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## RETURNING TO THE ISSUE OF THE CONCEPT OF STATE PROTECTION

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The content of the article notes multi-level issues' regulation of state protection of objects. Attention is focused on the multiplicity of subjects of state protection guided in their activities by departmental acts. Here is expressed an idea of a settlement at legislative federal level the issues of state protection, with normative enshrining of protected facilities of public authority, life support facilities, high-risk facilities and emergency facilities. The author gives his own definition of the concept of "state protection".

**Keywords:** state protection, state protection facilities, ensuring security, subjects of state protection.

The term of "state protection" is widely used in the current Russian legislation and juridical literature. However, the legislator does not give its definition in general meaning. The only normative definition of state protection is contained in the Federal law No. 57-FZ from May 27, 1996 "On State Protection" [1], and is applied only in it. Named Federal law regulates the safety of only a particular group of objects to be protected by authorized government agencies. Object of state protection are individuals whose safety is in the interest of the state. This category includes the President of the RF, members of his family, a number of persons occupying public offices of the RF and foreign heads of state and government and other persons subject to state protection in accordance with the said Federal Law. In order to ensure the safety of the mentioned objects of state protection, to protected objects were attributed buildings and constructions that hosting the federal bodies of State power and the surrounding territory. Buildings occupied by federal bodies of State protection are also recognized as protected objects.

Article 5 of the Law on State Protection defines as a body authorized to carry out the function of the state protection the Federal Protection Service of the Russian Federation, the provision on which was approved by the Decree of the President of the Russian Federation [3]. To ensure the safety of state protection objects and protection of protected sites within their powers may be involved bodies of Federal Security Service, Internal Affairs, interior troops of the RF MIA, foreign intelligence bodies of the Russian Federation, the Russian Armed Forces and other government agencies of security assurance

Thus, the law enshrines a provision defining the state protection as a function of the Federal Protection Service of the RF to ensure the safety of state protection objects. Authors, using in the titles of their scientific works the term of “state protection” are also talking about the activities of the Federal Protection Service of the RF [6, 8].

Along with this, the legislation of the Russian Federation, still attributes to the objects subject to state protection buildings (premises), structures, facilities, adjacent land and water areas of the federal bodies of legislative and executive power, the legislative (representative) and executive authorities of the subjects of the Russian Federation, other state bodies of the Russian Federation, local self-government bodies, as well as other objects, the list of which has been approved by the Government of the Russian Federation [4]. Initially, the list of such objects included objects subject to state protection that could not be called as “particularly important”, for example, cash offices of state enterprises, institutions and organizations. In due time, these provisions were criticized by the author of this article [7] and were subsequently amended.

Another important issue that should be legally resolved, in our opinion, is an uncertainty of the range of entities that perform the functions of state protection. This protection is implemented by various executive bodies. This conclusion can be drawn based even on the analysis of the two main, in our view, subjects of this activity – the Federal Security Service of the RF and the Ministry of Internal Affairs of the RF.

The main tasks for the Russian Federal Protection Service, is to ensure safety of the objects of state protection, which are understood as high-ranking officials of the state; forecasting and revealing of threats to the vital interests of state protection objects, implementation of measures to prevent this threat; prevention, detection and suppression of unlawful encroachments on objects of state protection and protected sites; prevention, detection and suppression of crimes and other offenses in protected sites, in places of permanent and temporary stay of state protection objects and on their travel routes; etc.

In order to fulfill statutory functions the Russian Federal Protection Service provides protected persons personal protection, special communications and transportation, as well as information about the threat to their security. Where necessary for ensuring safety it uses its powers to implement operational-search activities. Conducts guarding activities and the maintenance of public order in places of permanent and temporary stay of state protection objects, provides access mode to the protected sites.

The Russian Ministry of Internal Affairs is of an important role in resolving national objectives for the protection of the vital interests of individuals, society and the state. In its system operate at least three main subjects of state protection, with their tasks to protect important sites, state property, public order and public safety.

Thus, the Russian Interior Ministry troops are involved in the protection of public order, ensuring public safety and state of emergency, escorting prisoners and persons in custody, are involved in the territorial defense of the Russian Federation. They protect important state facilities, and special loads [2], and also assist border authorities of the Federal Security Service in the protection of the state border of the Russian Federation.

A special place among these entities takes the police, which is obliged to protect the facilities and property of owners under contracts, as well as objects that must be compulsorily protected by police in accordance with the list approved by the Government of the Russian Federation; to ensure, in cooperation with the Federal Security Service in the manner prescribed by the Government of the RF, the protection of diplomatic missions, consular institutions and other official representative offices of foreign countries, representative offices of international organizations, if such protection is provided for by international treaties of the RF.

Organization of the activities of these protection entities cannot be considered in detail in public media, since the functioning of facilities, the protection of which they perform, involves state secrets. These facilities merge to categories of "objects of state protection", "important state facilities", and "sensitive sites". Accordingly, entities exercising the considered activity in performing their duties are guided by legal acts of varying degrees of secrecy, and the lists of protected by them specific objects are determined by the Government of the RF.

Recognizing the priority of ensuring security of especially important facilities, we believe that a reliable protection is needed not only for important government and sensitive sites that should be protected by Federal Protection Service of Russia, Russian Interior Ministry Troops and police departments. Also "ordinary" objects

as museums, libraries, archives and other objects that store cultural values, which is state owned, should be protected from unlawful acts. The need for their protection is obvious, it is reflected in the list of objects subject to state protection, approved by the Government of the Russian Federation provision No. 587 from August 14, 1992 "Issues of private detective and security activity" [4]. The above list does not include objects whose protection is under the jurisdiction of the Federal Protection Service of Russia, Interior Ministry Troops of Russia. They are not included in the list of objects subject to mandatory protection by the police [5]. Protection of most of these objects is performed by specialized police service – extra-departmental guards at internal affairs bodies.

Currently, extra-departmental guards play an important role in the field of federal measures on the protection of all forms of ownership. Extra-departmental guards, by participating in ensuring public security, suppressing and preventing offenses on the routes of patrol, by combating theft, make a significant contribution to solving major tasks facing the internal affairs bodies. The introduction of the latest means of the security alarm system has significantly altered the structure and organization of the work of private security that existed previously.

We consider it necessary to define at the legislative level the concept of *state protection*, reflecting its contents; *objects of state protection*; *range of subjects of state protection* – the list of state bodies authorized to carry out this activity. Moreover, the list of subjects must to be clear and comprehensive, and for objects have to be developed and unified criteria for classification them as subject to state protection. In view of the above, we propose the following concept of state protection. **State protection** – is a based on the law and exercised in the established order activity of the authorized state bodies to protect the vital interests of an individual, society and the state from criminal and other unlawful acts.

Based on the above, we offer to develop and adopt a federal law "On State Protection in the Russian Federation", which should give a definition of state protection, establish an exhaustive list of entities that perform the functions of state protection, contain the rules of creating the legislative framework on critical areas of protection activity. According to the directions must be adopted the following federal laws "On State Protection of State Power Objects", "On State Protection of Critical Infrastructure", "On State Protection of High-risk Facilities", "On State Protection of Defense Facilities". In this case, the departmental regulation of considered relations should be reduced to a minimum.



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