



Time Limits in Disciplinary Proceedings against Employees of the Russian Penal System: Theoretical and Practical Aspects

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Abstract

Introduction: the article is devoted to urgent problems of improving the legal regulation of disciplinary proceedings against employees of the Russian penal system in relation to such an element of its procedural form as procedural deadlines. The *purpose* of the article is to highlight theoretical and applied aspects of material and procedural time limits in disciplinary proceedings against employees of the penal system as a factor in ensuring a balance between the effectiveness of public administration (expediency, efficiency, disciplining effect) and the reasonable and lawful application of disciplinary punishment. Time limits in this case are not just a formality, but legal regulators. They limit the time to resolve the issue of the possibility of imposing penalties on discipline violators, determine temporal limitations of knowledge of the basis of disciplinary proceedings, the exercise of procedural rights and the performance of procedural duties, thereby acting as regulators of the dynamics of disciplinary proceedings, the real movement of the case within the framework of its procedural stages. The methodological basis of the work is formed by general and special scientific methods (system-structural, formal-legal, descriptive, analysis, generalization, rational criticism), methods of cognition of legal reality. *Conclusions:* currently, the theory of procedural time limits in disciplinary proceedings is under development. Time limits in this proceeding should be considered as legal regulations, guarantees of reasonable and timely imposition of disciplinary action. In this regard, it is necessary to study the types and system of time limits, their consolidation and detailing in the legislation on disciplinary liability of employees of the penal system, since strictly defined time frames must be observed in order to obtain a legal result in a disciplinary case. The improvement of the legal regulation of temporal limitations in disciplinary proceedings against employees of the Russian penal system is possible on the basis of supplementing the legislation on the order of service with the following procedural deadlines: notification of an employee on the appointment of an internal inspection; consideration of petitions within the framework of the inspection; completion of an internal inspection, notification of the employee of its results; execution of penalties imposed in a written act. It is also necessary to establish uniform rules for calculating time limits in disciplinary proceedings for the entire civil service system of the Russian Federation.

Key words: public service; official discipline; disciplinary liability; disciplinary proceedings; disciplinary penalties; procedural form, procedural time limits; penal system.

5.1.2. Public law (state law) sciences.

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Introduction

One of the components of the legal activity on the application of disciplinary penalties to employees of the Russian penal system who have violated official discipline [1, pp. 44–45] is its terms. According to D.N. Bakhrakh, “the legislator does not only fixes deadlines, but also sets the rules for calculating them, makes their course dependent on certain facts” [2, p. 18].

When describing time limits in the application of disciplinary penalties, we agree with E.V. Druzhkova’s opinion that the legal regulation of the procedure for bringing to legal responsibility is associated, among other things, “with the consolidation of appropriate temporal limitations, i.e. the time length with which the legislator associates the legal possibility of committing procedural actions (decision-making)” [3, p. 13]. In turn, temporality is a specific relationship between moments of time and temporal characteristics, the dynamics of changes in those phenomena and processes, the qualitative feature of which is determined by the socio-cultural specifics of human existence; the temporal essence of phenomena [4].

In socio-legal relations of disciplinary liability, deadlines, as having certain specifics, establish legal regulations during which certain legally significant actions should or can be performed.

Without deadlines, the most important system-forming and supporting elements of the procedural form, the legal process loses its effectiveness and predictability. Deadlines determine the dynamics of disciplinary proceedings, do not allow subjects of disciplinary authority and non-governmental participants to abuse the form, for example, to endlessly try to exercise the right (to file petitions on the same issue, to challenge employees conducting an inspection), oblige the official in charge of the case to perform procedural actions within a certain time frame, to draw up the necessary documents. Setting reasonable deadlines allows for a balance between the principles of efficiency and objectivity of production.

When a penal system employee is brought to disciplinary liability in a procedural manner (a written act is issued), deadlines act as a condition of legal certainty and a guarantee against arbitrariness and ensure the finality of the proceedings. In cases similar to disciplinary proceedings in terms of their objectives and the formal logic of constructing a legal procedure for the application of administrative liability measures by setting material and procedural deadlines, as noted in the Resolution of the Constitutional Court of the Russian Federation No. 9-P of June 16, 2009 “In the case of checking the constitutionality of a number of provisions of articles 24.5, 27.1, 27.3, 27.5 and 30.7 of the Code of Administrative Offences of the Russian Federation, paragraph 1 of Article 1,070 and paragraph three of Article 1,100 of the Civil Code of the Russian Federation and Article 60 of the Civil Procedure Code of the Russian Federation in connection with the complaints of citizens M.Yu. Karelin, V.K. Rogozhkin and M.V. Filandrov”, the state protects “a person suspected of committing an administrative offense from the threat of public prosecution unlimited in time”.

Deadlines discipline subjects of procedural relations, primarily subjects of disciplinary authority [5, p. 174], and indicate their performance. A number of deadlines are prohibitive in nature, their omission leads to the termination of proceedings on the employee’s case (statute of limitations on the imposition of penalties), non-fulfillment of the decision (deadline for the execution of penalties). In contrast to criminal proceedings (Paragraph 3 of Part 1 of Article 24 of the Criminal Procedure Code of the Russian Federation), in the proceedings on an administrative offense, based on the Resolution of the Constitutional Court of the Russian Federation No. 9-P of June 16, 2009, “omission of the time limit of the statute of limitations is a rehabilitating ground for exemption from prosecution”. These provisions are fully applicable to disciplinary penalties against employees of the Russian penal system.

According to the Ruling of the Constitutional Court of the Russian Federation No. 2492-O of September 30, 2025 “On the refusal to accept for consideration of the complaint of citizen Evgenii V. Kovalev for violation of his constitutional rights by a number of norms of the Civil Procedure Code of the Russian Federation, as well as parts 3 and 4 of Article 52 of the Federal Law “On service in the internal affairs bodies of the Russian Federation and amendments to certain legislative acts of the Russian Federation””, the time limit for conducting and extending an internal inspection “aims to ensure the certainty of the legal status of employees of the internal affairs bodies and to prevent the arbitrary application of penalties to them”. According to the definition of the Eighth General Court of Cassation No. 88-12395/2022 of July 21, 2022, “an internal inspection report may be declared invalid if the deadlines for its conduct are violated”.

Concept of time limits

Procedural time limits are the tool that help to translate an abstract rule of substantive law (with its own deadlines) into the plane of real, compulsory exercise (or protection) of law. Acting as a kind of “channel for the implementation of material norms”, procedural norms fix temporal characteristics of the commission of procedural actions (determine how the timing affects the content, legality and consequences of the actions of officials, ensure guarantees of the legitimate rights of non-governmental participants in the process) and temporal limitations of the commission of procedural actions, when the time frame acts as a tool to limit the activity of participants in disciplinary proceedings. In disciplinary proceedings, the time point is the day of the commission of the offense, the date of the issuance of the order to impose a penalty, which is associated with the duration of the penalty. Legislation establishes moments of its beginning and ending or its duration (length) – hours, days, months, and years.

Procedural time limits in disciplinary proceedings are the time points or time intervals fixed by the norms of administrative procedure legislation in relation to one or more procedural stages when certain procedural actions are performed by subjects of disciplinary authority and participants in procedural relations to fulfill assigned duties or exercise rights or to have certain consequences by determining their

normative (formal-legal), epistemological (cognitive-logical) and factual (spatial-temporal and subjective) limitations that regulate the course of production, ensuring its dynamics.

The analysis of legal literature has shown that “in the presence of a huge array of normative definitions of administrative procedural time limits, there are no uniform general provisions on terms in administrative procedural law” [6, p. 797]. The study of the legal nature, types, procedure for fixing and calculating, suspending, extending time limits in disciplinary proceedings against employees of the penal system is relevant from the point of view of their availability, completeness of regulation by the norms of law, and practical significance.

Since scientific studies of the procedure for applying disciplinary penalties to civil servants mainly cover legal relations of disciplinary liability of employees of internal affairs bodies, we will characterize material and procedural time limits in disciplinary proceedings against persons serving other types of civil service and substantiate our position on these issues.

In her dissertation research, T.A. Malykhina studies the procedure for calculating and suspending a limitation period for disciplinary liability; a period of familiarization with the order imposing disciplinary punishment; duration of the disciplinary penalty: appointment and conduct of an internal inspection [7, pp. 113–115, 206–207]. She also proposes to fix time limits for approving the draft internal inspection report with employees of legal and personnel departments, notifying the civil servant of the inspection appointment [7, p. 99]. When fixing time limits for approving the inspection report in the mechanism of disciplinary responsibility, it should be noted that this period is an element of the activity of issuing individual management acts; it has a different legal nature, purpose and consolidation.

E.A. Rogozhkina analyzes issues of the timing and extension of an internal inspection, the timing of disciplinary action against an employee of the internal affairs bodies, the procedure and deadlines for informing an employee of an order to impose a penalty [8, pp. 116–117, 144, 154].

E.A. Shurupova considers issues of calculating (ending) procedural time limits in disciplinary proceedings of employees and the need to

consolidate the relevant rules in regulatory legal acts in the most detail [9, p. 123]. At the same time, we do not back the idea about extending the term of disciplinary proceedings in the event of a criminal case being initiated until a final decision is made on the case [9, p. 111]. The statute of limitations for the imposition of disciplinary punishment is associated with the criminal case of a penal system employee (Article 51 of the federal law No. 197-FZ of July 19, 2018 “On service in the penal system of the Russian Federation ...”, which, as explained in the Ruling of the Fifth General Court of Cassation No. 88-10335/2025 of December 4, 2025, “is suspended for the duration of criminal proceedings”. The employer’s representative, without waiting for the court’s conclusions on the criminal case, may terminate the contract and dismiss a penal system employee for committing defamatory misconduct (Paragraph 9 of Part 3 of Article 84 of the federal law No. 197). If a decision is made to terminate criminal proceedings against an employee due to the absence of an event or *corpus delicti*, or the initiation of criminal proceedings is refused, then the commencement of proceedings on the commission of a misdemeanor may be associated with the effective date of such a decision.

The above suggests that researchers in the sphere of administrative procedure law have not addressed all problematic aspects related to the concept, elements and types of time limits in disciplinary proceedings in the civil service system, the procedure for their establishment, calculation, suspension, extension and termination. To do this, it is crucial to consider types of terms in disciplinary proceedings and grounds for their classification.

In this proceeding, as in law in general, there are substantive and procedural time limits. Their key difference lies in the fact that the material time limits determine the very possibility of bringing an employee who violates discipline to justice, while the procedural ones determine the procedure for bringing him/her to justice. The expiration of a substantive right terminates either the law itself or the substantive legal relationship and the procedural relationship that ensures it. The procedural term may not exceed limits of the substantive term. For example, the limitation period for imposing a penalty on an employee of the penal system, outside of

which it is impossible to impose a penalty, is six months from the date of the offense (Part 7 of Article 52 of the federal law No. 197).

Classification of time limits

1. According to the legal value, time limits are divided into material and procedural.

1.1. Material: a term of imposition (application) of a disciplinary penalty, a limitation period for bringing disciplinary liability and duration of the disciplinary penalty. They are united by the fact that they form the content of a disciplinary legal relationship and determine the duration of legal consequences of a misdemeanor committed by a penal system employee of the Russian Federation. The specifics of these time limits are that their expiration also terminates relevant procedural activities for the implementation of substantive law norms and the execution of issued acts.

The time limit for imposing (applying) a penalty covers stages of initiation of proceedings, consideration and resolution of a disciplinary case and is calculated from the moment when the employer’s representative has learned about the misconduct of a subordinate employee (Part 6 of Article 52 of the federal law No. 197). The date on which the misconduct is discovered is the beginning of a period of time before which disciplinary action may be applied to the employee who has committed the misconduct, and this period may be suspended if there are grounds established in the legislation (parts 6 and 7 of Article 52). Due to the absence of special rules in the legislation on public service, the day of detection of misconduct should be considered the day when the head authorized to impose penalties has become aware of the commission of misconduct by an employee; in case an internal inspection is conducted, it is the date of approval of the internal inspection report by the head [10, pp. 559–560].

The norms of legislation establishing time limits for the application of penalties based on the ruling of the Constitutional Court of the Russian Federation No. 1946-O of September 28, 2021 “On the refusal to accept for consideration the complaint of citizen Dmitrii E. Subbotin for violation of his constitutional rights by paragraphs 1, 6 and 7 of Article 41.7 and subparagraph “b” of Paragraph 1 of Article 43 of the federal law “On the Prosecutor’s Office of the Russian Federation”, as well as the provisions of articles 81

and 193 of the Labor Code of the Russian Federation”, are aimed at ensuring the certainty of the legal status of persons subject to disciplinary liability and preventing the arbitrary use of disciplinary penalties, including without regard to the time that has elapsed since the commission of a disciplinary offense”.

The limitation period for disciplinary liability is preclusive. The Constitutional Court of the Russian Federation clarifies in the decision No. 19-P of May 17, 2022 “On the case of checking the constitutionality of Part 1 of Article 4.5 of the Administrative Offences Code of the Russian Federation in connection with the complaint of citizen O.A. Mel’nikova” that in all public-tort relations, the statute of limitations “is considered from the date of the offense”.

The validity period of a disciplinary penalty is one year from the date of imposition of the penalty in a written act or one month when announced orally (Part 14 of Article 52 of the federal law No. 197).

1.2. *Procedural time limits* fix time periods that determine the duration of:

- the commission of certain procedural *actions* (requesting an explanation, conducting internal inspection);
- the exercise of procedural rights (providing explanations, familiarization with the inspection report);
- the performance of procedural duties (notification of the appointment of an inspection, consideration of petitions);
- the duration of application of measures to ensure production, for example, temporary suspension of an employee from official duties;
- the execution of a disciplinary penalty; it is not preclusive in nature and determines a time period for the execution of the act of imposing a penalty. Its suspension for objective reasons (for example, an employee’s illness, being on vacation, undergoing a medical examination at the Military Medical Center) does not prevent the execution of the penalty in the future.

2. *According to the order of determining their duration and calculation*, we identify:

a) time limits having a certain duration (day, week, month, year). To fix them, the metric method is used, when the legislation sets a specific time period, calculated in accepted units, which makes it possible to determine as accurately as possible the moment when rights

and obligations arise, change or terminate. For example, two working days are provided for the provision of a written explanation by a violator of discipline (Part 8 of Article 52 of the federal law No. 197). Disciplinary punishment must be imposed no later than two weeks after the day when the direct head (chief) or the immediate supervisor (chief) becomes aware of the commission of a disciplinary offense by an employee, and in the case of an internal inspection or the initiation of a criminal case – no later than one month after the approval of the report based on the internal inspection results (Part 6 of Article 52). Disciplinary punishment may not be imposed on an employee after six months from the date of the commission of a disciplinary offense, and based on the results of an audit or audit of financial and economic activities - after two years from the date of the commission of a disciplinary offense (Part 7 of Article 52);

b) time limits that do not have a specific duration, the duration of which is not defined, and the method of assignment of which is evaluative: “members of the commission, depending on the subject of the internal inspection, are required to promptly report to the chairman of the commission on received applications (petitions) and inform the persons who have submitted these applications (petitions) of the results of their consideration” (Paragraph 13 of the “Procedure for conducting official inspections in institutions and bodies of the penal system of the Russian Federation” approved by the order of the Ministry of Justice of Russia No. 98 of May 6, 2025).

3. *According to the method of their calculation (fixing)*, time limits are divided into logical, metric and mixed. This classification is based on the difference between the physical passage of time and the legal rules of its calculation.

a) according to the logical method, the time calculation is based on the internal logic of the legal event. The beginning and/or end of the term are “tied” to a specific event or action that must inevitably occur, but its exact date is unknown in advance. For example, a penal system employee, in respect of whom the internal inspection is being conducted, after reviewing the decision to conduct an internal inspection, must provide written explanations on the cir-

cumstances of its conduct (Paragraph 13 of the “Procedure for conducting official inspections in institutions and bodies of the penal system of the Russian Federation”). The deadline for submitting an explanation begins on the day the employee is informed of the decision to conduct an inspection;

b) according to the metric method, the duration of the term is determined by specifying the exact, measurable units of time (days, months, and years). It ensures maximum certainty and formal clarity of legal relations. For example, this is the deadline for providing a written explanation – two working days after it is requested;

c) the mixed method involves a combination of event reference and an accurate time interval. The beginning of the term is determined by the indication of an event or action (a logical element), while the duration of the term is set by an exact unit of time (a metric element). Thus, the term is calculated as a time interval calculated from a certain legal fact. This is, for example, a thirty-day period for conducting an internal inspection, calculated from the date of the decision to conduct it (Paragraph 18 of the “Procedure for conducting official inspections in institutions and bodies of the penal system of the Russian Federation”).

4. *According to the possibility of extension (suspension)*, time limits are divided into:

a) extended (postponed) periods – the duration of the internal inspection, which does not include periods of temporary disability of the employee in respect of whom the internal inspection is being conducted, his/her stay on vacation or business trip, as well as the time of the employee’s absence from service for other valid reasons (Part 4 of Article 54 of the federal law No. 197); temporary suspension the employee’s discharge from official duties may continue until the end of the internal inspection and the execution of the penalty imposed on its results (Clause 2 of Part 2 of Article 75 of the federal law No. 197);

b) suspended for periods of temporary disability of an employee, while on vacation or on a business trip – the time limit for imposing a disciplinary penalty (Part 6 of Article 52 of the federal law No. 197), the time limit for conveying an order on the penalty imposition (Part 11 of Article 52);

c) non-extendable – the time limit for providing a written explanation (Part 8 of Article 52 of the federal Law No. 197).

5. According to procedural stages of the proceedings, time limits are divided as such:

a) limited by temporal limitations of one procedural stage:

– initiation of proceedings – providing an explanation, appointment and conduct of an internal audit;

– consideration and resolution of the case – approval of the inspection report, familiarization with the internal inspection report;

– execution and accounting of disciplinary action – delivery of an order to impose a penalty;

b) acting at several procedural stages – imposition of disciplinary penalties, application of certain measures to ensure proceedings.

6. *According to types of subjects of legal relations* on the application of disciplinary penalties, there are time limits:

a) for the subjects of disciplinary authority and their representatives – requesting an explanation, drawing up an act of refusal to provide an explanation, conducting an inspection, and reviewing the petition;

b) other participants in the proceedings – providing explanations, familiarizing with the inspection report, and receiving a response to the request.

Let us consider a system of time limits in disciplinary proceedings against employees of the Russian penal system.

The deadline for requesting a written explanation from the violator of discipline is two working days (Part 8 of Article 52 of the federal law No. 197). The specified period is calculated from the date of the employee’s familiarization with the decision to conduct an internal inspection (Paragraph 13 of the “Procedure for conducting official inspections in institutions and bodies of the penal system of the Russian Federation”). Disciplinary action is prohibited until the expiration of the waiting period for a response.

The time limit for imposing a disciplinary penalty is:

– two weeks from the date of detection of employee’s misconduct (Part 6 of Article 52 of the federal law No. 197);

– one month from the date of approval of the internal inspection report on the violation of dis-

cipline by an employee (Part 6 of Article 52 of the federal law No. 197);

- penalties for corruption offenses are imposed no later than six months from the date of receipt of information about their commission, without periods of temporary disability of the employee, his/her stay on vacation or business trip, and no later than three years from the date of commission. The specified time limits do not include the time of the criminal case proceedings (Part 5 of Article 53 of the federal law No. 197).

The limitation period for disciplinary liability is:

- six months from the date of the commission of a disciplinary offense or two years in case of the audit of financial and economic activities. The specified time limits do not include the time of the criminal case proceedings (Part 7 of Article 52 of the federal law No. 197).

An internal inspection must be scheduled within fourteen days from the day when the official has become aware of the information that is the basis for conducting an inspection against an employee (Paragraph 14 of the “Procedure for conducting official inspections in institutions and bodies of the penal system of the Russian Federation”).

The period for conducting an internal and other inspection is the following:

- thirty days from the date of the decision to conduct it; it may be extended for no more than thirty days (Part 4 of Article 54 of the federal law No. 197);

- the deadline for conducting a special inspection, in accordance with the decree of the President of the Russian Federation No. 1,065 of September 21, 2009 “On verifying the accuracy and completeness of the information provided to citizens applying for positions in the federal civil service and by federal civil servants, and compliance by federal civil servants with the requirements for official conduct”, should not exceed sixty days from the date of the decision on it and can be extended up to ninety days.

The deadline for notifying an employee of the penal system about conducting an internal inspection against him/her has not been set and should be reasonable. Notification of the appointment of a special check on the accuracy and completeness of information on income, property and property obligations, and compli-

ance by employees with the requirements for official conduct must be made within two working days.

Consideration of petitions and appeals from penal system employees is carried out in a timely manner during the internal inspection (Paragraph 13 of the “Procedure for conducting official inspections in institutions and bodies of the penal system of the Russian Federation”).

The date of completion of an internal inspection is determined by the date of signing the inspection report by the commission members (an authorized employee) (Paragraph 22 of the “Procedure for conducting official inspections in institutions and bodies of the penal system of the Russian Federation”).

The internal inspection report is provided to its head within three working days, who is obliged to approve it or extend the inspection period within five days (Paragraph 22 of the “Procedure for conducting official inspections in institutions and bodies of the penal system of the Russian Federation”).

An employee is familiarized with the inspection report upon his/her written request, no later than ten working days from the date of registration of his/her application (Paragraph 22 of the “Procedure for conducting official inspections in institutions and bodies of the penal system of the Russian Federation”).

The period for familiarization of an employee with the order on the imposition of a penalty is three working days from the date of its issuance (Part 11 of Article 52 of the federal law No. 197). A copy of the act on imposing a penalty for committing a corruption offense is handed over to the employee within five days (Part 7 of Article 53 of the federal law No. 197). The time period for reviewing the order does not include the absence of a person on duty for valid reasons.

The time limits that are legally fixed may be of the following duration due to the analogy of disciplinary legal relations:

- employee’s notification of an internal inspection – five days from the date of its appointment;

- consideration of petitions of an employee of the penal system during an internal inspection – five working days;

- end of the inspection as the day of approval of the inspection report by the authorized head;

- notification of an employee with the inspection results – five working days from the date of approval of the inspection report;

- limitation period for the execution of disciplinary punishment – before the expiration of the limitation period for bringing to disciplinary responsibility;

- execution of a penalty in the form of dismissal from service – two months.

Besides, the regulatory legal acts that establish the legal basis for disciplinary liability of civil servants do not contain rules for calculating time limits. For these purposes, the provisions of Article 4.8 of the Administrative Code of the Russian Federation can be used as a basis, taking into account the specifics of disciplinary action in the civil service system.

In order to regulate rules for calculating time limits in disciplinary proceedings, it is important to take into account the following points:

- 1) presence of definite and indefinite (so-called organizational, working) deadlines;

- 2) calculation of time limits in calendar and working days begins on the day following the calendar date or the occurrence of the event that determines the beginning of the time limit;

- 3) time limits for the application of disciplinary punishment, depending on the degree of clarification of the discipline violation circumstances, are calculated immediately from the day (moment) when the misconduct has become known to the head authorized to apply the penalty. The limitation period for the application of penalties begins on the day of the offense commission;

- 4) rules for extending time limits calculated in days if they end on a day off or a non-working holiday;

- 5) rules for extending time limits for the imposition of penalties, bringing an order for the imposition of penalties for the period of absence of an employee on duty for valid reasons;

- 6) rules for calculating time limits in months;

- 7) rules for calculating time limits in case of prolonged absence of an employee at the service without valid reasons.

Results

The study of the legal nature, concepts, types, procedure for fixing and calculating, suspending, extending time limits in disciplinary proceedings against employees of the Russian penal system has made it possible to identify problems and substantiate the following areas of improvement of this legal institution:

- the need to fix in legal acts regulating the imposition of disciplinary penalties the following procedural deadlines: notification of an employee about the appointment of an internal inspection, consideration of petitions within the framework of the inspection, the deadline for the end of the internal inspection, notification of the employee about its results, and execution of penalties imposed in a written act. A clear definition of temporal limitations of disciplinary proceedings is a prerequisite for high-quality law enforcement activities, ensuring legal protection of civil servants, improving legislation and developing a unified practice;

- the lack of clear rules for calculating time limits in disciplinary proceedings causes legal errors in practice and. The complexity of calculating time limits requires detailed scientific and practical analysis, development of clear legal regulations and their clarification on the part of competent actors.

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