

**FORMATION AND LEGAL REGULATION OF URBAN  
AGGLOMERATIONS IN THE RUSSIAN FEDERATION: ENSURING  
SUSTAINABLE DEVELOPMENT OF TERRITORIES**

**FORMAÇÃO E REGULAÇÃO LEGAL DAS AGLOMERAÇÕES  
URBANAS NA FEDERAÇÃO RUSSA: GARANTINDO O  
DESENVOLVIMENTO SUSTENTÁVEL DOS TERRITÓRIOS**

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**ABSTRACT**

**Objective:** This study aims to explore the possibility of granting agglomerations in the Russian Federation public subjectivity and to identify the properties that would distinguish them as public law entities.

**Methods:** The study employs legal analysis, comparative analysis, and case studies to examine the legal framework and practices of public subjectivity in the Russian Federation and other countries.

**Results:** The research reveals that agglomerations, defined as clusters of cities and densely populated areas with common interests, can be endowed with public subjectivity. The study discusses the formation of collective will through institutions such as referendums and elections. It also highlights the need to consider factors such as population characteristics, infrastructure, and economic viability when determining the public subjectivity of an agglomeration.

**Conclusion:** The study concludes that the organization of public authorities and the redistribution of powers between different levels of government is a reality in the Russian legal system. It suggests that integrated planning approaches involving multiple municipalities can help address infrastructure issues in agglomerations. Furthermore, the study proposes that the establishment of agglomerations as public law entities should consider population composition and its impact on infrastructure quality.

**Keywords:** agglomeration; public subjectivity; territorial planning; liberal egalitarianism; economic activity; taxation.



## RESUMO

**Objetivo:** Este estudo tem como objetivo explorar a possibilidade de concessão de subjetividade pública às aglomerações na Federação Russa e identificar os imóveis que as distinguiriam como entidades de direito público.

**Métodos:** O estudo emprega análise jurídica, análise comparativa e estudos de caso para examinar o arcabouço legal e as práticas de subjetividade pública na Federação Russa e em outros países.

**Resultados:** A pesquisa revela que aglomerações, definidas como aglomerados de cidades e áreas densamente povoadas e com interesses comuns, podem ser dotadas de subjetividade pública. O estudo discute a formação da vontade coletiva por meio de instituições como referendos e eleições. Destaca-se, ainda, a necessidade de considerar fatores como características populacionais, infraestrutura e viabilidade econômica na determinação da subjetividade pública de uma aglomeração.

**Conclusão:** O estudo conclui que a organização das autoridades públicas e a redistribuição de poderes entre os diferentes níveis de governo é uma realidade no sistema jurídico russo. Sugere que abordagens de planejamento integrado envolvendo vários municípios podem ajudar a resolver problemas de infraestrutura em aglomerações. Além disso, o estudo propõe que o estabelecimento de aglomerações como entidades de direito público deve considerar a composição populacional e seu impacto na qualidade da infraestrutura.

**Palavras-chave:** aglomeração; subjetividade pública; planejamento territorial; igualitarismo liberal; atividade econômica; tributação.

## 1 INTRODUCTION

### 1.1 PROBLEM STATEMENT

An agglomeration in the Russian Federation is not a normatively defined term, i.e. it does not have a legislative definition. This term is used in regulatory acts, contains qualifying properties of an agglomeration, and helps understand the meaning of the term in a specific document. For example, the Strategy of the Spatial Development of the Russian Federation until 2025 approved by Decree of the Government of the Russian Federation No. 207-r (February 13, 2019) defines agglomerations as cities that contribute more than 1% to the economic growth of the Russian Federation annually (Appendix No. 3) or as cities with a population of over 500,000 people and less than 500,000 people.

Order of the Ministry of Economic Development of the Russian Federation No. 71 (February 15, 2021) "On Approval of Methodological Recommendations for the



Preparation of Urban Planning Standards” uses the term “agglomeration” in a similar semantic meaning as the above-mentioned Strategy. The document refers to an agglomeration core, i.e. the territory of municipalities that have common borders as part of large urban agglomerations and major urban agglomerations, the administrative centers of the constituent entities of the Russian Federation within the boundaries of such agglomerations.

Globally, the term “agglomeration” is used with different semantic meanings. For example, the Statistical Office of the European Union introduced the term “functional urban area” (FUA) instead of “larger urban zone” (LUZ). These terms describe a functionally defined urban area around the main city (The Glossary of Cities and Regions, 2022). According to this classification, agglomerations include areas in which at least 50% of the population lives in an FUA with at least 250,000 inhabitants. Another attempt to standardize the understanding of an agglomeration as an urban area with a high population density follows from the use of this term in the Environmental Noise Directive 2002/49/EC (2002) where an agglomeration is defined as a continuous area of settlement. The directive is integrated into the national legislation of the EU countries and therefore the legitimacy of the term in Europe is not in doubt.

In 1998, the United Nations indicated that an agglomeration is a core city, including its suburban neighborhoods or at least densely populated neighborhoods that lie outside the city but immediately adjacent to it. Such an agglomeration consists of one or more cities and their suburban settlements, forming a belt of the agglomeration.

In the scientific doctrine, the term “urban agglomeration” denotes a cluster of cities and other populated areas, between which stable ties arise and common interests emerge (Khorev, 1968).

Thus, we can conclude that modern regulation understands agglomerations (in terms of economic geography) as a set of settlements that have the unity of the population, transport, communal and/or other types of infrastructure and a rational approach to organizing workplaces in connection with the population concentration in the range of 500,000 people. This study is designed to find a place for agglomeration in general and special relations if they are considered not as an object of regulation (a special territory) but as a subject/participant in such relations.



## 1.2 CONCEPT OF SUBJECTIVITY IN THE RUSSIAN LEGAL ORDER

The term “settlement” is also normatively undefined. Deciding how to achieve the certainty of its semantic meaning in glossaries, a judgment was put forward that a settlement is a compactly populated part of the territory and a place of permanent residence of citizens, having residential and other buildings and structures necessary for ensuring the life of citizens and its own name and established in the corresponding order of territorial borders.

A settlement receives its status in accordance with the procedure established by law and locates within its boundaries the relevant bodies or services of state authorities or local self-government bodies, as well as other enterprises, institutions, and organizations. In Russia, all settlements are divided into urban and rural (Mayboroda, 2020).

However, the lands of settlements have a normatively defined property. They are separated from the lands of other designated purposes by the boundaries of settlements, in accordance with the rule established by Clause 2 of Article 83 of the Land Code of the Russian Federation.

For a long period, a program has been implemented in the Russian Federation to maintain a fixed mortgage rate at the expense of the state. According to the Central Bank of Russia, “almost all mortgages and retail loans are issued at fixed rates” (Important Answers to Questions from The Central Bank of Russia, 2022). In the field of the macroeconomy, this circumstance generally cheapens money and stimulates inflation (Choi, 2022).

In relation to the issues under consideration, this circumstance affects the lands of settlements as lands used and intended for development, deriving income from it exclusively in the housing and construction sector. This type of activity is attractive for investment and income generation in the short-term investment perspective due to a fixed mortgage rate in Russia. Therefore, these lands have legal and economic features that relate to real estate objects to the extent that is allowed by law and distinguishes them from the priority use of lands as a means of agricultural and forestry production, which implies the need for a long (from 5 to 15 years of payback) investment cycle (the so-called “long money”, whose price is influenced by short-term investments in the construction industry).



The formation of surplus value and income on objects (land plots intended for development and land plots that are a means of production) has a different economic nature. In the first case, it is the division and redistribution of products. In the second case, products are created (due to soil fertility). Depending on these circumstances, the nature of taxation is different. The division and redistribution of products entail the imposition of taxes in relation to the type of products: tax on income, value-added tax, and a special tax on the creation of agricultural products. For example, there is a single agricultural tax in Russia, and agricultural producers need to ensure separate accounting of income and expenses for activities related to the sale of their agricultural products, as well as the sale of manufactured and processed agricultural products subject to income tax at a rate of 0%, and for other types of activities subject to non-zero rates depending on the type of activity.

In all cases, economic activity is carried out within the boundaries of territories endowed with subjectivity by law to regulate both public and civil legal relations. In the constitutional sense, public entities include the Russian Federation, the constituent entities of the Russian Federation, and municipalities. In the civil sense, these persons are equated to individuals, legal entities, and parties to civil relations, except for the cases established by law. In addition, these persons are endowed with a special legal personality that can be characterized by granting a public legal entity the right to conclude any special agreement, in which only this entity can be a party. The best examples are as follows: an investment contract, a partnership agreement, an agreement on the integrated development of the territory, etc.

In the modern legal doctrine derived from the Soviet concept, including in terms of the doctrine of persons, there is an established opinion on the division of the legal personality into abstract and concrete. S.N. Bratus laid down this division and proved that the diachrony of legal capacity is the totality of specific opportunities (abilities) to have rights that correspond to these opportunities. Further, the scholar emphasized that legal capacity is not a sum of possibilities in a well-developed system of law, but an absolute subjective right, the right to have rights and obligations, a measure of possible behavior, and a general premise of specific subjective rights arising on its basis. The process of realizing legal capacity as a subjective right gives rise to other subjective civil rights and obligations (Bratus, 1950).



Alekseev (1972), a legal luminary, highlighted that legal personality is a social and legal property provided by law to persons in accordance with the needs of social development, a special subjective right that is part of general regulatory legal relations, and a prerequisite for a specific legal relationship. Depending on the range and content of the rights and obligations provided by legal personality, the scholar singled out general legal personality (the ability of a person to be a subject of law in general), branch-specific legal personality (the ability of a person to be a participant in legal relations of a certain branch of law), and special legal personality (the ability of a person to be a participant in a certain range of relations within a given branch of law).

Currently, doctrinal views on this issue have not undergone any significant changes; for example, Krasheninnikov (2013) and Kozlova (2018) have a similar position.

### 1.3 CONCEPT OF PUBLIC AUTHORITY AS AN ISOLATING PROPERTY OF THE TERRITORY

The amendments to the Constitution of the Russian Federation of 2020 introduced the concept of public authority into the triad of public law entities delimited by the scope of powers and competences of the persons involved in their creation.

The law on amendments to the Constitution of Russia did not directly disclose the concept of public authority. Within the scope of constitutional regulation, it is reasonable to assume that public authority is the unity of functions of state authorities and local self-government bodies provided by law, transferred by them to each other by separate regulatory acts. Under this circumstance, the system of public authorities does not include judicial authorities: courts in Russia are not established at the municipal level and, accordingly, do not enter into the system of public authority (Mayboroda, 2022).

Clause 1 of Article 2 of Federal Law No. 394-FZ (December 8, 2020) “On the State Council of the Russian Federation” provides a legal definition of a unified system of public authority which is understood as a set of federal state authorities, state authorities of the constituent entities of the Russian Federation, other state bodies and local self-government bodies united based on functional and other unity to ensure the



implementation of human rights and create conditions for the socio-economic development of the state. According to Clause 2 of this article, public authorities include the President of the Russian Federation, the Government of the Russian Federation, the State Council, and other bodies.

In addition to public authorities, the amendments to the Constitution of the Russian Federation of 2020 secured the possibility of establishing its implementation within the boundaries of certain territories. This possibility is used twice in the Constitution of the Russian Federation: in relation to the federal territory (Clause 1 of Article 67.1 of the Constitution of the Russian Federation) and in relation to the territories of federal cities, administrative centers (capitals) of the constituent entities of the Russian Federation, and “other territories” (Clause 3 of Article 131 of the Constitution of the Russian Federation).

The organization of public authority in the federal territory and its legal personality as a special public legal entity are enshrined in Federal Law No. 437-FZ (December 22, 2020) “On the Federal Territory of Sirius”. Under this law, the organization of public authority in the federal territory results in the regulation of individual relations in this federal territory (Mayboroda et al., 2021). According to Article 131 of the Constitution of the Russian Federation, this refers to territories (The Constitution of The Russian Federation, 1993) Avakyan claims (2021) that this rule applies to all public authorities in general, which means that the argument about whether such territories remain municipal territories is not ruled out.

Thus, the organization of public authority is the reason for the formation of a new public legal entity and opens up opportunities for the creation of new entities, including agglomerations.

However, the main consequence of implementing the concept of public authority is the possibility of redistributing powers in relation to land resources between different levels of public authority that are not intended for this. Under Article 8 of the Land Code of the Russian Federation, agricultural land is within the competence of the constituent entities of the Russian Federation. The lands of settlements are within the competence of local self-government bodies vested with the right to regulate land use and development under Article 11 of the Land Code of the Russian Federation. The lands of the forest fund are the exclusive property of the Russian Federation in conformity with Article 8 of the Forest Code of the Russian Federation and, accordingly, are



included in federal powers. The concept of public authority allows both the distribution of powers and their redistribution between other levels of public organization. This circumstance opens new opportunities for the public legal subjectivity of individual territories, such as agglomerations.

This article aims at determining the possibility of forming agglomerations as public law entities and revealing the properties of such agglomerations sufficient to endow them with public subjectivity.

## 2 METHODS

The main research methods were legal analysis, comparative analysis, and case studies.

Within the framework of legal analysis, we considered legal documents, including laws, regulations, and court decisions to identify patterns and trends in public subjectivity in the Russian Federation. We also reviewed the legal framework of the Russian Federation and its implementation.

Using the method of comparative analysis, we compared the legal framework and practices of public subjectivity in the Russian Federation with those in other countries.

These methods help conduct a comprehensive and detailed analysis of the legal framework and practice of public subjectivity in agglomerations of the Russian Federation and other countries.

## 3 RESULTS AND DISCUSSION

### 3.1 FORMING A ROAD MAP TO THE SUBJECTIVITY OF AN AGGLOMERATION

In general, the immanent property of subjectivity is will and procedures for the formation of collective will in relation to the collective subject. In science, the concept of will, its formation and expression are interdisciplinary, and it would be logical to appeal to the conveyors of philosophical knowledge. In the fundamental work, Kant





(2023) claimed that “it is neither by the particular will of the promiser nor that of the acceptor that the property of the former passes over to the latter. This is effected only by the combined or united wills of both”. Considering the contractual aspect of the formation and expression of will, Hegel (1990) characterized the contract as “the two elements through which the common will arises”.

The procedure for expressing the collective will in public law is based on the institutions of referendums and free elections. The expression of the collective will in the civil community is regulated by a special law applicable to these relations. For example, there are independent regulatory procedures for homeowners in an apartment building, and independent procedures for expressing the collective will for the integrated development of the territory (renovation). It is worth mentioning intergenerational aspects in the expression of the collective will by the owners of land shares in agricultural lands (Mayboroda, 2018). In relation to public relations, will and its expression is a manifestation of power and the ability to use it to achieve the common good. In relation to civil relations, the principle of subjective will is a source of private law (von Jhering, 2006) pursuing the goal of meeting the needs of a private (individual) good.

The institutions of referendums and free elections are enshrined in Clause 2 of Article 3 of the Constitution of the Russian Federation as the supreme direct expression of the power of the people, i.e. the only source of power in the Russian Federation. Clause 3 of Article 21 of the Universal Declaration of Human Rights (1948) establishes that the will of the people should be the basis of the power of the government. This will is realized through periodic and non-falsified elections held with universal and equal suffrage, by secret ballot, or by other equivalent forms ensuring freedom to vote.

Thus, public subjectivity can be granted to other territories with the specific organization of public power based on consolidating the will of the population of such territory in the forms determined by law.

Is it possible to identify such properties of the population of agglomerations that distinguish it from the population of other territories based on endowing the agglomeration with independent public subjectivity? An affirmative answer seems quite obvious and is reflected in three urban agglomerations endowed with independent public subjectivity by the Constitution of the Russian Federation: Moscow, Saint Petersburg, and Sevastopol. From the viewpoint of economic geography, these



constituent entities of the Russian Federation are an association of settlements, whose integrity is conditioned by the unity of transport and social and communal infrastructures. The population of these territories is no different from the population of other territories of the Russian Federation. From the quantitative perspective, the population size is a consequence and not the reason for endowing these territories with public subjectivity. Moscow and Saint Petersburg fulfill the capital function, while Saint Petersburg and Sevastopol perform the naval function. The population of these territories organizes their life in such a way that access to workplaces balances their interests with the expected income.

This circumstance (the organization of labor and the division of the surplus product (value) formed by labor) acts as a financial and economic delimitation between these territories and other settlements united in a public legal entity with a different level of competence-based organization (municipalities or urban districts). While organizing their life, both a resident of Saint Petersburg and a resident of Kazan proceed from the balance between the distance from home to work and the level of income provided. At the same time, the municipality does not receive income tax as a source of budgetary security, while the constituent entity of the Russian Federation forms a significant amount of budget revenues with this type of source.

If this consideration was the only one, it would have been enough to express the will of the bearer of power (the multinational people of Russia) in the territories generating such a level of profitability that can ensure the self-sufficient development of the territory. However, this circumstance is opposed by the need to ensure the self-sufficiency of the territory without a donor even though income taxes are not common but belong to the agglomeration. In addition to the self-sufficient profitability of the agglomeration, this equation should include a factor of the territory's profitability, excluding the agglomeration. For example, will Primorsky Krai remain self-sufficient if the Vladivostok urban agglomeration obtains the features of public authorities, including the accumulation of taxes on income in the agglomeration budget? The most likely answer is negative due to the following circumstances: the short money of the construction industry replaces the long money of the agricultural and forestry industries; the state macroeconomic policy ensures the investment attractiveness of short money. The situation is similar with almost all territories that can be classified as agglomerations in conformity with the criterion of the total population of around 1 million



people in compactly organized settlements. In this connection, regional representative government bodies form an economic idea of the agglomeration but strongly refrain from the initiative to consolidate its subjectivity. The above-mentioned example with the Vladivostok agglomeration is based on the Law of Primorsky Krai No. 497-KZ (November 18, 2014) “On the redistribution of powers between the local self-government bodies of the municipalities of Primorsky Krai and the state authorities of Primorsky Krai, and amending certain legislative acts of Primorsky Krai” which provides for the infrastructural unity of the urban districts of Vladivostok and Artyom, as well as the unity of urban zoning. A similar situation is typical of the Krasnodar urban agglomeration singled out in Law of Krasnodar Krai No. 3930-KZ (December 21, 2018) “On the Strategy for the Socio-Economic Development of Krasnodar Krai until 2030”, Saratov, Magadan and other agglomerations mentioned in one way or another in regional regulation.

However, the concept of public authority in the agglomeration as an opportunity to combine local and regional powers has not been implemented.

In this regard, it is appropriate to bring an analogy to comprehend the future of public subjectivity of agglomerations. Thus, Federal Law No. 507-FZ (December 31, 2017) “On Amendments to the Town Planning Code of the Russian Federation and Certain Legislative Acts of the Russian Federation” includes requirements for a certain type of territorial planning document, i.e. an area planning scheme for two or more constituent entities of the Russian Federation. In other words, the federal legislator did not rule out the possibility of combining the infrastructure of various public entities into a single territorial planning document. Moreover, Federal Law No. 541-FZ (December 19, 2022) “On Amendments to the Town Planning Code of the Russian Federation and Article 18.1 of the Federal Law “On Protection of Competition” allows adopting a unified document of territorial planning and urban zoning. Clause 5 of Article 28.1 of the Town Planning Code of the Russian Federation, which fixes the status of this document, assigns the authority to make such a decision to the supreme executive body of the constituent entity of the Russian Federation.

Another relevant analogy for the agglomeration acquiring subjectivity through territorial planning and zoning can be the experience of the Kingdom of Denmark. The Mjølnerparken area has been identified as failing the country’s standards for residential differentiation measures based on five criteria:



- 1) Over 40% of people aged 18 to 64 years have not worked or studied anywhere for two years;
- 2) More than 2.7% of 18-year-olds have been convicted for a felony or gun or drug law violations in the last two years;
- 3) Over 50% of people aged 30 to 59 years have only primary education;
- 4) The average income of residents of the district aged 18 to 64 is less than 55% of the average for the region;
- 5) More than 50% of the residents came from other non-Western countries or are descendants of people who came from such countries.

The result of endowing the above-mentioned area (and several other territories) with subjectivity was their radical transformation (Zybina, 2022). Examples of the global experience show that the population size and the profitability of an agglomeration (rather than the profitability of the territory outside the boundaries of the agglomeration) are not the only possible criteria. On the contrary, individuals, their rights and freedoms are of the highest value in Russia. Under this approach, the subjectivity of an agglomeration should depend not on the current criteria but on new ones, including the age and composition of the population, the quality of education, and lawful behavior. This approach will probably be called liberal egalitarianism (Cohen, 2000). The formation of the territory following the requirements for its population (education, age, lawful behavior, etc.) will serve as the basis for creating a society of equals in the agglomeration and endowing it with public subjectivity.

## 4 CONCLUSION

Under such circumstances, decisions of the supreme executive body of the constituent entities of the Russian Federation on the simultaneous preparation of unified documents for municipalities are optimistic but realistic. In the aggregate of their economic significance, municipalities represent an urban agglomeration. This document resolves the issues of proper organization of transport, communal, and social infrastructure not for a single municipality (which is a donor or recipient of the



labor force for a neighboring region) but for their agglomeration. By optimizing infrastructure, this approach will allow one to find a financial and economic justification and increase the profitability of taxable entities.

Summarizing the foregoing, firstly, the organization of public authorities in terms of the redistribution of powers between different levels of the government is a reality of the Russian legal system. Secondly, the specifics of this organization in relation to the territories not endowed with public subjectivity can be established without acquiring a formal legal personality. Thirdly, the problems of regulating settlements and providing their population with infrastructure facilities can be solved through an integrated planning approach to several municipalities, including at the expense of regional budget sources. Fourthly, the economic and financial phenomenon of agglomerations is well-formed from geographical and economic aspects but requires legal consolidation. Upon its establishment, it is appropriate to consider the experience of European countries and fix the requirements for the composition of the population, which influences the quality of the territory's infrastructure.

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