

# METHODOLOGY OF THE HISTORY OF LITERATURE IN THE RUSSIAN ORIENTAL SPACE

*METODOLOGIA DA HISTÓRIA DA LITERATURA NO ESPAÇO ORIENTAL RUSSO*

*METODOLOGÍA DE LA HISTORIA DE LA LITERATURA EN EL ESPACIO RUSO ORIENTAL*

Victor Yu. MELNIKOV<sup>1</sup>  
Andrey Yu. MORDOVTSSEV<sup>2</sup>  
Halimat V. HAJIYEVA<sup>3</sup>  
Sabina A. ALIYEVA<sup>4</sup>  
Raisat S. IZUDINOVA<sup>5</sup>

**ABSTRACT:** Literary events, recognizing literary genres and their periodization, and studying the developments that have occurred in each period, are the critical issues pursued in the history of literature. In the present article, the Russian Orientalist space has been chosen as the subject of study because it provided an opportunity for Russian thinkers in the Soviet constraints to combine the tradition of Russian methodology and the broader horizons of literature with an acquaintance with the literature of Eastern nations. Here, on the one hand, an attempt has been made to formulate the methods used in the historiography of literature by Russian orientalists. On the other hand, the orientalist space has been proposed as a window that can guide the searcher from a limited and appropriate point of view to get acquainted with the methodology of the history of literature in Russian circles.

**KEYWORDS:** Literary events. Literature. Methodology. Historiography of literature.

**RESUMO:** *Os eventos literários, reconhecendo os gêneros literários e sua periodização, e estudando os desenvolvimentos ocorridos em cada período, são as questões críticas perseguidas na história da literatura. No presente artigo, o espaço orientalista russo foi escolhido como objeto de estudo porque proporcionou aos pensadores russos nas restrições soviéticas uma oportunidade de combinar a tradição da metodologia russa e os horizontes mais amplos da literatura com um conhecimento da literatura oriental. nações. Aqui, por um lado,*

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<sup>1</sup> Doctor of Laws. Professor of the Department of Criminal Procedure and Criminalistics, Rostov Institute (branch) VGUYUA (RPA of the Ministry of Justice of Russia), Russian Federation, E-mail: juliameIn@mail.ru; ORCID: <https://orcid.org/0000-0001-7519-3853>

<sup>2</sup> Doctor of Law, Professor, Professor of the Department of Theory and History of Law and State of the Rostov Branch of the Russian State University of Justice; Professor of the Department of Theory and History of State and Law of the Rostov Institute (branch) All-Russian State University of Justice. E-mail: aum.07@mail.ru; ORCID: <https://orcid.org/0000-0003-47559947>

<sup>3</sup> Candidate of Legal Sciences, Associate Professor of the Department of Constitutional (State) and Administrative Law of the North Caucasus Institute (branch) All-Russian State University of Justice (RPA of the Ministry of Justice of Russia) in Makhachkala, E-mail: Halisat.gadzhieva.83@bk.ru; ORCID: <https://orcid.org/0000-0002-7873-9353>

<sup>4</sup> Senior Lecturer of Computer Science at the Law College of the North Caucasus Institute (Branch) All-Russian State University of Justice (RPA of the Ministry of Justice of Russia) in Makhachkala, E-mail: Sabina.alieva.alieva92@mail.ru; ORCID: <https://orcid.org/0000-0003-2733-0360>

<sup>5</sup> Candidate of Historical Sciences, Associate Professor, Head of the Department of Historical and Legal Disciplines of the North Caucasus Institute (branch) All-Russian State University of Justice (RPA of the Ministry of Justice of Russia) in Makhachkala, E-mail: Raisat57@mail.ru; ORCID: <https://orcid.org/0000-0002-4090-566X>

*foi feita uma tentativa de formular os métodos usados na historiografia da literatura pelos orientalistas russos. Por outro lado, o espaço orientalista tem sido proposto como uma janela que pode guiar o pesquisador de um ponto de vista limitado e adequado para se familiarizar com a metodologia da história da literatura nos círculos russos.*

***PALAVRAS-CHAVE:*** *Acontecimentos literários. Literatura. Metodologia. Historiografia da literatura.*

***RESUMEN:*** *Los hechos literarios, el reconocimiento de los géneros literarios y su periodización, y el estudio de los desarrollos ocurridos en cada período, son los temas críticos que se persiguen en la historia de la literatura. En el presente artículo, el espacio orientalista ruso ha sido elegido como tema de estudio porque brindó una oportunidad a los pensadores rusos en las limitaciones soviéticas para combinar la tradición de la metodología rusa y los horizontes más amplios de la literatura con un conocimiento de la literatura oriental. naciones. Aquí, por un lado, se ha intentado formular los métodos utilizados en la historiografía de la literatura por los orientalistas rusos. Por otro lado, el espacio orientalista se ha propuesto como una ventana que puede orientar al buscador desde un punto de vista limitado y adecuado a familiarizarse con la metodología de la historia de la literatura en los círculos rusos.*

***PALABRAS CLAVE:*** *Eventos literarios. Literatura. Metodología. Historiografía de la literatura.*

## **Introduction**

The research conducted by the authors shows a different approach of the legislator to the protection of certain spheres of economic activity. As an example, crimes against the established taxation procedure and (or) the implementation of insurance activities can be cited. As can be seen, special protection is subject to: relations in the sphere of circulation of money and securities; the implementation of fair competition in connection with the implementation of economic activities; the implementation of foreign economic and customs activities; bankruptcy.

Crimes against the taxation procedure and the implementation of insurance activities continue to be among the most common among all crimes in the field of economic activity. Thus, according to the Judicial Department of the Supreme Court of the Russian Federation in 2018, the share of persons convicted under Articles 198–199. 2 of the Criminal Code of the Russian Federation for all crimes in the field of economic activity (Chapter 22 of the Criminal Code of the Russian Federation) was 7.33% (in 2017 – 8.58%). It should be recalled that back in 2010, this figure was 12.7 %. For the state, the formation of the budget, the process of forming taxes is of primary importance.

At one time, the introduction of criminal liability for evasion of payment of insurance premiums coincided with the transfer of the administration of their collection to the

Federal Tax Service of Russia. Historically, insurance premiums have replaced the UST (unified social tax), which has been abolished since January 2010. Tax and administrative liability for non-payment existed (Articles 122 of the Tax Code of the Russian Federation and 15.11 of the Administrative Code of the Russian Federation), however, criminal liability was introduced when the shortage of funds in extra-budgetary funds reached a critical level. The process of liberalizing the norms of criminal liability for tax crimes is increasing. As an example, we can note the adoption by the Plenum of the Supreme Court of the Russian Federation on November 26, 2019 of a new Resolution No. 48 "On the practice of applying legislation on liability for tax crimes by courts". The Supreme Court of the Russian Federation once again stressed that the commission of tax crimes is possible only with direct intent (Article 111 of the Tax Code of the Russian Federation).

## **Method**

Methodological basis of this study is the dialectical method of cognition of social and legal phenomena and concepts in their development and interdependence. In the process, general-purpose and scientific methods of scientific knowledge are used as well, historical and legal, systemic, structural-functional, comparative legal, statistical, sociological, specifically the formal-logical, logical-legal and others. The legal framework and information base includes the research of international legal instruments, scientific sources, investigative and judicial practices to ensure the rights and lawful interests of individuals in the pre-trial proceedings.

## **Results**

Many authors are increasingly raising issues related to the investigation of crimes in the economic sphere. Thus, T. S. Keshinyan believes that: "the legislator should eliminate gaps in the interpretation of certain terms, give a clear disposition to economic and civil-legal terms" (Keshinyan, 2020). Malakhova V. Yu. notes that in the field of real estate insurance there is no interest of scientists to study the specifics of this type of fraud (Malakhova, 2020).

It is advisable to apply article 5, paragraph 13.1 (property) Add the words "digital currency" to the Criminal Procedure Code of the Russian Federation. Thus, the digital currency, along with monetary funds, securities, non-cash funds held in accounts, etc., will belong to the property that will be subject to the Criminal Procedure and Criminal Law of the Russian Federation.

It is advisable to introduce criminal liability for evading reporting on transactions related to digital currency. For this purpose, it is proposed to introduce Article 199.5 of the Criminal Code of the Russian Federation "Evasion of duties to submit a report on transactions with digital currency" in Chapter 22 of the Criminal Code of the Russian Federation. The main condition for criminal liability under this article of the Criminal Code of the Russian Federation is a systematic violation of the obligation to provide reports on transactions with digital currency (civil transactions) and on the balances of digital currency, committed on a large scale.

As you know, the law "On Digital Financial Assets" (the CFA Law) has been in force since the beginning of 2021. The Ministry of Finance of the Russian Federation has already prepared amendments to the Criminal Code and the Criminal Procedure Code of the Russian Federation, which provide for liability for transactions with digital currencies in the amount of 45 million rubles and above. Amendments were also made to the Tax Code (NC) of the Russian Federation, the Code of Administrative Offenses (CAO) of the Russian Federation in terms of regulating the CFA.

## **Discussion**

Many scientists have conducted a detailed analysis on this issue (Winner, 2021). The form of such encroachments is considered to be the forgery of securities, regulated in Russia by the provisions of Article 186 of the Criminal Code of the Russian Federation. § 169, 170 of the Danish Criminal Code provides for liability for forgery of securities, and § 172 of the Danish Criminal Code establishes liability for making changes to securities already issued (The Criminal Code of Denmark). In the Criminal Code of the Federal Republic of Germany, securities are equated to money, provided that they have special protection against forgery (paragraph 151) (The Criminal Code of the Federal Republic of Germany as amended by the Law of 13.11.1998). It should be positively noted that the law reveals the essence of securities as the subject of a crime.

As we can see, foreign legislation often does not specify the features of securities that allow them to be recognized as the subject of forgery (for example, Part 1 of Article 226 of the Dutch Criminal Code) (The Criminal Code of the Netherlands). The law differentiates criminal liability for forgery depending on whether such forgery is carried out in relation to issued securities or those that were not issued (in § 1 of Article 313 of the Polish Criminal Code) (Criminal Code of the Republic of Poland of 06.06.1997).

Article 290 of the Spanish Criminal Code provides for liability for the head who forged documents (The Criminal Code of Spain). Another typical form of illegal transactions with securities is the use of counterfeit securities (regardless of their issuers). This form of carrying out criminal acts is provided for in Article 85 of the Estonian Criminal Code, § 1 of Article 313 of the Polish Criminal Code. Another form of illegal transactions with securities is the issue (issue) of securities carried out by prohibited methods or in violation of the requirements established in the legislation (Volobuev, 2012).

The norms related to the violation of the issue (issue) of securities established by law are contained in Articles 170.1, 185 of the Criminal Code of the Russian Federation. Article 185.1 of the Criminal Code of the Russian Federation provides for liability for malicious evasion from disclosure or provision of information determined by the legislation of the Russian Federation on securities, or for providing deliberately incomplete or false information; Article 185.2 of the Criminal Code defines a violation of the procedure for accounting for rights to securities.

The next form of committing illegal transactions with securities is the introduction of illegally issued securities into circulation (§ 169, 170 of the Criminal Code of Denmark, Articles 310, 312, 313 of the Criminal Code of Poland, § 146, 147, 151 of the Criminal Code of Germany). Violation of the established procedure for circulation (illegal turnover) of securities can also be recognized as a standard form. Another form of illegal transactions with securities is the illegal use of insider information.

Russian criminal legislation also contains a number of norms that ensure the protection of the "information component" of the stock market. Article 185.3 of the Criminal Code of the Russian Federation provides for liability for "market manipulation". The content of this concept is specified in Part 1 of Article 185.3 of the Criminal Code of the Russian Federation, and is also further disclosed in paragraphs 2, 3 of the notes to Article 185.3 of the Criminal Code of the Russian Federation, defining the concept of "excess income" and "avoiding losses". In addition, Article 185.6 of the Criminal Code of the Russian Federation directly criminalizes the misuse of insider information.

## **Conclusion**

It is advisable to provide for liability for those who disseminate false information in the documentation or conceal information about the financial condition of the offeror. There are grounds to recommend the disclosure of the concept of "securities" in the Criminal Code of the

Russian Federation – through their equalization to monetary funds and disclosure of the essence and types (Chebotarev, 2019).

Consequently, the forms of committing illegal transactions with securities are those that reflect the essential, most common characteristics of an encroachment on the normal functioning of the securities market and the harm caused by such an encroachment (Plenum of the Supreme Court of the Russian Federation No. 48 dated November 15, 2016).

Forms of criminal encroachments, such as the use of counterfeit securities; the introduction of illegally issued securities into circulation; illegal circulation of securities, are combined in the legislation of the Russian Federation as part of Article 186 of the Criminal Code of the Russian Federation (Criminal Code of the Russian Federation №. 63-FZ of June 13, 1996).

Thus, it can be noted that it is advisable to systematize the commission of illegal transactions with securities as related to: forgery, use, sale of knowingly counterfeit securities; issuance of securities; introduction into circulation and circulation of securities; use of insider information in the process of issuing and circulation of securities.

### **Conflict of interest**

The author confirms that the data do not contain any conflict of interest.

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