

About the Status of Law Norms

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Abstract:

This article analyzes the problem of recommendatory norms in Russian literature, both Soviet and modern, which is solved ambiguously. As for Soviet theoretical scientists, recommendation norms were the subject of study by such authors as Nikolai Grigorievich Alexandrov, Alexander Filippovich Shebanov, Peter Yemelyanovich Nedbailo, Vladimir Srgeevich Petrov, Valery Evaldovich Krasnyansky. Viktor Mikhailovich Gorshenev, Cecilia Abramovna Yampolskaya, Vladimir Matveevich Solyanik, Viktor Lavrenievich Kulapov, whose scientific works are given below. Regarding modern legal literature, unfortunately, we have to state that, basically, with rare exceptions (scientific articles by Vladimir Valentinovich Kozhevnikov, Alexander Evgenievich Kondratyev, Sadri Salikhovich Kuzakbirdiev), this problem is considered only in educational literature. When preparing a scientific article, the following methods were used: general philosophical (dialectical-materialistic), which is used in all social sciences; general scientific (analysis and synthesis, logical and historical, comparisons, abstractions, etc.), which are used not only by the theory of state and law, but also by other social sciences; special methods (philological, cybernetic, psychological, etc.), developed by special sciences and widely used for the knowledge of state and legal phenomena; private scientific (formal legal, interpretation of law, etc.), which are developed by the theory of state and law. Soviet scientists - legal theorists: supporters and opponents of the recognition of recommendatory norms of law. From the point of view of scientists, a "recommendatory" - containing recommendation, i.e. advice, wish [1], instruction [2].

Keywords:

mutual cooperation; student understanding; culture

I. Introduction

This article analyzes the problem of recommendatory norms in Russian literature, both Soviet and modern, which is solved ambiguously.

II. Review of Literatures

As for Soviet theoretical scientists, recommendation norms were the subject of study by such authors as Nikolai Grigorievich Alexandrov, Alexander Filippovich Shebanov, Peter Yemelyanovich Nedbailo, Vladimir Srgeevich Petrov, Valery Evaldovich Krasnyansky. Viktor Mikhailovich Gorshenev, Cecilia Abramovna Yampolskaya, Vladimir Matveevich Solyanik, Viktor Lavrenievich Kulapov, whose scientific works are given below. Regarding modern legal literature, unfortunately, we have to state that, basically, with rare exceptions (scientific articles by Vladimir Valentinovich Kozhevnikov, Alexander Evgenievich Kondratyev, Sadri Salikhovich Kuzakbirdiev), this problem is considered only in educational literature.

III. Research Methods

When preparing a scientific article, the following methods were used:

1. general philosophical (dialectical-materialistic), which is used in all social sciences;
2. general scientific (analysis and synthesis, logical and historical, comparisons, abstractions, etc.), which are used not only by the theory of state and law, but also by other social sciences;
3. special methods (philological, cybernetic, psychological, etc.), developed by special sciences and widely used for the knowledge of state and legal phenomena;
4. private scientific (formal legal, interpretation of law, etc.), which are developed by the theory of state and law.

III. Discussion

3.1 Soviet Scientists - Legal Theorists: Supporters and Opponents of the Recognition of Recommendatory Norms of Law

From the point of view of scientists, a "recommendatory" -containing recommendation, i.e. advice, wish [1], instruction [2].

Without a doubt, due to a number of objective circumstances, which will be discussed below, in Soviet legal science, attention to the analysis and characterization of recommendatory norms was greater than at the present time. So, Nikolai Grigorievich Aleksandrov, recognizing as an independent type of recommendatory norms contained in many acts on collective farm construction, believed that legal instructions addressed to collective farms are expressed in these norms in the form of recommendations to take one or another action [3]. Aleksandr Filippovich Shebanov argued that the legal nature (hereinafter, it is highlighted by us - Vladimir Valentinovich Kozhevnikov) of such recommendations is due to the fact that they: 1) are addressed, on the one hand, to collective farms, and on the other, to state bodies and are absolutely obligatory for the latter; 2) oblige the governing bodies in collective farms to decide on their application in these specific cases; 3) by their content, they abolish the previously valid legal norms on these issues; 4) are the basis for the mandatory rules and regulations adopted by the governing bodies of collective farms for the regulation of intra-collective farm relations [4]. We believe that it is extremely doubtful to make these norms mandatory.

Soviet theoretical scientists believed that state recommendations to collective farms are a set of legal norms, and they call them "recommendatory norms" [5; 6]. The justification for such a claim is, in particular, based on the obligation of the addressee to consider the recommendation. According to Pyotr Yemelyanovich Nedbailo, the recommendation should be recognized as a legal norm because "it obliges the collective farm to find this or that solution" [7]. Referring to the resolution of the Council of Ministers of the USSR and the Central Committee of the CPSU of September 21, 1953, recommending making advance payments to collective farmers, where appropriate, the scientist wrote that, despite the recommendatory nature, this norm "is not devoid of imperative significance, since it obliges the collective farm to discuss this issue" [7] or, in other words, take this decision into consideration.

In this regard, Vladimir Sergeevich Petrov and Valery Evaldovich Krasnyansky quite reasonably noted that, first, the content of the recommendatory norms does not at all imply someone's legal obligation to discuss them; secondly, even if there was a legal obligation to discuss the recommendation, such an imperative would have nothing to do with the content of the act; if we assume that the very problematic obligation to discuss a recommendation gives a

legal character to the entire prescription, then we can come to the conclusion that for the implementation of a legal norm it is enough to get acquainted with it. They summarize that “the recommendation norm does not contain a legal imperative, is not a state dictate and, therefore, cannot be classified as legal” [8].

The recommendatory norms of Soviet law were also recognized by Viktor Mikhailovich Gorshenev, who talks about the recommendatory method of legal regulation, the essence of which “consists in the fact that the regulatory prescriptions contain advice without direct binding regulation regarding the desired behavior, the adherence to which will most effectively achieve a result beneficial to a particular team or the whole society. In addition, as noted by the author, “the recommendatory method, as a rule, involves the establishment of certain conditions of support that ensure the implementation of the chosen behavior” [9].

Supporters of a different point of view believed that these recommendations and similar documents issued by state bodies, even in the form of a legal act, cannot be recognized as legal regulations, since they contain provisions, the implementation of which is not ensured by legal sanctions. In other words, such acts are devoid of the property of state obligation [10]. According to Cecilia Abramovna Yampolskaya, the recommendatory norms are not legal because “they are not provided with a legal sanction and are not formulated in a categorical form” [11].

There were also those authors who groundlessly not only denied the legal nature of the analyzed norms, but also questioned the very possibility of their existence as social norms [12].

3.2 State Recommendations in Various Branches of Soviet Law

Scientists have attempted to consider state recommendations outside of public relations regulated by Soviet collective farm law [13]. The rather widespread prevalence of recommendatory norms in various branches of Soviet law was noted, albeit in general terms, by a number of authors [14;15;16].

So, Vladimir Matveyevich Solyanik, emphasizing that in the “mechanism of legal regulation of labor relations between workers and employees as a system of various legal means of influence (more correctly, regulation - Vladimir Valentinovich Kozhevnikov) state recommendations occupy a noticeable place on these relations,” enterprises transferred to the new conditions of planning and economic incentives affect the regulatory framework of labor relations between workers and employees.

Considering the issue of the legal nature of such recommendations, given by the author, as well as by other scientists [17; 18], it is argued that, on the one hand, there is no reason to identify the recommendations of the supreme bodies of sectoral and interstate management and the corresponding trade union bodies sent to enterprises with “proper” legal norms, because they do not have the features inherent in the rule of law “in general”. However, such main signs of a rule of law as the imperiousness of a prescription or command about the proper, possible, necessary behavior of persons, the generally binding rules of behavior of a general nature, ensuring the operation of a rule of law by state coercion in no way characterize the recommendations under consideration. Vladimir Matveyevich Solyanik argued that the recommendations cannot be considered as legal norms, and the practice of developing local labor law norms at enterprises also confirms. The point is that in 1967-1972. ministries (departments), in the system of which enterprises and organizations were transferred to new economic conditions, together with the relevant Central Committees of trade unions, adopted

acts-recommendations for subordinate enterprises containing ready-made legal "material" for the subsequent regulatory solution of issues attributed to the competence of the administration and the FZMK ... However, the author notes, the addressees of the recommendation - the administration and the FZMK, instead of the decisions proposed by higher authorities, often made their own regulatory decisions, considering the former to be inexpedient or ineffective for the enterprise itself, that is, they did not consider them as a regulatory prescription [19]. At the same time, the overwhelming majority of recommendations are perceived in local legal acts (provision on the payment of annual remuneration, provisions on bonuses, etc.) without any changes. According to Vladimir Matveyevich Solyanik, firstly, the transformation of industry recommendations into local labor law norms is explained by the fact that these recommendations represent, as it were, the most correct solutions to certain socio-economic issues, but without taking into account the specifics of a particular enterprise; secondly, in the form of recommendations, they represent ready-made constructions or models of norms for inclusion in the relevant acts. On the other hand, it is wrong to believe that the recommendations of an enterprise expressing the opinion of the highest government bodies are outside the legal system. As the author believed, "first of all, one cannot fail to see in them some, although not the main ones, but still characterizing the rule of law: impersonalization, formal certainty, long-term use. The similarity is also manifested in the fact that for the addressee, consideration of both legal norms and recommendations constitute a legal obligation "[19].

The appearance in a certain Soviet period of time in the system of labor law of recommendations of state administration bodies and trade union bodies directed by the administration and the FZMK of enterprises (production, research and production associations and combines) for the implementation of local rule-making, confirms the opinion of Sergei Sergeevich Alekseev that in law they can there are such "generalizing provisions" which (if considered in isolation), although they are devoid of the main features of the rule of law, are constituent parts of the legal system, express its normative nature and, as part of the system, "participate" in legal regulation, and therefore are "legal provisions "[20].

Moreover, state recommendations for state-owned enterprises were considered by scientists as a kind of legal provisions, new for that time, necessary for the construction of local legal norms governing relations on the payment of annual remuneration and bonuses at enterprises, which were transferred to the new conditions of planning and economic incentives. At the same time, it is noted that these legal provisions, together with the norms of labor law, serve one social goal - the regulation of social labor relations in the direction necessary for the state [19].

Theorists also drew attention to the fact that in the mechanism of legal regulation of labor relations, state recommendations perform a specific regulatory function, which ends when the recommendation is implemented, "passes" into a local rule of law. At one time, Roman Zinovievich Livshits noted that "state regulation of wages can also be indirect, when, with the help of model provisions and recommendations, the state offers the enterprise several possible decisions to choose from, leaving the enterprise the right to make this or that decision" [21].

3.3 Scientific Publications Devoted to Advisory Norms of Law in the Soviet Period

Without any doubt, it can be stated that in the Soviet period of the development of our society, the greatest contribution to the development of the theory of recommendatory norms was made by Viktor Lavrentievich Kulapov, who wrote a monograph and a number of scientific articles.

In his monograph, Viktor Lavrent'evich Kulapov defined the recommendatory norm as "a rule of behavior indicating the desirable development of social relations belonging to the addressee's competence, allowing him to take into account his local conditions, opportunities, reserves and supported in its implementation by government measures of a positive and negative nature" [22] ... The scientist, pointing out the connection between recommendatory norms and the state, draws attention to the forms of its manifestation: a) the state itself creates the analyzed norms or takes part in their creation; b) the normal implementation of recommendatory norms is impossible without the activities of the relevant state bodies, without their organizational, financial and other assistance; c) the implemented norms are protected from violations by the force of state coercion [22]. Noteworthy is the provision according to which "a recommendation norm, due to its inherent characteristics, cannot oblige its main addressee to perform any specific actions provided for in it or not to perform them. It gives him the right to define the behavior himself, indicating his desired option or options. " The scientist is convinced that "at the same time, the legal obligation, the state imperative of the recommendatory norm inherent in it, is expressed, first of all, not in subjective law, but in the legal obligation, which is imposed on the relevant subjects and is supported by measures of state coercion [22]. As an example, the decree of the Council of Ministers of the RSFSR dated July 2, 1966 "On recommendations for remuneration in collective farms" is given, which grant collective farms certain rights, and local government bodies are entrusted with the responsibility of developing and implementing measures to introduce guaranteed remuneration for collective farmers. We believe that the stated position is very controversial, because its character of a recommendatory rule of law is due to the presence of the main addressee, which in this case are collective farms. Moreover, the position of Viktor Lavrent'evich Kulapov does not correspond to the further reasoning set forth in the monograph and in his other works, which will be discussed below, about the similarity "... in the construction and in the features of the regulatory impact of recommendatory and authorizing norms" [22].

In one of the articles, the scientist categorically asserts that, in addition to the recommendatory norms that are of a legal nature and general features inherent in any kind of socialist law that regulate relations between people, there is a large group of technical recommendations that express not the attitude of a person to a person, but man's attitude to nature regarding its most appropriate and effective use. The last group of recommendations is undoubtedly not legal in nature. From these positions, it is quite possible to agree with Viktor Lavrentyevich Kulapov, who criticizes Yadviga Stanislavovna Mikhalyak, who generally denies the legal nature of recommendatory norms, referring to the fact that the direct content of these norms "are not rules of conduct indicating rights and obligations, but agronomic, technical, moral, organizational advice"[23].

Viktor Lavrenievich Kulapov, noting the similarity between the authorizing and recommendatory norms, wrote that the right to perform certain actions comes to the fore. Speaking about significant differences, the author emphasizes that the legislator simply permits the performance of any actions by the governing norm, and by issuing a recommendatory norm, he recommends, advises, and speaks of the desirability of performing these actions. The author is convinced that "... the recommendation norm expresses the state imperative, protected, if necessary, by measures of state coercion. In the analyzed variety of norms, it is expressed even more clearly than in the authorizing norms, the legal nature of which ... is beyond doubt"[24].

The noted similarity between the authorizing and recommendatory norms of law served as the basis for some scholars to consider the latter as a kind of authorizing norms [25].

Basically, solidarizing with the cited copyright provisions, it is difficult to agree with the scientist, at least, with two provisions: firstly, with the fact that recommendatory norms of law have common features inherent in any kind of norms of law; secondly, with the assertion that “a recommendatory norm issued by state authorities and administration, unlike an authorizing norm, cannot be addressed to individual citizens” [24], ignoring such a sign of any rule of law as its non-personalized nature.

3.4 The Problem of Recommendatory Norms of Law in Modern Jurisprudence

At the present time, due to the change in the socio-economic and political situation, the change in the legal policy of the modern Russian state, which largely determined the presence of many recommendatory norms of law, there is practically no interest in their study. Vladimir Konstantinovich Babaev noted the following tendency: as market relations develop, recommendation norms will have a twofold fate: many of the existing ones will lose their meaning and will be canceled, since the state will free enterprises and agricultural associations from their petty tutelage, giving them full economic and organizational independence. The scientist was sure that "recommendatory norms will be developed, replacing the imperative norms" [27].

The cooling of interest in the recommendatory norms is taking place against the background of an ongoing dispute between its supporters and opponents over the issue of their legal nature. The latter simply ignore them [28; 29]. Suffice it to say that the recommendatory norms of law were only mentioned in the monograph of Mikhail Iosifovich Baytin, who argued that this type of legal norms can be subdivided into recommendatory norms regulating relations in the field of agriculture, construction industry, culture, public education, finance, etc. Recognizing the diversity of the subjects-addressees of these legal norms, the scientist wrote that "... according to the established practice of Russian law, they are mainly cooperative organizations and state enterprises" [30].

Various aspects of recommendation norms have been discussed by scientists in a small number of scientific articles, including the author of this work [31].

Indeed, on the issue of recommendatory norms in modern legal literature, sometimes mutually exclusive positions are expressed. In science, a single criterion for the selection of recommendatory norms has not yet been determined. In particular, Ivan Yakovlevich Dyuryagin notes that “it is customary for Soviet legal literature to single out recommendatory norms ...” [33]. According to Sergei Sergeevich Alekseev, "a specific place in the classification of legal norms is occupied by the so-called recommendatory norms" [34]. Sergei Aleksandrovich Komarov acts similarly to previous scholars, noting that “law is characterized by a special kind of norms emanating from state bodies, but endowed with the force of recommendatory norms” [35]. Stepan Grigorievich Drobyazko and Vasily Semenovich Kozlov simply state that “a special variety of norms emanating from state bodies, but endowed with the force of recommendatory norms, is inherent in law” [36]. There is a point of view according to which both incentive and recommendatory norms by legal nature are groundlessly referred to as authoritative norms, while emphasizing that “their allocation into special groups is associated with the peculiarities of their socio-psychological (motivational) influence on human behavior and social relations. "[29].

At the same time, many authors refer the analyzed variety of norms to certain classification groups with a clear designation of the corresponding criterion. So, Anatoly Borisovich Vengerov combined imperative, dispositive, recommendatory norms into one group, taking into account the method of regulation of public relations [37]. Valery Vasilievich Lazarev

and Sergey Vasilievich Lipen also distinguish recommendatory norms with imperative and dispositive ones, but as a basis they indicate the nature of the obligatory nature of the rules of conduct that contain them” [38]. Vladimir Konstantinovich Babaev and Mikhail Iosifovich Baytin considered these norms together with imperative, dispositive and incentive, depending on the method of legal regulation [39; 40]. In another work, the scientist writes that “the state can recommend only what is within the competence of a given enterprise, firm, organization; public relations, the regulation of which the recommended norm is aimed at, depend on local and other (climatic, financial, industrial) conditions, and with its recommendation the state, as it were, authorizes the subsequent adoption of local norms by a cooperative, public organization”[49].

3.5 Recommended Norms as Atypical Norms of Law

The Soviet theoretical scientist Viktor Mikhailovich Gorshenev, while recognizing the legal nature of the recommendatory norm, noted that the specificity does not allow to fit it into the classical composition of the legal norm. He attributed the recommendation norm to the so-called “atypical prescriptions” on the grounds that it was deprived of a sanction. As the author argued, the absence of a sanction in a recommendatory norm does not allow to completely deny its (as well as other atypical prescriptions) legal nature, its universality, imperiousness, and indisputability [50]. Of course, one can argue about some of the signs of a recommendatory rule of law (for example, its universality) [51], but the main thing is that the recommendatory norm refers to atypical norms not because of the absence of a sanction, which is inherent not only to all “typical” norms of law (for example, regulatory) [52], but also specialized (atypical) norms of law, the structure of which is close to regulatory [53]. By the way, the Soviet scientist Sergei Aleksandrovich Golunsky drew attention to this circumstance, noting the following: “both in the legislation and in the current activities of state bodies, recommendatory norms which do not provide for the very possibility of using coercion, occupy an increasing place. That is why many lawyers are not inclined to consider the recommendatory norms as legal. However, such norms occupy a definite and increasing place in the system of socialist law and in the activities of the bodies of the socialist state, and it is hardly possible to dismiss them so easily”[6].

In our opinion, a recommendatory rule of law, occupying a special place in the system of modern Russian law, being the legal content of the relevant regulatory legal acts, refers to atypical rules of law, since it has a number of features characteristic of any rule of law (impersonalization, formal certainty [54], etc.), as well as specific ones that express its originality. This provision should be regarded as the main result of a scientific article.

3.6 Examples of Normative Legal Acts of Our Time Containing Advisory Norms of Law

It is interesting to note that even those scholars who recognize the recommendatory norms of modern Russian law do not give examples of normative legal acts containing them at all, but confine themselves either to an abstract statement, according to which “the most widespread ... such norms take place in international law, but there are they are also in national legal systems (for example, in Russian law) [55], or citing as examples only international legal documents [56].

Perhaps the exception to this criticism is the point of view of Alexander Yuryevich Larin, who recognizes the recommendatory norms of law and cites the appropriate example: Decree of the President of the Russian Federation of March 21, 1996 No. 408 "On Approval of the Comprehensive Program of Measures to Ensure the Rights of Investors and Shareholders" (as amended of April 2, 1997, October 16, 2000) clause 4.5. 1. which stipulates the following: “In the event of non-fulfillment of the instructions of the Central Bank of the Russian Federation, detection of violations of the standards that caused damage to banks and customers, summing

up the results of the year with losses and the emergence of a threat to the interests of depositors and other creditors of the bank, the Central Bank of the Russian Federation is recommended to present the founders (participants) of the bank demand to carry out measures for the financial rehabilitation of the bank or to reorganize the bank and decide on the replacement of its leaders. The Central Bank of the Russian Federation has the right to revoke the license to carry out banking operations, which is considered as a decision to liquidate the bank” [57].

In a number of cases, the legislator notes that the registration and application of recommendatory norms of law in some situations should be made without prejudice to the interests of the subject of law in respect of which these norms apply. So, in part 9 of article 21 of the Federal Law of 06.12.2001 No. 402 "On accounting" it is fixed that recommendations in the field of accounting can be adopted in relation to the procedure for applying federal and industry standards, forms of accounting documents, technology of keeping accounting, the procedure for organizing and exercising internal control of their activities. However, in the next part of this article, the legislator makes a reservation that the recommendations in the field of accounting should not create obstacles for an economic entity to carry out its activities.

3.7 The Attitude of the Judiciary to the Recommendatory Rule of Law

A special relationship to the recommendatory norms has developed on the part of the judiciary: the courts of all instances in most cases do not take into account the recommendations, emphasizing that the latter should be taken into account, first of all, by citizens, bodies and organizations to which these norms are directed, but not by the courts. Thus, in one of the cases, the court indicated that "the applicant's arguments about the non-application by the court of the applicable substantive law provisions contained in the Methodological Recommendations of Rospatent is inappropriate, since these recommendations are aimed at ensuring the implementation of the provisions of part four of the Civil Code of the Russian Federation ...". The court also noted that "the recommendations were developed for experts and specialists of Rospatent and its subordinate organizations with the aim of using them in the examination and registration of a trademark.". As a result, the court indicated that "the application of this document is not binding on the judicial authorities" [58].

In other cases, the judicial authorities indicate that the rules of conduct contained in the Methodological Recommendations are not obligatory not only for the court, but also for state authorities, local self-government bodies, their officials, legal entities and citizens. Thus, in one of the cases, the Supreme Court of the Russian Federation indicated that "... the prescriptions of the contested Methodological Recommendations [58], including those with which the applicant associates the violation of his rights, do not contain mandatory by persons, legal entities and citizens of the rules of conduct that apply to an indefinite circle of persons. Methodical recommendations, in fact, are of an organizational nature and are not an act of realizing the rights and obligations of the parties". Further, the court noted that "by their legal nature, the Methodological Recommendations are not a normative legal act, by virtue of which they are not subject to state registration with the Ministry of Justice of Russia and they are not subject to the requirements of the Decree of the President of the Russian Federation“ On the procedure for publication and entry into force of acts of the President of the Russian Federation. Federation and normative legal acts of the executive power "and the Rules for the preparation of normative legal acts of federal executive bodies and their state registration" [59].

IV. Conclusion

In the conclusion of this study, it is necessary to emphasize that the existing actual general theoretical problem of recommendatory norms of law and the practice of their application can be the subject of further scientific research, candidate and doctoral dissertations on legal topics, conferences, "round tables", including on the pages of legal journals.

References

- [1]. Ozhegov Sergey Ivanovich. Dictionary of the Russian language. Moscow: Russian language, 1984, p. 587.
- [2]. Soviet Encyclopedic Dictionary / Ch. ed. Alexander Mikhailovich Prokhorov. M.: Soviet Encyclopedia, 1986, p. 1117.
- [3]. Alexandrov Nikolay Grigorievich. Law and legality in the period of developed socialism. M.: Gosyurizdat, 1961, p. 200
- [4]. Shebanov Alexander Filippovich. The norms of socialist law // Theory of state and law: textbook / otv. ed. Nikolay Grigorievich. Alexandrov. M.: Jurid. liter, 1974, p. 476.
- [5]. Ioffe Olympiad Solomonovich. Legal norms and human actions // Actual problems of Soviet civil law. M.: Jurid. liter, 1964, p. 32.
- [6]. Golunsky Sergey Alexandrovich. On the question of the concept of a legal norm in the theory of socialist law // Sov. state and right. 1961. No 4, p.31-32.
- [7]. Nedbailo Petr Emelyanovich. Application of Soviet legal norms, Moscow: Gosyurizdat, 1960, p. 85.
- [8]. Petrov Vladimir Sergeevich, Krasnyansky Valery Evaldovich. Norms of law // General theory of state and law in 2 volumes // otv. ed. Vladimir Sergeevich Petrov, Lev Samoilovich. Yavich. L.: Leningrad University, 1974. Vol. 2: General theory of law, p.270.
- [9]. Gorshenev Victor Mikhailovich. Methods and organizational forms of legal regulation in a socialist society. M.: Jurid. liter, 1972, p. 87.
- [10]. Theoretical questions of the systematization of the Soviet legislation. M.: Gosyurizdat, 1962, pp. 42-43.
- [11]. Yampolskaya Cecilia Abramovna. On persuasion and coercion in Soviet administrative law // Questions of Soviet administrative and financial law Moscow: Publishing house of the USSR Academy of Sciences, 1952, pp. 169-170.
- [12]. Shatkov Gennady Ivanovich. Soviet legal norm // Abstract. Cand. dis. jurid. Sci. L.: Leningrad State University. un-t, 1962, p. 10.
- [13]. Usenko Evgeny Trofimovich. On the legal nature of the recommendation of the Council for Mutual Economic Assistance // Sov. state and right. 1963. No.12, p.86-94
- [14]. Mitskevich Alexey Valentinovich. The nature of recommendatory normative prescriptions in the acts of the government of the USSR // Jurisprudence. 1966. No. 2, p.24-25.
- [15]. Dzarasov Soltan Safarbievich. Management of socialist production. Moscow: Economics, 1976, p. 144.
- [16]. Pashkov Alexey Stepanovich. Soviet labor law. M.: Jurid. literature, 1976, p. 41.
- [17]. Alexandrov Nikolay Grigorievich. Legal and industrial relations in a socialist society // Problems of Philosophy. 1957. No 1, p.50.
- [18]. Sorokin Valentin Dmitrievich. Method of legal regulation (theoretical problems). M.: Jurid. liter, 1976, pp. 89, 109.
- [19]. Solyanik Vladimir Matveevich. State recommendations and labor regulation of workers and employees // Jurisprudence. 1977.No. 6, pp. 111-113, 114.

- [20]. Alekseev Sergei Sergeevich. Problems of the theory of law in 2 volumes. Sverdlovsk: Sverdlovsk jurid. Institute, 1972, vol. 1, p. 215.
- [21]. Livshits Roman Zinovievich. Legal forms of labor incentives // State, law, economy. Moscow: Moscow worker, 1970, p. 455.
- [22]. Kulapov Victor Lavrent'evich. Recommended norms of Soviet law: monograph / ed. Mikhail Iosifovich. Baytin. Saratov, 1987, pp. 34, 38, 43, 59.
- [23]. Theory of state and law: textbook / ed. Andrey Ivanovich Denisov. M., 1972, p. 395.
- [24]. Kulapov Victor Lavrent'evich. On the question of the legal nature of recommendatory norms // Actual problems of Soviet legal science: Collection of scientific articles. Saratov: Saratov University, 1978, Part 1, pp. 30-31, 33.
- [25]. Dembo Lev Isaakovich. Review of the book by Ivan Vasilievich Pavlova Legal forms of business management in collective farms // Sov. state and right. 1956. No. 2, p. 143
- [26]. Kulapov Victor Lavrent'evich. Classification of recommendatory norms of Soviet law // Questions of the theory of state and law. Actual problems of the theory of the socialist state and law: interuniversity. scientific. Sat. Saratov: Saratov University, 1983, pp. 137-143.
- [27]. Babaev Vladimir Konstantinovich. Norms of law // Theory of state and law: textbook / ed. Vladimir Konstantinovich Babaev, Moscow, 2007, p. 410
- [28]. Abdulaev Magomet Imranovich. Theory of state and law: textbook. M.: Economics, 2006, pp. 323-324.
- [29]. Leist Oleg Ernestovich. Norms of law // Teriya state and law: a course of lectures / ed. Mikhail Nikolaevich Marchenko, Moscow: Zertsalo, 1997, pp. 376-377.
- [30]. Baytin Mikhail Iosifovich. The essence of law (Modern normative legal thinking on the verge of two centuries): monograph. M., Publishing house "Law and State" 2005, p.256.
- [31]. Kozhevnikov Vladimir Valentinovich, Kondratyev Alexander Evgenievich. On some problems of the concept and implementation of recommendatory norms (in the context of the interaction of national and international law) // Modern Law. 2015. No. 10, pp. 5-12.
- [32]. Kuzakbirdiev Sadri Salikhovich. Form of implementation of recommendatory norms // Scientific notes: Collection of scientific works of the Institute of State and Law. Tyumen: Tyumen State un-t, 2001, p. 53.
- [33]. Dyuryagin Ivan Yakovlevich. The norms of Soviet law // Theory of state and law: textbook / ed. Sergei Sergeevich Alekseev), Moscow: Jurid. liter, 1985, p. 346.
- [34]. Alekseev Sergei Sergeevich. General theory of law: a textbook in 2 volumes. M.: Jurid. liter, 1982, vol. 2, p. 79.
- [35]. Komarov Sergey Alexandrovich. General theory of state and law. Saransk: Mordovsky University, 1994, p. 181.
- [36]. Drobyazko Stepan Grigorievich, Kozlov Vasily Semenovich. General theory of law: textbook. Minsk: Amalfeya, 2005, p. 192.
- [37]. Vengerov Anatoly Borisovich. Theory of State and Law: Textbook), Moscow: New Lawyer, 1998, p. 444.
- [38]. Lazarev Valery Vasilievich, Lipen Sergey Vasilievich. Theory of State and Law: Textbook), Moscow: Spark, 1998, p. 209.
- [39]. The norms of Soviet law. Problems of Theory / edited by Mikhail Iosifovich Baytin, Vladimir Konstantinovich Babaev. Saratov: Saratov University, 1987, pp. 167-169.
- [40]. Babaev Vladimir Konstantinovich. Norms of law // General theory of law: a course of lectures / ed. Vladimir Konstantinovich Babaev, N. Novgorod: Nizhny Novgorod High School of the Ministry of Internal Affairs of the Russian Federation, 1993, pp. 293-295.
- [41]. Chashchin Alexander Nikolaevich. Theory of state and law: textbook. M.: Delo and Service, 2008, p. 295.

- [42]. Smolenskiy Mikhail Borisovich, Borisov Gennady Aleksandrovich, Markhgeim Marina Vasilievna, Tonkov Evgeniy Evgenievich. Theory of state and law: textbook. Rostov n / a: Phoenix, 2011, p. 292.
- [43]. Perevalov Viktor Dmitrievich. Theory of State and Law: Textbook), Moscow: Yurayt, 2012, p. 155.
- [44]. Okamytny Vitaly Vasilievich. Theory of State and Law: Textbook), Moscow: IMPE-PUBLISH, 2004, p. 404.
- [45]. Kulapov Victor Lavrent'evich, Malko Alexander Vasilievich. Theory of state and law: textbook. M.: Norma, 2009, p. 210.
- [46]. Lipinsky Dmitry Anatolyevich. Norms of law // Theory of state and law: textbook / otv. ed. Alexander Vasilievich Malko. M. : NORUS, 2008, p. 150.
- [47]. Radko Timofey Nikolaevich, Lazarev Valery Vasilievich, Morozova Lyudmila Aleksandrovna. Theory of state and law: textbook. M.: Prospect, 2012, p. 193.
- [48]. Morozova Lyudmila Alexandrovna. Theory of State and Law. Refresher course in questions and answers. M.: Norma, 2003, p. 132.
- [49]. Morozova Lyudmila Alexandrovna. Theory of State and Law: Textbook), Moscow: Eksmo, 2007, p. 232.
- [50]. Gorshenev Victor Mikhailovich. Atypical regulatory prescriptions // Sov. state and right. 1978. No. 3, pp. 115, 116.
- [51]. Puginsky Boris Ivanovich. About the rule of law // Bulletin of Moscow University. Series 11 "Law", 1999. No 5, pp.33. 23-33.
- [52]. Kozhevnikov Vladimir Valentinovich. Theory of state and law: a textbook in 2 parts. Moscow: Prospect, 2021, part 2, p. 148.
- [53]. Kozhevnikov Vladimir Valentinovich. On the structure of specialized norms of modern Russian law // Budapest International Institute for Research and Criticism. Vol. 4, No. 1.2021, pp. 1515-1520.
- [54]. Filimonov Vadim Donatovich. The norm of law and its functions // State. and right. 2007. No 9, p.6
- [55]. Pyanov Nikolai Andreevich. Consulting on the theory of state and law: textbook. Irkutsk: Irkutsk state. un-t, 2010, p. 167.
- [56]. Makuev Ruman Kharonovich. Theory of state and law: textbook. Moscow: Norma, 2010, p. 301.
- [57]. Larin Alexander Yurievich. Theory of state and law: textbook. Moscow, Book World, 2011, p. 136.
- [58]. Methodological recommendations on the order of execution of the requirements of executive documents on the recovery of alimony (approved by the FSSP of Russia 19.06. 2012 No. 01-16) // Bulletin of the Federal Service of Bailiffs. 2012. No. 8.
- [59]. The decision of the Supreme Court of the Russian Federation from 12.01. 2015. No. AKPI14-1289 On the refusal to satisfy the application for recognition as invalid in terms of subparagraphs e and h of paragraph 4 of the Rules for the implementation of activities for the management of apartment buildings // Rulaws. ru /... / (date of access: 19.04.21)