those who fall under the scope of the normative act. These persons do not necessarily have a special education that allows them to understand special legal terminology and complex legal constructions. This means that when creating a normative act, the legislator should pay special attention to the language means that he uses so that the text of the act is understandable to citizens.

Separately, the problem of the intelligibility of normative acts published in several languages for the population was considered, the features of the existing bilingual legislation in Russia and the significance of this phenomenon for increasing the intelligibility of normative acts were identified. As a result of the analysis, it can be concluded that the official publication of the act in Russian should allow the act to be understandable to its recipients. The publication of acts in other languages can be considered as additional ways of communicating its content to the recipients, but this cannot be assessed as a recognition of the inability of the Russian language to convey the content of the normative act to the recipients. The current legislation regulating the procedure for publishing regulations and the use of other languages along with Russian has a serious imprint of the era of its adoption and requires updating.

Talking about the language in which the normative act is issued, we come across such a concept as the state language. The state language of the Russian Federation in accordance with the Constitution of the Russian Federation is Russian. The current legislation on the state language prescribes the use of the modern Russian literary language when using the Russian language as the state language. Such regulation forces us to draw the only conclusion that the norms of the modern

Russian literary language should be normatively fixed. This consolidation today faces difficulties that the legislator has not overcome. The main problem in this area is the insufficient number of sources containing the norms of the modern Russian literary language and approved in the established strand. The reform of this order is still being discussed and it is not possible to evaluate it. Formally, the use of sources that are not included in the List should be assessed as unacceptable. In turn, law enforcement practice demonstrates an extreme need for such sources, which compels law enforcement authorities to use sources of Russian literary language norms that are not approved in accordance with the established procedure. The analysis of legislation and law enforcement practice made it possible to conclude that it is necessary to develop legislation on the state language as soon as possible in the direction of fixing the sources of these norms and their constant updating. Taking into account that the Russian language is not the only language used in the creation of regulations, a similar problem arises with regard to the normative consolidation of the order of use of other languages.

The main mechanisms that make it possible to identify violations of the requirements for the language of a normative act at the stage of lawmaking are expert assessments of draft normative acts. Particular attention is paid to linguistic and anti-corruption expertise of draft regulations, which make it possible to identify linguistic defects, the presence of vague provisions in the text, violation of the requirements for the use of special terminology, etc. Conducting these examinations has a number of unresolved problems, the main of which is insufficient methodological support for their conduct, fixed at the legislative level. Anti-corruption expertise, which in theory could significantly improve the quality of the texts of normative acts, in most cases is carried out for the analysis of existing regulations, although it is intended, among other things, for the analysis of draft regulations. The monitoring of law enforcement practice has clearly demonstrated this problem. In addition, the analysis of court disputes made it possible to clearly establish the consequences of violating the requirements for the language of normative acts and assess the approaches of law enforcement authorities to solving a number of problems.

The main conclusions of the analysis of the practice were that the violation of the requirements for the language of the normative act, manifested in the uncertainty of the provisions of the normative acts, is the basis for the cancellation of such acts. The use of special legal terms in normative acts makes these acts incomprehensible to ordinary citizens. The courts have agreed with this in many cases, but the incomprehensibility of the act is not considered as a defect of the act if it is written in "competent legal language" - a concept that has found widespread use in law enforcement acts. Citizens should eliminate such misunderstanding on their own, including with the involvement of specialists in the field of jurisprudence. Courts refer to dictionaries when interpreting legal documents, but they do it in an arbitrary order. Failure to comply with the requirements for the use of terms in normative acts, to include norms-definitions in acts, based on the analysis of law enforcement practice, entails the creation of legal uncertainty, violation of equality of citizens and incomprehensibility of normative acts. When trying to establish compliance with the norms of the modern Russian literary language, the courts were faced with the insufficiency of approved sources of such norms, which forced them to use unapproved sources. This situation cannot be assessed positively, as it poses a threat of violation of the principle of equality, generating uncertainty in legal regulation. To eliminate such a threat, it is necessary to reform and develop legislation on the state language, which was mentioned above.

As a result, the conducted research made it possible to formulate the basic constitutional requirements for the language of normative acts. The content of such requirements was determined, while most of the considered aspects were previously given little attention in the scientific literature. This study made it possible to comprehensively analyze the existing constitutional requirements for the language of normative acts, including the nature of such requirements, taking into account the peculiarities of legal texts and the language of legal texts, as well as to consider the practical implementation of these requirements and the consequences of their non-compliance.

The complexity and versatility of the conducted research still does not allow us to put an end to the issue of constitutional requirements for the language of normative acts. The research of this issue should be continued in the direction of creating a regulatory framework that specifies these requirements and allows creating normative acts with a high-quality text written in an understandable, unambiguous language.

References

1. Sources in the Russian language

1.1. Normative acts

1) The Constitution of the Russian Federation (adopted by popular vote on December 12, 1993 with amendments approved during the all-Russian vote on July 1, 2020). — Access from the legal reference system "ConsultantPlus".

2) Convention on the Protection of Human Rights and Fundamental Freedoms (concluded in Rome on November 4, 1950) // Collection of Legislation of the Russian Federation. — 2001. — No. 2. — Art. 163.

3) Civil Procedure Code of the Russian Federation No. 138-FZ of December 14, 2020. — Access from the legal reference system "ConsultantPlus".

4) The Code of the Russian Federation on Administrative Offences of December 30, 2001 No. 195-FZ. — Access from the legal reference system "ConsultantPlus".

5) On the State language of the Russian Federation: Federal Law No. 53-FZ of June 1, 2005 // Collection of Legislation of the Russian Federation. — 2005. — No. 23. — Art. 2199.

6) On the procedure for the publication and entry into force of Federal Constitutional Laws, Federal Laws, Acts of the Chambers of the Federal Assembly: Federal Law No. 5-FZ of June 14, 1994 // Collection of Legislation of the Russian Federation. — 1994. — No. 8. — Art. 801.

7) On combating corruption: Federal Law No. 273-FZ of December 25, 2008 // Collection of Legislation of the Russian Federation. — 2008. — No. 52. — Art. 6228.

8) On the Languages of the Peoples of the Russian Federation: Law of the Russian Federation No. 1807-1 of October 25, 1991 // Vedomosti SND and VS RSFSR. — 1991. — No. 50. — Art. 1740.

9) On Alternative civil service: Federal Law No. 113-FZ of July 25, 2002 // Collection of Legislation of the Russian Federation. — 2002. — No. 30. — Art. 3030.

10) On Anti-corruption expertise of Regulatory Legal Acts and Draft Regulatory Legal Acts: Federal Law No. 172-FZ of July 17, 2009 // Collection of Legislation of the Russian Federation. — 2009. — No. 29. — Art. 3609.

11) On the monitoring of Law Enforcement in the Russian Federation: Decree of the President of the Russian Federation No. 657 of May 20, 2011 // Collection of Legislation of the Russian Federation. — 2011. — No. 21. — Art. 2930.

12) On some measures to strengthen the legal services of state bodies: Decree of the President of the Russian Federation No. 528 of May 8, 2001 // Collection of Legislation of the Russian Federation. — 2001. — No. 20. — Art. 2000.

13) On the procedure for approving the norms of the modern Russian literary language when it is used as the state language of the Russian Federation, the rules of Russian spelling and punctuation: Decree of the Government of the Russian Federation of November 23, 2006 No. 714 // Collection of Legislation of the Russian Federation. — 2006. — No. 48. —Art. 5042.

14) On anti-corruption expertise of regulatory legal acts and draft regulatory legal acts: Resolution of the Government of the Russian Federation No. 96 of February 26, 2010 // Collection of Legislation of the Russian Federation. — 2010. — No. 10. — Art. 1084.

15) On approval of the Rules for the Preparation of Normative Legal Acts of Federal Executive Bodies and their State Registration: Decree of the Government of the Russian Federation No. 1009 of August 13, 1997 // Collection of Legislation of the Russian Federation. — 1997. — No. 33. — Art. 3895.

16) On the Regulations of the Federation Council of the Federal Assembly of the Russian Federation: Resolution of the Federation Council of the Federal Assembly of the Russian Federation of January 30, 2002 No. 33-SF // Collection of Legislation of the Russian Federation. — 2002. — No. 7. — Art. 635.

17) On approval of the procedure for conducting an anti-corruption examination of Normative Legal Acts and Draft Normative Legal Acts of the

Ministry of Culture of the Russian Federation: Order of the Ministry of Culture of the Russian Federation No. 774 of December 15, 2010 // Bulletin of Normative Acts of Federal Executive Bodies. — 2011. — No. 10.

18) On approval of the list of grammars, dictionaries and reference books containing the norms of the Modern Russian literary language when it is used as the State language of the Russian Federation: Order of the Ministry of Science and Higher Education of the Russian Federation No. 195 of June 8, 2009 // Rossiyskaya Gazeta. — 2009. — No.156.

19) On Approval of the Procedure for Conducting Anti-Corruption Expertise of Normative Legal Acts and Draft Normative Legal Acts of the Federal Service for State Registration, Cadastre and Cartography: Order of the Federal Service for State Registration, Cadastre and Cartography of April 15, 2010 No. P/138 // Rossiyskaya Gazeta. — 2010. — No. 130.

20) On approval of the procedure for conducting anti-corruption expertise of Normative Legal Acts (draft regulatory legal acts) Investigative Committee of the Russian Federation: Order of the Investigative Committee of the Russian Federation No. 38 of July 3, 2012 // Rossiyskaya Gazeta. — 2012. — No. 192.

21) On the organization of work on the anti-corruption expertise of normative legal acts and draft Normative Legal Acts issued by the Federal Agency of Scientific Organizations: Order of the Federal Agency of Scientific Organizations of December 25, 2013 No. 11n // Rossiyskaya Gazeta. — 2014. — No. 6.

22) On the Regulations of the State Duma of the Federal Assembly of the Russian Federation: Resolution of the State Duma of the Federal Assembly of the Russian Federation of January 22, 1998 No. 2134-II GD // Collection of Legislation of the Russian Federation. — 1998. — No. 7. — Art. 801.

23) On legal acts of the City of Moscow: Moscow Law No. 25 of July 8, 2009 // Vedomosti of the Moscow City Duma. — 2009. — No. 8. — Art. 214.

24) On the procedure for the official publication and entry into force of the laws of the Republic of Tatarstan, resolutions of the State Council of the Republic of Tatarstan and its Presidium, normative legal acts of the President of the Republic

of Tatarstan, the Cabinet of Ministers of the Republic of Tatarstan, other executive authorities of the Republic of Tatarstan: Law of the Republic of Tatarstan of April 29, 2022 No. 24-ZRT. — Access from the legal reference system "ConsultantPlus".

25) On legal acts in the Kabardino-Balkarian Republic: Law of the Kabardino-Balkarian Republic of August 3, 2002 No. 52-RZ // Kabardino-Balkarian truth. — 2002. — No. 155-156.

26) On the State languages of the Republic of Ingushetia: The Law of the Republic of Ingushetia of August 16, 1996 Speed 12-RZ // Serdalo. — 1996. —No. 36.

27) On normative legal acts of the Republic of Mari El: Law of the Republic of Mari El of March 6, 2008 No. 5-Z // Collection of Legislation of the Republic of Mari El. — 2008. — No. 4, part 1. — Art. 193.

28) On the languages of the peoples of the Russian Federation living on the territory of the Republic of Khakassia: Law of the Republic of Khakassia of October 20, 1992 No. 11. — Access from the legal reference system "Garant".

29) On the native languages of the indigenous peoples of the North on the territory of the Yamalo-Nenets Autonomous Okrug: Law of the Yamalo-Nenets Autonomous Okrug of April 5, 2010 No. 48-ZAO // Vedomosti of the Legislative Assembly of the Yamalo-Nenets Autonomous Okrug. — 2010. — No. 2.

30) On the approval of the Regulations on the use of languages when publishing socially significant information on the territory of the Republic of Mari El : Decree of the Government of the Republic of Mari El of December 8, 2010 No. 329 // Mari Pravda. Official Weekly. — 2010. — No. 49.

31) Regulations on the procedure for conducting public expertise: Decision of the Council of the Public Chamber of the Russian Federation of May 15, 2008, Protocol No. 4-S. — Access from the legal reference system "ConsultantPlus".

32) Rules of Russian spelling and punctuation: approved. Academy of Sciences of the USSR, Ministry of Higher Education of the USSR and Ministry of Education of the RSFSR, 1956. — Access from the legal reference system "ConsultantPlus".

1.2. Decisions of the Constitutional Court of the Russian Federation

33) Judgment of the Constitutional Court of the Russian Federation No. 3-P of April 25, 1995 on the review of constitutionality of Paragraphs 1 and 2 of Article 54 of the Housing Code of the RSFSR in connection with the complaint of L. N. Sitalova // Collection of Legislation of the Russian Federation. — 1995. — No. 18. — Art. 1707.

34) Judgment of the Constitutional Court of the Russian Federation No. 2-P of January 28, 1997 on the review of constitutionality of the Paragraph 5 of Article 209 of the Criminal Procedure Code of the RSFSR in Connection with the Complaints of Citizens R. N. Samigullina and A. A. Apanasenko // Collection of Legislation of the Russian Federation. — 1997. — No. 7. — Art. 871.

35) Judgment of the Constitutional Court of the Russian Federation No. 21-P of December 23, 1997 on the review of constitutionality of Paragraph 2 of Article 855 of the Civil Code of the Russian Federation and Paragraph 6 of Article 15 of the Law of the Russian Federation "On the Fundamentals of the Tax System in the Russian Federation" in connection with the request of the Presidium of the Supreme Court of the Russian Federation // Collection of Legislation of the Russian Federation. — 1997. — No. 52. — Art. 5930.

36) Judgment of the Constitutional Court of the Russian Federation No. 4-P of February 23, 1999 on the review of constitutionality of Paragraph 2 Article 29 of the Federal Law of 3February 1996 "On Banks and Banking" in connection with complaints of O. Ya. Veselyashkina, A. Ya. Veselyashkin, and N. P. Lazarenko // Collection of Legislation of the Russian Federation. — 1999. — No. 10. — Art. 1254.

37) Judgment of the Constitutional Court of the Russian Federation No. 11-P of July 15, 1999 on the review of constitutionality of certain provisions of the RSFSR Law "On the State Tax Service of the RSFSR" and the Laws of the Russian Federation "On the Fundamentals of the Tax System in the Russian Federation" and "On Federal Tax Police Bodies // Collection of Legislation of the Russian Federation. — 1999. — No. 30. — Art. 3988.

38) Judgment of the Constitutional Court of the Russian Federation No. 5-P of March 28, 2000 on the review of constitutionality of subparagraph "k" of Paragraph 1 of Article 5 of the Law of the Russian Federation "On Value Added Tax" in connection with the complaint of the closed joint Stock company "Confetti" and citizen I.V. Savchenko // Collection of Legislation of the Russian Federation. — 2000. — No. 14. — Art. 1533.

39) Judgment of the Constitutional Court of the Russian Federation No. 3-P of February 20, 2001 on the review of constitutionality of paragraphs 2 and 3 of Paragraph 2 of Article 7 of the Federal Law "On Value Added Tax" in connection with the complaint of the Closed Joint Stock Company Vostoknefteresurs // Collection of Legislation of the Russian Federation. — 2001. — No. 10. — Art. 996.

40) Judgment of the Constitutional Court of the Russian Federation No. 9-P of May, 27 on the review of constitutionality of the provision of Article 199 of the Criminal Code of the Russian Federation in connection with the complaints of citizens P.N. Beletsky, G.A. Nikova, R.V. Rukavishnikov, V.L. Sokolovsky and N.I. Talanov // Collection of Legislation of the Russian Federation. — 2003. — No. 24. — Art. 2431.

41) Judgment of the Constitutional Court of the Russian Federation No. 16-P of November,11 on the review of constitutionality of the provisions of Paragraph 2 of Article 81 of the Law of the Chelyabinsk Region "On the budget structure and Budget Process in the Chelyabinsk Region" in connection with the request of the Chelyabinsk Regional Court // Bulletin of the Constitutional Court of the Russian Federation. — 2003. — No. 6.

42) Judgment of the Constitutional Court of the Russian Federation No. 4-P of March 22, 2005 on the review of constitutionality of a number of provisions of the Criminal Procedure Code of the Russian Federation regulating the procedure and timing of the use of detention as a preventive measure at the stages of criminal proceedings following the end of the preliminary investigation and referral of the criminal case to the court, in connection with the complaints of a number of citizens

// Collection of Legislation of the Russian Federation. — 2005. — No. 14. — Art. 1271.

43) Judgment of the Constitutional Court of the Russian Federation No. 8-P of May 27, 2008 on the review of constitutionality of the provision of the Paragraph 1 of Article 188 of the Criminal Code of the Russian Federation in connection with the complaint of citizen M.A. Aslamazyan // Collection of Legislation of the Russian Federation. — 2008. — No. 24. — Art. 2892.

44) Judgment of the Constitutional Court of the Russian Federation No. 1-P of January 21, 2010 on the review of constitutionality of the provisions of Paragraph 4 of Article 170, paragraph 1 of Article 311 and Part 1 of Article 312 of the Arbitration Procedural Code of the Russian Federation in connection with the complaints of the closed Joint Stock Company "Production Association "Bereg", open joint stock companies "Karbolit", "Plant "Microprovod" and "Scientific and Production Enterprise "Respirator" // Bulletin of the Constitutional Court of the Russian Federation. — 2010. — No. 2.

45) Judgment of the Constitutional Court of the Russian Federation No. 15-P of July 13, 2010 on the review of constitutionality of the provisions of Paragraph 1 of Article 188 of the Criminal Code of the Russian Federation, Paragraph 4 of Article 4.5, Paragraph 1 of Article 16.2 and Paragraph 2 of Article 27.11 of the Code of Administrative Offences of the Russian Federation in connection with the complaints of citizens V.V. Batalov, L.N. Valueva, Z.Ya. Ganieva, O.A. Krasnaya and I.V. Epova // Collection of Legislation of the Russian Federation. — 2010. — No. 29. — Art. 3983.

46) Judgment of the Constitutional Court of the Russian Federation No. 29-P of December 20, 2011 on the review of constitutionality of the provision of subparagraph 3 of Paragraph 2 of Article 106 of the Air Code of the Russian Federation in connection with the complaints of the closed joint stock company "Aviation Company "Flight" and open joint stock companies "Airline "Siberia" and "Airline "Utair" // Bulletin of the Constitutional Court of the Russian Federation. — 2012. — Art 1.

47) Judgment of the Constitutional Court of the Russian Federation No. 8-P of April 22 , 2013 on the review of constitutionality of certain of provisions of the Civil Procedure Code and of Federal Laws "On Fundamental Guarantees of Electoral Rights and the Right to Participate in a Referendum of Citizens of the Russian Federation" and "On Elections of Deputies of the State Duma of the Federal Assembly of the Russian Federation" in connection with the complaints from citizens A. Andronov, O. Andronova, O. Belov, et al., from the Human Rights Ombudsmen of the Russian Federation and from regional division of the political party "Spravedlivaya Rossiya" in Voronezh region // Collection of Legislation of the Russian Federation. — 2013. — No. 18. — Art. 2292.

48) Judgment of the Constitutional Court of the Russian Federation No. 4-P of March 12, 2015 on the review of constitutionality of the provisions of Paragraph 4 of Article 25.10 of the Federal Law "On the Procedure for Leaving the Russian Federation and Entering the Russian Federation", subparagraph 13 of Paragraph 1 of Article 7 of the Federal Law "On the Legal Status of Foreign Citizens in the Russian Federation" and Paragraph 2 of Article 11 of the Federal Law "On the Prevention of the Spread of the Disease in the Russian Federation caused by the human immunodeficiency virus (HIV infection) "in connection with the complaints of a number of citizens // Collection of Legislation of the Russian Federation. — 2015. — No. 12. — Art. 1801. (In Russian).

49) Judgment of the Constitutional Court of the Russian Federation No. 8-P of April 16, 2015 on the review of constitutionality of paragraph 3 of Paragraph 1 of Article 26 of the Federal Law "On Weapons" in connection with the complaint of a non-state educational institution of additional professional education "Educational and Technical Center "Kolchuga" // Bulletin of the Constitutional Court of the Russian Federation. — 2015. — No. 4.

50) Judgment of the Constitutional Court of the Russian Federation No. 12-P of от June 2, 2015 on the review of constitutionality of Paragraph 2 of Article 99, Paragraph 2 of Article 100 of the Forest Code of the Russian Federation and the provisions of the Decree of the Government of the Russian Federation "On

calculating the amount of damage caused to forests as a result of violation of forest Legislation" in connection with the complaint of the Limited Liability Company "Zapolyarneft" // Collection of Legislation of the Russian Federation. — 2015. — No. 24. — Art. 3547.

51) Judgment of the Constitutional Court of the Russian Federation No. 22-P of July 19, 2017 on the review of constitutionality of the provisions of Part 1 and Part 2 of Paragraph 2 of Article 20 of the Federal Law "On Migration Registration of Foreign Citizens and Stateless Persons in the Russian Federation" in connection with the complaints of U.S. citizens N.D. Worden and P.D. Oldham // Bulletin of the Constitutional Court of the Russian Federation. — 2017. — Art 6.

52) Judgment of the Constitutional Court of the Russian Federation No. 11-P of March 16, 2018 on the review of constitutionality of the provision of Paragraph 4 of Article 14 of the Law of the Russian Federation "On Social Protection of Citizens Exposed to radiation as a result of the Chernobyl disaster" in connection with the complaint of citizen V.N. Fomina // Collection of Legislation of the Russian Federation. — 2018. — No. 12. — Art. 1869.

53) Judgment of the Constitutional Court of the Russian Federation No. 12-P of February 25, 2019 on the review of constitutionality of the provisions of Paragraph 4 of Article 24 of the Federal Law "On the Status of Military Personnel" in connection with the complaint of citizen G.V. Zhuravel // Collection of Legislation of the Russian Federation. — 2019. — No. 9. — Art. 882.

54) Judgment of the Constitutional Court of the Russian Federation No. 11-P of March 5, 2020 on the review of constitutionality of parts 4 and 5 of Paragraph 1 and Paragraph 5 of Article 57 of the Land Code of the Russian Federation in connection with the complaint of citizen I.S. Butrimova // Collection of Legislation of the Russian Federation. — 2020. — No. 11. — Art. 1639.

55) Decision of the Constitutional Court of the Russian Federation No. 1742-O of September 15, 2016 "At the request of a group of deputies of the State Duma to verify the constitutionality of the provisions of Paragraph 5 of Article 42 of the Federal Law "On Elections of Deputies of the State Duma of the Federal

Assembly of the Russian Federation."— Access from the legal reference system "ConsultantPlus".

56) Decision of the Constitutional Court of the Russian Federation No. 447-O of October 17, 2006 "According to the complaints of citizens Zhidkov Mikhail Alexandrovich and Pilnikov Oleg Sergeevich on violation of their constitutional rights by Article 11 of the Federal Law "On Alternative Civil Service". — Access from the legal reference system "ConsultantPlus".

1.3. Practice of courts of general jurisdiction and arbitration courts

57) Resolution of the Plenum of the Supreme Court of the Russian Federation of October 31, 1995 No. 8 (ed. of March 3, 2015) "On some issues of application by courts of the Constitution of the Russian Federation in the administration of justice". — Access from the legal reference system "ConsultantPlus".

58) Resolution of the Plenum of the Supreme Court of the Russian Federation of November 29, 2007 No. 48 (ed. of February 9, 2012) "On the practice of consideration by courts of cases on challenging normative legal acts in whole or in part". — Access from the legal reference system "ConsultantPlus".

59) Resolution of the Plenum of the Supreme Court of the Russian Federation of December 25, 2018 No. 50 "On the practice of consideration by courts of cases on challenging normative legal acts and acts containing Explanations of legislation and having normative properties". — Access from the legal reference system "ConsultantPlus".

60) Appeal decision of the Judicial Board on Criminal Cases of the Supreme Court of the Russian Federation of October 20, 2016 No. 53-APU 16-23sp. — Access from the legal reference system "ConsultantPlus".

61) Appeal decision of the Judicial Board on Criminal Cases of the Supreme Court of the Russian Federation of April 8, 2015 No. 55-APU 15-1sp. — Access from the legal reference system "ConsultantPlus".

62) Appeal decision of the Judicial Board on Administrative Cases of the Supreme Court of the Russian Federation of September 7, 2019 No. 78-APA19-65 — Access from the legal reference system "ConsultantPlus".

63) Appeal decision of the Judicial Board for Administrative Cases of the Supreme Court of the Russian Federation of September 7, 2019 No. 78-APA19-65. — Access from the legal reference system "ConsultantPlus".

64) Decision of the Supreme Court of the Russian Federation No. 58-O10-25sp of May 13, 2010. — Access from the legal reference system "ConsultantPlus".

65) Decision of the Supreme Court of the Russian Federation No. 55-o05-21sp of December 22, 2005. — Access from the legal reference system "ConsultantPlus".

66) Decision of the Supreme Court of the Russian Federation of November 24, 2003 No. 89-O03-65. — Access from the legal reference system "ConsultantPlus".

67) Decision of the Supreme Court of the Russian Federation of August 25, 2010 No. 92-G10-9. — Access from the legal reference system "ConsultantPlus".

68) Decision of the Supreme Court of the Russian Federation of April 5, 2006 No. 49-o05-94sp. — Access from the legal reference system "ConsultantPlus".

69) Decision of the Supreme Court of the Russian Federation of August 6, 2008 No. 11G 08-12. — Access from the legal reference system "ConsultantPlus".

70) Decision of the Supreme Arbitration Court of the Russian Federation of April 4, 2007 No. 3142-07 on case No. A72-1287-06-25-44. — Access from the legal reference system "ConsultantPlus".

71) Resolution of the Presidium of the Supreme Arbitration Court of the Russian Federation of April 23, 2013 No. 14452/12 on case No. A82-730/2010-30-B/11-Dzt. — Access from the legal reference system "ConsultantPlus".

72) Decision of the Supreme Court of the Russian Federation of November 14, 2019 No. AKP I 19-680. — Access from the legal reference system "ConsultantPlus".

73) Appeal decision of the Belgorod Regional Court of July 23, 2015 on case No. 33-2935/2015. — Access from the legal reference system "ConsultantPlus".

74) Appeal decision of the Supreme Court of the Udmurt Republic of April 29, 2015 on case No. 33-1503. — Access from the legal reference system "ConsultantPlus".

75) Appeal decision of the Voronezh Regional Court of January 24, 2019 No. 33-693/2019. — Access from the legal reference system "ConsultantPlus".

76) Appeal decision of the Voronezh Regional Court of July 26, 2018 on case No. 33-5112/2018. — Access from the legal reference system "ConsultantPlus".

77) Appeal decision of the Krasnoyarsk Regional Court of July 4, 2016 on case No. 33-8554/2016. — Access from the legal reference system "ConsultantPlus".

78) Appeal decision of the Lipetsk Regional Court of July 29, 2015 on case No. 33-2037/2015. — Access from the legal reference system "ConsultantPlus".

79) Appeal decision of the Moscow City Court of July 2, 2018 on case No. 33-29015/2018. — Access from the legal reference system "ConsultantPlus".

80) Appeal decision of the Moscow City Court of December 20, 2019 on case No. 33-57344/2019. — Access from the legal reference system "ConsultantPlus".

81) Appeal decision of the Moscow City Court of March 4, 2015 on case No. 33-6227. — Access from the legal reference system "ConsultantPlus".

82) Appeal decision of the Moscow City Court of September 4, 2017 on case No. 33a-3933/2017. — Access from the legal reference system "ConsultantPlus".

83) Appeal decision of the Moscow City Court of April 6, 2016 on case No. 33-7012/2016. — Access from the legal reference system "ConsultantPlus".

84) Appeal decision of the Moscow Regional Court of October 23, 2019 on case No. 33-34547/2019. — Access from the legal reference system "ConsultantPlus".

85) Appeal decision of the Nizhny Novgorod Regional Court of March 14, 2016 on case No. 22-1208/2016. — Access from the legal reference system "ConsultantPlus".

86) Appeal decision of the Novosibirsk Regional Court of May 7, 2015 on case No. 33-3833/2015. — Access from the legal reference system "ConsultantPlus".

87) Appeal decision of the Omsk Regional Court of July 13, 2016 on case No. 33-6020/2016. — Access from the legal reference system "ConsultantPlus".

88) Appeal decision of the Omsk Regional Court of September 25, 2019 on case No. 33-6143/2019. — Access from the legal reference system "ConsultantPlus".

89) Appeal decision of the Omsk Regional Court of September 5, 2018 on case No. 33-5701/2018. — Access from the legal reference system "ConsultantPlus".

90) Appeal decision of the Penza Regional Court of February 15, 2018 on case No. 33a-551/2018. — Access from the legal reference system "ConsultantPlus".

91) Appeal decision of the Pskov Regional Court of November 3, 2015 on case No. 33-1802. — Access from the legal reference system "ConsultantPlus".

92) Appeal decision of the Stavropol Regional Court of January 27, 2015 on case No. 33a-34/2015. — Access from the legal reference system "ConsultantPlus".

93) Appeal decision of the Khanty-Mansiysk Autonomous Okrug - Yugra of February 12, 2019 on case No. 33-1013/2019. — Access from the legal reference system "ConsultantPlus".

94) Appeal decision of the Yamalo-Nenets Autonomous Okrug Court of May 16, 2016 on case No. 33-1151/2016. — Access from the legal reference system "ConsultantPlus".

95) Appeal decision of the Judicial Board for Administrative Cases of the Volgograd Regional Court of October 10, 2013 on case No. 33-11038. — Access from the legal reference system "Garant".

96) Appeal decision of the Judicial Board for Civil Cases of the Supreme Court of the Karachay-Cherkess Republic of March 23, 2016 on case No. APL-35/2016. — Access from the legal reference system "Garant".

97) Appeal decision of the Judicial Board for Civil Cases of the St. Petersburg City Court of March 24, 2016 on case No. 33-6013/2016. - Access from the legal reference system "Garant".

98) Appeal decision of the Judicial Board for Civil Cases of the Smolensk Regional Court of September 7, 2016 on case No. 22-1601/2016. — Access from the legal reference system "Garant".

99) Appeal decision of the Barabinsky District Court of the Novosibirsk region of November 21, 2019 on case No. 10-11/2019 //sudact.ru/regular/doc/2ZWK0vObOugB (accessed: 11.07.2022).

100) Appeal decision of the Trans-Baikal Regional Court of Chita of July 11, 2016 on case No. 22K-2423/2016 //sudact.ru/regular/doc/DRzostN5zb6P (accessed: 11.07.2022).

101) Appeal decision of the Kaluga Regional Court of November 7, 2019 on case No. 22-1399/2019 //sudact.ru/regular/doc/tsh1VdsC6el4 (accessed: 11.07.2022).

102) Appeal decision Kozelsky District Court of Kaluga Region of June 20, 2019 on case No. 10-5/2019. — Access from the legal reference system "ConsultantPlus".

103) Appeal decision of the Primorsky Regional Court of June 10, 2020 on case No. 3/1-37/2020. — Access from the legal reference system "ConsultantPlus".

104) Appeal decision of the Primorsky Regional Court of October 2, 2019 on case No. 22-4023/2019. — Access from the legal reference system "ConsultantPlus".

105) Appeal decision of the Sverdlovsk Regional Court of Yekaterinburg of October 19, 2015 on case No. 22-7597/2015 //sudact.ru/regular/doc/skVnCGvINDUV (accessed: 11.07.2022).

106) Appeal decision of the Stavropol Regional Court of October 15, 2019 on case No. 1-198/2019. — Access from the legal reference system "ConsultantPlus".

107) Appeal decision of the Yurginsky City Court of October 13, 2016 on case No. 10-35/2016. — Access from the legal reference system "ConsultantPlus".

108) Decision of the Arbitration Court of the Trans-Baikal Territory of September 2, 2013 on case No. A78-9614/2012. - Access from the legal reference system "ConsultantPlus".

109) Decision of the Arbitration Court of the Central District of October 8, 2014 on case No. A64-2673/2013. — Access from the legal reference system "ConsultantPlus".

110) Decision of the Moscow City Court of July 10, 2019 on case No. 7-6776/2019. — Access from the legal reference system "ConsultantPlus".

111) Decision of the Moscow City Court of June 30, 2016 No. 4g-7413/2016. — Access from the legal reference system "ConsultantPlus".

112) Decision of the Mtsensk District Court of the Orel region of December 17, 2012 on case No. 2-641/2012. — Access from the legal reference system "ConsultantPlus".

113) Decision of the Primorsky Regional Court of July 9, 2015 on case No. 33-5726. — Access from the legal reference system "ConsultantPlus".

114) Decision of the Nineteenth Arbitration of Appeal Court of March 24, 2014 on case No. A14-16687/2009. — Access from the legal reference system "ConsultantPlus".

115) Decision of the Tenth Arbitration of Appeal Court of August 14, 2014 on case No. A41-14422/2014. — Access from the legal reference system "ConsultantPlus".

116) Decision of the Justice of the Peace of the Judicial district of the Shuryshkarsky judicial district of the YNAO of April 9, 2015 on case No. 5-113/ 2015. — Access from the legal reference system "ConsultantPlus".

117) Decision of the Nakhodka City Court of the Nakhodka City District of August 1, 2016 on case No. 5-1563/2016. — Access from the legal reference system "ConsultantPlus".

118) Decision of the First Arbitration of Appeal Court of March 18, 2015. — Access from the legal reference system "ConsultantPlus".

119) Decision of the Fifteenth Arbitration of Appeal Court of October 2, 2012 on case No. A53-11522/2012. — Access from the legal reference system "ConsultantPlus".

120) Decision of the Fifteenth Arbitration of Appeal Court of May 20, 2019 No. 15AP-5648/2019 on case No. A32-5917/2019. — Access from the legal reference system "ConsultantPlus".

121) Decision of the Fifteenth Arbitration of Appeal Court of January 24, 2011 on case No. A32-23653/2010. — Access from the legal reference system "ConsultantPlus".

122) Decision of the Fifteenth Arbitration of Appeal Court of September 24, 2012 No. 15AP-10767-2012 on case No. A53-26584/2011. — Access from the legal reference system "ConsultantPlus".

123) Decision of the Fifth Arbitration of Appeal Court of July 11, 2014 No. 05AP-8069/2014 on case No. A51-6164/2014. — Access from the legal reference system "ConsultantPlus".

124) Decision of the Ruza District Court of Ruza of July 14, 2016 on case No. 1-118/2016. — Access from the legal reference system "ConsultantPlus".

125) Decision of the Sverdlovsk District Court of Irkutsk of July 10, 2019 on case No. 1-567/2019 //sudact.ru/regular/doc/6hmPVsbAOBQT (accessed: 11.07.2022).

126) Decision of the Selemdzhinsky District Court of the Amur Region of October 24, 2018 on case No. 5-35/2018 //sudact.ru/regular/doc/sZLeceMYkt1q (accessed: 11.07.2022).

127) Decision of the Thirteenth Arbitration of Appeal Court of October 30, 2015 No. 13AP-19087-2015 on case No. A42-803/2015. — Access from the legal reference system "ConsultantPlus".

128) Verdict of the Vyksa City Court of the Nizhny Novgorod region of July 12, 2012 on case No. 10-13/2012. — Access from the legal reference system "ConsultantPlus".

129) Verdict of the Oktyabrsky District Court of Krasnoyarsk of January 27, 2016 on case No. 1-15/2016 (1-273/2015). — Access from the legal reference system "ConsultantPlus".

130) Verdict of the Ramon District Court on case No. 1-22/2014. — Access from the legal reference system "ConsultantPlus".

131) Decision of the Altai Regional Court of December 25, 2018 on case No. 7-489/2018 // sudact.ru/regular/doc/fqpr0yxShLF (accessed: 11.07.2022).

132) Decision of the Anninsky District Court of the Voronezh Region of December 12, 2011 on case No. 2-636/2011. — Access from the legal reference system "ConsultantPlus".

133) Decision of the Anninsky District Court of the Voronezh Region of December 9, 2011 on case No. 2-641/2011. — Access from the legal reference system "ConsultantPlus".

134) Decision of the Vologda Arbitration Court of March 30, 2012 on case No. A13-928/2012. — Access from the legal reference system "ConsultantPlus".

135) Decision of the Arbitration Court of the Rostov region of August 15, 2011 on case No. A53-10128/2011. — Access from the legal reference system "ConsultantPlus".

136) Decision of the Arbitration Court of the Samara region of February 8, 2011 on case No. A55-25414/2010. — Access from the legal reference system "ConsultantPlus".

137) Decision of the Arbitration Court of the Sverdlovsk region of November 6, 2014 on case No. A60-39898/2014. — Access from the legal reference system "ConsultantPlus".

138) Decision of the Belgorod Regional Court of September 7, 2018 on case No. 3A-139/2018. — Access from the legal reference system "ConsultantPlus".

139) Decision of the Supreme Court of the Republic of Kalmykia of March 12, 2018 on case No. 3A-10/2018 //sudact.ru/regular/doc/vwu4de4qdrO (accessed: 11.07.2022).

140) Decision of the Supreme Court of the Republic of Sakha (Yakutia) of January 13, 2015 on case No. 22-2169/2014. — Access from the legal reference system "ConsultantPlus".

141) Decision of the Vladimir Regional Court of July 2, 2020 on case No. 7-61/2020 //sudact.ru/regular/doc/c6aAH8S39dWK (accessed: 11.07.2022).

142) Decision of the Volgograd Regional Court of July 2, 2018 on case No. 3A-193/2018. — Access from the legal reference system "ConsultantPlus".

143) Decision of the Vologda Regional Court of October 25, 2018 on case No. 3A-235/2018 //sudact.ru/regular/doc/znUegduj4NgA (accessed: 11.07.2022).

144) Decision of the Volkhov City Court of June 11, 2019 on case No. 2A-446/2019 //sudact.ru/regular/doc/UW348Vc2K9UD (accessed: 11.07.2022).

145) Decision of the Dzerzhinsky District Court of Volgograd of July 9, 2019 on case No. 12-646/2019 //sudact.ru/regular/doc/kRGbIobaRf5W (accessed: 11.07.2022).

146) Decision of the Zhukovsky District Court of the Bryansk region of April 6, 2016 on case No. 12-7/2016 //sudact.ru/regular/doc/u3lNQyQcpuH5 (accessed: 11.07.2022).

147) Decision of the Zavolzhsky District Court of the city of Ulyanovsk of September 14, 2016 on case No. 11-135/2016. — Access from the legal reference system "ConsultantPlus".

148) Decision of the Ivanovo Regional Court of November 10, 2014 on case No. 12-200/2014. — Access from the legal reference system "ConsultantPlus".

149) Decision of the Kalininsky District Court of October 21, 2016 on case No. 12-793/2016. — Access from the legal reference system "ConsultantPlus".

150) Decision of the Kemerovo Regional Court of March 28, 2019 on case No. 3A-119/2019. — Access from the legal reference system "ConsultantPlus".

151) Decision of the Kinelsky District Court of the Samara region of February 5, 2013 on case No. 5-42/2013 //sudact.ru/regular/doc/WqiFcn8oVjWl (accessed: 11.07.2022).

152) Decision of the Kineshma City Court of the Ivanovo region of March 22, 2016 on case No. 2-45/2016. — Access from the legal reference system "ConsultantPlus".

153) Decision of the Kirov Regional Court of July 2, 2019 on case No. 3a-37/2019. — Access from the legal reference system "ConsultantPlus".

154) Decision of the Kopeysky City Court of July 12, 2017 on case No. 2-1709/2017 //sudact.ru/regular/doc/imajKeetMilq (accessed: 11.07.2022).

155) Decision of the Kopeysky City Court of August 15, 2014 on case No. 1-285/2014. — Access from the legal reference system "ConsultantPlus".

156) Decision of the Kostroma Regional Court of July 7, 2014 on case No. 33-1061/2014. — Access from the legal reference system "ConsultantPlus".

157) Decision of the Kochubeyevsky District Court of the village of Kochubeyevskoye of April 6, 2017 on case No. 12-32/2017 //sudact.ru/regular/doc/Ro5SWp8gvCVl (accessed: 11.07.2022).

158) Decision of the Krasninsky District Court of the Smolensk region of September 7, 2015 on case No. b/n. — Access from the legal reference system "ConsultantPlus".

159) Decision of the Krasnobakovsky District Court of the Nizhny Novgorod region of March 22, 2016 on case No. 1-21/2016. — Access from the legal reference system "ConsultantPlus".

160) Decision of the Krasnooktyabrsky District Court of Volgograd of January 21, 2013 on case No. 5-90/2013. — Access from the legal reference system "ConsultantPlus".

161) Decision of the Krasnoyarsk Regional Court of December 24, 2015 on case No. 7P-497/2015 //sudact.ru/regular/doc/YiUoElS77cdY (accessed: 11.07.2022).

162) Decision of the Lagan District Court of Lagan of October 14, 2013 on case No. 1-1/2014. — Access from the legal reference system "ConsultantPlus".

163) Decision of the Leningrad Regional Court of August 13, 2019 on case No. 3A-161/2019 //sudact.ru/regular/doc/lQOByXnUimbN (accessed: 11.07.2022).

164) Decision of the Leningrad Regional Court of January 13, 2020 on case No. 3A-26/2020 //sudact.ru/regular/doc/IeA8yXSCWyWa (accessed: 11.07.2022).

165) Decision of the Leningrad Regional Court of August 2, 2019 on case No. 3A-156/2019 //sudact.ru/regular/doc/OogouG4kXcL9 (accessed: 11.07.2022).

166) Decision of the Leninsky District Court of Irkutsk of September 7, 2016 on case No. 2-3692/2016 //sudact.ru/regular/doc/yCfGSF2OYUT (accessed: 11.07.2022).

167) Decision of the Leninsky District Court of Cheboksary of March 31, 2016 on case No. 12-362/2016 //sudact.ru/regular/doc/J7hxjmPdO3N0 (accessed: 11.07.2022).

168) Decision of the Leninsky District Court of Cheboksary of April 5, 2016 on case No. 12-398/2016 //sudact.ru/regular/doc/Ll0HIQoW6IHC (accessed: 11.07.2022).

169) Decision of Leninsky's District Court of Nizhny Tagil of March 15, 2011 on case No. 2-489/2011. — Access from the legal reference system "Garant".

170) Decision of the Lipetsk Regional Court of February 21, 2019 on case No. 7-15/2019. — Access from the legal reference system "ConsultantPlus".

171) Decision of the Lomonosov District Court of the city of Arkhangelsk of March 27, 2015 on case No. 12-55/2015 //sudact.ru/regular/doc/J7D20HzlbAgQ (accessed: 11.07.2022).

172) Decision of the Magadan City Court of December 17, 2019 on case No. 2A-1857/2019 //sudact.ru/regular/doc/zLYSDcMtdNbQ (accessed: 11.07.2022).

173) Decision of the Magadan City Court of May 7, 2018 on case No. 12-115/2018. — Access from the legal reference system "ConsultantPlus".

174) Decision of the Mamadysh District Court of the Republic of Tatarstan of September 22, 2016 on case No. 2-733/2016. – Access from the legal reference system "ConsultantPlus".

175) Decision of the Metallurgical District Court of Chelyabinsk of October 12, 2018 on case No. 2-2189/2018 //sudact.ru/regular/doc/Yoj45tkvikJj (accessed: 11.07.2022).

176) Decision of the Metallurgical District Court of Chelyabinsk of June 15, 2017 on case No. 2-1440/2017 //sudact.ru/regular/doc/pPi0iCXF2pVp (accessed: 11.07.2022).

177) Decision of the Metallurgical District Court of Chelyabinsk of July 22, 2019 on case No. 2-1760/2019 //sudact.ru/regular/doc/fVD2YUxJlygr (accessed: 11.07.2022).

178) Decision of the Justice of the Peace of the Judicial district No. 20 of the Kotelnichsky district of the Kirov region of December 17, 2012 on case No. 12-16. — Access from the legal reference system "ConsultantPlus".

179) Decision of the Justice of the Peace of the Judicial district No. 53 of the Vyazemsky district of the Khabarovsk Territory of August 19, 2013 on case No. n/n. — Access from the legal reference system "ConsultantPlus".

180) Decision of the Justice of the Peace of the Judicial district No. 7 of the Zheleznodorozhny district of Khabarovsk of March 17, 2012 on case No. b/n. — Access from the legal reference system "ConsultantPlus".

181) Decision of the Moscow City Court of August 8, 2018 on case No. 7-9726/2018. — Access from the legal reference system "ConsultantPlus".

182) Decision of the Moscow Regional Court of June 16, 2020 on case No. 3A-1194/2019 //sudact.ru/regular/doc/z2fazXWrHnWn (accessed: 11.07.2022).

183) Decision of the Nizhny Novgorod Regional Court of October 2, 2012 on case No. 33-7328/2012. — Access from the legal reference system "ConsultantPlus".

184) Decision of the Nizhny Novgorod Regional Court of January 23, 2020 on case No. 3A-5/2020 //sudact.ru/regular/doc/qhJKBZUZl1rN (accessed: 11.07.2022).

185) Decision of the Nizhny Novgorod Regional Court of November 29, 2019 on case No. 3A-866/2019 //sudact.ru/regular/doc/gu27OD0eyKrp (accessed: 11.07.2022).

186) Decision of the Nizhny Novgorod Regional Court of 8 November 2019 on case No. 3A-784/2019 //sudact.ru/regular/doc/pZXUzbIKo91q (accessed: 11.07.2022)

187) Decision of the Novoselitsky District Court of the Stavropol Territory of April 19, 2017 on case No. A-180-17. — Access from the legal reference system "ConsultantPlus".

188) Decision of the Nyagan City Court of the Khanty-Mansiysk Autonomous Okrug-Yugra of September 13, 2019 on case No. 12-182/2019 //sudact.ru/regular/doc/RM74cJoY8zV6 (accessed: 11.07.2022).

189) Decision of the Omsk Regional Court of February 27, 2020 on case No. 3A-78/2020 //sudact.ru/regular/doc/nmX8maSNTZZr (accessed: 11.07.2022).

190) Decision of the Orekhovo-Zuyevsky City Court of the Moscow region of March 21, 2015 on case No. 2-7/2015. — Access from the legal reference system "ConsultantPlus".

191) Decision of the Pervomaisky District Court of Krasnodar of July 25, 2018 on case No. 2A-7742/2018 //sudact.ru/regular/doc/ICDlXjzVhfdR (accessed: 11.07.2022).

192) Decision of the Rostov Regional Court of October 18, 2018 on case No. 3A-441/2018 //sudact.ru/regular/doc/US388WlzQyr4 (accessed: 11.07.2022).

193) Decision of the Rostov Regional Court of June 19, 2020 on case No. 3A-215/2020 //sudact.ru/regular/doc/cTVopoDNOZgm (accessed: 11.07.2022).

194) Decision of the Samara Regional Court of October 29, 2019 on case No. 3A-1704/2019 //sudact.ru/regular/doc/9Jx0WjWbL6xp (accessed: 11.07.2022).

195) Decision of the St. Petersburg City Court of August 14, 2019 on case No. 12-1214/2019. — Access from the legal reference system "ConsultantPlus".

196) Decision of the Severodvinsk City Court of the Arkhangelsk region of April 7, 2016 on case No. 12-115/2016 //sudact.ru/regular/doc/1q5UCFpYIIoV (accessed: 11.07.2022).

197) Decision of the Sinarsky District Court of Kamensk-Uralsky, Sverdlovsk region, of February 24, 2011 on case No. 2-326/2011. — Access from the legal reference system "ConsultantPlus".

198) Decision of the Smolensk Regional Court of March 15, 2017 on case No. 3A-4/2017. — Access from the legal reference system "ConsultantPlus".

199) Decision of the Soviet-Havana City Court of September 20, 2017 on case No. 2a-871/2017. — Access from the legal reference system "ConsultantPlus".

200) Decision of the Soviet-Havana City Court of the Khabarovsk Territory of March 10, 2015 on case No. 2-450/2015 //mbpolyakov.ru/index.php?docid=464292 (accessed: 11.07.2022).

201) Decision of the Sovetsky District Court of Omsk of August 15, 2019 on case No. 12-219/2019 //sudact.ru/regular/doc/DwPcizqo4pgZ (accessed: 11.07.2022).

202) Decision of the Sovetsky District Court of Omsk of October 9, 2014 on case No. 12-248. — Access from the legal reference system "ConsultantPlus".

203) Decision of the Sosnovsky District Court of Chelyabinsk of February 16, 2017 on case No. 2-550/2017. — Access from the legal reference system "ConsultantPlus".

204) Decision of the Stavropol Regional Court of August 12, 2019 on case No. 3A-226/2019. — Access from the legal reference system "Garant".

205) Decision of the Intellectual Property Rights Court of October 16, 2014 on case No. SIP-330-2013. — Access from the legal reference system "Garant".

206) Decision of the Intellectual Property Rights Court of June 22, 2015 on case No. SIP-253-2014. — Access from the legal reference system "Garant".

207) Decision of the Yamalo-Nenets Autonomous Okrug Court of February 20, 2012 on case No. 22-180/2012. — Access from the legal reference system "Garant".

208) Decision of the Yamalo-Nenets Autonomous Okrug Court of May 21, 2018 on case No. 3A-87/2018 //sudact.ru/regular/doc/HUpGo9T0KXZb (accessed: 11.07.2022).

209) Decision of the Judicial Board for Civil Cases of the Saratov Regional Court of February 26, 2013 on case No. 33-1142. — Access from the legal reference system "ConsultantPlus".

210) Decision of the Tomsk Regional Court of September 6, 2019 on case No. 3A-47/2019 //sudact.ru/regular/doc/RsEnjltpAOWl (accessed: 11.07.2022).

211) Decision of the Tula Regional Court of May 29, 2017 on case No. M-89/2017 //sudact.ru/regular/doc/mPCBSEHLLkxQ (accessed: 11.07.2022).

212) Decision of the Ulugh-Khem District Court of the Republic of Tyva of June 27, 2019 on case No. 12-16/2019. — Access from the legal reference system "ConsultantPlus".

213) Decision of the Frunzensky District Court of the city of Yaroslavl of March 22, 2016 on case No. 2-84/2016. — Access from the legal reference system "ConsultantPlus".

214) Decision of the Khabarovsk Regional Court of May 17, 2019 on case No. 3a-85/2019 //sudact.ru/regular/doc/zwFLQ2DxmwJT (accessed: 11.07.2022).

215) Decision of the Khabarovsk Regional Court of June 9, 2020 on case No. 21-317/2020 //sudact.ru/regular/doc/ATtDsXn5g1lK (accessed: 11.07.2022).

216) Decision of the Central District Court of Tver of December 15, 2017 on case No. 2A-2440/2017 //sudact.ru/regular/doc/PJe40W5Psm1C (accessed: 11.07.2022).

217) Decision of the Central District Court of Tula of September 16, 2016 on case No. 2-2245/2016 //sudact.ru/regular/doc/KaOZ8XO7q0Ht (accessed: 11.07.2022).

1.4. Decisions of the European Court of Human Rights (ECHR)

218) Judgment of the European Court of Human Rights of April 26, 1979 on case "Sunday Times" v. the United Kingdom (No. 1)" (Complaint No. 6538/74). — Access from the legal reference system "Garant".

219) Judgment of the European Court of Human Rights of April 24, 1990 on case "Kruslin v. France" (Complaint No. 11801/85). — Access from the legal reference system "ConsultantPlus".

220) Judgment of the European Court of Human Rights of May 25, 1993 on case "Kokkinakis v. Greece" (Complaint No. 14307/88). — Access from the legal reference system "ConsultantPlus".

221) Judgment of the European Court of Human Rights of April 26, 1995 on case "Prager and Obershlik v. Austria" (Complaint No. 15974/90). — Access from the legal reference system "ConsultantPlus".

222) Judgment of the European Court of Human Rights of March 28, 2000 on case "Baranowski v. Poland" (Complaint No. 28358/95). — Access from the legal reference system "Garant".

223) Judgment of the European Court of Human Rights of October 28, 2003 on case "Rakevich v. Russia" (Complaint No. 58973/00). — Access from the legal reference system "Garant".

224) Judgment of the European Court of Human Rights of February 5, 2004 on the admissibility of Complaint No. 66801/01 "Irina Aleksandrovna Vorsina and Natalia Aleksandrovna Vogralik against the Russian Federation". — Access from the legal reference system "ConsultantPlus".

225) Judgment of the European Court of Human Rights of April 20, 2004 on case "Amihalachioae v. the Republic of Moldova" (Complaint No. 60115/00). — Access from the legal reference system "ConsultantPlus".

226) Judgment of the European Court of Human Rights of May 18, 2004 on case "Prodan v. Moldova" (Complaint No. 49806/99). — Access from the legal reference system "ConsultantPlus".

227) Judgment of the European Court of Human Rights of December 15, 2005 on case "Kyprianou v. Cyprus" (Complaint No. 73797/01). — Access from the legal reference system "Garant".

228) Judgment of the European Court of Human Rights of October 5, 2006 on case "Moscow Branch of the Salvation Army against the Russian Federation" (Complaint No. 72881/01). — Access from the legal reference system "Garant".

229) Judgment of the European Court of Human Rights of December 14, 2006 on case "Karman v. the Russian Federation" (Complaint No. 29372/02). — Access from the legal reference system "Garant".

230) Judgment of the European Court of Human Rights of May 24, 2007 on case "Tuleshov and Others v. Russia" (Complaint No. 32718/02). — Access from the legal reference system "Garant".

231) Judgment of the European Court of Human Rights of July 31, 2007 on case "Chemodurov v. the Russian Federation" (Complaint No. 72683/01). — Access from the legal reference system "Garant".

232) Judgment of the European Court of Human Rights of October 22, 2007 on case "Landon, Ochakovsky-Laurent and Julie v. France" (Complaints No. 21279/02 and No. 36448/02). — Access from the legal reference system "Garant".

233) Judgment of the European Court of Human Rights of December 11, 2008 on case "Panovits v. Cyprus" (Complaint No. 4268/04). — Access from the legal reference system "Garant".

234) Judgment of the European Court of Human Rights of January 29, 2009 on case "Andreyevskiy v. the Russian Federation" (Complaint No. 1750/03). — Access from the legal reference system "Garant".

235) Judgment of the European Court of Human Rights of March 4, 2010 on case "Khametshin v. the Russian Federation" (Complaint No. 18487/03). — Access from the legal reference system "Garant".

236) Judgment of the European Court of Human Rights of October 14, 2010 on case "A.B. v. the Russian Federation" (Complaint No. 1439/06). — Access from the legal reference system "Garant".

237) Judgment of the European Court of Human Rights of March 15, 2012 on case "Aksu v. Turkey" (Complaint No. 4149/04 and 41029/04). — Access from the legal reference system "ConsultantPlus".

238) Judgment of the European Court of Human Rights of January 22, 2013 on case "OOO Ivpress and Others v. the Russian Federation" (Complaints No. 33501/04, 38608/04, 35258/05 and 35618/05). — Access from the legal reference system "ConsultantPlus".

239) Judgment of the European Court of Human Rights of March 14, 2013 on case "Eon v. France" (Complaint No. 26118/10). — Access from the legal reference system "ConsultantPlus".

240) Judgment of the European Court of Human Rights of August 27, 2015 on case "Parrillo v. Italy" (Complaint No. 46470/11). — Access from the legal reference system "ConsultantPlus".

241) Judgment of the European Court of Human Rights of May 31, 2016 on case "Nadtoka v. the Russian Federation" (Complaint No. 38010/05). — Access from the legal reference system "Garant".

242) Judgment of the European Court of Human Rights of January 17, 2017 on case "Hutchinson v. the United Kingdom" (Complaint No. 57592/08). — Access from the legal reference system "ConsultantPlus".

243) Judgment of the European Court of Human Rights of June 27, 2017 on case "Satakunnan Markkinaporssi Oy and Satamedia Oy v. Finland" (Complaint No. 931/13). — Access from the legal reference system "ConsultantPlus".

244) Judgment of the European Court of Human Rights of September 14, 2017 on case "Karoly Nagy v. Hungary" (Complaint No. 56665/09). — Access from the legal reference system "ConsultantPlus".

245) Judgment of the European Court of Human Rights of November 21, 2017 on case "Editorial Board of the newspaper "Countrymen" (Redaktsiya Gazety

Zemlyaki) against the Russian Federation" (Complaint No. 16224/05). — Access from the legal reference system "ConsultantPlus".

246) Judgment of the European Court of Human Rights of March 5, 2018 on case "Nait-Liman v. Switzerland" (Complaint No. 51357/07). — Access from the legal reference system "ConsultantPlus".

247) Judgment of the European Court of Human Rights of March 20, 2018 on case "Radomilja and Others v. Croatia" (Complaints No. 37685/10 and 22768/12). — Access from the legal reference system "ConsultantPlus".

248) Judgment of the European Court of Human Rights of March 5, 2019 on case "Skudaeva v. the Russian Federation" (Complaint No. 24014/07). — Access from the legal reference system "ConsultantPlus".

249) Judgment of the European Court of Human Rights of June 25, 2019 on case "Nicolae Virgiliu Tanase v. Romania" (Complaint No. 41720/13). — Access from the legal reference system "ConsultantPlus".

250) Judgment of the European Court of Human Rights of July 31, 2000 on case "Jecius v. Lithuania" (Complaint No. 34578/97). — Access from the legal reference system "ConsultantPlus".

1.5. Dissertations

251) Derbysheva, E. A. The principle of legal certainty: concept, aspects, place in the system of principles of law: diss. cand. jur. sciences / E. A. Derbysheva. — Ekaterinburg, 2020. — 238 p.

252) Kirsanov, V. A. Theoretical problems of legal proceedings on challenging normative legal acts: abstract. diss. cand. jur. sciences / V. A. Kirsanov. — M., 2001. — 23 p.

253) Magomedov, S. K. Unification of terminology of normative legal acts of the Russian Federation: diss. cand. jur. sciences / S. K. Magomedov. — M., 2004. — 154 p.

254) Parfenov, A. A. Legal competence as a legal entity: diss. cand. jur. sciences / A. Parfenov. — Kaliningrad, 2020. — 368 p.

255) Pirmaev, E. V. Judicial interpretation: theoretical and legal research: diss. cand. jur. sciences / E. V. Pirmaev. — Penza, 2019. — 193 p.

256) Khairullina, R. M. Adoption and publication of the laws of the republics within the Russian Federation in the official languages of the republics and publication of federal laws in the official languages of the republics: constitutional legal research: diss. cand. jur. sciences / R. M. Khairullina. — Kazan, 2021. — 201 p.

257) Shepelev, A. N. The language of law as an independent functional style: abstract. diss. cand. jur. sciences / A. N. Shepelev. — N. Novgorod, 2002. — 23 p.

1.6. Monographs and other books

258) Alekseev, S. S. State and law: studies. 3rd ed., reprint. and additional / S. S. Alekseev. — M.: Legal lit., 1996. — 176 p.

259) Alekseev, S. S. General theory of law / S. S. Alekseev. — M., 1982. — Vol. 2. — 361 p.

260) Andreeva, M. V. The effect of tax legislation in time: A textbook / ed. S.G. Pepelyaev. — M.: Statute, 2006. — 172 p.

261) Anti-corruption expertise of normative legal acts and their projects / M.S. Azarov, V.V. Astanin, I.S. Barzilova, etc.; comp. E.R. Rossinskaya. — M.: Prospect, 2010. — 96 p.

262) Babaytsev, A. Yu. Communication / A. Yu. Babaytsev // Postmodernism. Encyclopedic dictionary. — Minsk, 2001. — 372 p.

263) Belov, S. A., Kropachev, N. M., Verbitskaya, L. A. The National Language of Russia: Legal Norms and Language Norms / S. A. Belov, N. M. Kropachev, L. A. Verbitskaya. — St. Petersburg: Publishing House of St. Petersburg. University, 2018. — 128 p.

264) Belov, S. A., Kropachev, N. M., Revazov, M. A. Legislation on the State Language in Russian Judicial Practice / S. A. Belov, N. M. Kropachev, M. A. Revazov. — St. Petersburg: Publishing House of St. Petersburg. University, 2018. — 240 p.

265) Berger, P. Social Construction of reality: A treatise on the sociology of knowledge / P. Berger, T. Lukman. — M.: Academia-Center: MEDIUM, 1995. — 323 p.

266) Borisov, G. A. Theory of state and law: textbook / G. A. Borisov — Belgorod.: BelSU Publishing House. — 2007. — 292 p.

267) Van Hook, M. Law as communication / Translated from the English by M. V. Antonov and A.V. Polyakov. — St. Petersburg: Publishing House of St. Petersburg State University, LLC "University Publishing Consortium", 2012. — 288 p.

268) Vaskovsky, E. V. Guide to the interpretation and application of laws. For novice lawyers: A practical guide / E. V. Vaskovsky. — M.: Law Bureau "Gorodets", 1997. — 128 p.

269) Vlasenko, N. A. The language of law: a monograph / N. A. Vlasenko. — Irkutsk, 1997. — 176 p.

270) Voishvillo, E. K. Logic: textbook for university students / M. G. Degtyarev, E. K. Voishvillo. — M., 2010. — 529 p.

271) Golev, N. D. Legal communication in the mirror of natural language // Jurislinguistics-7: Language as a phenomenon of legal communication: interuniversity collection of scientific articles / ed. N.D. Golev. — Barnaul: Publishing House of of Altai University, 2006. — 348 p.

272) Gryazin, N. I. Text of the law / N. I. Gryazin. — Tallinn, 1983. — 187 p.

273) Gubaeva, T. V. Language and law. The art of word possession in professional legal activity / T. V. Gubaeva. — M.: Publishing house: "Norm Infa-M", 2014. — 176 p.

274) Davydov, K. V. Administrative regulations of federal executive authorities of the Russian Federation: questions of theory: monograph / ed. Yu. N. Starilov. — M.: NOTA BENE, 2010. — 390 p.

275) Davydova, M. L. On the question of the style of the language of law / Jurislinguistics – 11: law as discourse, text and word: inter-university collection of scientific tr. / ed. N.D. Golev, K.I. Brineva. — Kemerovo: KemGU, 2011. — 600 p.

276) Catherine II. About the greatness of Russia / Empress Catherine II [Comp.: I. Ya. Losievsky]. — M.: Eksmo, 2003. — 829 p.

277) Zhuikov, V. M. Judicial protection of the rights of citizens and legal entities / V. M. Zhuikov. — M., 1997. — 320 p.

278) Jhering, R. Legal technique / Translated from German by F. S. Shendorf. — St. Petersburg, 1905. — 106 p.

279) Isaev, I. A. The shadow side of the law: the irrational in law / I. A. Isaev. — M., 2014. — 320 p.

280) Karkavina, D. Y. Commentary to the preamble // Commentary to the Federal Law of June 1, 2005 No. 53-FZ "On the State language of the Russian Federation" (article-by-article) // Legal reference system "ConsultantPlus". — 2006.

281) Kashanina, T. V. Legal technique / T. V. Kashanina. — M.: Eksmo, 2007. — 437 p.

282) Kashanina, T. V. Legal technique. -2nd ed., revision. / T. V. Kashanina. — M.: Norm: INFRA-M., 2011. — 496 p.

283) Kerimov, D. A. Legislative technique. Scientific-methodical and educational manual / D. A. Kerimov. — M.: NORM, 2000. — 125 p.

284) Kerimov, D. A. Culture and technology of lawmaking / D. A. Kerimov. — M.: Legal literature, 1991. — 160 p.

285) Commentary on the Constitution of the Russian Federation (article by article) / L. V. Andrichenko, S. A. Bogolyubov, N. S. Bondar [et al.]; ed. V. D. Zorkin. 2nd ed., revised. — M.: Norm, Infra-M, 2011. — 1008 p.

286) Commentary on the Constitution of the Russian Federation / ed. V. D. Zorkin. — 3rd ed., revision. — M.: Norm: INFRA-M, 2013. — 1040 p.

287) The communicative concept of law: questions of theory: Discussion of A.V. Polyakov's monograph. — St. Petersburg: St. Petersburg State University. jurid. fac, 2003. — 154 p.

288) The communicative theory of law and modern problems of jurisprudence: To the 60th anniversary of Andrei Vasilyevich Polyakov. Collective monograph: in 2 vols. Vol. 1. The communicative theory of law in the studies of

domestic and foreign scientists / ed. M. V. Antonov, I. L. Chestnov. — St. Petersburg: Alef-Press Publishing House, LLC, 2014. — 373 p.

289) The Constitution of the Russian Federation. Doctrinal commentary (article-by-article) / Author's hand. Col. Yu. A. Dmitriev / Scientific ed. Yu. I. Skuratov. 2nd ed., — M.: Statute, 2013. — 688 p.

290) Korkunov, N. M. Course of lectures on the general theory of law / N. M. Korkunov. — St. Petersburg, 1907. — 354 p.

291) Krasnov, Yu. K., Nadvikova V. V., Shkatulla V. I. Legal technique: textbook / Yu. K. Krasnov, V. V. Nadvikova, V. I. Shkatulla. — M.: Justicinform, 2014. — 536 p.

292) Kudashkin, A. V. Anticorruption canberranspertis: theory and practice / V. Kudashkin. — M.: NORMA-INFRA-M, 2012. — 368 p.

293) Lassalle, F. Transportable system / F. Lassalle. — Essays.: in 3 vol. — Vol. III. — St. Petersburg, 1908. — 1160 p.

294) Matuzov, N. I., Malko, A. V. Theory of State and Law: Textbook. 2nd ed., revised. and additional / N. I. Matuzov, A. V. Malko. — M.: Yurist, 2004. — 512 p.

295) Montesquieu, C. Selected works / C. Montesquieu - M., 1955. - S. 651-654 [Electronic resource]: Platonet electronic library. — Access mode: https://clck.ru/Vv67R (accessed: 07.07.2022).

296) Morozova, L.A. Language and law / L.A. Morozova, T.D. Zrazhevskaya // Law: Sat. textbook programs. — M.: Lawyer, 2001. — 206 p.

297) Muchnik, B. S. Fundamentals of stylistics and editing / B. S. Muchnik. — Rostov-on-Don, 1997. — 480 p.

298) Nikiforov, M. V. Subjects of administrative rule-making: monograph / M. V. Nikiforov. — Nizhny Novgorod: Nizhny Novgorod Law Academy, 2012. — 208 p.

299) Osadchiy, M. A. Russian language on the verge of law. The functioning of the modern Russian language in the conditions of legal regulation of speech / M. A. Osadchiy. — M., 2018. — 254 p.

300) Pigolkin, A. S. Publication of normative acts / ed. A.S. Pigolkin. — M., 1978. — 168 p.

301) Pigolkin, A.S. Registration of draft normative legal acts (legislative technique) // Problems of lawmaking of the subjects of the Russian Federation / ed. A.S. Pigolkin. — M., 1998. — 272 p.

302) Pigolkin, A. S. The language of the law: features / A. S. Pigolkin // The language of the law. — M., 1990. — 192 p.

303) Polyakov, A. V. Communicative legal understanding: Selected works / A. V. Polyakov. — St. Petersburg: LLC Publishing House "Alef-Press", 2014. — 575 p.

304) Polyakov, A. V. General theory of law: phenomenological and communicative approach: a course of lectures / A. V. Polyakov. — St. Petersburg, 2003. — 845 p.

305) Polyakov, A. V. Law and communication // Actual problems of the theory and history of state and law: Proceedings of the interuniversity scientific and theoretical conference / ed. ed. V.P. Salnikova, R.A. Romashov. — St. Petersburg: IG "Jurist", 2003. — 576 p.

306) Presnyakov, M. V. Constitutional concept of the principle of justice / ed. G.N. Komkova. — M., 2009. — 397 p.

307) Rakhmanin, L. V. Stylistics of business speech editing official documents / L. V. Rakhmanin. — M., 2015. — 256 p.

308) Russian legislation: problems and prospects / Abramova A. I., Bogolyubov S. A., Braginsky M. I. and others; editorial staff: L. A. Okounkov (editor-in-chief) and others; Institute of Legislation and Comparison. jurisprudence under the Government of Ros. Federation. — M.: Beck, 1995. — XVII. — 457 p.

309) Sokolova, M. A. Defects in legal documents: monograph / M. A. Sokolova. — M., 2016. — 89 p.

310) Compositions of Duke M.M. Shcherbatov. — St. Petersburg: duke. B.S. Shcherbatov, 1896-1898. In 2 volumes: Vol. 1: Political writings / Ed. I.P.

Khrushchev. — 1896., 1060 stb., Vol. 2: Historical, political and philosophical articles / ed. I.P. Khrushchov and A.G. Voronova. — 1898. — 630 stb.

311) Tatishchev, V. N. Selected works / V. N. Tatishchev. — L.: Nauka, 1979. — 464 p.

312) Teliya, V. N. Russian phraseology: Semantic, pragmatic and linguocultural aspects / V.N. Teliya. — M.: School "Russian language", 1996. — 288 p.

313) Theory of state and law: Textbook for law schools / A. I. Abramova, S. A. Bogolyubov, A. V. Mitskevich and others; ed. A. S. Pigolkin. — M.: Gorodets, 2003. — 544 p.

314) Trosheva, S. B. Literary language / S. B. Trosheva // Stylistic encyclopedic dictionary of the Russian language. 2nd ed. — M., 2011. — 696 p.

315) Ushakov, A. A. Essays on Soviet legislative style. Part 1, 2 / A. A. Ushakov. — Perm, 1967. — 206 p.

316) Farman, I. P. Model of communicative rationality (based on the socio-cultural concept of Jürgen Habermas) // Rationality at a crossroads: In 2 books. / Editorial board: P. P. Gaidenko, et al. — M.: ROSSPEN, 1999. Book. 1 / resp. ed. V. A. Lektorsky. — P. 264-292.

317) Fuller, L. L. The morality of Law / Lon L. Fuller; translate. from English. T. Danilova. ed. revised and additional — M.: IRISEN, 2007. — 305 p.

318) Habermas, Yu. Moral consciousness and communicative action / Y. Habermas. — St. Petersburg, 2000. — 606 p.

319) Cherdantsev, A. F. Logical and linguistic phenomena in jurisprudence: monograph / A. F. Cherdantsev. — M., 2012. — 320 p.

320) Chukhvichev, D. V. Legislative technique / D. V. Chukhvichev. — M.: Unity-Dana, 2012. — 415 p.

321) Shchur-Trukhanovich, L. V. The legal content of the system of international treaties that form the Common Economic Space of Russia, Belarus and Kazakhstan. 2012 // Legal reference system "ConsultantPlus". — 2012.

322) Erdelevsky, A. M. On the interpretation of the law // Legal reference system "ConsultantPlus". — 2001.

1.7. Scientific articles

323) Hayrapetyan, A. S. Consolidation of the legal regime of the Russian language in Soviet constitutions / A. S. Hayrapetyan // Bulletin of the Saratov State Academy of Law. — 2011. — No. 2 (78). — P. 35-38.

324) Akishin, M. O. State transformations and the legal language of the Russian Empire of the XVIII century / M.O. Akishin // Genesis: historical research. — 2016. — No. 4. — P. 51-72.

325) Alatortsev, A. Yu. Criteria of certainty of the criminal law in the practice of the European Court of Human Rights / A. Yu. Alatortsev // Scientific works. Russian Academy of Legal Sciences. — M.: Limited Liability Company "Publishing House "Lawyer". — 2017. — P. 586-589.

326) Alatortsev, A. Yu. The problem of the certainty of the criminal law in the decisions of the Constitutional Court of Russia and the Federal Constitutional Court of Germany / A. Yu. Alatortsev // Comparative Constitutional Review. — 2017. — No. 1. — P. 118-133.

327) Antonov, M. V. Law and communication. Book review: Provencher G. Droit et communication: liaisons constates. Reflexions sur la relation entre la communication et le droit. Bruxelles: E.M.E., 2013. 204 p. / M. V. Antonov // Preaching. — 2014. — No. 4 (315). — P. 270-276.

328) Antonov, M. V., Polyakov A.V. Legal communication and the modern state / M. V. Antonov, A.V. Polyakov // Jurisprudence. — 2011. — No. 6 (299). — P. 214-220.

329) Antonov, M. V., Polyakov, A.V., Chestnov, V. L. Communicative approach and Russian theory of law / M. V. Antonov, A.V. Polyakov, V. L. Chestnov // Pravovedenie. — 2013. — No. 6 (311). — P. 78-95.

330) Arkhipov, S. I. The concept of legal communication / S. I. Arkhipov // Russian Law Journal. — 2008. — No. 6. —P. 7-17.

331) Atarshchikova, E. N. Integrative function of legal culture in the development of language and law / E. N. Atarshchikova // Legal linguistics. — 2004. — No. 5. — P. 180-197.

332) Afanasyev, S., Uroshleva, A. Review of rulings issued by the Constitutional Court of the Russian Federation / S. Afanasyev, A. Uroshleva // Comparative Constitutional Review. — 2017. — No. 5. — P. 139-153.

333) Akhmetova, S. V. The language of judicial documents / S. V. Akhmetova // Legal science. — 2017. — No. 3. — P. 18-22.

334) Babich, M. E. Licensing of waste management activities: problems of law enforcement / M. E. Babich // Handbook of ecologist. — 2016. — No. 7. — P. 24-37.

335) Bazavluk, L. M. On some features of linguistic analysis and editing of legal text / L. M. Bazavluk // Formation and improvement of multicultural linguistic personality of specialists by means of native, Russian and foreign languages: A collection of materials of the All-Russian "round table". October 22, 2015 Oryol: ORYUI of the Ministry of Internal Affairs of Russia named after V.V. Lukyanov. — 2016. — P. 15-21.

336) Bazavluk, L. M. The language of law as a special legal language / L. M. Bazavluk // Scientific Bulletin of the Orel Law Institute of the Ministry of Internal Affairs of Russia named after V.V. Lukyanov. — 2017. — No. 4 (73). — P. 145-148.

337) Baranov, V. A., Baranova, E. V. Actual issues of qualification of an administrative offense related to failure to inform customs authorities about the interruption of delivery of goods / V. A. Baranov, E. V. Baranova // Lawyer. — 2010. — No. 10. — P. 20-28.

338) Batyushkina, M. V. Legal concept and legal term: features of correlation and definitions (based on the material of Russian laws) / M. V. Batyushkina // Bulletin of Kemerovo State University. — 2020. — Vol. 22. — No. 1 (81). — P. 207-215.

339) Bachilo, I. L. Right and law: infocommunication aspect / I. L. Bachilo // Proceedings of the Institute of State and Law of the Russian Academy of Sciences. — 2013. — No. 4. — P. 37-47.

340) Belov, S. A. Kropachev, N. M. What is needed for the Russian language to become the state language? / S. A. Belov, N. M. Kropachev // Law. — 2016. — No. 10. — P. 100-112.

341) Belov, S. A. Legal requirements for the use of the Russian language in Russia / S. A. Belov // Medi@llmanakh. — 2020. — No. 6 (101). — P. 152-163.

342) Belov, S. A. Recognition of normative acts as invalid due to the uncertainty of their provisions [Electronic resource] // Law Enforcement Monitoring Portal: [website]. — Access mode: URL: https://clck.ru/Vv53G (accessed: 07.08.2022).

343) Belov, S. A., Kropachev, N. M., Revazov, M. A. Judicial control over compliance with the norms of the contemporary Russian literary language / S. A. Belov, N. M. Kropachev, M. A. Revazov // Law. — 2017. — No. 3. — P. 103-115.

344) Belov, S. A., Kropachev, N.M., Revazov, M. A. Monitoring of law enforcement in St. Petersburg State University / S. A. Belov, N. M. Kropachev, M. A. Revazov // Law. — 2018. — No. 3. — P. 67-74.

345) Belov S. A., Revazov M. A. Theory and Practice of Legal Documents Interpretation by Courts with Using Dictionaries / S. A. Belov, M. A. Revazov // Law. Journal of the Higher School of Economics. — 2023. — Vol. 16. — No. 1. — P. 4-26.

346) Belov, S. A., Tarasova, K. V. Intelligibility of legal documents: legal fiction or presumption? / S. A. Belov // Bulletin of St. Petersburg University. — Right. — 2019. — Vol. 10. — No. 4. — P. 610-625.

347) Belokon, L. V. Culture of language and the language of law / L. V. Belokon // Legal technique. — 2016. — No. 10. — P. 576-578.

348) Belyaeva, O. A. Legal regulation of purchases carried out by a budgetary institution at the expense of funds from income-generating activities // Commentary of judicial practice / ed. by K.B. Yaroshenko. - M.: Institute of

Legislation and Comparative Jurisprudence under the Government of the Russian Federation, INFRA. — M. — 2016. — Issue 21. — P. 129-145.

349) Berchenko, A. Ya. Once again about the problem of law and the law / A. Ya. Berchenko // Journal of Russian Law. — 1999. — No. 3-4. — P. 78-81.

350) Blinov, A. B. Acts of the President of the Russian Federation and their challenge / A. B. Blinov // State power and local self-government. — 2017. — No. 1. — P. 54-58.

351) Bogomolov, A. B. Application by courts of general jurisdiction of the legal positions of the Constitutional Court of the Russian Federation / A. B. Bogomolov // Russian Justice. — 2010. — No. 1. — P. 61-66.

352) Bozhenok, S. A. Criminal liability for illegal turnover of payment funds / S. A. Bozhenok // Judge. — 2016. — No. 4. — P. 41-43.

353) Bondar, N. S. Legal certainty – the universal principle of constitutional norm control (the practice of the Constitutional Court of the Russian Federation) / N. S. Bondar // Constitutional and municipal law. — 2011. — No. 10. — P. 4-10.

354) Bulatova, Yu. V. Law-making technique as a component of legal expertise of management decisions / Yu. V. Bulatova // Modern law. — 2009. — No. 6. — P. 6-10.

355) Vavilova, A. A. The meaning of spelling and punctuation in the text of a normative legal act / A. A. Vavilova // Legal Linguistics. — 2007. — No. 8. — P. 81-92.

356) Van Hook, M. Law as communication / M. Van Hook // Jurisprudence. — 2006. — No. 2 (265). — P. 44-54.

357) Vasev, I. I. Grammatical and systemic ways of interpreting the norms of law: the nature of interaction / I. I. Vasev // Jurislinguistics. — 2018. — No. 7-8. — P. 17-26.

358) Vasilyeva, L. N. Bilingualism of normative legal acts in the Russian Federation: improving the legal framework / L. N. Vasilyeva // Journal of Russian Law. — 2008. — No. 8. — P. 24-32.

359) Verbitskaya, L. A. Russian as the state language: the current state and measures for its strengthening and development / L. A. Verbitskaya // Russian Humanitarian Journal. — 2015. — Vol. 4. — No. 2. — P. 90-97.

360) Voevodina, A. I. Problems of qualification of illegal banking activity / A. I. Vojvodina // Business security. — 2015. — No. 3. — P. 32-35.

361) Voronetsky, P. M. On the constitutional and legal status of subjects of linguistic legal relations / P. M. Voronetsky // Journal of Russian Law. — 2007. — No. 11. — P. 40-48.

362) Speech by the Chairman of the Supreme Court of the Russian Federation V. M. Lebedev at the VIII All-Russian Congress of Judges // Russian justice. — 2013. — No. 2. — P. 10-13.

363) Gadzhiev, G. A. The principle of legal certainty and the role of courts in ensuring it. The quality of laws from the Russian point of view / G. A. Gadzhiev // Comparative Constitutional Review. — 2012. — No. 4. — P. 16-28.

364) Gadzhiev, G. A., Kovalenko, K. A. The principle of legal certainty in constitutional justice / G. A. Gadzhiev, K. A. Kovalenko // Journal of Constitutional Justice. — 2012. — No. 5. — P. 12-19.

365) Galyashina, E. I. Linguistic expertise of normative legal acts as a means of preventing corruption / E. I. Galyashina // Bulletin of Economic Security. — 2020. — No. 2. — P. 147-151.

366) Gerasimovich, L. I., Chervonyuk, V. I. Language of constitutional law and constitutional-legal terminology / L. I. Gerasimov, V. I. Chervonyuk // International Journal of Constitutional and State Law. — 2017. — No. 4. — P. 94-97.

367) Grafsky, V. G. Legal communication and legal communication / V. G. Grafsky // Proceedings of the Institute of State and Law of the Russian Academy of Sciences. — 2013. — No. 4. — P. 25-36.

368) Gromitsaris, A., Kravets, V., Fidler, K. Legal communication in the modern legal system / A. Gromitsaris, V. Kravets, K. Feddeler // Jurisprudence. — 2013. — No. 6 (311). — P. 58-77.

369) Gubaeva, T. V., Malkov, V. P. State language and its legal status / T. V. Gubaeva, V. P. Malkov // State and Law. — 1999. — No. 7. — P. 5-13.

370) Davydova, M. L. Regulatory and legal prescription. Nature, typology, technical and legal design / M. L. Davydova. — M.: "Law Center Press". — 2009. — P. 120-122.

371) Dorovskikh, E. M. On the question of the differentiation of the concepts of "state language" and "official language" / E. M. Dorovskikh // Journal of Russian Law. — 2007. — No. 12. — P. 8-20.

372) Elinsky, A.V. Legal positions of the Constitutional Court of the Russian Federation on responsibility for crimes in the sphere of economy / A.V. Elinsky // Russian investigator. — 2011. — No. 22. — P. 15-19.

373) Elistratova, V. V. Modern legal language: the relationship of language and law / V. V. Elistratova // Language and the world of the language being studied. — 2016. — No. 7. — P. 16-19.

374) Ershova, I. V. The concept of entrepreneurial activity in theory and judicial practice / I. V. Yershova // Lex russica. — 2014. — No. 2. — P. 160-167.

375) Zorkin, V. D. Constitutional and legal aspects of tax law in Russia and the practice of the Constitutional Court / V. D. Zorkin // Comparative Constitutional Review. — 2006. — P. 98-106.

376) Kargina, E. M. Intonation structure of the text as an independent unit of communication / E. M. Kargina // Bulletin of Chelyabinsk State University. — 2020. — No. 1 (435). — P. 68-73.

377) Katrechko, N. A. The law as the key to justice (based on the material of the German language) / N. A. Katrechko // Philological Sciences. Questions of theory and practice Tambov: Diploma. — 2009. — No. 2 (4). — P 136-140.

378) Kopin, D. V. Constitutional principles of establishing a tax obligation: a retrospective of the fundamental acts of the Constitutional Court of the Russian Federation in the field of taxation / D. V. Kopin // Taxes. — 2016. — No. 24. — P. 10-14.

379) Kravitz, V. Modern law and the system of law in the perspective of the theory of communication / V. Kravitz // Russian Yearbook of the Theory of Law. — 2011. — No. 4. — P. 174-185.

380) Kravchuk, Y. S. On the composition of legal terminology: real estate / realty in English and Russian / Y. S. Kravchuk // Theoretical and applied linguistics. — 2021. — Vol. 7. — No. 1. — P. 96-103.

381) Kryazhkov, V. A. Interpretation of the Constitution by the Constitutional Court of the Russian Federation: practice and problems / V. A. Kryazhkov// Bulletin of the Constitutional Court of the Russian Federation. — 1997. — No. 3. — P. 8-9.

382) Kryazhkova, O. N., Rudt, Yu. A. The arrangement of the places of the terms in the decisions of the constitutional courts: why does the amount change? / O. N. Kryazhkova, Yu. A. Rudt // Comparative constitutional review. — 2015. — No. 5. — P. 120-135.

383) Kulakova, Yu. Yu. The language of law / Yu. Yu. Kalakova // Legal technique. — 2007. — No. 1. — P. 217-220.

384) Kunina, M. N. The institutional nature of the language of law / M. N. Kunina // Bulletin of the Krasnodar University of the Ministry of Internal Affairs of Russia. — 2017. — No. 1 (35). — P. 198-201.

385) Lazareva, V. V. Integral legal understanding in the Russian theory of law: history and modernity / V. V. Lazareva // Legislation and Economics. — 2008. — No. 5. — P. 5-13.

386) Lenin, V. I. Is a Compulsory Official Language Needed? // Proletarskaya Pravda. No. 14 (32). January 18, 1914 // The Collected Works of V.I. Lenin. — 5th edition, vol. 24. — P. 293-295.

387) Leonova, E. P. Social functions of language / E. P. Leonova // Actual problems of humanities and natural sciences. — 2011. — No. 10. — P. 129-132.

388) Letuchina, T. A. Institutional characteristics of judicial discourse as a kind of legal discourse (based on the material of the French language) / T.A. Letuchn

// Bulletin of Moscow State Linguistic University. — 2012. — Issue 10 (643). — P. 74-82.

389) Makushina, E. B. Legal communication as a phenomenon of law and communication / E. B. Makushina // Bulletin of the Chelyabinsk University. — Ser. 9. Law. — 2004. — No. 1. — P. 141-143.

390) Mantashyan, A. O. The principle of certainty in modern civil procedure / A. O. Mantashyan // Justice of the Peace. — 2011. — No. 5. — P. 18-20.

391) Medoeva, B. K. Correlation of regulatory impact assessment procedures and expertise in Russian rulemaking / B. K. Medoeva // Proceedings of the Institute of State and Law of the Russian Academy of Sciences. — 2020. — Vol. 15. — No. 6. — P. 223-236.

392) Muschinina, M. M. On legal linguistics in Germany and Austria / M. M. Muschinina // Jurislinguistics. — 2004. — No. 5. — P. 18-30.

393) Natanson, E. A. Requirements for scientific and technical terms / E. A. Natanson // Scientific and technical information. — 1966. — No. 1. — P. 3-9.

394) Omelchenko, O. A. Ideas of constitutional law and "universal legality" in the legal policy of "enlightened absolutism" in Russia / O. A. Omelchenko // Problems of political and legal ideology. — M.: VYUZI, 1989. — P. 71-108.

395) Palekh, R. R. Legal communication in the mechanism of legal influence // Legal communication of the state and society: domestic and foreign experience. Proceedings of the International Scientific Conference. — Voronezh, 2020. — P. 225-229.

396) Petrov, A. A. The legal quality of the decisions of the Constitutional Court of the Russian Federation: the formulation of the question and some practical problems / A. A. Petrov // Comparative Constitutional Review. — 2014. — No. 2. — P. 95-110.

397) Pigolkin, A. S. The language of law / A. S. Pigolkin // Pravovedenie. — 1991. — No. 5. — P. 108-110.

398) Poberezhnaya, I. A. Constitutional regulation of the procedure for publishing normative legal acts in the state languages of the republics within the

Russian Federation / I. A. Poberezhnaya // Bulletin of the Academy of the General Prosecutor's Office of the Russian Federation. — 2014. — No. 5 (43). — P. 34–37.

399) Polishchuk, N. I. The functional value of the principle of legal certainty in the rule-making policy of the state / N. I. Polishchuk // The legal state: theory and practice. — 2017. — No. 4 (50). — P. 115-120.

400) Polyakov, A.V. Postclassical jurisprudence and the idea of communication / A.V. Polyakov // Jurisprudence. — 2006. — No. 2 (265). — P. 26-43.

401) Polyakov, A.V. Law, state, communication. Social legal state: questions of theory and practice: materials of the interuniversity scientific and practical conference / Comp. N.S. Nizhnik, N.A. Chekunov; ed. D.I. Lukovskaya. — St. Petersburg. — 2003. — P. 17-27.

402) Polyakov, A.V. Farewell to the classics, or how a communicative theory of law is possible / A.V. Polyakov // Russian Yearbook of Theory of Law. — 2008. — No. 1. — P. 9-42.

403) Polyakov, A.V. The Russian idea of "revived natural law" as a communicative problem (P.I. Novgorodtsev v. L.I. Petrazhitsky) / A.V. Polyakov // Proceedings of the Institute of State and Law of the Russian Academy of Sciences. — 2013. — No. 4. — P. 117-144.

404) Popov, V. I. The communicative function of law / V. I. Popov // Bulletin of Economic Security. — 2020. — No. 2. — P. 19-22.

405) Potapova, R. K., Potapov, V. V. Semantic field "drugs". Discourse as an object of applied linguistics / R. K. Potapova, V. V. Potapov. — M.: Unified URSS. — 2004. — P. 137-138.

406) Presnyakov, M. V. Legal certainty as a quality of law / M. V. Presnyakov // Citizen and law. — 2012. — No. 10. — P. 20-35.

407) Pfersmann, O. Onomastic sophism: to change, not to know (on the interpretation of the Constitution) / O. Pfersmann // Jurisprudence. — No. 4. — 2012. — P. 104-132.

408) Revazov, M. A. Literal interpretation of legal documents in Russian judicial practice // Questions of the Russian language in legal cases and procedures. International Scientific and Practical Conference. — St. Petersburg: First class. — 2021. — P. 33-50.

409) Revazov, M. A. Constitutional requirements for the language of normative acts / M. A. Revazov // Journal of Constitutional Justice. — 2020. — No. 1. — P. 26-31.

410) Revazov, M. A. Monitoring of law enforcement in judicial practice [Electronic resource] // Law Enforcement Monitoring Portal: [website]. — Access mode: URL: https://clck.ru/Vv6RP (accessed: 07.14.2022).

411) Revazov, M. A. Language of publication of normative acts: problems of bilingualism of regional legislation and ways to solve them / M. A. Revazov // Issues of Ethnopolitics. — 2020. — No. 2. — P. 54-67.

412) Revazov, M. A. Problems of Legal Documents Translation and Adoption of Multilingual Acts / M. A. Revazov // Law. — 2023. — No 1. — C. 176-189.

413) Rossinskaya, E. R., Galyashina, E. I. On the question of the form and content of the expert opinion of the anti-corruption expertise of normative legal acts and their projects / E. R. Rossinskaya, E. I. Galyashina // Actual problems of Russian law. — 2013. — No. 10. — P. 1310-1315.

414) Rudnev, D. V., Sadova, T. S. Russian language as a state and Modern Russian literary language (in the aspect of the implementation of the Federal Law "On the State Language of the Russian Federation") / D. V. Rudnev, T. S. Sadova // Journal of Russian Law. — 2017. — No. 2. — P. 56-66.

415) Saveliev, D. A. The study of the complexity of proposals that make up the texts of legal acts of the authorities of the Russian Federation / D. A. Saveliev // Pravo. Journal of the Higher School of Economics. — 2020. — No. 1. — P. 50-74.

416) Safina, S. B. Style and language of constitutions: a regional aspect / S. B. Safina // Bulletin of the VEG. — 2013. —No. 2 (64). — P. 65-71.

417) Sergevnin, S. L., Bushev, E. A., Kuznetsov, D. A. The principle of legal certainty: some approaches of the Constitutional Court of the Russian Federation and the European Court of Human Rights. Comparative legal analysis of the Decision of the Constitutional Court of the Russian Federation No. 14-P of May 23, 2017 and the Decision of the European Court of Human Rights of March 28, 2017 in the case "Z.A. and Others v. Russia" / S. L. Sergevnin, E. A. Bushev, D. A. Kuznetsov // Journal of Constitutional Justice. — 2018. — No. 1 (61). — P. 31-40.

418) Slepkova, O. A. Classification of types of anti-corruption expertise of regulatory legal acts and draft regulatory legal acts of the Federal Customs Service of the Russian Federation / O. A. Slepkova // Administrative and municipal law. — 2013. — No. 12. — P. 1168-1173.

419) Sokolov, N. Ya. Official publication of normative legal acts and legal awareness of lawyers / N. Ya. Sokolov // Bulletin of the Russian Law Academy. — 2011. — No. 3. — P. 19-24.

420) Soktoev, Z. B. Causal connection in traffic crimes / Z. B. Soktoev // Lex russica. - 2013. — No. 7. — P. 706-717.

421) Soloviev, O. G., Goncharova, Yu. O. Debatable aspects of determining the list of means and techniques of legislative technique in the law-making process / O. G. Soloviev, Yu. O. Goncharova // Bulletin of P. G. Demidov Yaroslavl State University. Humanities series. — 2021. — T. 15. — No. 1 (55). — P. 76-83.

422) Sorokin, V. V. Language and law / V. V. Sorokin // Jurislinguistics. — 2020. — No. 15 (26). — P. 5-7.

423) Sorokina, Yu. V. Language and legal communication / Yu. V. Sorokina // History of the state and law. — 2016. — No. 5. — P. 32-37.

424) Sukhinina, I. Genre and language of rulings of the Constitutional Court of the Russian Federation / I. Sukhinina // Russian Justice. — 2001. — No. 10. — P. 26-27.

425) Syrykh, V. M. The subject and system of legislative technique as an applied science and academic discipline / V. M. Syrykh // Legislative technique of

modern Russia: state, problems, improvement. — N. Novgorod. - 2001. — Vol. 1. — P. 9-24.

426) Taeva, N. E. Some problems of identifying the constitutional and legal meaning of norms by the Constitutional Court of the Russian Federation / N. E. Taeva // Constitutional and Municipal law. — 2014. — No. 12. — P. 24-28.

427) Terekhina, A. P. Legal principles of taxation / A. P. Terekhina // Financial law. — 2012. — No. 5. — P. 33-39.

428) Tillet, A. A. Presumption of knowledge of laws / A. A. Tillet // Jurisprudence. — 1969. — No. 3. — P. 34-39.

429) Worf, B. L. The relation of norms of behavior and thinking to language // Zvegintsev V.A. History of linguistics of the XIX—XX centuries in essays and extracts. – Ch. I.M. — 1965. — P. 256-260.

430) Usmanova, E. F., Paulova, Yu. E. The concept and significance of the examination of bills in modern Russia / E. F. Usmanova, Y. E. Paulova // Law and the State: theory and practice. — 2020. — No. 3 (183). — P. 99-101.

431) Khaliulin, V. E. Legal communication as a basis for the formation and functioning of civil society / V. E. Khaliulin // Bulletin of the Saratov State Academy of Law. — 2007. — No. 6 (58). — P. 20-23.

432) Chepurnova, N. M. Decisions of the Constitutional Court of the Russian Federation as a model of legal harmony / N. M. Chepurnova // Russian justice. — 2001. — No. 10. — P. 28 – 31.

433) Chervonyuk, V. I. State, law, globalization / V. I. Chervonyuk // State and law. — 2003. — No. 8. — P. 94-97.

434) Chervyakovsky, A.V. Normative regulation of issues of official publication of laws in the Constitution of the Russian Federation and the constitutions of neighboring countries / A.V. Chervyakovsky // Modern Law. — 2016. — No. 10. — P. 17-20.

435) Chestnov, I. L. Legal communication in the context of postclassical epistemology / I. L. Chestnov // Pravovedenie. — 2014. — No. 5 (316). — P. 31-41.

436) Sharafutdinova, O. I., Popovskaya, V. I. Text of the law: special vs non-special / O. M. Sharafutdinova, V. I. Popovskaya // Bulletin of Chelyabinsk State University. — 2020. — No. 12 (446). — P. 172-177.

437) Shepelev, A. N. Theory of legal language / A. N. Shepelev // Legal policy and legal life. — 2015. — No. 2. — P. 137-143

438) Shmelev, A. D. Codification of Russian spelling and writing proper names of people with capital letters - is there a problem? / A.D. Shmelev // Russian speech. — 2020. — No. 4. — P. 42-53.

439) Yurtayeva, E. A. Normativity of legislation: modern modulations in Russian lawmaking / E. A. Yurtayeva // Journal of Russian Law. — 2012. — No. 11. — P. 28-39.

2. Sources in English

2.1. Judicial practice

440) Abbott v. Abbott. No. 08-645 (2010) // Supremecourt: website. — URL: https://www.supremecourt.gov/opinions/09pdf/08-645.pdf (accessed: 14.07.2022).

441) Ali v. Federal Bureau of Prisons, et al. 552 U.S. 214 (2008) // FindLaw: website. — URL: https://caselaw.findlaw.com/us-supreme-court/552/214.html (accessed: 14.07.2022).

442) Arizona State Legislature v. Arizona Independent Redistricting Commission, et al. No. 13-1314 (2015) // Supreme.justia: website. — URL: https://supreme.justia.com/cases/federal/us/576/13-1314/case.pdf (accessed: 14.07.2022).

443) Carcieri, Government of Rhode Island, et al. v. Salazar, Secretary of the Interior, et al. 555 U.S. 379 (2009) // Supreme.justia: website. — URL: https://supreme.justia.com/cases/federal/us/555/379/ (accessed: 14.07.2022).

444) Feltner v. Columbia Pictures Television, Inc. 523 U.S. 340 (1998) // Supreme.justia: website. — URL: https://supreme.justia.com/cases/federal/us/523/340/ (accessed: 14.07.2022).

445) James v. United States. 550 U.S. 192 (2007) // Supreme.justia: website. — URL: https://supreme.justia.com/cases/federal/us/550/192/ (accessed: 14.07.2022).

446) Mont v. United States. No. 17-8995 (2019) // Supremecourt: website. — URL: https://www.supremecourt.gov/opinions/18pdf/17-8995_new_097c.pdf (accessed: 14.07.2022).

447) Morrison, et al. v. National Australia Bank, Ltd., et al. 08 1191 (2010) // Supremecourt: website. — URL: https://www.supremecourt.gov/opinions/09pdf/08-1191.pdf (accessed: 14.07.2022).

448) Negusie v. Holder, Attorney general. 555 U.S. 511 (2009) // Supreme.justia: website. — URL: https://supreme.justia.com/cases/federal/us/555/511/ (accessed: 14.07.2022).

449) New Prime Inc. v. Oliveira. No. 17-340 (2019) // Supreme.justia: website. — URL: https://supreme.justia.com/cases/federal/us/586/17-340/ (accessed: 14.07.2022).

450) Packingham v. North Carolina. No. 15-1194 (2017) // Supremecourt: website. — URL: https://www.supremecourt.gov/opinions/16pdf/15-1194_08l1.pdf (accessed: 14.07.2022).

451) Rapanos v. United States. 547 U.S. 715 (2006) // Supreme.justia: website. — URL: https://supreme.justia.com/cases/federal/us/547/715/ (accessed: 14.07.2022).

452) Republic of Sudan v. Harrison, et al. No. 16-1094 (2019) // Supreme.justia: website. — URL: https://supreme.justia.com/cases/federal/us/587/16-1094/case.pdf (accessed: 14.07.2022).

453) Rutledge v. Pharmaceutical Care Management Assn. 592 U.S. No. 18-540 (2020) // Supreme.justia: website. — URL: https://supreme.justia.com/cases/federal/us/592/18-540/ (accessed: 14.07.2022).

454) Sosa v. Alvarez-Machain. 542 U.S. 692 (2004) // Supreme.justia: website. — URL: https://supreme.justia.com/cases/federal/us/544/385/ (accessed: 14.07.2022).

455) Tanzin v. Tanvir. 592 U.S. No. 19-71 (2020) // Supreme.justia: website. — URL: https://supreme.justia.com/cases/federal/us/592/19-71/ (accessed: 14.07.2022).

456) Trump v. New York. 592 U.S. No. 20-366 (2020) // Supreme.justia: website. — URL: https://supreme.justia.com/cases/federal/us/592/20-366/ (accessed: 14.07.2022).

457) U.S. LEC of Tenn., Inc. v. Tenn. Regulatory Auth. No. M2004-01417-COA-R12CV, 2006 WL 1005134, at *5 (Tenn. Ct. App. Apr. 17, 2006) // Courtlistener: website. — URL: https://www.courtlistener.com/opinion/1053188/us-lec-of-tennessee-inc-v-tennessee-regulatory-aut/ (accessed: 14.07.2022).

458) United States v. American Trucking Assns. 310 U.S. 534, 543 (1940) // Courtlistener: website. — URL: https://www.courtlistener.com/opinion/1053188/us-lec-of-tennessee-inc-v-tennessee-regulatory-aut/ (accessed: 14.07.2022).

459) United States v. Briggs. 592 U.S. No. 19-108 (2020) // Supreme.justia: website. — URL: https://supreme.justia.com/cases/federal/us/592/19-108/ (accessed: 14.07.2022).

460) United States v. Santos, et al. 553 U.S. 507 (2008) // Supreme.justia: website. — URL: https://supreme.justia.com/cases/federal/us/553/507/ (accessed: 14.07.2022).

461) Verizon Communications, Inc. v. FCC. 535 U.S. 467 (2002) // Supreme.justia: website. — URL: https://supreme.justia.com/cases/federal/us/535/467/ (accessed: 14.07.2022).

462) Virginia v. Black, et al. 538 U.S. 343 (2003) // Supreme.justia: website. — URL: https://supreme.justia.com/cases/federal/us/538/343/ (accessed: 14.07.2022).

463) Wisconsin Central Ltd., et al. v. United States. No. 17-530 (2018) // Supremecourt: website. — URL: https://www.supremecourt.gov/opinions/17pdf/17-530_6537.pdf (accessed: 14.07.2022).

2.2. Scientific articles

464) "Glorious uncertainty of the law" from Thompson's tradesman's Law library // U.S. Intelligencer & rev. — 1831. — P. 124-126.

465) Aprill, E.P. The Law of the Word: Dictionary Shopping in the Supreme Court // Ariz. St. L.J. — Vol. 30. — 1998. — P. 275-336.

466) Bairtos, R. T. The uncertainty of the law // Virginia Law Journial. — 1886. — P. 449-452.

467) Baude, W., Sachs, S.E. The Law of Interpretation // Harvard Law Review. — Vol. 130, No. 4. — 2017. — P. 1079-1147.

468) Blinova, O.V., Belov, S., Revazov, M.A. Decisions of Russian Constitutional Court: lexical complexity analysis in shallow diachrony // CEUR Workshop Proceedings. Proceedings of the International Conference "Internet and Modern Society" (IMS-2020). Radomir V. Bolgov, Andrei V. Chugunov, Alexander E. Voiskounsky (eds.). — 2021. — P. 61-74.

469) Brudney, J., Baum, L. Oasis or Mirage: The Supreme Court's Thirst for Dictionaries in the Rehnquist and Roberts Eras // Wm. & Mary L. Rev. — Vol. 55. — 2013. — P. 483-580.

470) Cooley, T. M. The uncertainty of the law // Am. L. Rev. — 1888. — P. 347-370.

471) Coon, N. 162 Years of Dictionary Use in the Oregon Appellate Courts. Willamette Law Review. — Vol. 55, No. 2. — 2019. — P. 213-260.

472) D'Amato, A. Legal Uncertainty // Cal. L. Rev. — 1983. — Vol. 1. — P. 1-55.

473) Dictionaries: The Art & Craft of Lexicography by Sidney I. Landau, Cambridge; New York: Cambridge University Press. — 1989. — 370 p.

474) Eskridge, W. N. Cases And Materials On Legislation: Statutes And The Creation Of Public Policy, 2d ed. — 1995. — 970 p.

475) Garner, B. A. Speak of the Dictionary // Student Lawyer. — Vol. 41, No. 6. — 2013. — P. 16-17.

476) Green, S. D. Understanding CERCLA through Webster's New World Dictionary and State Common Law: Forestalling the Federalization of Property Law // New England Law Review. — Vol. 44, No. 4. — 2010. — P. 835-868;

477) Hutton, C. Objectification and Transgender Jurisprudence: The Dictionary as Quasi-Statute // Hong Kong Law Journal. — Vol. 41, No. 1. — 2011. — P. 27-48.

478) Jackson, H. Lexicography: An Introduction. — 2002. — 141 p.

479) Karkkainen, B.C. "Plain Meaning": Justice Scalia's Jurisprudence of Strict Statutory Construction // Harv. J.L. & Pub. Pol'y. — Vol. 17. — 1994. — P. 401-480.

480) Kaye, D. H. The Dictionary and the Database // Jurimetrics. — Vol. 53, No. 4. — 2013. — P. 389-394.

481) Kirchmeier, J. L. Scaling the Lexicon Fortress: The United States Supreme Court's Use of Dictionaries in the Twenty-First Century // Marquette Law Review. — Vol. 94, No. 1. — 2010. — P. 77-262.

482) Klinck, D. R. The Language of Codification // Queen's L.J. — 1989. — P. 33-65.

483) Korhecz, T. Official Language and Rule of Law: Official Language Legislation and Policy in Vojvodina Province, Serbia // Int'l J. on Minority & Group Rts. — 2008. — P. 457-488.

484) MacNeil, I. Uncertainty in Commercial Law // Edinburgh L. Rev. — 2009. — P. 68-99.

485) Mascott, J. L. The Dictionary as a Specialized Corpus // Brigham Young University Law Review. — Vol. 2017, No. 6. — 2017. — P. 1557-1588.

486) Mersky, R. M. The Dictionary and the Man: Eighth Edition of Black's Law Dictionary // Washington and Lee Law Review. — Vol. 63, No. 2. — 2006. — P. 719-736.

487) Mouritsen, S. C. The Dictionary is Not a Fortress: Definitional Fallacies and a Corpus-Based Approach to Plain Meaning // Brigham Young University Law Review. — Vol. 2010, No 5. — 2010. — P. 1915-1980.

488) Nelson, C. Originalism and Interpretive Conventions // U. Chi. L. Rev. — Vol. 70. — 2003. — P. 519-598.

489) Pierce, R. J., The Supreme Court's New Hypertextualism: An Invitation to Cacophony and Incoherence in the Administrative State // Colum. L. Rev. — Vol. 95. — 1995. — P. 749-781.

490) Rasmussen, R. K., A Study of the Costs and Benefits of Textualism: The Supreme Court's Bankruptcy Cases // Wash. U. L. Q. — Vol. 71 — 1993. — P. 535-598.

491) Rodriguez, C.M. Language and Participation // Cal. L. Rev. — 2006. — P. 687-767.

492) Ross, A. Directives and norms. New York: Humanities Press. — 1968. — 188 p.

493) Ross, S. M. On legalities and linguistics: plain language legislation. Buff. L. Rev. — 1981. — P. 317-362.

494) Ross, S. M. Committee on Regulation of Consumer Credit "Plain Language Legislation" // Bus. Law. — 1979-1980. — P. 317-363.

495) Scalia, A. Common-Law Courts in a Civil-Law System: The Role of United States Federal Courts in Interpreting the Constitution and Laws // The Tanner Lectures on Human values, delivered at Princeton University at March 8 and 9. — 1995. — P.77-121.

496) Schroth, P. W. Language and Law // Am. J. Comp. L. Supp. — 1998. — P. 17-39.

497) Sudha, S. The President's Private Dictionary: How Secret Definitions Undermine Domestic and Transnational Efforts at Executive Branch Accountability // Indiana Journal of Global Legal Studies. — Vol. 24, No. 2. — 2017. — P. 513-546.

498) Tamayo, Y. A. "Official language" legislation: literal silencing // Harv. Blackletter L. J. — 1997. — P. 107-126.

499) Tankersley, D. C. Beyond the Dictionary: Why Sua Sponte Judicial Use of Corpus Linguistics Is Not Appropriate for Statutory Interpretation // Mississippi Law Journal. — Vol. 87, No. 4. — 2018. — P. 641-678.

500) The Dictionary and the Law // Journal of Legal History. — Vol. 10, No. 3. — 1989. — P. 389-391.

501) The Hon Justice G.T. Pagone. Tax uncertainty // Melb. U. L. Rev. — 2009. — P. 886-907.

502) Thumma, S. A., Kirchmeier, J.L, The Lexicon Has Become a Fortress: The United States Supreme Court's Use of Dictionaries // Buff L. Rev. — Vol. 47. — 1999. — P. 227-302.

503) Yates, S. Black's Law Dictionary: The Making of an American Standard // Law Library Journal. — Vol. 103, No. 2. — 2011. — P. 175-198.

504) Zeppos, N. S, Justice Scalia's Textualism: The "New" New Legal Process // Cardozo L. Rev. — Vol. 12. — 1991. — P. 1597-1650.

2.3. Reference materials

505) Atkins, B., Rundell, M. The Oxford guide to practical lexicography // Oxford university press. — 2008. — 540 p.

506) Garner, B. A. Editor in chief. Black's Law Dictionary. — St. Paul, MN: Thomson Reuters. — 2014. — 2016 p.

507) Landau, S. I. Dictionaries: the art and craft of lexicography. — Cambridge University Press Cambridge; New York. — 2001. — 477 p.

508) Law, J., Martin, E. A. A Dictionary of Law. 7 ed. — Oxford University Press. — 2014. — 602 p.

509) Stevenson, A. Oxford Dictionary of English. — Oxford University Press. — 2017. — 2069 p.

510) The Concise Oxford Dictionary of Mathematics, 3 ed. // Oxford University Press. — 2005. — 512 p.

511) Webster's Third New International Dictionary of the English Language, Unabridged. — Springfield, Mass.: Merriam-Webster. — 2002. — 2764 p.