

Artículo de investigación

The Main Directions of Integration of States' Activities to Ensure Economic Security

**Основные Направления Борьбы с Экономической Преступностью в Контексте
Предотвращения Экстремизма и Терроризма (Региональный Аспект)**

**Las principales direcciones de integración de las actividades de los Estados para
garantizar la seguridad económica**

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Abstract

Methodological and legislative issues of ensuring economic security are investigated within the framework of the article. The novelty of the research topic is about the statement of the problem determined by the negative consequences of globalization of international relations, which led to an increase in the rates of transnational crime and has become a threat to international security.

The purpose of the study is to find out areas for optimizing international cooperation on counteraction to economic crimes, taking into account the specifics of the current stage of socio-economic integration. The research tasks included disclosure of the legal nature of

Аннотация

В рамках статьи исследуются методологические и законодательные вопросы обеспечения экономической безопасности. Новизна темы исследования заключается в постановке проблемы, обусловленной негативными последствиями глобализации международных отношений, которая привела к росту масштабов транснациональной преступности и стала угрозой международной безопасности. Целью исследования является выявление направлений оптимизации международного сотрудничества по противодействию экономическим преступлениям с учетом специфики современного этапа социально-

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corruption as a basic component of the shadow economy, essential properties and signs of corruption as a negative social phenomenon, determining the quality of implementation of international standards within the framework of legislation of national legal systems and establishing priority areas for cooperation between states to ensure economic security.

The methodology of the research is based on a set of general scientific, private, and special methods of scientific knowledge that allow the system to structure, subject to formal and legal means, a mechanism for counteracting economic crimes and conduct a comparative legal analysis, identifying general and specific trends in ensuring economic security in various legal systems.

As a result of the study, it was concluded that one of the problems of ensuring economic security at the international level is the absence in the international acts of a unified approach to the concept of corruption, which naturally caused in the foreign legislation legal pluralism in regulating the grounds for bringing to legal, including criminal liability. The problems of the definitive correlation of corruption inspire inadequate coherence of measures to counter international corruption in terms of identifying, disclosing, prophylactic and preventing corruption. The effectiveness of international legal cooperation presupposes the unification of approaches to the qualification of criminally punishable offenses of corruption orientation, proceeding from corrupt schemes of state, ecological, economic crime associated with illegal transfer of funds within the shadow turnover and legalization of incomes.

Keywords: Economic security, transnational crime, international legal acts, corruption, prevention of corruption.

экономической интеграции. Задачи исследования включали раскрытие правовой природы коррупции как основного компонента теневой экономики, основных свойств и признаков коррупции как негативного социального явления, определения качества внедрения международных стандартов в рамках законодательства национальных правовых систем и определение приоритетных направлений сотрудничества государств для обеспечения экономической безопасности. Методология исследования основана на совокупности общенаучных, частных и специальных методов научного познания, которые позволяют системе структурировать с учетом формальных и правовых средств механизм противодействия экономическим преступлениям и проводить сравнительно-правовой анализ, выявляя общие и специфические тенденции обеспечения экономической безопасности в различных правовых системах.

В результате исследования был сделан вывод о том, что одной из проблем обеспечения экономической безопасности на международном уровне является отсутствие в международных актах единого подхода к понятию коррупции, что естественным образом обусловило в иностранном законодательстве правовой плюрализм в регламентировании оснований для привлечения к юридической, в том числе уголовной ответственности. Проблемы окончательной корреляции коррупции порождают недостаточную согласованность мер по борьбе с международной коррупцией с точки зрения выявления, раскрытия, профилактики и предотвращения коррупции. Эффективность международно-правового сотрудничества предполагает унификацию подходов к квалификации уголовно наказуемых преступлений коррупционной направленности, исходя из коррупционных схем государства, экологических, экономических преступлений, связанных с незаконным переводом средств в рамках теневого оборота и легализацией доходов.

Ключевые слова: экономическая безопасность, транснациональная преступность, международно-правовые акты, коррупция, предупреждение коррупции.

Resumen

El artículo examina los problemas metodológicos y legislativos para garantizar la seguridad económica. La novedad del tema de investigación radica en la formulación del problema causado por las consecuencias negativas de la globalización de las relaciones internacionales, que condujo a un aumento de la delincuencia transnacional y se convirtió en una amenaza para la seguridad internacional.

El objetivo del estudio es identificar áreas para optimizar la cooperación internacional en la lucha contra la delincuencia económica, teniendo en cuenta los detalles de la etapa actual de integración socioeconómica. Los objetivos del estudio incluyeron la revelación de la naturaleza legal de la corrupción como el componente principal de la economía sumergida, las propiedades básicas y los signos de corrupción como un fenómeno social negativo, determinando la calidad de la implementación de estándares internacionales en el marco de la legislación de los sistemas legales nacionales e identificando áreas prioritarias para la cooperación estatal para garantizar la seguridad económica.

La metodología de investigación se basa en un conjunto de métodos científicos generales, privados y especiales de conocimiento científico que permiten al sistema estructurar, teniendo en cuenta los medios formales y legales, el mecanismo para contrarrestar los delitos económicos y realizar un análisis legal comparativo, identificando tendencias generales y específicas para garantizar la seguridad económica en varios sistemas legales.

Como resultado del estudio, se concluyó que uno de los problemas para garantizar la seguridad económica a nivel internacional es la falta de un enfoque unificado del concepto de corrupción en los actos internacionales, lo que naturalmente causó el pluralismo legal en la legislación extranjera para regular los motivos legales, incluyendo responsabilidad penal. Los problemas de la correlación final de la corrupción dan lugar a una coordinación insuficiente de las medidas para combatir la corrupción internacional en términos de identificación, divulgación, prevención y prevención de la corrupción. La efectividad de la cooperación legal internacional implica la unificación de enfoques para la calificación de delitos penales de naturaleza corrupta, basados en esquemas de corrupción del estado, delitos ambientales, económicos asociados con la transferencia ilegal de fondos en el marco de una rotación de la sombra y la legalización de los ingresos.

Palabras clave: Seguridad económica, delincuencia transnacional, actos jurídicos internacionales, corrupción, prevención de la corrupción.

Introduction

In the context of the globalization of international life, one of the key areas for the progressive and fruitful development of international relations is the integration of the legislation of states to ensure economic security (Akopdjanova, 2015). Meanwhile, the progressive development of the economic systems of Russian and foreign countries is complicated by the growing rates of economic crime associated with the activation of corruption components in various spheres, the direct growth of the criminal incidence of employees in the sphere of customs regulation. Integration processes of economic nature in conditions of international cooperation led to a natural transition of corruption crime to a transnational level.

The urgency of the problem of ensuring international economic security inspires the need to consolidate efforts and resources on the fight against corruption, facilitating encashment within the shadow economy and the legalization of proceeds derived from the commission of the predicate of economic crimes.

Thus, according to the well-known Peruvian economist de Soto Hernando, «shadow economic activity» predetermined «irrational legal regime» that generates «onslaught» illegal sectors of the economy and the «legalization costs» of economic activity (Goldfrank, 2000). According to the scientist, the costs of shadow economic activity in Peru amounted to almost 40% of official GNP.

The legal policy on counteracting economic crime is based on measures of criminal-legal nature, providing definition list of crimes and the individualization of the criminal punishment to be imposed. However, the legislation of foreign countries has significant discrepancies in the mechanism of regulatory and legal regulation of economic security (Prebisch, 1950).

As a result of the intensification of economic cooperation, one of the pressing problems is the development of a unified mechanism for ensuring economic security at the international level (Kartashkin, Lukasheva, 2002). This

approach requires consolidation of resources to counteract economic crimes, including the prevention of corruption crimes of employees and subjects of international economic activity. The solution of the problem of ensuring the economic security of states is directly connected with the overcoming of legal particularism that has developed in the legislation of the Russian Federation and foreign countries.

Thus, at present, the mechanism of legal effect on economic criminality of a transnational nature is characterized by a certain imperfection due to the inconsistency in the norms of Russian and foreign criminal law.

The transnational nature of economic crime predetermined the problem posed by the establishment of a uniform approach within the framework of international cooperation to ensure the economic security of states.

Dynamics and structure of economic crimes in the context of globalization of international life

An important role in ensuring economic security is played by overcoming the tendency associated with a steady increase in the number of economic crimes. This trend can be analyzed on the example of official statistics of the Main Information and Analysis Center of the Ministry of Internal Affairs of Russia (Table 1).

Table 1. Dynamics and structure of economic crimes in the Russia (2003-2018 years)

Years	Absolute indicators of economic focused crimes	Relative indicators of economic focused crimes	Relative indicators of grave and especially grave economic focused crimes	Relative indicators of economic focused crimes, subject to preliminary investigation
2003	376791	13,66%	37,69%	54,15%
2004	402359	13,9%	32,17%	56,24%
2005	437719	12,31%	34,7%	62,31%
2006	489554	12,69%	35,61%	63,55%
2007	459198	12,81%	38,14%	67,04%
2008	448832	13,98%	37,64%	67,0%
2009	428792	14,31%	40,3%	69,25%
2010	276435	10,51%	47,93%	75,09%
2011	202454	8,41%	53,75%	84,11%
2012	172975	7,51%	57,36%	89,84%
2013	141229	6,4%	57,77%	89,53%
2014	107797	4,92%	61,0%	90,52%
2015	112445	4,7%	62,6%	91,12%
2016	108754	5,03%	59,89%	88,63%
2017	105087	5,1%	56,92%	86,87%
2018	109463	5,49%	59,13%	88,79%

Based on official statistics, in structure of economic crimes in the Russian Federation, crimes are characterized by increasing rates:

- 1) In the sphere of economic activity;
- 2) Corruption orientation;
- 3) Tax;
- 4) Ecological;
- 5) Of a terrorist nature;
- 6) Extremist orientation.

Among the crimes of economic orientation, in terms of indicators, crimes in the sphere of economic activity are leading, the share of which amounted to: 1,25% in 2015; 2016 – 1,34%; 2017 – 1,45%.

At the same time, among the crimes in the sphere of economic activity are the indicators of illegal manufacture, storage, transportation and sale of counterfeit money, securities (Article 186 of the

Criminal Code of the Russian Federation), which reached 0,79%.

On the second place among crimes of an economic orientation there are the crimes of corruption orientation, differing by the following dynamics of relative indicators, reached in: 2015 - 1,25%; 2016 - 1,25%; 2017 - 1,43%. The list continues with environmental crimes continues, which indicators are characterized by the following dynamics: 2015 - 0,54%; 2016 - 0,55%; 2017 - 1,18%.

The next position is occupied by tax crimes, characterized by the following indicators: 2015 -

0,16%; 2016 - 0,18%; 2017 - 0,42%. According to official statistics, crimes of a terrorist nature and extremist orientation are also highlighted among economic crimes. The dynamics of crimes of a terrorist nature has the following specifics: 2015 - 0,16%; 2016 - 0,18%; 2017 - 0,09%.

The specified list of indicators of extremist crimes is completed: in 2015 - 0,16%; 2016 - 0,18%; 2017 - 0,073%. The ratio of the specific gravity of certain types of economic crimes is presented in the table below (Table 2).

Table 2. Structure of economic, corruption, tax, ecological focused crimes in the Russia (2003-2018 years)

Years	Relative indicators of economic focused crimes	Relative indicators of corruption focused crimes	Relative indicators of tax crimes	Relative indicators of ecological crimes
2003	1,39%	-	-	0,94%
2004	1,62%	-	0,6%	1,05%
2005	2,06%	-	0,64%	0,94%
2006	2,39%	-	0,66%	1,08%
2007	2,36%	-	0,74%	1,15%
2008	2,51%	-	0,86%	1,39%
2009	2,76%	-	0,74%	1,55%
2010	2,17%	-	0,54%	1,48%
2011	1,68%	-	0,36%	1,21%
2012	1,49%	2,12%	0,25%	1,19%
2013	1,24%	1,88%	0,31%	1,12%
2014	1,22%	1,37%	0,28%	0,16%
2015	1,25%	1,25%	0,16%	0,54%
2016	1,34%	1,25%	0,18%	0,55%
2017	1,45%	1,43%	0,42%	1,18%
2018	1,83%	1,53%	0,38%	1,2%

Dynamics of growth of the specific weight of material damage caused by economic crimes in the Russian Federation are characterized by indicators that have reached the general structure of criminality: 62,19% in 2015, 70,73% in 2016, 57,35% in 2017.

Unconditional interest is represented by indicators of the volume of material damage caused by economic crimes, taking into account the gravity of the committed act and the nature of the criminal orientation (Table 3).

Table 3. Indicators of the volume of material damage from economic crimes in the Russia (2003-2018 years)

Years	Relative Indicators of volume of material damage from heavy and especially serious crimes	Relative Indicators of volume material damage from economic focused crimes	Relative Indicators of volume material damage from economic tax crimes	Relative Indicators of volume material damage from ecological crimes
2009	90,66%	93,76%	4,3%	1,13%
2010	55,21%	67,26%	16,86%	6,95%
2011	64,28%	64,09%	14,99%	7,17%
2012	64,35%	54,09%	9,05%	7,52%
2013	65,9%	59,54%	19,84%	6,5%
2014	70,33%	55,69%	11,34%	6,88%
2015	71,21%	62,19%	11,32%	5,35%
2016	79,41%	70,73%	12,69%	3,77%
2017	70,57%	57,35%	17,52%	9,2%
2018	82,42%	71,71%	16,85%	4,52%

The legal nature of economic crimes and its determinants.

The study of the problem of economic security requires addressing the problem of the legal nature of economic crimes. In this regard, it should be noted that economic crimes are predominantly determined by a combination of negative factors that take place in the context of political, legal and socio-economic systems. However, the key moment in the formation of criminal intent is to recognize the presence of selfish motivation in person's behavior, formed to suit personal interests and needs (Avdeev, 2013). For crimes of the corruption component, the possession of a person's special status, creating opportunities for the realization of criminal intent by virtue of conferring executive, administrative or control functions in public authorities, institutions and enterprises of various state, private and other forms of ownership is important.

From this it follows that the nature of the crime of economic orientation is directly related to the offending behavior determined by the «conflict of interests» arising in the framework of the civil service, business and other economic activities (Bratanovskiy, Zelenov, 2012).

The complexity of solving the problem of counteracting economic crimes at the international level lies in the diversity of regulatory legal instruments. First of all, in international and national law there is an ambiguous approach to the legislative

formulation of the conditions and grounds for criminal liability for economic crimes.

For example, considering the problem of combating corruption crimes, it is necessary to pay attention to the fact that in accordance with the norms of international law, all negative corruption phenomena are designated as «corruption offenses». The lack of uniform approach in international law made it possible to classify corruption at the national level as wrongful acts involving offending manifestations of various kinds of lobbying for personal selfish interests in state authorities and self-government bodies, organizations and institutions of various forms of property expressed in the form of provision to third parties in violation of the interests of the service certain rights, privileges, advantages; illegal participation of state and municipal employees in the implementation of entrepreneurial activities; bribery, and so on (Avdeev, Avdeeva, Gribunov, Sergevnin, 2016). Proceeding from this, within the framework of national legislation, corruption offenses are subject to sectoral - civil, disciplinary, administrative and criminal liability.

Disclosure of the problem of ensuring economic security naturally draws attention to the correlation of the norms of the criminal legislation of foreign countries in the sphere of regulation of conditions and grounds for criminal liability for corruption.

Economic security and problems of integration in the context of legal particularism in the regulation of economic crimes.

Considering the specifics of the regulation of responsibility for corruption in the countries of the Romano-German legal system, it should be said that on the basis of the thirtieth section of the Criminal Code of Germany, criminal liability is for:

- 1) Gaining benefits;
- 2) The provision of benefits;
- 3) Corruption (accepting bribes);
- 4) Bribery (giving bribes);
- 5) Particularly serious cases of corruption and bribery;
- 6) Remuneration of the arbitrator;
- 7) Making an unjust verdict or decision;
- 8) Coercion to testify, etc.

However, chapter III of Section I of the Criminal Code of France establishes criminal liability for:

- 1) Offering gifts or presents to a person who has public authority, performing public service duties or endowed with an electoral mandate with the goal of committing or refusing to act in the circle his powers; abuse of influence to obtain awards from the public authority or management, posts, transactions, etc.;
- 2) Demanding or accepting gifts or presents for the purpose of abuse of their influence for obtaining awards, positions, transactions or other favorable solutions from the state authority or management (Avdeev, Avdeeva, 2019).

If we consider the specifics of the criminal legal mechanism for countering corruption in the United States, then, as a result of the definition of corruption as an act carried out with the intention of granting benefits incompatible with the official status of an official to the detriment of the rights and interests of others, criminal law classifies corruption offenses into:

- a) Bribery, destabilizing the activity of the administration of power;
- b) Bribery in the sphere of commercial activity;
- c) Bribery in the field of trade union activities;
- d) Bribery, coupled with the activities of sports functionaries.

The Model Criminal Code regulates responsibility for:

- 1) Bribery associated with a conflict of interests at the official and political levels;
- 2) Remuneration for past conduct in office;
- 3) Gifts for public servants from persons in their jurisdiction;
- 4) Remuneration of a public servant for rendering assistance to private interests on issues under consideration;
- 5) Selling political support, etc.

It is noteworthy that paragraph 24.8 of the United States Model Criminal Code establishes liability for commercial bribery, implying the form of fraud or the form of deception in the private business.

The Penal Code of the People's Republic of China, denoting corruption as misappropriation, fraudulent acquisition or illegal seizure of public property by civil servants with the use of their service advantages, delineates individual corruption, bribery (Article 382-396) and regulated in Chapter 9 «Crimes against the interests of the civil service».

The legal impact on corruption in Japan is distinguished by the provisions of the 25th chapter of the criminal law – «Crimes of bribery», which provide responsibility for:

- 1) Abuse of the public official assigned by office;
- 2) Arrest or detention in custody as a result of abuse of the power assigned by the office by a public official;
- 3) Violence, abuse or ill-treatment by a public official;
- 4) Receipt, demand or preliminary receipt of a bribe;
- 5) The transfer of a bribe to a third party;
- 6) Receiving a bribe with aggravating circumstances and then receiving a bribe;
- 7) Receiving a bribe for mediation;
- 8) Giving bribes and giving bribes for assistance, etc.

Investigating the peculiarities of the legal regulation of responsibility for corruption under the Criminal Code of the Mongolian People's Republic, it is worth noting the delineation of such crimes as: 1) abuse of power or official position by a government official who pursues lucrative or other personal interests, causing

significant damage to rights and interests; 2) abuse of authority by a public official, which is clearly an excess of an official within the limits of the granted rights and powers, which caused significant damage to the rights and interests of the business entity, organization or citizens; the commission of an act repeatedly with the use of violence or threat, which caused damage in large or extreme amounts.

A positive measure of counteraction to corruption crimes should be considered the establishment in the Criminal Code of the MPR of responsibility for: 1) abuse of authority by an NGO official (sphere of non-state political services) or an entrepreneurial entity; 2) abuse of authority by an NGO official or an entrepreneurial entity involving the use of the name of the official and causing damage or accompanied by the extraction of profits from the illegal activities in a large or very large amounts.

Conclusions

Analysis of the problems of international cooperation on ensuring economic security made it possible to conclude that the legal policy of states, taking into account the features of modern legal systems, should be aimed at the formation of a unified mechanism to neutralize economic threats. This requires integration of socio-economic, political, legal, information and other measures (Avdeev, Avdeeva, Rozenko, Znamerovskiy, Kiselyov, 2017).

To ensure economic security, the intensification of customs and legal regulation, providing for the creation of favorable conditions for the economic growth of states, the development of fair competitiveness of the economic activity carried out, and the improvement of efficiency in the regulation of the market for goods, services, labor and other resources are of great importance (Sergevnin, Avdeev, Avdeeva, 2015).

The priority is the implementation of joint programs at the international level, including activities to assess, monitor and ensure the anti-corruption behavior of officials, employees and citizens (Afanasyeva, 2006).

The strategy to counteract economic crime at the international level presupposes creation of atmosphere of unacceptability by oppressing factors determining economic crimes, taking into account the prevailing conventional principles declared by the UN Conventions against corruption and on criminal responsibility for corruption, the UN resolution «Corruption

among officials», the International Code of Conduct for Public Officials, the Code of Conduct for Law Enforcement Officials and etc. Counteraction to international economic crime requires the consolidation of states with a view to developing uniform legal instruments of influence and unified formalization of rules for the ethical conduct of officials. The legal policy presupposes taking measures to exclude possibility of merging interests of governmental officials and business leaders, as well as preventing and suppressing the implementation of corrupt schemes by business representatives.

The effectiveness of international means of counteracting economic crime in the context of ensuring economic security is predetermined by proper transparency of the activities of public authorities, public and private sector institutions and enterprises, officials, public associations and other institutions of the economic system, including those acting as subjects of foreign economic activity (Avdeev, Avdeeva, 2014).

In the process of ensuring economic security at the international level, the specialization of measures to counteract economic corruption is of special importance, providing for the establishment of a centralized body for the coordination of preventive activities, namely, for uniting the efforts of states to identify, investigate and condemn corrupt officials; to apply economic sanctions to enterprises involved in corruption, as well as to resolve issues related to the confiscation of funds and property acquired as a result of the commission of corruption-related crimes.

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