MATURETY CAPITAL AS AN ECONOMIC AND LEGAL MEASURE TO STABILIZE THE DEMOGRAPHIC SITUATION IN RUSSIA

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INTRODUCTION

Despite the fact that Russia has overcome the demographic crisis of the beginning of the XXI century, which was associated with a low birth rate, the predominance of families with one child, the deterioration of people's health, one of the main tasks for the state remains to support families and prevent a demographic decline. This is due to the fact that a stable demographic situation is one of the most important factors of the socio-economic development of our country, it affects economic growth.

To solve the above problem, the Government of the Russian Federation has developed a system that is implemented through the tool of state guarantees for families with children. It is through the use of such a tool that the state motivates people to achieve a high birth rate in families, thereby overcoming the demographic crisis (recession) in our country. An important state guarantee in this system is the maternal (family) capital.

The Institute of maternity capital appeared in our country in 2007, when Federal Law No. 256-FZ of 29.12.2006 came into force (Federal Law No. 256-FZ of December 29, 2006 "On additional measures of state support for families with children". On March 1, 2020, Federal Law No. 35-FZ was adopted (Federal Law of March 1, 2020 No. 35-FZ "On Amendments to Certain Legislative Acts of the Russian Federation on issues related to the disposal of funds of maternal (family) capital". The provisions of this act are aimed at stimulating the birth of the first, second and subsequent children in the family, simplifying the procedure for obtaining maternal (family) capital by citizens, reducing the time for registering capital and disposing of its funds.

Despite the constant improvement of the legal regulation of the maternity (family) capital program in our country, a number of problems of an economic and legal nature in this area can be identified:

- firstly, the imperfection of the system of informing and providing data in open access by the Pension Fund of the Russian Federation on the provision of maternity capital, the lack of their detail;
- secondly, non-systematic indexation of payments on maternity capital;
- thirdly, the lack of effective control over the bodies, institutions, departments and officials that carry out activities that are either directly related to the granting of the right to receive maternity capital, or related to it;
- fourth, the constant transformation of fraudulent schemes related to maternity capital and the need to improve legislation in this area;
- fifth, there is a need to expand the range of directions of spending maternity capital due to the presence of a large number of household and material problems of families with children, with which they cannot cope on their own.
The above problems require scientific understanding, theoretical and practical analysis, which determines the practical and scientific significance of this study.

LITERATURE REVIEW

Maternity capital as an economic and legal instrument of the socially-oriented policy of the Russian state is covered in sufficient detail in the works of domestic authors. Among them, we can mention such scientists as Yakimenko, Vostrokhina (2015); Korotkina, Ryzenkova (2012); Bashkin (2016); Zueva (2016). The works of these authors consider the conditions for obtaining, as well as possible options for the direction of maternity capital funds; The article presents statistical data on the use of maternity capital by young families in various historical periods of the implementation of this state program. Special emphasis is placed on the study of the impact of the maternity capital program on regional and state demographic indicators in the conditions of modern development of the Russian Federation.

Among the modern scientific works, we can distinguish the works of domestic authors who were published in periodicals: Markova, Alekseeva (2019), Eremina (2018), Bartsits (2019), etc. In the works of these authors: the characteristic of maternal (family) capital is given as the most important mechanism of state assistance to families with children; the experience of providing and using federal and regional maternal (family) capital is analyzed; the article reveals both the differences and the similarity of the regional program of maternal (family) capital with the federal one; the problems of implementing the program of maternal capital are identified and recommendations for their solution are proposed.

Thus, it can be emphasized that the arsenal of Russian science has accumulated a large number of concepts, ideas and scientific views on the general issues of the implementation of the institute of maternity capital in Russia. The above analysis of the main domestic scientific works on the topic under study indicates that in the science of Russian law, insufficient attention is paid to the comprehensive study of this institute at the current stage of reforming domestic legislation. Here it is worth mentioning the only dissertation study by N. V. Grek. on the topic "Social support of motherhood in Russia: a gender analysis of modern social reforms: on the example of maternity capital and birth certificates" (GREK, 2012). At the same time, it is necessary to note the following aspects: in this work, only one paragraph is given to maternity capital; the material presented in the dissertation does not correspond to the norms of modern legislation of Russia; the work has a purely social aspect. These circumstances once again confirm the relevance of our research and its theoretical significance.

It should be emphasized that the maternity capital program is unique for Russia and is not practiced in any other country in the world. For example, in the EU countries there is a slightly different system of support for children’s families, namely monthly allowances for the first, second and subsequent children until they reach a certain age. These benefits depend on the minimum wage. In this regard, a number of foreign scientists can be identified, whose works cover general issues in detail and consider various forms of support for families with children at the state level. In Western countries, financial support for families with children is called a parental allowance. The parental allowance is a payment to persons who are on parental leave for work and have social insurance. Annika Juurikkko (2021) provides a detailed description of all types of benefits provided to families with children. Chulho Hyun and Melanie Sharpe consider the types of financial support of the European Union aimed at improving the health of vulnerable children from among refugees and migrants (HYUN, SHARPE, 2020). Dylan Matthews gives a description of financial benefits to families with children (MATTHEWS, 2016). Peter Verhaeghe examines the problems of poverty of families with children (VERHAEGHE, 2021). The presented positions of both domestic and foreign scientists show the importance of the problem of financial support for families with children.

METHODOLOGY

When writing the work, the authors used the provisions of the dialectical method of cognition of legal phenomena, as well as the techniques of formal logic and such general scientific methods as analysis, synthesis, analogy, comparison, induction, deduction, system analysis. In addition, private scientific methods were used: the method of systematic, comparative analysis and other methods.
The systematic method made it possible to identify the essence of the institution of maternity capital as one of the important state instruments of financial support for Russian families. The legal analysis was based on an assessment of the wording of the current Russian legislation from the standpoint of the effectiveness of implementing the mandatory conditions for obtaining maternity capital and disposing of its funds in accordance with the modern socio-economic realities of Russia’s development. With the help of prognostic methods, the main trends in the development of the maternity capital institute in modern Russia were determined, namely, the most effective economic and legal ways of developing the maternity capital program were developed.

In order to study the essence and organizational and legal mechanism of the provision and use of funds of maternal (family) capital in the Russian Federation, the authors actively used the reporting materials and statistical data of the Pension Fund of the Russian Federation (hereinafter—the FIU), as well as the materials of the review of judicial practice in cases related to the implementation of the right to maternal (family) capital, approved by the Presidium of the Supreme Court of the Russian Federation on June 22, 2019.

The use of the above methods in their totality made it possible to identify economic and legal problems that arise when providing funds for maternal (family) capital, as well as to develop modern ways to modernize the maternity capital system to stabilize the demographic situation in Russia and increase the effectiveness of state support for families with children.

RESULTS

Maternal (family) capital (hereinafter MSK) is an additional measure of state support for families with children. This legal concept appeared in Russian legislation after the adoption of Federal Law No. 256-FZ of December 29, 2006 (Federal Law No. 256-FZ of December 29, 2006 “On additional measures of state support for families with children”).

Currently, our country has an expanded system of legislation of the Russian Federation on additional measures of state support for families with children. Its legal basis is the international treaties of the Russian Federation. For example, paragraph 3 of Article 16 of the Universal Declaration of Human Rights (10.12.1948) (Universal Declaration of Human Rights of December 10, 1948) proclaims that the family is the natural and basic unit of society and has the right to protection from society and the state. 25 of the Universal Declaration of Human Rights established that motherhood and infancy give the right to special care and assistance; all children born in or out of wedlock should enjoy the same social protection. This list includes the International Covenant on Civil and Political Rights (16.12.1966) (International Covenant on Civil and Political Rights of December 16, 1966), which repeats the provisions of the Universal Declaration of Human Rights that the family is the natural unit of society and has the right to the protection of society and the State.

The Constitution of the Russian Federation in Part 2 of Article 7 fixed the provisions on ensuring state support for the family, motherhood, fatherhood and childhood, as well as Article 38 of the Constitution of the Russian Federation says that motherhood, childhood and the family are protected by the state, i.e. the state must take measures to promote motherhood, protect the interests of mothers and children, strengthen the family and its social support, measures of a material, social and organizational nature - The Constitution of the Russian Federation, adopted by popular vote on December 12, 1993 (as amended). State support for families with children is based on domestic legislative acts that are different in their legal force. Let’s highlight some of them:

- part two of the Tax Code of the Russian Federation contains a wording that includes the funds of the MSK allocated for the implementation of additional measures of state support for families with children among the income that is not subject to taxation;
- Federal Law No. 256-FZ of 29.12.2006 establishes additional measures of state support for families and guarantees them a decent standard of living. It emphasizes that the provision of additional state support measures to families with children in the form of the right to MSK is based on the following conditions: the presence of Russian citizenship and the mother and children, as well as the birth (adoption) of a second and
Since 2018, the maternity capital program has been expanded taking into account the new demographic measures adopted by the Government of the Russian Federation to support Russian families with children. Due to the new changes, there are more opportunities to use maternity capital after the birth or adoption of a second child. The first thing to note is that families with low incomes (less than 1.5 of the subsistence minimum of the working-age population per person in the family) are entitled to a monthly payment from the maternity capital in the event of the birth of a second child from January 1, 2018. The payment can be provided until the child reaches the age of 1.5 years.

Since January 1, 2018, families receive financial support for pre-school education almost immediately after the birth of a child, since now the maternity capital can be used already two months after the acquisition of the right to it. This is a big plus for parents, since previously it was possible to use the payment not earlier than three years after the birth or adoption of a child.

Another measure was introduced in 2018 - you can use preferential credit conditions to improve your living conditions. The preferential mortgage can be repaid with the funds of the maternity capital. It is not necessary to wait for the three-year-old child who has given the right to a certificate. Credit funds are allocated to families with two and three children at a preferential rate of 6% per annum. You can use them to purchase an apartment or a house. Previously issued loans and loans for the purchase of housing can also be repaid by means of a preferential mortgage.

Since January 1, 2018, the possibility of joining the maternity capital program has been extended until December 31, 2021, and in 2020 once again, it was increased until the end of 2026. Obtaining a certificate and disposing of its funds in time is not limited.

Of particular note is Federal Law No. 35-FZ of March 1, 2020 (Federal Law No. 35-FZ of March 1, 2020 "On Amendments to Certain Legislative Acts of the Russian Federation on Issues Related to the Disposal of Funds of Maternal (Family) Capital"), which amended the legislative acts of the Russian Federation on issues related to the disposal of MSK funds. The provisions of the Federal Law are aimed at stimulating the birth of the first, second and subsequent children in the family, simplifying the procedure for citizens to obtain an MSC, reducing the time for registering capital and disposing of its funds, increasing its size. It fixed new opportunities for using the MSK funds, as well as extended the validity period of the MSK program.

The number of subordinate normative acts that ensure the implementation of additional measures of state support for families with children includes:

- Resolution of the Government of the Russian Federation No. 862 of 12.12.2007 “On the rules for directing funds (part of funds) of maternal (family) capital to improve housing conditions” (Resolution of the Government of the Russian Federation of December 12, 2007 No. 862 “On the rules for directing funds (part of funds) of the maternal (family) capital to improve housing conditions”), which sets out exactly what types of expenses related to improving housing conditions can be used for capital funds, as well as the procedure for submitting documents and the timing of transferring funds;

- Resolution of the Government of the Russian Federation No. 926 of 24.12.2007 “On approval of the Rules for the Allocation of funds (part of funds) of the maternal (family) capital for the education of a child (children) and the implementation of other expenses related to the education of a child (children)” (Resolution of the Government of the Russian Federation of December 24, 2007 No. 926 “On approval of the Rules for the direction of funds (part of funds) of the maternal (family) capital for the education of a child (children) and the implementation of other expenses related to the education of a child (children)”). This normative act establishes the procedure for directing the funds of the Moscow State Educational Institution for obtaining education by a child, in any educational institution of the Russian Federation that have the right to provide educational services, also establishes the procedure for providing documents;
Resolution of the Government of the Russian Federation No. 627 of 25.05.2017 “On the use of maternity capital for the purchase of housing by participants of the accumulative mortgage system of housing provision for military personnel” (Resolution of the Government of the Russian Federation No. 627 of May 25, 2017 “On the use of maternity capital for the purchase of housing by participants of the accumulative mortgage system of housing provision for military personnel”). This Resolution establishes that the use of maternity capital for the purchase of housing will allow military personnel to improve housing conditions, purchase housing of a larger area, fully or partially repay a mortgage loan, reduce or completely eliminate loan arrears upon reaching 20 years of military service;

Decree of the Government of the Russian Federation No. 60 of January 24, 2018 “On Amendments to the Rules for Recognizing a Person as a Disabled Person” simplified the procedure for using maternity capital funds for the purchase of goods and services intended for social adaptation and integration of disabled children into society (Decree of the Government of the Russian Federation No. 655 of May 25, 2019 “On Amendments to the Rules for Directing Funds (part of funds) of maternal (family) Capital to improve housing conditions”). In order to receive funds for these needs, it is necessary that recommendations on the purchase and use of such goods (services) are contained in the individual rehabilitation program for a disabled child;

Order of the Ministry of Labor and Social Protection of the Russian Federation No. 138n dated March 18, 2020 “On approval of the Rules for submitting an application for issuing a state certificate for maternal (family) capital and issuing a state certificate for maternal (family) capital (its duplicate) and the form of a state certificate for maternal (family) capital” (Order of the Ministry of Labor and Social Protection of the Russian Federation dated March 18, 2020 No. 138n “On approval of the Rules for submitting an application for the issuance of a state certificate for maternal (family) capital and the issuance of a state certificate for maternal (family) capital (its duplicate) and the form of a state certificate for maternal (family) capital”). These Rules determine the procedure for submitting an application for the issuance of a state certificate for maternal (family) capital, the procedure for issuing a certificate (its duplicate), including the issuance of a certificate in an undeclared manner.

It is particularly necessary to note the resolution of the Board of the FIU of May 31, 2019 No. 312p, which approved the administrative regulations for providing the FIU and its territorial bodies with state services for issuing a state certificate for maternal (family) capital (Resolution of the Board of the Pension Fund of the Russian Federation of May 31, 2019 No. 312p “On approval of the Administrative Regulations for the provision of state services by the Pension Fund of the Russian Federation and its territorial bodies for the issuance of a state certificate for maternal (family) capital”). Thus, having considered the legal basis of maternal (family) capital in modern Russia, we can draw a number of conclusions.

First, by introducing the concept of maternity capital, the Russian state has found ways to create a new form of social assistance that should stimulate the birth rate, thereby improving the demographic situation in our country.

Secondly, the main legal act regulating the program under consideration is Federal Law No. 256-FZ of 29.12.2006 “On additional measures of state support for families with children”. It defines maternity capital as funds from the federal budget, which is transferred to the budget of the FIU for the implementation of additional measures of state support for families with children. The document confirming the right to receive such benefits is the state certificate for maternity capital.

This law establishes that the right to receive maternal (family) capital arises at the birth (adoption) of a child, subject to certain conditions.

The first condition is that the recipients of the capital and the child must have the citizenship of the Russian Federation.
A child acquires citizenship of the Russian Federation by birth in accordance with the norms of Article 12 of Federal Law No. 62-FZ of 31.05.2002 "On Citizenship of the Russian Federation" (Federal Law No. 62-FZ of March 31, 2002 "On Citizenship of the Russian Federation").

The second condition is a clearly established list of persons who have the right to maternity capital on a legal basis, regardless of their place of residence. In modern domestic legislation, this list is clearly differentiated and expanded:

- a woman who has the citizenship of the Russian Federation, who gave birth (adopted) a second, third child or subsequent children starting from January 1, 2007;
- a man who has the citizenship of the Russian Federation, who is the sole adoptive parent of the second or subsequent children, if the court decision on adoption entered into legal force starting from January 1, 2007;
- a woman who has the citizenship of the Russian Federation, who gave birth (adopted) her first child starting from January 1, 2020;
- a man who has the citizenship of the Russian Federation, who is the sole adoptive parent of the first child, if the court decision on adoption entered into legal force starting from January 1, 2020;
- the father (adoptive parent) of a child, regardless of the citizenship of the Russian Federation, in the event of termination of the right to additional measures of state support for a woman who gave birth (adopted) children, due, for example, to her death, declaring her dead, deprivation of parental rights in relation to a child, in connection with the birth (adoption) of which the right to receive maternity capital arose, committing an intentional crime against her child (children), related to crimes against the person and entailed the deprivation of parental rights or restriction of parental rights in relation to the child(ren), in case of cancellation of the adoption of a child, in connection with the adoption of which the right to additional measures of state support arose;
- a minor child (children in equal shares) or a full-time student child (children) until he (they) reaches the age of 23, upon termination of the right to additional state support measures for the father (adoptive parent) or a woman who is the only parent (adoptive parent) in cases established by laws.

The right of women is terminated and arises in the father (adoptive parent) of a child, regardless of the citizenship of the Russian Federation or the status of a stateless person in the event of: the death of a woman, the declaration of her death, the deprivation of parental rights in relation to a child whose birth gave rise to the right to state support measures, the commission of an intentional crime against their child (children), related to crimes against the person, as well as in the case of the cancellation of the adoption of a child, in connection with the adoption of which the right to additional state support measures arose. The right may not arise for the specified person if he is a stepfather in relation to a previous child, the order of birth (adoption) of which was taken into account when the right to additional state support measures arose, as well as if the child with the birth (adoption) of which the right arose was recognized in the manner provided for by the Family Code of the Russian Federation, after the death of the mother (adoptive parent) left without parental care.

In cases where the father (adoptive parent) of a child or a man who is the sole adoptive parent of a child has died, has been deprived of parental rights in relation to a child whose birth gave rise to the right to additional measures of state support, has intentionally committed crimes related to crimes against the person against his child (children), or if the adoption of a child whose adoption gave rise to rights has been canceled in relation to these persons, their right to additional measures of state support is terminated and arises in the child (children in equal shares), who have not reached the age of majority, and (or) a full-time student in an educational institution of any type and type, regardless of its organizational and legal form (with the exception of an educational institution of additional education) until the end of such training, but no longer than until they reach the age of 23 years (EREMINA, 2018).
It should be noted that when the right to additional state support measures arises, adopted children who were stepsons or stepdaughters at the time of adoption are not taken into account. For example, if a woman has adopted her husband’s child from the first marriage, and they are expecting a common child, then in this case there are no grounds for issuing a certificate for the MSC.

The third condition is the time frame. Families in which the second, third or subsequent child was born or adopted after January 1, 2007, as well as families in which the first child was born (was adopted) after January 1, 2020, have the right to receive a certificate for maternity capital.

The fourth condition is the collection and sending of documents for obtaining an MSC (BARTSITS, 2019).

The Maternity Capital program provides for the future recipient of funds to collect the necessary documents for registration and send them to the territorial authority of the FIU at the place of residence. You can bring the documents in person, transfer them through a trusted person or the service of multifunctional centers of the MFC, or send them by mail. To apply for the issuance of maternal (family) capital, it is necessary to fill out the application form for the issuance of a state certificate for maternal (family) capital, do the necessary actions: issue a birth certificate (adoption) of a child at the registry office; in the territorial authority of the FIU (at the place of residence), fill out the application form for issuing a state certificate for maternal (family) capital and attach the following documents to it (information from the documents):

- passport of a citizen of the Russian Federation;
- about the birth of all children (for adopted children-adoption certificates);
- confirming the Russian citizenship of the child (Ren) born or adopted after 1 January 2007: birth certificate, which indicates the nationality of his parents or is stamped passport and visa service of the child’s nationality, the liner in the birth certificate of the child, if it is received before 7 February 2007;
- the identity and authority of the legal representative or a Trustee.

Terms of registration of the Moscow Time. From 2021, the deadline for issuing a certificate is no more than 5 working days; for considering an application for the disposal of funds - no more than 10 working days. The decision to refuse to satisfy the application for the issuance of a certificate may be appealed to a higher authority of the FIU or, in accordance with the established procedure, to the court.

In order to simplify the procedure for registration and quick receipt of maternity capital, since mid-April 2020, the FIU has started proactively issuing certificates. This means that after the birth of the child, the capital will be issued automatically. The certificate for the MSC is issued in the form of an electronic document.

Since 2021, the size of the maternal (family) capital has increased and amounted to 483,881.83 rubles for the first child. At the same time, for families who have the right to additional measures of state support arose in connection with the birth or adoption of the first child, at the birth of the second child, the size of the maternity capital increases by 155 thousand 550 rubles from 2021. In total, for families whose second child was born on January 1, 2020 or will only be born this year, the maternity capital amounted to 639,431.83 rubles in 2021. (Pension Fund of the Russian Federation: official website (Electronic resource) // http://www.pfrf.ru).

As you know, the period of applying to the FIU with an application for issuing a state certificate for the Moscow Art Institute after the birth of the second (third and subsequent) child is not limited. An application for the disposal of the MSK can be submitted at any time after two years and six months from the date of birth of the child. In some cases, you can use it immediately after his birth (adoption). For example, in the case of directing the funds of the maternity capital to pay the initial contribution and (or) repay the principal debt and pay interest on loans (loans) taken for the purchase and construction of housing, as well as to receive a monthly payment in connection with the birth (adoption) of a second child (parts 6, 6.1 of Article 7 of Law No. 256-FZ).
At the same time, the direction of the funds of the maternity capital to repay the principal debt under the contract of purchase and sale of housing before the child reaches three years is unacceptable (item 4 of the Review, approved. The Presidium of the Supreme Court of the Russian Federation on 22.06.2019 (Review of judicial practice in cases related to the implementation of the right to maternal (family) capital, approved by the Presidium of the Supreme Court of the Russian Federation on June 22, 2019). There are no other restrictions on the terms of using the maternity capital. The certificate holder can use it at any time at his discretion.

At the same time, it should be noted that initially, Federal Law No. 256-FZ provided for three directions of disposing of MSK funds: for improving housing conditions; getting education for children; forming a funded pension for women. This list has been expanded: in 2015, at the expense of the maternity capital, it became possible to purchase goods and services intended for social adaptation and integration of disabled children into society, and since 2018, it has become possible to receive a monthly payment. Currently, the scope of use of MSK funds includes:

- improvement of housing conditions in the territory of the Russian Federation;
- getting an education by a child (children);
- formation of a funded pension;
- purchase of goods and services intended for social adaptation and integration of disabled children into society;
- receiving a monthly payment in connection with the birth (adoption) starting from 01.01.2018 for the second child.

It should be emphasized that the funds of the maternity capital can be spent simultaneously for several purposes. For example, part of the funds is allowed to be spent on improving housing conditions, and part on getting an education for a child (part 4 of Article 7 of Law No. 256-FZ). Thus, maternal (family) capital is a measure of state support for Russian families in which a second child was born or adopted since 2007 (as well as the third, fourth and any subsequent child, if the right to maternity capital did not arise or was not registered before). Families in which the first child has appeared since January 1, 2020, also have the right to maternity capital.

**DISCUSSION**

In 2020-2021, significant changes were made to the maternity capital program in Russia:

- since April 2021, access to mortgage refinancing has been simplified for recipients of maternity capital;
- starting from April 11, 2021, the funds of the maternity capital allocated for retirement can be redirected to other purposes;
- starting from 2020, maternity capital can be used for the construction or reconstruction of a residential building on a garden plot;
- from March 12, 2020, when sending maternity capital to improve housing conditions, a notarial obligation to allocate shares to all family members is no longer required;
- since January 1, 2020, families in which the average per capita income does not exceed twice the subsistence minimum of the working-age population in the region of residence have the right to receive a monthly cash payment from the funds of the mother capital;
- from April 15, 2020, the maternity capital is assigned in a proactive mode based on the registry office database - after the birth of the child, the maternity capital will be issued automatically and the family will be able to start disposing of funds without applying for the certificate itself.
It can be noted that in general, the “hierarchy” of the distribution of maternity capital has not changed much over the past five years: first of all, families prefer to direct the funds received to improve housing conditions: on average, 98% of the funds issued per year under the program under consideration are spent on this. In second place is the education of children (on average, about 2% of the funds issued for the year). It is worth noting that by 2020, the share of funds allocated for educational purposes, as a whole, has increased by more than 70% compared to 2015. The “positions” of the mother’s accumulative pension have practically not changed, for which the least of the funds issued for the year from the FIU within the framework of the maternity capital are spent (on average, 0.06% is spent for this purpose) (Pension Fund of the Russian Federation: official website (Electronic resource) // http://www.pfrf.ru).

A number of problems related to maternity capital in the Russian Federation are formed from specific facts of public life and, unfortunately, cannot be justified by theoretical or analytical data. These include (MARKOV, ALEKSEEVA, 2019):

- the lag in the pace of construction of pre-school education institutions behind the growing rate of increase in the birth rate due to payments of maternity capital, which may subsequently have a negative impact on the birth rate of the second and subsequent children, despite the fact that the program under consideration is aimed at the opposite effect;
- the emergence of difficulties with the purchase of real estate with the funds of the maternity capital (bad credit history, etc.) or the lack of desire or need to buy real estate (improving the conditions of existing) lead to the fact that the funds are “frozen” and they cannot be spent on primary family goals, which generally generates fraud associated with the cashing out of the maternity capital;
- the use of funds mainly for the repayment of mortgage loans, and not for the construction of new housing, which entails some uncertainty and risk associated with changes in economic conditions after the maturity of loans.

It should be noted that the imperfection of the legislation of the Russian Federation in the field of providing and disposing of maternity capital funds generates certain legal gaps and conflicts, which are currently being eliminated with the help of judicial practice. A review of the judicial practice of the Presidium of the Supreme Court of the Russian Federation on cases related to the implementation of the right to MSK revealed that in the period from 2018 to 2020, the courts resolved the following disputes related to the implementation of the right to MSK by citizens:

- on the recognition of the right to additional measures of state support and the issuance of a state certificate for maternal (family) capital;
- on the invalidation of the state certificate for MSK;
- about the disposal of MSK funds;
- on the division between the spouses of the property acquired using the funds of the Moscow Art Museum;
- on determining the share of parents and children in the right of ownership of residential premises acquired using the funds of the Moscow State Registration Committee, as well as other disputes (Review of judicial practice in cases related to the implementation of the right to maternal (family) capital, approved by the Presidium of the Supreme Court of the Russian Federation on June 22, 2019).

Families with children in modern Russia face various problems, in this regard, the possibility of using maternity capital for broader purposes is being discussed at the legislative level. Russian Deputy Prime Minister Tatyana Golikova has proposed new ways to spend matkapital. It can be extended to educational services of individual entrepreneurs, in particular, babysitting services and mini-kindergartens, as well as to the construction and reconstruction of housing immediately after the birth of a child - News.ru - the main news of the day: the official website (Electronic resource).
Ruslan Abramov, Head of the Department of State and Municipal Administration of Plekhanov Russian University of Economics, spoke in justification of this position.

He notes that “the restriction of families in the use of funds often turns into a problem for these families, pushing them to not quite acceptable, and sometimes illegal ways to use money” - News.ru - the main news of the day: the official website (Electronic resource). Meanwhile, the Russians themselves consider it necessary to expand the list of proposals for the use of matkapital, including the improvement and repair of housing, as well as the purchase of a car. This is the opinion of 45% of respondents, according to the survey of the Public Chamber “Family Policy: support measures through the eyes of families”.

On the one hand, there is a risk of creating new fraudulent schemes with matkapital. On the other hand, there is a reasonable question: can a car be considered an urgent waste along with an apartment? In most cases, a car is a luxury item (with the exception of situations with disabled children), and it is very difficult to document the need to buy a car, so this direction of spending the mother capital has not yet been adopted at the federal level.

Boris Altshuler, Chairman of the Board of the regional public organization for the protection of children’s rights ”The Right of the Child” and a member of the Moscow Helsinki Group, considers the problem much more broadly. All the talk about expanding the possibilities of using maternity capital, including proposals to spend it on current needs, is a direct result of the catastrophic poverty of families with children in Russia, he is convinced (News.ru - the main news of the day: the official website (Electronic resource). It should be emphasized that active steps have begun to be taken in this direction at the legislative level.

First, the State Duma adopted in the third reading a law on the possibility of directing maternity capital funds to pay a down payment or repay a mortgage provided by organizations that provide housing for the military. It is proposed to extend the law to contracts concluded from March 18, 2019.

Secondly, in the third reading, a law was adopted that will allow women to withdraw the funds of the maternity capital previously allocated for the formation of a funded pension for use for other purposes. Thus, based on the theoretical and practical analysis of the problems carried out within the framework of this work, it is necessary to identify modern economic and legal ways of developing the maternity capital program in the Russian Federation, in particular:

- improvement of the system of informing and providing data in open access by the Pension Fund of the Russian Federation on the provision of maternity capital, their detailing;
- systematic indexation of maternity capital payments to avoid negative consequences in the long term associated with the “demographic pit”;
- establishing a clear procedure for lump-sum payments of maternity capital;
- strengthening control over bodies, institutions, departments and officials that carry out activities that are either directly related to the granting of the right to receive maternity capital, or related to it;
- systematization of requirements for documentation provided to the Pension Fund of the Russian Federation for obtaining a certificate for maternity capital;
- tougher penalties for fraud related to maternity capital;
- improvement of domestic legislation in the field under consideration;
- expanding the range of directions of spending maternity capital (for example, for the treatment of children under 3 years of age in case of emergency, for the payment of utility bills, for the payment of expensive treatment of children, mother or father, etc.);
- introduction of an additional measure for the implementation of maternity capital related to the possibility of reducing the interest rate on mortgage lending with the help of a state certificate for maternity capital;
• change of the terms regulating the possibility of using the funds of the maternity capital (to establish the possibility of immediate use of funds in all established areas of expenditure, as is practiced in the case of the acquisition or increase of housing owned).

CONCLUSIONS
Summing up the results of the research, we can draw a number of significant conclusions. In the modern sense, maternal (family) capital should be considered as a social payment in the form of non-cash money transferred by the decision of state-authorized officials of the FIU, for their subsequent use in the interests of persons who have received a state certificate for maternal (family) capital, for the purposes provided for at the legislative level.

This measure of state support for Russian families has been provided since 2007 if a second child was born or adopted in the family (as well as the third, fourth and any subsequent child, if the right to maternity capital did not arise or was not registered before). Families in which the first child has appeared since January 1, 2020, also have the right to maternity capital. Since 2021, the maternity capital can be used exclusively on:

• receiving a monthly payment for low-income families in which a second child has appeared since January 1, 2018;
• improvement of housing conditions;
• payment of educational services for children;
• formation of the future pension of the mother;
• payment of goods and services for the social adaptation and integration of disabled children into society.

In conclusion, I would like to note that maternity capital as one of the instruments of state support for Russian families is a rather complex system. In general, according to the data of the conducted research, it can be concluded that the measure under consideration was and remains one of the most effective for solving demographic problems in our state.

Nevertheless, the paper identified economic and legal problems and risks of the full functioning of the institution of maternity capital, which in the long term may lead to the fact that it will outlast itself. The first “rudiments” of such a process are already being observed (a decrease in the birth rate, the reasons for which are not considered when making a decision on indexing maternity capital payments, as well as the presence of a large number of fraudulent schemes with maternity capital funds that devalue its purpose). This system needs constant monitoring, the so-called “feedback” of its impact, as well as continuous modernization, which is due to the unstable socio-economic conditions of Russia’s development at the present stage. The list of ways to modernize the maternity capital program presented in our study is not exhaustive. It can be expanded and supplemented in the course of further research in this area.

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Maternity capital as an economic and legal measure to stabilize the demographic situation in Russia

Maternidade capital como medida econômica e legal para estabilizar a situação demográfica na Rússia

Maternidad capital como medida económica y jurídica para estabilizar la situación demográfica en Rusia

Resumo
Os autores consideram o arcabouço legislativo, identificam a essência do capital maternidade e exploram as especificidades de seu mecanismo organizacional e legal. O resultado do trabalho foi a identificação dos principais problemas econômicos e legais do desenvolvimento do capital maternidade e o desenvolvimento de formas de modernizar o sistema de capital maternidade, a fim de estabilizar a situação demográfica na Rússia e aumentar a efetividade do apoio estatal às famílias com crianças. Para realizar um estudo abrangente do instituto de capital maternidade na Rússia, os autores analisaram detalhadamente as normas da legislação internacional e interna, estudaram os dados estatísticos do Fundo de Pensão da Rússia e analisaram os materiais da prática judicial. Os resultados deste estudo podem ser levados em conta ao melhorar a legislação russa, bem como servir de base para a elaboração de medidas abrangentes interdepartamentais para melhorar o desenvolvimento socioeconômico do nosso país.

Palavras-chave: Política demográfica. Família. Medidas de apoio estatal. Maternidade capital. Proteção social.

Abstract
The authors consider the legislative framework, identify the essence of maternity capital and explore the specifics of its organizational and legal mechanism. The result of the work was the identification of the main economic and legal problems of the development of maternity capital and the development of ways to modernize the maternity capital system in order to stabilize the demographic situation in Russia and increase the effectiveness of state support for families with children. In order to conduct a comprehensive study of the institute of maternity capital in Russia, the authors analyzed in detail the norms of international and domestic legislation, studied the statistical data of the Pension Fund of Russia and analyzed the materials of judicial practice. The results of this study can be considered when improving Russian legislation, as well as serve as a basis for preparing interdepartmental comprehensive measures to improve the socio-economic development of our country.

Keywords: Demographic policy. Family. State support measures. Maternity capital. Social protection.

Resumen
Los autores consideran el marco legislativo, identifican la esencia del capital de maternidad y exploran los detalles de su mecanismo organizativo y legal. El resultado de la labor fue la identificación de los principales problemas económicos y jurídicos del desarrollo del capital de maternidad y el desarrollo de formas de modernizar el sistema de capital de maternidad a fin de estabilizar la situación demográfica en Rusia y aumentar la eficacia del apoyo estatal a las familias con hijos. Con el fin de llevar a cabo un estudio exhaustivo del instituto de capital de maternidad en Rusia, los autores analizaron en detalle las normas de la legislación internacional y nacional, estudiaron los datos estadísticos del Fondo de Pensiones de Rusia y analizaron los materiales de la práctica judicial. Los resultados de este estudio pueden tenerse en cuenta al mejorar la legislación rusa, así como servir de base para la preparación de medidas integrales interdepartamentales para mejorar el desarrollo socioeconómico de nuestro país.

Palabras-clave: Política demográfica. Familia. Medidas de apoyo estatal. Maternidad capital. Protección social.