

# PRINCIPLES OF THE PUBLIC FINANCIAL LAW AS THE MEANS OF LEGAL REGULATION OF PUBLIC FINANCE

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## ABSTRACT

*The article represents the analysis of the financial law principles as a means of social relations legal regulation in the field of public finance. The article is aimed at a substantive assessment of the financial law principles in the system of legal regulation means. Determining the nature of the principles and their correlation with the rules of the financial law is the subject of scientific discussions, and, as a result, the ambiguous definition of the financial law principles' role in the legal regulation system of public finances. This study is carried out in relation to the financial law science.*

**Keywords:** Financial Law Principles, Financial Law, Financial Law Rules, Public Finance, Means of Legal Regulation, the Financial Law System.

## INTRODUCTION

Financial law principles can be defined as the legal phenomenon. This phenomenon is the subject of the research interest both from the point of view of theoretical understanding, and from the point of view of its practical role in regulation of social relations in the sphere of public finance. Approaches of researchers to this phenomenon differ significantly both in the general theory of law, and in the branch researches, which are connected with consideration of the nature of law principles. There are several directions in the researches: determination of the law principles' nature, determination of these principles' external expression, interrelationship of the law principles and provisions of law, place of these principles in the law system.

Principles are the fundamental conceptions, assumptions, or beliefs that are common to those who employ economic analysis of law (Nicholas, 2005).

Majority of literature sources determine principles of law as the guiding principles (principium's, fundamental principles of legislation), which form the basics of legislation and which determine contents and directedness of legal regulation (Benjamin, 2007).

Based on this definition, principles of law are considered as synthesizing means, determining the provision-setting and law-enforcement activity, the law system's interconnection. The literature sources, which define form of existence of the law principles, underline diversified nature of expression of these principles: from legal theories and concepts to legal orientation. In this connection, they are embodied in the provisions of law due to their formulation in the articles of regulatory legal acts. On the one hand, these principles are considered as the core component, which combines provisions of law and which stipulates certain predetermined outcome of the provision-setting and law-enforcement activity. However, on the other hand, principles of law do not exert any immediate influence upon behaviour of

subjects of law (neither within the regulatory framework, nor in respect of conservation proceedings). Such approach is the predominant one in the modern literature. However, attention must be drawn to the fact that the principles of law are the basis for the subsequent provisions of law and that these principles exert influence not only upon formation of certain legal provisions, but upon the systems of law within the state as well. Along with other juridical provisions, these principles are capable to regulate social relations. Therefore, the contradictory impression occurs in respect of the phenomenon of the legal principles. On the one hand, they supposedly do not exert influence upon behaviour of subjects of law; on the other hand, they not only predetermine, but regulate social relations (Mäntysaari, 2010).

Principles of law are implemented in the legal order in accordance with the following methods:

1. Immediate influence upon social relations in the form of the generalised rules of social communication;
2. Permanent fixing as the fundamental principles of legislation within its positive provisions;
3. They are "dissolved" in all provisions of the branch legislation;
4. They determine the main method of the branch legislation;
5. They form the main conceptual approaches, which ensure stability and consistency of the legal enforcement practice, including the court practice, which is the most important aspect of the entire legal enforcement practice;
6. They form the conceptual core component of the individual and collective legal consciousness, including systems of motivations of the legal behaviour;
7. They ensure translation of the ideal model of regulation of actual social relations in accordance with actual social relations;
8. They promote accumulation of positive practices in the society in the course of legal enforcement as the most important legal prerequisite of its successful development now and in future;
9. They act as the conceptual connections, which have the trend to disintegration of the civil and legal instrumentarium;
10. They act as the factors, which combine components of the atomized horizontally integrated society and the conceptual alternative of the egoistic and irrational behaviour.

The presented approach accumulates the approach of the principle of law as a gift to a certain "*spirit*", "*ethical baseline*", thus depriving principles of law of the sense as a certain ideological substance.

This direction in the researches of the principles of law is practically implemented in the more detailed form in the following provisions of the principles of law:

1. First of all, the provision is the idea of the professional legal consciousness; it is the attribute of the legal thinking of a lawyer;
2. Principles of law do not establish any law as the whole; however they describe the right of adjudgement: in principle, through the already existing legal provisions etc. (Von-Bar et al., 2009).

The legislator itself has provided the answer to this concept, and this fact was directly underlined by the RF Supreme Court: provisions of the Civil Code of the Russian Federation, of laws and other acts, which contain provisions of the civil law (article 3 of the RF CC), are subject to interpretation within the system interrelation with the main principium's of the civil legislation, which are stipulated in the article 1 of the RF CC (Civil Code of Russian Federation, 2015). In other words, the legislator predetermines the role of the principles of law as the independent regulators of social relations.

Along with the approach under this consideration, the literature contains other approaches

in respect of understanding the principles of law. Particularly, principles of law are considered as the basic regulative and legal requirements, which are implemented in the laws and other forms of law and which ensure high quality and efficiency of legal regulation of social relations and various kinds of the juridical practice (Avila, 2007). It is necessary to separate and state the following basic features of the principles of law:

1. They form the system of the imperative and universally binding juridical requirements;
2. They have an essential firmness and stability;
3. They are always implemented in the form of the universally binding requirements and they are the most important components of the system of law, as well as components of the contents of law;
4. They are immediately implemented in the regulatory legal acts or in the other forms of law.

The authors consider the principles of law as "*the basic ideas*". That is, the principles of law are one of the forms of law; the principles of law are the means of legal regulation of social relations; the principles of law are basis for development of provisions of the law; the principles of law and provisions of the law are various regulators of social relations; the principles of law are the initial component of the legislation system (Alder, 2002).

Attention must be drawn to the fact that there is an equivocal approach in respect of understanding of the principles of law in the foreign literature. In addition, these principles are propositions, conceptions, and ideas: they are both fundamental ones or they are simply important propositions, conceptions, and ideas, which are based on the common sense, on the practice of the court judgments. They are sometimes based on the selection that was already made and they establish the provisions, models, and goals, which will be complied with in accordance with the juridical consideration and in accordance with which this juridical consideration will be formed. Therefore, these principles play the key and governing role in the course of development and interpretation of the law. It is necessary to consider these principles as the essential and operational component (Fauvarque-Cosson & Mazeaud, 2011).

At the same time, in the course of interrelationship between these principles and the juridical rule, it is worth to draw attention to the following statement, which is very important and which characterises essence of the principles of law as the general rules, which determine (in principle) the contents of any juridical system and are structural components of the juridical order. Namely, juridical rules can be formed and developed only in accordance with the general principles of law and on the condition of practical implementation of these general principles (Bergelle, 2000).

In principle, in the researches, which are devoted to the theory of law, it is possible to separate two main conceptual directions in respect of consideration of the principles of law. The first of them considers these principles as a certain abstraction, which has no form of normativity; the abstraction, which is formed from various external and internal components, however, it has no regulating function. The second conceptual direction is the result of the following basic approaches to the determination and essence of the principles of law: it is one of forms of law; it is the means of legal regulation of social relations; it is the component of the system of law.

The purpose of the study is to determine the nature of the public financial law principles as a means of legal regulation of public finances.

Research Objectives:

1. Defining the concept of principles of law;

2. Identifying the economic approach to law;
3. Analysing the nature of the law principles formation;
4. Substantiating a general and different interpretation of the principles of law in various legal systems;
5. Arguing the publicity of the financial regulatory mechanism in terms of judicial practice.

## **METHODOLOGY**

This study uses a set of methods, the implementation of which will lead to the achievement of the research objectives. Namely, the following methods are used:

1. Institutional analysis of the public finances legal regulation;
2. Synthesis of judicial practice to formulate ideas about the practical interpretation of financial law;
3. Induction identification of the difference in legal systems;
4. A deductive method for arguing the public nature of financial law.

## **RESULTS**

### **Chapter 1**

It is important to analyse rules of consideration of these principles in the branch regulation: both from the point of view of their essence, and from the point of view of their role in regulation of social relations.

Analysing interrelationship of the principles and provisions of law, the authors come to the conclusion that principles of law are very different as compared with the provisions. Principles cannot regulate labour relations immediately. Such regulation is ensured by the provision, which is fixed in the legal act or which is inferable from the principle by deduction (Wiedenbeck, 2010).

However, in this case there is an important stipulation: the provision of law plays the subordinate role in respect of the principle of law. In the course of analysis of the nature of principles of the civil executive law, researchers usually separate the following essential features:

1. These principles are the category of the ideological essence, which has its own prerequisite in the form of ideas;
2. Fixation of these principles in the provisions of law as the provisions–principles or as the statements, which are inferable from the entire contents of legislation;
3. These principles are implemented as the systemically important component, which plays the role of the framework of legal regulation of relations.

It is also important to analyse the principles of law in the sphere of the private-law regulation, as they are very different as well. Particularly, researchers of principles of the private law propose not to express the principles of law as the ideas, which are fixed in the consciousness of subjects: this conclusion follows from the properties, which are inherent to the principles - objectivity, normativity, and universality. The authors analyse the interrelationship between the civil law principles and the principles of implementation of rights and principles of performance of obligations. The authors determine them as the cornerstone principles, as the guiding principium's, which ensure the comprehensive description of the process of achievement of the legal goal in the course of implementation of rights and performance of obligations and which ensure formation of this process (Vavilin, 2012). In this case, principles of implementation of rights and performance of obligations are determined as the goal-directed principles and as the

principles-methods. The authors present these principles-methods as the fundamental principium's of the civil law. Otherwise its sub branches and institutes, which determine (on the basis of the immanent interconnection with its method) the specific manifestations of the goal-directed principles. The latter is through formation of methods and techniques of activity both for participants of the civil circulation, and for the legal practitioners and lawyers (Volos, 2016). However, in this case these principles-methods are determined through the complex of provisions of the legislation. At the same time, certain scientists have a very critical attitude to the information on belonging of principles of the civil law *"to ideas"*, *"to the provisions-principles"*, *"to the principles-provisions"* (Yershov, 2010). They consider principles of the civil law as components of the subsystem of the Russian civil law. It is important to analyse the approaches to the principles of law, which are used in the researches of principles of the public and legal branches of the law. In the course of analysis of the system of criminal and legal principles, the authors come to the conclusion that criminal and legal principles are the sort of the legal phenomena, which are out of the sphere of the positive law. Therefore, it is necessary to characterise these principles within the legal ideology as components of the legal consciousness (Sabitov, 2012). In the course of analysis of the problem of interrelationship of the legal principles and the principles of law, the authors separate them from each other from the point of view of the regulatory belonging. Certain researchers state that there exist not only constitutional principles, but the constitutional presumption-principles as well, which (according to their judgements) ensure more specific description of the constitutional principles and which are one of the forms of their existence.

Economic Principles of Law apply economics to the doctrines, rules, and remedies of the common law. In plain English and using nontechnical analysis, it offers an introduction and exposition of the *"economic approach"* to law-one of the most important and dynamic fields of legal scholarship and applied economics. Beginning with a brief history of the field, it sets out the basic economic concepts useful to lawyers and applies these to assess the core areas of the common law-property, contract, tort, and crime-with particular emphasis on their doctrinal structure and remedies. This is done using leading cases drawn from the birthplace of the common law (England and Wales) and other common law jurisdictions. The book serves as a primer to the wider use of economics, which has become increasingly important for law students, lawyers, legislators, regulators and those concerned with our legal system generally (Veljanovski, 2007).

The economic approach to law is not confined to areas of law which have economic objectives but to all areas of the common law and beyond to family, crime and procedural law and institutions, where the economic content is not apparent. In essence, the economic approach uses *"the principle of economic efficiency as an explanatory tool by which existing legal rules and decisions may be rationalised or comprehended"* (Veljanovski, 2007).

It is necessary to note that there exist three various regulating facts, which form the law within the financial law. They are based on three various approaches to the correct nature of relations of the financial market (Benjamin, 2007):

1. Market practice, which is the key aspect of the source of law in the financial markets, in the course of creation and development of the standard practices, acts and provisions of the parties create the fundamental aspect of the self-regulation of these parties. This market practice creates the internal provisions, which are observed by the parties, thus exerting the legal provisions, which occur in the cases, where market provisions are violated or contested through official court judgments (McCormick, 2006);

2. The case law is the second category, within which the financial law uses and applies the greatest part of its juristic pragmatism in respect of the market standards: this category has its origin in the court process. Courts often try to redesign cases in order to obtain commercially advantageous results. Therefore, the case law is applied in the same manner as the market practice in order to obtain efficient results (Lord, 2011);
3. The third category of the law-making in the financial markets includes the provisions, which follow from the national and international regulatory and legislative regimes, which are used and applied in order to regulate practice of financial services. It is always necessary to separate three regulatory objectives, namely: outstretched arms, fiduciary approach, and consumer approach to the financial relationships (Hudson, 2013).

## Chapter 2

Modern Russian legal science has undergone a significant number of changes. Although the Russian Federation is the successor of the Soviet Union, the position of the USSR in terms of the separation of public and private law is strikingly different from that of the Russian court today, which will be described in detail below.

In the USSR, there was no separation of public and private law, it was rather intuitive and only within a narrow circle of lawyers, while others adhered to the position that such a separation was not relevant. In Europe of the 20th century, this position was popular. Many legal scholars from the UK were genuinely surprised at such an outlandish way of dividing the law on the mainland in their works (Kondrat, 2018).

It should be noted that the principles of any regulation in the state (and especially financial) are based primarily on the geopolitical position of the state. Along with the state's demarcation boundaries and the form of organization and government. Thereby answering the main question, whether the regulation will be centralized, disputed in court, built on federalism, or based on a "*legal inheritance*" from the previous form of state.

However, the appearance of such precedents as corruption and financial crimes among government representatives and relevant measures from the state provoke a clear allocation of public law. Through public law, the rights of individuals living in this society will be integrated (Veresha, 2018). Other factors contributing to the regulation of financial relations in society through the prism of public law include globalization processes and, as a result, information and finance flows through the Internet and other global networks. The precedents of cybercrime pose a public threat, and therefore the punishment should not be of a private, but a public nature (Veresha, 2018).

Various legal systems interpret the principles of law based on the cultural and legal traditions of a particular country. The general interpretation should include the fact that the connection of law with public authority allows the use of both basic methods of social management - persuasion and coercion (Yalbulganov, 2016).

Persuasion involves the impact on participants in public relations without the use of force, using legal means such as subjective rights, legitimate interests, incentives and benefits, legal education, etc. Coercion provides for the possibility of applying various forms of force on participants in regulated public relationship (Vostrikova, 2018). Thus, financial law-making should establish the ratio of instruments of persuasion and coercion in the field of financial relations. As it is optimal for a given society in a specific period of its history, which determines the general nature of the formation of principles (Belikov, 2016).

In the objective sense, financial law is a system of rules governing relations in the field of public finance and contained in various forms (sources of financial law).

In a subjective sense, financial law is a measure of permissible legal behaviour of participants in financial legal relations established on the basis and within the framework of objective financial law (Vinnitsky, 2017).

The multifaceted understanding of law in general and financial law, in particular, leads to the following fact. Individual, enlarged, systematized legal formations (sub-sectors, institutes) in legal use also begin to be called law. They say, for example, budget and tax law, emissive and currency law, tax procedural law and tax tort law, etc. All this leads to a derivative interpretation of the nature of financial legal principles depending on the legal system. There is also the difference in judicial precedents, which is also due to the difference in different countries of the mechanism for classifying a crime into a certain category (Veresha, 2016).

It is also important to analyse the role of the principles of law in the processes of legal enforcement. It is possible to consider this role in the most convenient manner in the context of practice of various courts, first of all, in the context of practice of the RF Supreme Court, in accordance with various specific court decisions<sup>1</sup>. In the course of hearing the specific cases, the RF Supreme Court has stated that those provisions of the Tax Code of the Russian Federation, which establish rules of collection of certain taxes, must be interpreted in accordance with the systemic interrelation with the main principium's of legislation on the taxes and levies, which are stipulated by article 3 of the Tax Code of the Russian Federation. In accordance with paragraph 1-2, paragraph 3 of article 3 of the Tax Code of the Russian Federation, legislation on the taxes and levies is based on acceptance of the taxation generality and equality, as well as on the inadmissibility of the discriminatory taxation. Taxes must have the economic basis; they must not be established arbitrarily<sup>2</sup>. In addition, the RF Supreme Court states that the approach, which was selected by the tax authority and which was supported by the courts in the course of hearing of the specific case with the goal of performance of the tax control measures, does not comply with the principle of the responsible tax management and does not comply with the provisions of the sixteenth subparagraph of paragraph 1 of article 11, provisions of paragraph 2 of article 22, provisions of paragraph 8 of article 101 of the Tax Code of the Russian Federation.<sup>3</sup> In other case, the RF Supreme Court states that the approach, which was used for interpretation of provisions of the chapter 21 of the Tax Code of the Russian Federation, did not comply with the principle of the VAT neutrality and (respectively) with the requirements of paragraphs 1 and 3 of article 3 of the Tax Code of the Russian Federation. As this approach would cause imposition of various tax burden upon the business entities, which have acquired objects of the permanent assets for their subsequent utilisation as production facilities in the course of performance of the transactions, which are subject to the VAT taxation, depending on the results of economic activity and on the losses, which have occurred in the course of this activity<sup>4</sup>.

Role of the principles of law was determined by the RF Supreme Court in respect of taxation of incomes of natural persons, namely-chapter 23 of the Tax Code of the Russian Federation does not establish any procedure of definition of the taxable base for the cases, where a taxpayer has the right for recovery of the caused losses in accordance with civil legislation. In these cases, in the course of determination of the tax consequences of payment of the financial resources as the recovery for the caused losses, it is necessary to be governed by the general principle (which is stipulated by Article 41 of the Tax Code of the Russian Federation) of the income definition on the basis of the economic gain, which was obtained by a citizen<sup>5</sup>.

It is also of importance to analyse the approach of the Constitutional Court of the Russian Federation to the role of the principles of law in regulation of various social relations.

Particularly, the Constitutional Court has stated that "*principles of unity of the economic area, of free movement of goods, services, financial resources and principles of liberty of the economic activity lie at the bottom of the legal regulation in such sphere of the civil circulation, as turnover of immovable property*"<sup>6</sup>. In another case, the Constitutional Court has directly stated that in the course of legal regulation in the tax sphere, the lawyer must proceed on the basis of the fact that in accordance with the Constitution of the Russian Federation the rights and liberties of an individual and a citizen determine the meaning, contents, and application of laws (article 18). That is, taxation must be well-proportioned and commensurable one in order to ensure that implementation of constitutional rights by citizens would not be paralysed. In this connection, the lawyer must fully comply with the principle of equality of citizens before the law and before the court, as well as the principle of proportionality (article 19, part 1; article 55, part 3, Constitution of the Russian Federation), which restrict the limits of the lawyer's discretion in the course of establishment, introduction, and collection of taxes<sup>7</sup>.

Based on the statements, which were analysed above, it follows that application of the specific provisions of law in the specific dispute must be based on the relevant principles of law (both general principles and specific principles). Therefore, even in the cases, where specific social relations will be duly regulated by the provisions of law, the principles of law in the course of such regulation will have the priority nature as the means of legal regulation. In this case, there are no doubts that principles of law play the role of the basic regulator of social relations. In this connection, principles of law exert the immediate influence not only upon the legal enforcement of various provisions, but upon formation of the legal provisions as well. It is possible to see the following demonstrable example in the context of the approved Concepts of Increase of Efficiency of the Budgetary Expenditures during the period from 2019 to 2024<sup>8</sup>.

## DISCUSSION

It should be noted that there is no uniform approach to determination of the nature of financial law principles in the financial and legal literature.

Researches of Colin Bamford Scientists of Oxford determine principles of the financial law as the basis for financial regulation (which, in its turn, is one of the most important and disputable themes). They analyse policy and goals of the financial regulation based on the juridical branches of knowledge, economics, and finances. Colin Bamford (2011) assesses specific measures of regulation (such as regulation of the consumer financing and of liquidity of banks) in the light of the foundational policies and goals (Armour et al., 2016).

Certain scientists consider that the idea concerning the fact that unlucky debtors and dishonest debtors should not be treated in the same way is the main principle of the financial law. However, this law does not take the situation of the business into account. In other words, it does not deal with the question whether the difficulties encountered by the business could be overcome or whether they were irremediable (Ringe et al., 2009).

At the same time, the financial law is investigated from the point of view of the in-depth analysis of some of the devastating financial crises of the last quarter-century. Buckley shows how such factors as the origins and destinations of loans, bank behaviour, bad timing, and ignorance of history, trade regimes, capital flow, and corruption coalesce under certain circumstances to trigger a financial crash. Buckley then offers well-thought out legal measures to regulate these factors in a way that can prevent the worst from happening and more adequately



protect the interests of vulnerable parties and victims (Buckley, 2008).

Scientists of the United States of America and Netherlands analyse in which manner and to what extent various states, financial service providers, consumers, and others facilitate the occurrence of financial identity theft in the United States and the Netherlands. Such comprehensive and interdisciplinary approach makes the book essential background reading for policy makers and scholars in Information Technology, Criminology, and Public policy to develop strategies for the fight against identity theft (Meulen, 2011).

Certain scientists consider globalisation as the main principle of development of the market and the financial law respectively. The last decade has seen the increasing integration of the European financial markets due to a number of factors including creation of a common regulatory framework, liberalisation of the international capital movements, financial deregulation, and advances in technology and strengthening of the euro. However, the process of integration has proceeded largely in the absence of comprehensive legal regulation, and has rather been constructed based on sectorial provisions dictated by the needs of the cross-border transactions. This has meant that many legal barriers still remain as obstacles to complete integration. Vardi considers the discipline of monetary obligations within the wider context of financial markets. Vardi provides a comparative and transnational examination of the legal rules, which form the basis of transactions on financial markets. Analysis of integration of the markets from a legal point of view provides an opportunity to highlight the role of globalisation as the key element favouring the circulation of rules, models, and especially the development of new regulatory sources. Vardi examines market transactions and the institutes at the root of these transactions, including the type of legislative sources in force and the subjects acting as legislators (Vardi, 2010).

## **IMPLEMENTATION OF RESULTS**

This study represents a significant contribution to the theory of modern law. The analysis of the fundamental principles of public financial law can serve as the basis for further studies of financial regulation at the national and supranational levels. Thereby creating practical value for the processes of creating legal provisions of both states and interstate associations (European Union, British Commonwealth of Nations, and Commonwealth of Independent States).

The results of the study cannot be applied to countries with Islamic finance, as well as countries with various forms of totalitarian regimes. Since their financial regulatory framework is predominantly related to non-market, ideological, and religious aspects, which constitutes a limitation of this study. The authors also note that the assessments made in Chapter 2 of the Results through the prism of Russian judicial practice may differ from similar assessments in legal systems where public and private law are not separated.

## **CONCLUSION**

As it can be seen, there are no uniform approaches in the financial and legal literature to definition of the essence and role of the principles of law in the sphere of the public finance regulation. It is the questionable issue, whether principles of the financial law can only express the normativity and regulatory properties if they are expressed in the branch provisions of law. The more questionable issue is connected with the statement that they have the same structure: hypothesis-disposition-sanctions. From the point of view of the deontic logic theory, all

provisions have one and the same structure and they include the following components: contents, nature, condition of application, and subject. The provisions do not exist without any of these components (Ivin, 2016). In accordance with the legal interpretation, any provision includes disposition, hypothesis, and sanction. In this connection, such structure is only inherent to the provisions of law. According to the authors, it is not possible to consider principles and provisions of the financial law as the identical categories because each of these legal phenomena has regulating properties, which are only inherent to these phenomena. Therefore, there cannot exist neither provisions—principles nor other forms of their combinations with one another, which result in their identification. The most in-depth definition of these principles is the "*principium's*", that is, the concepts, on which other things depend. It is necessary to ensure that "*the commonly used laws*", which are published in the state, are always in compliance with such unchangeable, rightful, and universal principles of law.

Stable functioning and development of the sphere of modern public finance is connected in many aspects not only with the sphere of economic relations, but it is also in the essential degree under influence of the existing legal regulations, which exist in the state. The public finances are not only creation of the economic relations; they are in direct dependency on the political and legal systems of the state. Therefore, not only basic governing laws of functioning of the economic relationships are implemented in the public finances of the state, but the basic governing laws of the legal system of the state are implemented as well. In this connection it must be noticed that modern legal theory exists as the certain "*pluralistic cake*" of the legal consciousness principles: from the normativity principle up to the comprehend theory of law. As the consequence of this fact, approaches in respect of understanding of the juridical nature of the principles of law and of their role in regulation of social relations are diversified as well (Avila, 2007).

Based on the above-presented analysis, according to the authors, it is necessary to make the following conclusions: principles of the financial law (in accordance with their nature) are the immediate legal regulators of social relations in the sphere of public finance. Principles of the financial law have certain regulating properties, but they must not be identified with the provisions of the financial law, as they are independent legal regulations. Principles of the financial law (based on their regulating properties) must be considered as components of the system of the financial law.

## ENDNOTE

1. Court Judgments of the Chamber for Commercial Disputes of the RF Supreme Court dated October 16, 2018, No. 310-KG18-8658; dated October 24, 2018 No. 304-KG18-4849; Court Judgments of the Chamber for Commercial Disputes of the RF Supreme Court dated February 16 2018 No. 302-KG17-16602; dated August 03, 2018 No. 305-KG18-4557; dated September 18, 2018 No. 304-KG18-5513; Court Judgments of the Chamber for Commercial Disputes of the RF Supreme Court dated March 06, 2018 No. 304-KG17-8961; dated April 05, 2018 No. 305-KG17-20231; dated January 29, 2018 No. 309-KG17-13845; dated May 11, 2018 No. 305-KG17-22109; dated September 20, 2018 No. 305-KG18-9064; dated October 24, 2018 No. 305-KG18-12600; dated March 16, 2018 No. 305-KG17-19973; dated October 16, 2018 No. 304-KG18-7786.
2. Judgment of the RF Supreme Court dated October 16, 2018, No. 310-KG18-8658, A68-10573/2016
3. Judgment of the RF Supreme Court dated August 3, 2018, No. 305-KG18-4557
4. Judgment of the RF Supreme Court dated December 21, 2018, No. 306-KG18-13567 in respect of the case No. A57-9401/2017
5. Judgment of The RF Supreme Court dated January 29, 2018, No. 309-KG17-13845

6. Judgment of the RF Constitutional Court Judgment of the RF Constitutional Court No. 13-P dated June, 04, 2015 In Respect of the Case for Verification of Constitutionality of Provisions of Article 31.1 Of the Federal Law "On the State Registrations of the Rights on Immovable Property and Transactions with the Immovable Property" in Connection with the Claim of Citizens V.A. Kniazik and P.N. Puzyrin Collection of Legislative Acts of the Russian Federation. 2015. No. 24. Article 3548
7. Judgment of the RF Constitutional Court No. 10-P dated February 15, 2019 "In Respect of the Case for Verification of Constitutionality of Article 402 of the Tax Code of the Russian Federation in Connection with the Claim of Citizen O.F. Nizamova" //http://www.pravo.gov.ru, February 19, 2019
8. Resolution of the RF Government No. 117-r dated January 31, 2019 "On Approval of the Concepts on Increase of Efficiency of the Budgetary Expenditures during the period from 2019 to 2024" //http://www.pravo.gov.ru, February 04, 2019.

## REFERENCES

- Alder, J. (2002). *General principles of constitutional and administrative law*. Palgrave Law Masters.
- Armour, J., Awrey, D., Davies, P.L., Enriques, L., Gordon, J.N., Mayer, C.P., & Payne, J. (2016). *Principles of financial regulation*. Oxford University Press.
- Avila, H. (2007). *Theory of legal principles*. Springer Science & Business Media.
- Bamford, C. (2011). *Principles of international financial law*. Oxford University Press
- Belikov, E.G. (2016). On the system of principles of financial law. *Financial law*, 5(1), 3-8.
- Lord, C. (2011). *Belmont Park Investments Pty Ltd v BNY Corporate Trustee Services*.
- Benjamin, J. (2007). *Financial law*. Oxford University Press.
- Bergelle, J.L. (2000). *General theory of law*. Moscow: Nota Bene.
- Buckley, R.P. (2008). *International financial system: Policy and regulation*. Kluwer Law International BV.
- Fauvarque-cosson, B., & Mazeaud, D. (2011). *European contract law: Materials for a common frame of reference: Terminology, guiding principles, and model rules*.
- Hudson, A. (2013). *Hudson law of finance*. Sweet & Maxwell.
- Ivin, A.A. (2016). *Logics of assessments and provisions: Philosophical, methodological, and applied aspects: Monograph*. Moscow: Prospect Publishing House.
- Kondrat, E. (2018). *Offenses in the financial sector of Russia*. Threats to financial security and ways to counter them. Litres.
- Mäntysaari, P. (2010). *The law of corporate finance: General principles and EU law: Volume II: contracts in general*. Springer Science & Business Media.
- McCormick, R. (2010). *Legal risk in the financial markets*. Oxford University Press on Demand.
- Nicholas, L. (2005). *Principles methods law and economics*.
- Von-Bar, C., Clive, E., & Schulte-Nölke, H. (2009). *Principles, definitions and model rules of European private law: Draft common frame of reference (DCFR)*. Walter de Gruyter.
- Civil Code of Russian Federation. (2015). *Resolution of the plenum of the supreme court of the Russian Federation No. 25 on application of certain provisions of section i*. Bulletin of the Supreme Court of the Russian Federation.
- Ringe, W.G., Gullifer, L., & Théry, P. (2009). *Current issues in European financial and insolvency law: Perspectives from France and the UK*. Bloomsbury Publishing.
- Sabitov, T.R. (2012). *System of the criminal-and-legal principles: Monograph*. Moscow: Prospect Publishing House.
- Meulen, N.S. (2011). *Financial identity theft: Context, challenges and countermeasures*. Springer Science & Business Media.
- Vardi, N. (2010). *The integration of European financial markets: The regulation of monetary obligations*. Routledge.
- Vavilin, Y.V. (2012). *Principles of the civil law: Mechanisms of implementation and protection of civil rights*. Federal State Budgetary Educational Institution of Higher Professional Education (FSBEI HPE) Saratov State Juridical Academy. Saratov: Publishing House of the Saratov State Juridical Academy FSBEI HPE.
- Veljanovski, C.G. (2007). *Economic principles of law*. Cambridge University Press.
- Veresha, R. (2016). Mistake of criminal law and its influence on the classification of crime. *International Journal of Environmental and Science Education*, 11(15), 8017-8025.

- Veresha, R. (2018). Corruption-related offences: Articulation of pervasive prevention mechanisms. *Journal of Legal, Ethical and Regulatory Issues*, 21(4), 1-12.
- Veresha, R. (2018). Preventive measures against computer related crimes: Approaching an individual. *Informatologia*, 51(3-4), 189-199.
- Vinnitsky, D. (2017). *Russian tax law*. Litres.
- Volos, A.A. (2016). *Principles-methods of the civil law and their system: Monograph*. Moscow: Justitsinform Publishing House.
- Vostrikova, L. (2018). *Financial law*. Litres.
- Wiedenbeck, P.J. (2010). *ERISA: Principles of employee benefit law*. Oxford University Press.
- Yalbulganov A.A. (2016). *Subject and system of financial law: Monograph*: Institute of Public Law Research.
- Yershov, V.V. (2010). *Foundational general-theoretical and civil-and-legal principles of the law: Monograph*. Moscow: RAP.