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B.A. Kulmukhanbetova¹, R.M. Mah'yanova²

*¹Management Academy of the Ministry of Internal Affairs of the Republic of Kazakhstan,
Astana, the Republic of Kazakhstan*

*²Prince Alexander Nevsky Military University of the Ministry of Defense of the Russian Federation,
Moscow, the Russian Federation*

A TACTICAL AND METHODOLOGICAL APPROACH TO THE ORGANIZATION AND CONDUCT OF PROSECUTORIAL INSPECTIONS OUTSIDE THE CRIMINAL LAWFIELD IN THE RUSSIAN FEDERATION AND THE REPUBLIC OF KAZAKHSTAN

Abstract. The article highlights some problems with the theoretical, legal, tactical, and methodological support for prosecutorial inspections outside the criminal law sphere. Based on a comparative legal analysis of the supervisory activities of the prosecutor's offices of the Russian Federation and the Republic of Kazakhstan, and literature published in open sources, the similarities and peculiarities of legislation have been identified, including existing problems in law enforcement practice, including issues of theoretical and applied research on the fundamentals of the tactics of the prosecutor's office's supervisory activities, affecting the quality of prosecutorial inspections. The authors emphasize the need to adopt a situational approach to the organization and conduct of inspections, drawing on scientific knowledge from various industries and accounting for modern realities. The article may be helpful for further developments in the theory and practice of supervisory activities in both academic and law enforcement environments.

Keywords: methods of prosecutorial inspections; organization of prosecutorial inspections; prosecutor's office; prosecutorial inspection; situational approach to prosecutorial inspection; tactics of supervisory activities.

Б.А. Кулмұханбетова¹, Р.М. Махьянова²

*¹Қазақстан Республикасы Ішкі істер министрлігінің Басқару академиясы,
Астана қ., Қазақстан Республикасы*

²Ресей Федерациясының Қорғаныс министрлігі князь Александр Невский атындағы Әскери университет, Мәскеу қ., Ресей Федерациясы

РЕСЕЙ ФЕДЕРАЦИЯСЫ МЕН ҚАЗАҚСТАН РЕСПУБЛИКАСЫНДА ҚЫЛМЫСТЫҚ-ҚҰҚЫҚТЫҚ САЛАДАН ТЫС ПРОКУРОРЛЫҚ ТЕКСЕРУЛЕРДІ ҰЙЫМДАСТЫРУҒА ЖӘНЕ ЖҮРГІЗУГЕ ТАКТИКАЛЫҚ-ӘДІСТЕМЕЛІК ТӘСІЛ

Аннотация. Мақалада қылмыстық-құқықтық саладан тыс прокурорлық тексерулерді теориялық-құқықтық және тактикалық-әдістемелік қамтамасыз етудің кейбір мәселелері қамтылған. Ресей Федерациясы мен Қазақстан Республикасы прокуратураларының қадағалау қызметін, ашық дереккөздерде жарияланған әдебиеттерді салыстырмалы-құқықтық талдау негізінде заңнамалардың ұқсастықтары мен ерекшеліктері, оның ішінде прокурорлық тексерулердің сапасына әсер ететін прокуратураның қадағалау қызметі тактикасының негіздерін теориялық және қолданбалы зерттеу мәселелерін қамтитын құқық қолдану практикасындағы проблемалар анықталды. Авторлар заманауи шындықты ескере отырып, әртүрлі салалардың ғылыми білімдерін пайдалана отырып, тексерулерді ұйымдастыруға және жүргізуге ситуациялық тәсілді қолдану қажеттілігіне назар аударады. Мақала академиялық және құқық қорғау ортасындағы қадағалау қызметінің теориясы мен практикасындағы одан әрі даму үшін пайдалы болуы мүмкін.

Түйінді сөздер: прокурорлық тексеру әдістемесі; прокурорлық тексеруді ұйымдастыру; прокуратура; прокурорлық тексеру; прокурорлық тексеруге ситуациялық тәсіл; қадағалау қызметінің тактикасы.



Б.А. Кулмуханбетова¹, Р.М. Махьянова²

¹Академия управления Министерства внутренних дел Республики Казахстан,
г. Астана, Республика Казахстан

²Военный университет имени князя Александра Невского Министерства обороны Российской Федерации, г. Москва, Российская Федерация

ТАКТИКО-МЕТОДИЧЕСКИЙ ПОДХОД К ОРГАНИЗАЦИИ И ПРОВЕДЕНИЮ ПРОКУРОРСКИХ ПРОВЕРОК ВНЕ УГОЛОВНО-ПРАВОВОЙ СФЕРЫ В РОССИЙСКОЙ ФЕДЕРАЦИИ И РЕСПУБЛИКЕ КАЗАХСТАН

Аннотация. В статье освещены некоторые проблемы теоретико-правового и тактико-методического обеспечения прокурорских проверок вне уголовно-правовой сферы. На основе сравнительно-правового анализа надзорной деятельности прокуратур Российской Федерации и Республики Казахстан, литературы, опубликованной в открытых источниках, определены сходства и особенности законодательств, в т.ч. имеющиеся проблемы в правоприменительной практике, включающие вопросы теоретического и прикладного исследования основ тактики надзорной деятельности прокуратуры, отражающиеся на качестве прокурорских проверок. Авторы акцентируют внимание на необходимость применения ситуационного подхода к организации и проведению проверок с использованием научных знаний различных отраслей с учетом современных реалий. Статья может быть полезна для дальнейших разработок в теории и практике надзорной деятельности как в академической, так и в правоприменительной среде.

Ключевые слова: методика прокурорских проверок; организация прокурорской проверки; прокуратура; прокурорская проверка; ситуационный подход к прокурорской проверке; тактика надзорной деятельности.

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Introduction. The protection of the rights and legitimate interests of the individual, and the ensuring of the security of society, are a modern trend in the development of a legal, democratic and social state. In this context, ensuring the rule of law by the Prosecutor's office is of key importance. The implementation of professional activity involves the use of scientific knowledge, practical experience, and the norms of current legislation applicable to its specifics.

Prosecutorial activity is one of the primary mechanisms for ensuring law and order in the state. The primary legal means of detecting, eliminating and preventing violations of the law is a prosecutor's inspection, the quality and effectiveness of which depend on the restoration of violated human and civil rights and freedoms, compensation for damage caused, and the identification and prosecution of perpetrators as prescribed by law [1].

Materials and methods. The methodological basis was the dialectical method of cognition, which enabled consideration of the prosecutor's examination outside the criminal law sphere as a dynamic process of development. The work

uses a set of general scientific and special methods such as system analysis for structuring the stages of supervisory activities; a logical and legal method for specifying the content of organizational and preparatory measures of the prosecutor; a comparative legal method for critical analysis of the legislation of the Russian Federation and the Republic of Kazakhstan to identify differences in the regulation of verification procedures.

The empirical basis of the study was statistical data on the state of legality, materials of law enforcement practice, and the process of introducing digital technologies (the Digital Supervision program). Regulatory legal acts have been studied: The Constitutional Law of the Republic of Kazakhstan "On the Prosecutor's Office" dated November 5, 2022 № 155-VII, the Federal Law "On the Prosecutor's Office of the Russian Federation" dated January 17, 1992 № 2202-I, as well as the order of the Prosecutor General of the Republic of Kazakhstan "On certain issues of the organization of prosecutorial supervision" dated January 17, 2023 Year № 32, defining the



rules for conducting inspections. The theoretical foundation of the research is based on the analysis of scientific publications (A.B. Komilov, R.M. Makhyanova, etc.) on the tactics of supervisory activities and the introduction of artificial intelligence into prosecutorial supervision. The sources used substantiated the need to apply foreign experience to improve the national supervisory system.

Results, discussion. The prosecutor's inspection is characterized by consistent actions, determined by the goals and objectives of a specific supervisory measure, based on the subject of supervision and the specifics of the object's (subject's) activity.

It is important to note here that, taking into account the main goals and objectives of the audit, the actions of the prosecutor can be roughly divided into verification, as well as those related to the adoption of response measures and interim measures aimed at meeting the requirements set out in the documents of the prosecutor's response.

Scientists and practitioners have identified four consecutive, alternating stages in the work of the prosecutor in the supervision:

- identification of violations of the law and circumstances contributing to them;
- analysis of the information received;
- responding to identified violations of the law and circumstances contributing to them;
- checking the effectiveness of acts of prosecutorial response [2].

The sequence of actions of the prosecutor and its strict observance are critical, as they affect the effectiveness and quality of the audit. Each of the stages of the complex of actions has its own tasks, ignoring or partially failing to fulfil which can lead, among other things, to the omission of facts and circumstances affecting the formation of the evidence base, an objective assessment by the prosecutor of the state of legality, and the grounds for applying appropriate measures of prosecutorial response.

When deciding whether to conduct a substantive audit, its effectiveness primarily

depends on the prosecutor's level of training.

This part of the supervisory measure includes the implementation by the prosecutor of organizational and preparatory measures having the principal directions (preparation of the prosecutor and carrying out preparatory measures):

- study and analysis of the legislation that constitutes the subject(s) of the audit;
- legislative acts that guide officials and other persons of the supervised facility in their activities;
- analysis of the state of legality at the supervised facility, including the results of previous inspections (if any);
- choosing the verification method;
- identification of the circle of persons involved in the audit (including, from among the prosecutor's staff (in the case of a comprehensive audit), officials of a higher authority in relation to the object of supervision);
- involvement of a specialist (expert) and development of issues to be clarified by him during the supervisory event;
- determination of the technical means to be used by the prosecutor;
- determination of the place, time and duration of the inspection;
- drawing up an inspection plan and its approval by the prosecutor, the head or deputy (or persons replacing them) in charge of the relevant area of supervision;
- preparation of a decision¹ (resolution)² on conducting an audit.

Thus, during the study of legislation subject to verification for compliance with its requirements, the prosecutor is also required to familiarize himself with the organizational and administrative documents of the Prosecutor General in a specific area of supervision in order to fulfil the tasks assigned by the higher prosecutor to the lower ones and achieve the effectiveness of supervisory measures.

An analysis of the legislation governing the organization and operation of a supervised facility will allow us to determine whether its requirements are entirely or only partially

¹ О прокуратуре Российской Федерации: Федеральный закон от 17 янв. 1992 г. № 2202-1 [Electronic resource] – Access mode: https://www.consultant.ru/document/cons_doc_LAW_262/ (Access date: 17.01.2026).

² On the Prosecutor's Office: Constitutional Law of the Republic of Kazakhstan dated November 5, 2022 No. 155-VII [Electronic resource] – Access mode: <https://adilet.zan.kz/eng/docs/Z2200000155> (Access date: 17.01.2026).



met, as well as related problems, including those involving interaction with the competent prosecutor's office. The results of the specified analytical activity of the prosecutor will become one of the information components that complement information about the state of legality in relation to a specific subject, object (subject) of supervision as a whole or individually for each, in order to form a complete picture of the supervisory characteristics at the end of the audit.

The analysis of the state of legality enables comparison of statistical data on violations of the law with the same period in the previous year, to establish the causes and conditions conducive to their commission.

In addition, in our opinion, such work by a prosecutor should not be limited to studying digital indicators and analyzing them, since the term "state of legality", which has not been sufficiently studied in the theory and practice of prosecutorial supervision, has a broad concept and literally implies the observance and enforcement of laws by everyone, everywhere and always.

However, the primary purpose of a separate audit is to assess the legality of the activities of officials and other persons on a specific subject of supervision (a law or a group of laws and other by-laws), and this implies an integrated approach that does not depend only on the results of prosecutorial inspections and compliance with the requirements of the prosecutor set out in the response acts, but also others: regulatory, law enforcement, auditing and higher authorities [3].

Taking into account current legislation and supervisory practice, there are two main ways to conduct an inspection: on-site and by requesting documents and summoning persons to provide explanations.

These methods, in turn, affect the content of the prosecutorial oversight process. In the first case, the most complete list of the prosecutor's actions is assumed; in the second, a selective one. At the same time, it is necessary to take into account the reason, basis, and subject of the inspection, which ultimately determine the methods of its implementation.

For example, in most cases, the prosecutor assesses the legality of regulatory acts issued

by authorized bodies and officials upon request and review, without requiring a mandatory visit to the supervised facility.

The circle of participants in the audit is determined solely by the prosecutor, since he is its head and has the right to coordinate the activities of officials and other persons involved in its conduct.

Thus, the specialist (expert) participating in the inspection is obliged to answer the prosecutor's questions regarding the subject of the inspection. The prosecutor may formulate additional questions or, conversely, remove some of them, depending on the prevailing supervisory circumstances.

The choice of technical means to be used during the inspection largely depends on the subject of the inspection and the method of its implementation.

Preparation for the audit ends with the preparation of a plan, the content of which should reflect the main actions of the prosecutor, including the collection of documentary evidence, the identification of effective means of response, and the ensuring of compliance with all requirements set out in the results of the oversight event.

The completeness and objectivity of the plan depend on the quality of the organizational and preparatory measures implemented and on their careful analysis, to identify and develop the most rational actions for the prosecutor to perform at each verification stage.

The tactics of prosecutorial supervision should be understood as the search, development and implementation of rational solutions in the context of supervisory situations that arise during the organization and conduct of inspections [3].

Thus, during the preparation of the prosecutor for the inspection, he develops a preliminary inspection tactic that may change in light of the circumstances of the supervisory situation.

Its legal regulation is essential in ensuring the prosecutorial and supervisory process (the supervisory activities of the prosecutor's office).

Here we are talking about the legal regulation of the prosecutor's activities during the audit and the commission of a set of mandatory measures.

The results of a comparative analysis of the legislation governing the organization and



implementation of supervisory activities in the prosecutor's offices of Russia and Kazakhstan indicate that the Republic of Kazakhstan regulates the prosecutor's verification process in the most incredible detail.

Thus, along with the fundamental Constitutional law on the Prosecutor's Office, there is an order of the Prosecutor General of the Republic of Kazakhstan "On certain issues of the organization of prosecutorial supervision" dated January 17, 2023 No. 320, containing Appendix 1 – "Rules for the appointment and conduct by the prosecutor's office of inspections of legality, analysis of the state of legality, as well as the assessment of acts that have entered into force" (hereinafter referred to as the Rules) and Appendix 2 – "Instructions on the organization of supervision over the legality of the activities of state, local representative and executive bodies, local self-government bodies, institutions, their officials, and other organizations, regardless of their form of ownership, as well as acts and decisions adopted by them"³.

According to the provisions of paragraphs 24, 25 of the above Rules, when conducting inspections by prosecutors, it is mandatory to clarify the causes and conditions of violations of the rule of law; problems of compliance with the rule of law (legal and organizational) and their impact on the observance of the rights, freedoms and legitimate interests of individuals and legal entities, society and the state are identified.

Regardless of the subject of the audit, the resolution on its conduct specifies as the subject the application of legislation on combating corruption, laundering of proceeds from crime, on the prevention of offenses and on administrative offenses (if the inspected body or organization is a subject of crime prevention, has the authority to initiate proceedings on an administrative offense), the legality of legal acts of the state, local representative and executive bodies, local self-government bodies and their officials, as well as other organizations (on the subject of verification).

Upon completion of the audit, a certificate on the results of the audit is drawn up, which, among other things, indicates: an analysis of the causes

that contributed to the violations; a mechanism for eliminating the identified violations of legality, the causes and conditions contributing to them; proposals for improving the legislation of the Republic of Kazakhstan, and other measures.

If there are objections to the certificate, the subject under review may submit them in writing within 3 working days of delivery⁴.

Taking into account the international experience of legal regulation of law enforcement checks outside the criminal law sphere, it seems advisable to implement certain norms of the legislation of the Republic of Kazakhstan in the provisions of the Federal Law "On the Prosecutor's Office of the Russian Federation" in order to improve the quality of prosecutorial oversight activities.

The consistency and clarity of the prosecutor's actions are possible only under proper legal regulation of the inspection process. The quality of the audit and the achievement of its goal are interrelated and inseparable.

Qualitative verification is expressed in the implementation by the prosecutor of the full range of powers, as well as its tactical and methodological support, during which the circumstances that gave rise to violations are revealed, cases of repeated violations of the law are eliminated, and conditions conducive to conducting control and repeated inspections in order to assess the effectiveness of supervisory activities are minimized.

The prosecutor must fully resolve all these issues during the verification stages.

Scientific papers on prosecutorial supervision have noted problems affecting both the conduct of prosecutorial inspections themselves and their quality [4].

Thus, Soviet scientists raised the issues of improving inspection quality and detailing the prosecutor's actions during their conduct. Currently, this problem remains unresolved. To solve this problem, some scientists are taking specific measures and studying the theoretical and applied foundations of the prosecutor's supervisory tactics [5].

The legislation governing inspections in Russia and Kazakhstan does not include

³ О некоторых вопросах организации прокурорского надзора: приказ Генерального Прокурора Республики Казахстан от 17 янв. 2023 г. № 32 [Electronic resource] – Access mode: <https://adilet.zan.kz/rus/docs/V2300031753> (Access date: 17.01.2026).

⁴ In the same place.



the term “tactics” because this issue has not been sufficiently studied at the theoretical and practical levels.

One of the main principles of the prosecutor's office's surveillance tactics is to detail the prosecutor's actions in monitoring events and determining which method to use at any given time.

Here we are talking about a situational approach to the organization and conduct of inspections, which also needs to be developed by both Russian and Kazakhstani scientists. This will improve methodological recommendations and manuals on conducting prosecutor's inspections in the areas of supervision. A methodology is a set of methods of action and techniques for carrying out practical activities. Based on supervisory experience, techniques and methods of action need to be identified and developed specifically for the current supervisory situation.

The development of tactics involves the application of knowledge from various scientific fields, advanced technologies, including artificial intelligence [6].

The Prosecutor General of the Russian Federation raised this issue at a solemn event dedicated to the 303rd anniversary of the Russian Prosecutor's Office, where they instructed prosecutors to “actively implement the capabilities of artificial intelligence and other digital technologies in the implementation of prosecutorial supervision”⁵.

The Digital Surveillance program developed by the Prosecutor General's Office of the

Republic of Kazakhstan, with elements of artificial intelligence, has become an effective tool for implementing the principle of zero tolerance for offences. It provides for a transition to a proactive work format based on data and predictive analytics⁶.

In order to optimize the supervisory activities of the prosecutor's office and to have objective information about the state of legality in the territory under the supervision of the prosecutor (the object of supervision), it seems advisable to record the supervisory characteristics in the database of electronic records of prosecutor's offices at all levels [7].

Conclusion. In summary, it is necessary to identify key points. Firstly, the supervisory activities of the prosecutor's office are subject to detailed legal regulation in both Russia and Kazakhstan in an independent legislative act reflecting the verification process and the main activities of the prosecutor in order to achieve its quality and transparency; secondly, it seems advisable to conduct fundamental research in the field of tactics. Furthermore, methods of prosecutorial supervision; Thirdly, it is necessary to introduce the latest achievements in science and technology into the supervisory activities of the prosecutor's office in order to increase its effectiveness and the level of professional training of prosecutors, as well as strengthen the authority of the prosecutor's office as one of the central bodies performing the function of ensuring legality and maintaining law and order in society and the state.

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⁶ В Генеральной прокуратуре состоялось заседание Координационного совета по обеспечению законности, правопорядка и борьбе с преступностью [Electronic resource] – Access mode: https://prg.kz/document/?doc_id=37768203&pos=10;80 (Access date: 16.01.2026).



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АВТОРЛАР ТУРАЛЫ МӘЛІМЕТТЕР / СВЕДЕНИЯ ОБ АВТОРАХ / INFORMATION ABOUT THE AUTHORS

Бибигуль Аманжоловна Кулмуханбетова – Қазақстан Республикасы Ішкі істер министрлігінің Басқару академиясы арнайы даярлық кафедрасының профессоры, заң ғылымдарының кандидаты, құқықтану доценті, гуманитарлық ғылымдар магистрі (Уорик университеті), e-mail: kuba07@inbox.ru.

Кулмуханбетова Бибигуль Аманжоловна – профессор кафедры специальной подготовки Академии управления Министерства внутренних дел Республики Казахстан, кандидат юридических наук, доцент правоведения, магистр гуманитарных наук (Университет Уорика), e-mail: kuba07@inbox.ru.

Kulmukhanbetova Bibigul Amanzholovna – Professor of the Special Training Department of the Management Academy of the Ministry of Internal Affairs of the Republic of Kazakhstan, Candidate of Law, Associate Professor of Law, Master of humanitarian science (University of Warwick), e-mail: kuba07@inbox.ru.



Римма Мубаракловна Махьянова – Ресей Федерациясының Қорғаныс министрлігі князь Александр Невский атындағы Әскери университеті әскери әкімшілік, әкімшілік және қаржылық құқық кафедрасының доценті, заң ғылымдарының кандидаты, доцент, e-mail: r@9099177842.ru.

Махьянова Римма Мубаракловна – доцент кафедры военной администрации, административного и финансового права Военного университета имени князя Александра Невского Министерства обороны Российской Федерации, кандидат юридических наук, доцент, e-mail: r@9099177842.ru.

Mah'yanova Rimma Mubarakovna – Associate Professor of the Department of Military Administration, Administrative and Financial Law at the Military University named after Prince Alexander Nevsky of the Ministry of Defense of the Russian Federation, Candidate of Law, Associate Professor, e-mail: r@9099177842.ru.