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**Constitutional and legal basis for partnership between entrepreneurs and
government authorities in Russia**

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5.1.2. Public law (State Law) Sciences

GENERAL OVERVIEW OF THE RESEARCH

The relevance of the research topic. Cooperation between entrepreneurs and government authorities is one of the factors in the development of economic and social processes in the state. Currently, cooperation in the form of partnership has become widespread. There is no clear definition of "partnership between entrepreneurs and government authorities" in legal science. The concept of "partnership between entrepreneurs and government authorities" is not established by law. The concept of "public-private partnership" enshrined in the legislation on public-private partnership is limited exclusively to the scope of this legislation and cannot explain other forms and methods of partnership between entrepreneurs and government authorities.

The concept of "partnership" is filled with content on the ground of various scientific knowledge: philosophy, sociology, economics, political science. Currently, the concept of "partnership between entrepreneurs and government authorities" is found in regulatory legal acts as an idea and direction for the development of public relations that determine the content of socio-economic reforms and reforms of state power and management in the Russian Federation. The importance of partnership between entrepreneurs and government authorities is indicated by the President of the Russian Federation in his messages to the Federal Assembly dated 06.03.1997, 17.02.1998 and 04.12.2014, as well as by the Government of the Russian Federation in the Concept of long-term socio-economic development of the Russian Federation. The necessity to define the concept of "partnership between entrepreneurs and government authorities" follows from the importance of the legal relations covered by it and its socially significant goals. In this regard, it seems necessary to analyze this category from a legal point of view.

The relevance of the dissertation research lies in the need to develop a legal concept, identify the essence and signs of partnership between entrepreneurs and government authorities. This will allow filling the legal regulation and law enforcement practice of partnership relations with certain specifics of the implementation of the relevant rights and obligations of partners.

Currently, there is an uneven scope of the concept when it is used in acts of the Federal Assembly, the President of the Russian Federation, the Government of the Russian Federation, as well as in law enforcement practice. The absence of a normatively fixed, meaningfully defined concept of partnership between entrepreneurs and government authorities leads to the fact that a law that is subject to application is not applied to resolve disputes, or vice versa, a law that is not subject to application is applied. In particular, the entry into force of legislation on public-private partnership in 2015 made it possible to separate contracts that are concluded solely on the basis of civil law, and contracts concluded with the aim of implementing partnership between entrepreneurs and government authorities for the long term. The absence of such a division in practice can lead to an incorrect legal qualification of the existing legal relations, when, for example, the court recognizes the lease agreement between the entrepreneur and the authority as terminated, following the letter of the contract, ignoring the existence of an agreement on long-term relations concluded by the partners.

The amendments to the Constitution of Russia in 2020 required a theoretical and practical understanding of the content of the partnership between entrepreneurs and government authorities, based on constitutional norms on social partnership, economic, political and social solidarity, support for civil peace, harmony and civil society. The constitutional and legal foundations of partnership between entrepreneurs and government authorities in Russia require reflection. It is becoming relevant to highlight a subjective constitutional right of entrepreneurs to partnership with government authorities, taking into account the importance of public relations arising between these entities. The need to describe such a right is also of an applied nature, since the idea of partnership between entrepreneurs and government authorities is contained in legal acts at the constitutional level, which determine the direction of reforms and strategies for social and state development in Russia. The recognition of partnership between entrepreneurs and government authorities as a legal category can contribute to a deeper understanding of the powers of the authorities exercised by government authorities in the field of interaction with entrepreneurs that are parties to partnerships.

Thus, the relevance of this study is due to the need for scientific development of the legal content of the partnership between entrepreneurs and government authorities. Since public relations in the field of partnership between entrepreneurs and government authorities are often ahead of the legal norms that are designed to regulate them, legal conflicts arise in law enforcement practice. The present dissertation research is aimed at eliminating such conflicts.

The degree of scientific development of the problem. In the Russian Federation, the problems of partnership between entrepreneurs and government authorities were studied by such scientists as Barenboim P.D., Gadzhiev G.A., Glushko E.K., Gritsenko E.V., Mazaev V.D., Maslennikova S.V., Romanovskaya O.V., Sazanov V.E., Talapina E.V., Tikhomirov Yu.A., Sheverdyayev S.N., Shokhin A.N., Plotnikova I.N. and many others. It is worth paying attention to the works of A.A. Khodyrev, who described the institute of public-private partnership from an administrative and legal point of view, and A.V. Belitskaya, who emphasized the civil law aspects of the institute. Chernomyrdina E.V., Ignatyuk N.A., Kabashkin V.A., Maksimova V.V., Matveeva D.B., Yemelyanova Yu.S., Yastrebova O.A., Alpatova A.A., Pushkina A.V., Japaridze P.M., Lyubinin D.A. and Gubanov I.A. devoted their works to the theoretical development of the problem of public-private partnership.

Sazonov V.E. and Talapina E.V. investigate the public-legal aspects of public-private partnership. Shirokov A.N. explores concession agreements as a type of public-private partnership, noting the peculiarities of combining civil and public law principles in their legal nature. Certain aspects of the transfer of public powers to private organizations are studied in the dissertation studies of Romanovskaya O.V., Vasilyeva A.F., Shaidurova S.A., Grigorieva V.A., as well as Tretyakova S.B., Zhurina I.G., Salina P.B. and Gavrilova A.V., including in the context of self-regulating organizations. In the research of Dunaev V.I., Nikitinsky A.A. the problems of transferring state powers to organizations are analyzed. In the scientific literature, there are special monographic studies devoted to the study of the peculiarities of interaction between business and government, including in the legal sphere, for example, monographs edited by Shokhin A.N.

The study of social partnership from a constitutional and legal point of view is scrutinized by Soshnikova T.A. and Lushnikova M.V. The researches of Rozhdestvensky A.A. and Kistyakovsky B.A. are devoted to the legal nature of subjective law in general and subjective public rights.

The object of the study is public relations in the field of partnership between entrepreneurs and government authorities and its forms at the level of constitutional and legal regulation.

The subject of the study includes the provisions of the Constitution of Russia, federal laws, decrees of the President of the Russian Federation, acts of federal executive authorities, decisions of the Constitutional Court of the Russian Federation, acts of bodies of some foreign states, laws of constituent entities of the Russian Federation, normative legal acts of local self-government and acts of international organizations, as well as scientific, analytical and statistical materials, the practice of concluding agreements in the field of partnership between entrepreneurs and government authorities.

The purpose of the dissertation is to determine the legal content of the partnership between entrepreneurs and government authorities in Russia and to establish the constitutional and legal foundations of such a partnership.

To achieve the purpose of the dissertation, the following **tasks** were set:

1. To formulate the concept of partnership between entrepreneurs and government authorities as a general social and legal phenomenon.
2. To establish the content of the partnership between entrepreneurs and government authorities as a legal relationship and a legal institution.
3. To characterize the constitutional and legal principles that form the basis of partnership between entrepreneurs and government authorities as a legal relationship and determine its content.
4. To substantiate the allocation of such a subjective constitutional right as the right of entrepreneurs to partnership with government authorities, and to fill it with substance.
5. To investigate contractual forms of partnership between entrepreneurs and government authorities, to identify the distinctive features of such a partnership from other forms of partnership.

6. To determine the specifics of the partnership between entrepreneurs and government authorities in the transfer of state powers to organizations.

7. To reveal the content of socio-economic partnership and to establish other forms of partnership between entrepreneurs and government authorities used in practice, the specifics of their legal regulation.

Research methodology and methods. The methodological background of the study is a set of methods aimed at achieving these objectives, including general scientific and special legal methods. The dialectical method, methods and techniques of cognition tested by legal science were used. The systematic method, analysis, synthesis and comparison were used to identify the concepts of "partnership between entrepreneurs and government authorities" in a broad and narrow sense, "the right of entrepreneurs to partnership with government authorities", "contractual forms of partnership between entrepreneurs and government authorities", "social partnership" in a broad sense. The synthesis method made it possible to clarify the content of these concepts, to combine various elements into a single whole. The method of systematization allowed us to describe the general features of the legal regulation of contractual forms of partnership. The comparison method allowed us to find distinctive elements of already existing definitions from those proposed by the author.

The formal legal method made it possible to analyze the existing regulatory framework of sources in the field of constitutional law at the federal, regional and local levels. The comparative legal method made it possible to investigate the existing legal norms of different regions of the Russian Federation and municipalities, as well as to analyze the legal regulation and practice of constitutional control bodies. The historical and legal method made it possible to study the works of Russian scientists of the pre-revolutionary and Soviet periods to identify the peculiarities of the development of ideas about constitutional subjective rights. The statistical method and the method of interpretation made it possible to investigate the practice of using certain forms of partnership between entrepreneurs and government authorities.

The scientific novelty of the dissertation research. For the first time, on the basis of general social characteristics of partnership, a definition of partnership between

entrepreneurs and government authorities as a legal phenomenon is given. A broad analysis of the interaction of entrepreneurs and authorities in Russia has allowed identifying three main legal forms of partnership of these subjects of legal relations. The fundamental principles that primarily determine the content of partnership between entrepreneurs and government authorities from the legal point of view are presented as the constitutional and legal foundations of partnership. The author also substantiates the right of entrepreneurs to partnership with government authorities as an independent subjective constitutional right.

The dissertation research presents the author's comments on the current legislation in the field of business participation in the assessment of regulatory impact, the implementation of an experimental legal regime and the control of the Accounts Chamber of the Russian Federation over the expenditure of budgetary funds. The author has proposed appropriate amendments and additions to the legislation.

The following provisions are submitted for defense:

1. Partnership as a general social phenomenon is a relationship of subjects based on voluntariness, mutual long-term benefit and aimed at improving the well-being of citizens. Partnership between entrepreneurs and government authorities as a legal phenomenon is understood as the interaction of parties, such as entrepreneurs and authorities, who voluntarily act as participants in legal relations, having their own interests, while interacting to achieve a common goal: solving socially useful tasks. From the point of view of the constitutional and legal approach, the socially useful tasks of the partnership should include achieving the economic growth of the country, improving the welfare of citizens, meeting public needs, finding a compromise in making socially significant decisions, protecting human and civil rights and freedoms.

2. Partnership between entrepreneurs and government authorities is a legal relationship between entrepreneurs (citizens of the Russian Federation, foreign citizens, stateless persons, commercial organizations and their non-profit unions), on the one hand, and authorities, on the other hand, the content of which lies in the rights of entrepreneurs and the powers of authorities, as well as the corresponding obligations of the parties aimed at obtaining the appropriate benefits by the parties to the partnership.

Partnership between entrepreneurs and government authorities in a broad sense is a public attitude towards the realization by entrepreneurs of the rights and obligations enshrined in legislation and the exercise by authorities of powers in order to solve socially useful tasks. Contractual forms of partnership should be understood as a partnership between entrepreneurs and government authorities in a narrow sense.

3. The constitutional and legal principles of partnership between entrepreneurs and government authorities include freedom of economic activity, economic, political and social solidarity and social partnership. These principles are the constitutional and legal basis for the partnership between entrepreneurs and government authorities. The interpretation of these constitutional and legal principles in the context of understanding the partnership between entrepreneurs and government authorities contributes to the meaningful content of the partnership and makes it possible to highlight the subjective constitutional right of entrepreneurs to partnership with government authorities. Freedom of economic activity allows to meaningfully fill the partnership with such a characteristic as voluntary interaction between entrepreneurs and authorities; economic, political and social solidarity allows to meaningfully fill the partnership with such a characteristic as cohesion and joining efforts to achieve a common goal; social partnership allows to meaningfully fill the partnership with such a characteristic as finding a compromise.

4. The content of the subjective constitutional right of entrepreneurs to partnership with government authorities are the following entitlements: to enter into partnership with the state in a certain form, to receive support measures from the state, to ensure the equal position of partnership subjects, to create a competitive environment in partnership relations that excludes dominance and unfair behavior, as well as to withdraw from partnership. The subjective right to partnership can be realized both individually (for example, by an individual entrepreneur) and in a collective form (in particular, by two or more legal entities). This right in the system of constitutional rights and freedoms can be attributed to socio-economic as well as political rights, depending on the sphere of public relations in which the right in question is implemented. Public authorities, state and other bodies whose competence includes interaction with entrepreneurs are obliged to ensure the implementation of the right in question.

5. The following legal forms of partnership between entrepreneurs and government authorities are highlighted: contractual forms of partnership between entrepreneurs and government authorities, partnership in the transfer of state powers to organizations, socio-economic partnership. The classification criterion is the form of the act on the basis of which the partnership is created, and the period of its implementation.

Contractual forms of partnership are implemented in the form of a fixed-term reimbursable agreement. The transfer of state powers to organizations is implemented primarily on the basis of regulatory legal acts. The socio-economic partnership is implemented in the form of an indefinite gratuitous agreement with public legal content.

6. Contractual forms of partnership between entrepreneurs and government authorities are implemented through private initiative, expressed in the initiative of a private partner, the initiative of an investor, a concessionaire, a private project initiative, an initiative project institute, as well as through the powers of authorities whose competence includes participation in fixed-term reimbursable agreements as a partner. Since the interaction of partners in contractual forms is directly aimed at solving socially useful tasks, citizens should also be able to influence the institutionalization and implementation of contractual forms of partnership through public hearings or public discussions regarding draft municipal-private partnership agreements.

7. The constitutional and legal basis of partnership in the transfer of state powers to organizations are based on the content of articles 3 and 32 of the Constitution of Russia on national sovereignty and the right of citizens to participate in managing state affairs.

Partnership in the transfer of state powers to organizations refers to the legal relationship between entrepreneurs and government authorities, in which state powers are transferred to commercial organizations and their non-profit associations, originally created and operating not in public, but in private interests, and which is aimed at achieving socially useful tasks. An example of such a partnership is self-regulation. The transfer of state powers to organizations originally created for the realization of public interests is not considered as a partnership.

8. It is necessary to distinguish between social partnership as an institution of labor law and socio-economic partnership as a form of partnership between entrepreneurs and

government authorities. The content of the socio-economic partnership corresponds to the understanding of social partnership in a broad sense, defined as such in Article 75.1 of the Constitution of Russia.

Socio-economic partnership is a legal form of partnership between entrepreneurs and government authorities, in which entrepreneurs and authorities interact in order to create conditions for sustainable economic growth of the country and improve the welfare of citizens on issues of economic and social policy of the state. Socio-economic partnership differs from other forms of partnership in that it does not involve the transfer of state powers to organizations and does not require the mandatory conclusion of an agreement.

9. Agreements on socio-economic partnership are public law agreements regulating relations between entrepreneurs and government authorities in the field of social and economic development of the state. Agreements on socio-economic partnership contribute to the realization of the right of citizens to participate in managing state affairs, providing entrepreneurs with the opportunity to influence public decision-making and participate in the formation of state policy. The main feature that makes it possible to classify agreements on socio-economic partnership as public law agreements is their subject – socially useful actions of entrepreneurs and the actions of government bodies aimed at creating conditions for sustainable economic growth of the country and improving the welfare of citizens.

10. The following proposals have been formulated to improve the legal regulation of partnership between entrepreneurs and government authorities.

In order to effectively implement the right of citizens to participate in managing state affairs, it is proposed to supplement the legislation on local self-government with a provision for holding public hearings or public discussions on draft agreements on municipal-private partnership.

In order to strengthen state control over the implementation of contractual forms of partnership, it seems necessary to clarify the object of audit and amend Part 3 of Article 15 of the Federal Law on the Accounts Chamber of the Russian Federation, adding a provision on the implementation of external state audit (control) in relation to legal entities and individual entrepreneurs in terms of their compliance with the terms of public-private

partnership agreements, concession agreements, special investment contracts, agreements on the protection and promotion of investments.

In order to ensure a balance of powers of legislative and executive authorities in the federal legislative process, when making a decision on taking into account the assessment of regulatory impact, it is proposed to exclude the optional publication of the assessment of regulatory impact and amend part 2 of Article 125 of the Regulations of the State Duma. It is proposed to amend the wording as follows: "If the draft law contains information from the Government of the Russian Federation on the results of an assessment of the regulatory impact, the Council of the State Duma decides to hear the position of the Government of the Russian Federation on relevant information when considering the draft law at an assembly of the State Duma".

The theoretical significance of the dissertation research lies in the fact that the proposed theoretical provisions and conclusions can be used in subsequent scientific research in the field of the development of the constitutional basis for entrepreneurial activity, legislation on public-private partnerships, concession agreements, self-regulatory organizations, and can also be the subject of further scientific research in the field of social partnership.

The formulated proposals are aimed at systematization and development of various forms of partnership between entrepreneurs and government authorities. The obtained results can be used in the study of the scientific disciplines "Theory of law", "Constitutional law", "Administrative law" and "Economic analysis of law". The provisions of the dissertation research can also be used in the development of textbooks and courses. It is aimed to use the material contained in the study in the process of teaching the basic training course "Business and authorities" in higher law schools.

The practical significance of the dissertation research lies in the possibility of using the results obtained to improve legislation on public-private partnerships, concession agreements, self-regulatory organizations, experimental legal regimes in the field of digital innovations, social partnership, local government. The formulated conclusions and provisions can be useful in improving the regional and local regulatory legal acts, as well as in the work of relevant bodies and organizations. The formulated

conclusions and provisions of the study are aimed at further enhancing the role of entrepreneurs with their participation in the implementation of socially significant decisions/

Degree of reliability and approbation of the study results were presented in reports, speeches and publications from scientific conferences:

1. "Legal science in the XXI century: current problems and prospects for their solutions" (Shakhty, Rostov region, 2022). The report: "Partnership of business and government in the context of Covid-19";

2. "XVII International Practice School of Young Legal Scientists "Law and Technologies of the Future" (Moscow, 2022). The report: "Constitutional foundations of partnership between entrepreneurs and government authorities in Russia and France: a comparative legal aspect".

The dissertation was prepared and discussed at the School of Public Law of the Faculty of Law of the Higher School of Economics.

The structure of the work. The work consists of an introduction, two chapters, including seven paragraphs, a conclusion and a list of references.

THE MAIN CONTENT OF THE DISSERTATION

The introduction substantiates the relevance and degree of scientific development of the chosen topic, defines the purpose, objectives, object and subject of the study, characterizes the research methodology and methods, formulates scientific novelty and the provisions submitted for defense, demonstrates the theoretical and practical significance of the research, discloses information about degree of reliability and approbation of the study results obtained and the structure of the dissertation.

Chapter 1 "The concept and constitutional and legal principles of partnership between entrepreneurs and government authorities" is devoted to the concept of partnership between entrepreneurs and government authorities, highlighting the subjective constitutional right of entrepreneurs to partnership with authorities, as well as

studying the guiding constitutional and legal principles of partnership between entrepreneurs and government authorities.

Paragraph 1.1. "The concept of partnership between entrepreneurs and government authorities" contains a generalization of doctrinal approaches to understanding partnership between entrepreneurs and government authorities, developed in legal, philosophical, social, economic and political scientific knowledge, as well as an analysis of the use of the concept of "partnership" in normative legal acts. Based on the conducted research, the paragraph defines the characteristics of partnership as a general social phenomenon: the interaction of subjects based on voluntariness, mutual long-term benefit and aimed at improving the well-being of citizens.

Taking into account the analysis of the use of the term "partnership" in civil law, labor law, in the legislation on public-private partnership, in the legislation of the constituent entities of the Russian Federation, in the by-laws of the President of the Russian Federation and the Government of the Russian Federation on the reform and development of the state, characteristics of partnership between entrepreneurs and government authorities as a legal phenomenon were identified. Taking into account the highlighted features, the partnership between entrepreneurs and government authorities as a legal phenomenon is understood as the interaction of the parties acting as participants in legal relations, such as entrepreneurs and authorities, aimed at achieving a common goal: solving socially useful tasks. The socially useful tasks of the partnership should include achieving the economic growth of the country, improving the welfare of citizens, meeting public needs, finding a compromise in making socially significant decisions, protecting human and civil rights and freedoms.

Taking into account the fact that a significant number of legal relations is covered in the implementation of partnership between entrepreneurs and government authorities, partnership can be defined in a narrow and broad sense.

Paragraph 1.2. "Partnership between entrepreneurs and government authorities as a legal relationship" analyzes the partnership between entrepreneurs and government authorities as a legal relationship. The author defines the object and subjects of this legal relationship, analyzes the content of the rights, duties, powers,

responsibilities of subjects. The paragraph substantiates the need to understand the legal essence of the partnership between entrepreneurs and government authorities and the correct establishment of relations as a partnership to resolve legal disputes between entrepreneurs and authorities.

Partnership between entrepreneurs and government authorities is a legal relationship between entrepreneurs (citizens of the Russian Federation, foreign citizens, stateless persons, commercial organizations and their non-profit unions), on the one hand, and authorities, on the other hand, the substance of which lies in the powers of entrepreneurs and the powers of authorities, as well as the corresponding rights and obligations of the parties aimed at obtaining the appropriate benefits. The content of the partnership between entrepreneurs and government authorities as a constitutional and legal relationship is considered, taking into account the realization by 1) citizens of the Russian Federation, foreign citizens, stateless persons, commercial organizations and their non-profit unions of the constitutional right to use their abilities and property for entrepreneurial and other economic activities not prohibited by law, and 2) citizens of the Russian Federation of the constitutional right to participate in the managing state affairs both directly and through their representatives, and also taking into account the exercise by government authorities of powers to implement measures to support civil society institutions, ensure their participation in the development and implementation of public policy, promote the development of entrepreneurship and private initiative, ensure the implementation of the principles of social partnership, state support for scientific and technological development in order to create economic growth of the country, ensure solidarity, social partnership, protection of human and civil rights and freedoms.

Paragraph 1.3. "Constitutional and legal principles of partnership between entrepreneurs and government authorities" analyzes the constitutional and legal principles of partnership between entrepreneurs and government authorities, including taking into account amendments to the Constitution of Russia in 2020. As an important component of the constitutional and legal basis of partnership between entrepreneurs and government authorities, the constitutional and legal principles of partnership should be considered, laying down the content of the partnership and its implementation.

The following constitutional and legal principles of interaction between entrepreneurs and authorities are highlighted in the scientific literature: the welfare state, the integrity of economic space throughout the country, freedom of economic activity, support for competition, free flow of goods, services and financial resources, free use of one's abilities and property for entrepreneurial and other economic activities not prohibited by law, etc. Not all constitutional and legal principles governing the interaction of entrepreneurs and authorities are constitutional and legal principles of partnership between entrepreneurs and government authorities, but only those principles that allow for a legal regulation of such a partnership and lay down the content of the partnership.

The constitutional and legal principles of freedom of economic activity, economic, political and social solidarity and social partnership as principles of partnership between entrepreneurs and government authorities are considered. The content and significance of these constitutional and legal principles for regulating the partnership between entrepreneurs and government authorities as a legal relationship are revealed. The application of these principles in the activities of the Commissioner for the Protection of the Rights of Entrepreneurs under the President of the Russian Federation, the Federal Antimonopoly Service, the Russian Union of Industrialists and Entrepreneurs is analyzed.

Paragraph 1.4. "The right of entrepreneurs to partnership with government authorities" proves the need to highlight, on the basis of constitutional provisions, the subjective constitutional right of entrepreneurs to partnership with government authorities, its constitutional and legal nature, and the content of this right. The paragraph indicates the list of entitlements that this right includes. The place of the right of entrepreneurs to partnership with government authorities in the system of constitutional rights is shown. The forms of realization of the right, guarantees and ways of protecting this right and its subject matter, as well as the legal grounds for the emergence of this right, are determined.

The author explores the essence and content of the entitlements that this subjective constitutional right includes: to enter into partnership with the state in a certain form, to receive support measures from the state, to ensure the equal status of partnership entities, to create a competitive environment in partnership relations that excludes dominance and

unfair behavior, as well as to withdraw from partnership. The essence of the entitlement to enter into partnership with the state in a certain form is dictated by such a characteristic of the right to partnership as participation in it in the following forms: contractual forms of partnership, partnership in the transfer of state powers to organizations, socio-economic partnership. The essence of the entitlement to receive support measures from the state lies in the obligation of the state to provide support to a private partner in order to achieve socially significant goals. The essence of the entitlement to ensure equal legal status of partnership entities follows from article 19 of the Constitution of the Russian Federation that everyone is equal before the law and the court. The essence of the entitlement to create a competitive environment in partnerships that excludes dominance and unfair behavior lies in the ability of entrepreneurs to demand from authorities honest behavior and activities that exclude monopolization and unfair competition on their part and from third parties. The entitlement to withdraw from a partnership is the possibility of termination of legal partnership relations on the initiative of entrepreneurs or authorities.

The author explores the place of the right to partnership in the system of constitutional rights and concludes that this right in the system of constitutional rights and freedoms can be socio-economic, as well as political, depending on the sphere of realization of the corresponding freedom to choose the type and measure of behavior of the subject. The article examines the grounds for the development of the subjective right of entrepreneurs to partnership with government authorities at the constitutional level.

Chapter 2 "Legal regulation of forms of partnership between entrepreneurs and government authorities" highlights the legal forms of such a partnership. This chapter examines the importance of constitutional norms in the implementation of forms of partnership between entrepreneurs and government authorities, examines the problems that arise in the implementation of such forms, and suggests ways to solve the identified problems. The author's classification of ways to implement the partnership of entrepreneurs and authorities is given. The author identifies the following legal forms of partnership between entrepreneurs and government authorities mediating economic, financial, social, organizational and other relations arising in connection with partnership:

contractual forms of partnership between entrepreneurs and government authorities, partnership in the transfer of state powers to organizations and socio-economic partnership.

Paragraph 2.1. "Contractual forms of partnership between entrepreneurs and government authorities" examines the constitutional and legal nature of contractual forms of partnership, the correspondence of contractual forms of partnership to the signs of partnership between entrepreneurs and government authorities highlighted in paragraph 1.1 of the dissertation research, analyzes the constitutional and legal problems arising in the implementation of contractual forms of partnership, and also proposes amendments to the current legislation in order to solve the identified problems.

The dissertation concludes that contractual forms of partnership are implemented through private initiative, expressed in the initiative of a private partner, the initiative of an investor, a concessionaire, a private project initiative, an initiative project institute, as well as through the powers of authorities whose competence includes participation in fixed-term reimbursable agreements as a partner. The difference between contractual forms of partnership and other forms of partnership (partnership in the transfer of state powers, socio-economic partnership) is shown.

Based on the analysis of constitutional norms, the practice of constitutional control bodies and the legal doctrine of the Russian Federation, the USSR and foreign countries, it is proposed that citizens directly, as well as through representatives, monitor the implementation of contractual forms of partnership through institutions such as public hearings and public discussions. It is noted that there is a need for a broad discussion of the decisions of the relevant authorities and the participation of citizens in assessing the consequences of the implementation of contractual forms of partnership. Examples of citizens' participation in the decision-making process in this area are given: public hearings, public discussions in the development and implementation of projects of contractual forms of partnership.

In order to solve the identified problems, taking into account the democracy of complicity and the need for special control over the implementation of contractual forms of partnership, the author proposes amendments to the legislation on local government,

on the Accounts Chamber of the Russian Federation. These amendments consist in submitting draft agreements on municipal-private partnership to public hearings, as well as in clarifying the object of external state audit (control) in relation to legal entities and individual entrepreneurs in terms of their compliance with the terms of public-private partnership agreements, concession agreements, special investment contracts, agreements on the protection and promotion of investments.

Paragraph 2.2. "Partnership in the transfer of state powers to organizations" is devoted to the study of the constitutional and legal basis of partnership in the transfer of state powers to organizations, the analysis of constitutional and legal problems arising during the implementation of partnership in the transfer of state powers to organizations.

It is determined that the transfer of state powers to organizations is carried out primarily on the basis of regulatory legal acts. The analysis of constitutional norms and practice of the Constitutional Court of the Russian Federation makes it possible to identify the constitutional and legal foundations of partnership between entrepreneurs and government authorities in the transfer of state powers to organizations. The difference between such a partnership and other forms of partnership (contractual forms of partnership, socio-economic partnership) is shown.

In the paragraph, special attention is paid to the constitutional problems related to the exercise of powers by authorities during the implementation of the partnership in the transfer of state powers to organizations. The author examines the imbalance of powers of legislative and executive authorities in conducting regulatory impact assessment, manifested in the optional assessment of regulatory impact on draft laws, the announcement of which depends on the decision of the internal parliamentary bodies. The author notes the need to amend part 2 of Article 125 of the Regulations of the State Duma, which consists in the fact that if there is a regulatory impact assessment conducted by executive authorities to the draft law, the Council of the State Duma decides to hear the position of the Government of the Russian Federation on relevant information when considering the draft law at a meeting of the State Duma.

There are unresolved issues in the law enforcement practice of implementing partnership between entrepreneurs and government authorities in the field of self-

regulation. Acts adopted by self-regulating organizations are not subject to judicial regulatory control by the Supreme Court of the Russian Federation and the Constitutional Court of the Russian Federation. The Supreme Court of the Russian Federation should assess the legality of acts of self-regulating organizations with regulatory properties, and the Constitutional Court of the Russian Federation should assess the constitutionality of acts of self-regulating organizations on complaints of violation of constitutional rights and freedoms. The legal nature of acts of self-regulating organizations is controversial and is subject to deeper study and description, which is a promising area for further research.

Under the experimental legal regime, there is a deviation from the "classical" version of the separation of powers, where only the parliament can exclude or change the effect of the provisions of the federal law and determine the time frame for such exceptions or changes. In the legislation on the experimental legal regime, it is necessary to establish a framework for the rule-making of state bodies. By establishing an exception or making a change to the program of the experimental legal regime, state bodies cannot go beyond the scope of its regulation, provided that the relevant provisions are temporary.

Paragraph 2.3. "Socio-economic partnership" examines the constitutional and legal nature of the socio-economic partnership between entrepreneurs and government authorities, the compliance of socio-economic partnership with the signs of partnership between entrepreneurs and government authorities as a legal phenomenon, analyzes the legal nature of agreements on socio-economic partnership.

The paragraph notes the difference between the concepts of "social partnership" and "socio-economic partnership". The concept of "socio-economic partnership" corresponds to the features of partnership between entrepreneurs and government authorities. The difference between socio-economic partnership and other forms of partnership (contractual forms of partnership, partnership in the transfer of state powers) is shown. The paragraph analyzes the constitutional and legal nature of the socio-economic partnership.

Special attention is paid to the study of the legal nature of agreements on socio-economic partnership. It is concluded that such agreements are public law agreements

regulating relations between entrepreneurs and authorities in the field of social and economic development.

In the conclusion of the dissertation research the conceptual and theoretical conclusions of the study and proposed recommendations for the further development of legislation are formulated.

THE MAIN PUBLICATIONS ON THE TOPIC OF THE DISSERTATION RESEARCH

Publication in journals included into the HSE University list (list D):

1. *Sushilnikov I.S.* The right to partnership between entrepreneurs and government authorities in Russia // Russian Juridical Journal. 2022. № 6. P. 117-134.
2. *Sushilnikov I.S.* Constitutional and legal foundations of the experimental legal regime // Theoretical and Applied Law. 2023. № 1 (15). P. 109-121.
3. *Sushilnikov I.S.* Legal understanding of partnership between entrepreneurs and government authorities in Russia // Theoretical and Applied Law. 2022. № 3 (13). P. 53-60.
4. *Sushilnikov I.S.* The constitutional basis of anti-monopoly control and competition regulation in the implementation of public-private partnerships // Comparative Constitutional Review. 2022. № 6 (151). P. 108-131 (in English).