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FIRE SAFETY AS PART OF NATIONAL SECURITY

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Defining national security as a social phenomenon, which includes a variety of nuances enshrined by law as an aggregate condition that accumulates infinitely many types of damage and possible visions of threats and their consequences, as a strategic priority of national security has been stated the security of individuals, society and States in areas such as defense, public life, international life, ecology, economics, information.

In connection with this, ensuring the required level of fire safety and minimization losses due to fires is considered as an important factor for sustainable socio-economic development of the Russian Federation.

Keywords: national security, state security, national security strategy, concept of national security, fire safety.

About the National Security Strategy of the Russian Federation.

The main task of public authorities in the field of fire safety is to ensure the necessary conditions for the dynamic development of the economy, sustainable increasing of well-being of Russian citizens and saving their lives.

In the Russian Federation in 2011 fixed 168.2 thousand of fires, in which died 11963 people, traumatized 12425 people, and total losses amounted to over 100 billion RUR (direct material damage amounted to 16.9 billion RUR). Fire destroyed more than 1.8 million m² of housing. Still a large share of fires occurs in the residential sector (71 %). Fire Departments rescued more than 86.5 thousand people and property worth over 43.6 billion RUR [1].

One of the most important documents for the development of our country is the National security strategy of the Russian Federation up to 2020 (hereinafter – the Strategy) [2]. The document could be conventionally called Constitution of Security. The current Strategy has replaced the National security concept that was adopted in the year 2000 [3]. I hardly need to say that today's Russia is more different from the country of those years. It has overcome transition period and has reached a qualitatively new level of steady and sustainable development.

The document is fully tied with the Concept of long-term socio-economic development of the Russian Federation for the period up to 2020 [4]. The main idea of the Strategy can be defined as “security through development” [5]. It aims at improving the quality of public administration and is intended to coordinate the activities of public authorities, state and public organizations to ensure security.

System analysis of the defined by the Strategy strategic priorities of National Security (pp. 23-24) lets talk about the recognition as key priorities: national defense, public and state security. As other priorities have been named sustainable development priorities: improving the quality of life of Russian citizens through guaranteeing personal security, economic growth, environmental management, and etc.

As sources of threats to national security in the sphere of state and public security (p. 37 of the Strategy) have been mentioned: intelligence activities of foreign states; various forms of terrorist activities; extremism; activities of transnational crime related to illegal trafficking in narcotic drugs and psychotropic substances, as well as weapons, ammunition and explosives; the continuing growth of criminal encroachments against a person, property, state power, social and economic security, as well as crimes of corruption.

The principal directions of public policy in this area perfectly justified include (paragraph 38, 39 of the Strategy): strengthening the role of the state as a guarantor of human security; improving of the normative-legal regulation of preventing and combating crime; increasing the effectiveness of law enforcement agencies and secret services; the creation of a unified state system of prevention of crime and other offences, and some others.

About the notion of National Security.

In his study, I. N. Glebov concludes that at present the legal notion of “security” is losing the meaning of generic definition joining all the totality of kinds of security. The author believes that legal regulation needs in a new universal notion not depending on crushing it on sectoral signs. From this point of view is theoretically justified the de jure entered into legal turnover notion of “national security””, as counterpart to the earlier notion of “state security”, on the base of the current understanding of the priority of an individual and society vis-à-vis the state. He sees the advantage of the notion of “national security”, first of all, in the fact that it is not ideology-driven and is multidisciplinary, cross-sectorial in nature, brings together all the known types of security protected by a specific State [6, 12].

The multiplicity of definitions of security does not eliminate the problem of comprehension of the essence of this phenomenon and its designing into a concept. In our view, the conceptual definition of security is possible through its reflection in a generalized form of general properties and specific signs of this public phenomenon. As a result, V. N. Konin gives the following definition of notion of “security”. Security is a system of social relations (state, legal, political, economic, cultural, spiritual, religious, etc.) that form a specific state of vital activity of society, its structures and institutions, which ensure preserving of their qualitative certainty, harmonious functioning and progressive advance [7, 72-74].

The main components of national security are security of individuals, society and the state in such areas as defense, public life, international life, ecology, economics, and information. In addition to the mentioned, the concept of “national security”, according to the Russian legislation, covers such aspects of life as: “protection of life, health, rights and freedoms of individuals, property, public and state security against criminal encroachments” [8], “radiating safety of the population as the state of security of present and future generations from the harmful health effects of ionizing radiation” [9], “fire prevention as the state of protection of persons, the property, society and the state against fires” [10], “industrial safety of hazardous production facilities as the state of protection of the vital interests of an individual and society against accidents at hazardous production facilities and the consequences of these accidents” [11], “road safety” as the state of the given process reflecting the degree of protection of its participants from traffic accidents and their consequences”, etc. Analysis of these definitions shows that they all are based on the underlying definition of security. At the same time, some kinds of security, including public, environmental, internal has not yet been legislatively defined.

If the National security used to be traditionally understood as the state protection against external military threats, then in the modern sense National security, as follows from the National Security Strategy of the Russian Federation, means “the state of protection of an individual, society and the State against internal and external threats that allows ensuring constitutional rights, freedoms, decent quality and the living standards of citizens, sovereignty, territorial integrity and sustainable development of the Russian Federation, the defense and security of the State”.

Thus, National security as a social phenomenon has many forms enshrined by law as cumulative condition that accumulates an infinite variety of forms of damage, as well as possible perceptions about threats and their implications.

The problem of National security of the Russian Federation, since the early 90's, has being actively discussed not only among politicians, state and public figures, but also among legal scholars. Inducement of these discussions is the need to clarify the directions, methods and techniques, including legal ones, of implementation the conceptual framework of the socio-economic and spiritual development of our society, strengthen the geopolitical and geostrategic positions of the Russian Federation. And if in this search is often achieved a definite mutual understanding of all sectors of society, public authorities, scientists and specialists, then the content of the concept of “national security” is interpreted quite differently, and there are a variety of opinions. It is believed that this concept is either unacceptable to the Russian Federation or requires its specification in terms of Linguistics and political vocabulary, as well as constitutional and legal norms of it ensuring.

Administrative and legal institutes of the National security of the Russian Federation.

Open list of National security fields creates legal preconditions for the formation of independent, separate administrative and legal institutes of the Russian national security [13]. Federal Law No. 390-FL from December 28, 2010 “On Security” indicate only some types of security (security of the State, public security, environmental security, security of a person). Defines the powers and functions of federal public authorities, public authorities of the constituent entities of the Russian Federation, and bodies of local self-government. Some speak out on ensuring National security at different levels: Some speak out about ensuring National security at different levels: federal; of a subject of the Russian Federation (regional one); of personal security (citizens – in the territory of the Russian Federation); as well as about certain types of security: technical, information, industrial, etc.

National security is a generic term in relation to the types of security. In General, the legal regulation applicable to individual types of security is carried

out on the basis of more than 70 federal laws and 200 decrees of the President of the Russian Federation, around 500 decisions of the Government of the Russian Federation, as well as other subordinate acts. Most of them are fragmented, concern private threats, and generate local disparate array of legal norms related to various branches of law. The latter is due to the fact that state security issues permeate almost every field of social relations and objectively may be subjected to regulation in any of the existing branches of law.

I. B. Kardashov considers necessary to develop a qualitatively new constitutional federal law “On National Security” as the system of universal education on security in Russia, which would encompass all age groups and provide citizens’ understanding of security issues [14, 4; 15, 12].

A. S. Dugenev offers to describe the main types of security in the Federal law “On Security”, thereby elevating the status of the Federal Constitutional law “On Security”. According to the scientist, in such case the law on security will be predominant, on the basis of which would be developed relevant normative legal acts. Moreover, under such an approach the proposed law specifies the main actors that ensure safety, i.e., federal bodies of executive power that ensure the safety of Russia on the following criteria:

- a) internal security;
- b) external security [16, 65-67].

It should be noted, however, that the Supreme legal act of the State policy in the area of security is a National Security Strategy of the Russian Federation, and other conceptual and doctrinal documents developed by the Security Council and approved by the President of the Russian Federation. For example, the orders of the President of the Russian Federation No. 120 from January 30, 2010 “On Approval of the Doctrine of the Food Security of the Russian Federation”; No. 608 from April 29, 1996 “On State Strategy of Economic Security of the Russian Federation (main provisions); No. 690 from June 09, 2010 “On Approval of the Strategy of the State Anti-drug Policy of the Russian Federation up to 2020”; No. 146 from February 05, 2010 “On the Military Doctrine of the Russian Federation”; as well as the Concept of counter terrorism in the Russian Federation and the Concept of the State migration policy of the Russian Federation for the period up to 2025.

Effective Federal laws and departmental normative legal acts of federal executive bodies, which are adopted in accordance with the Constitution and the National Security Strategy of the Russian Federation up to 2020, have created by now a number of administrative and legal institutes of National security. For example, Federal Law No. 116-FL from June 21, 1997 “On Industrial Safety of Hazardous

Production Facilities”, as well as the Rules and norms for the safe conduct of work approved and put into effect by Rostekhnadzor have created administrative and legal institute of industrial safety. Federal Law № 196-FL from 10 December 1995 “On the Road Safety” and Road traffic rules approved and entered into force by the Decision of the Government of the Russian Federation No. 1090 of October 23, 1993 have formed administrative and legal Institute of road traffic safety. Federal Law No. 69-FL from December 21, 1994 “On Fire Safety” and fire regulations have regulated administrative and legal status of fire safety. Similar approach allows speaking about administrative and legal institutes of radiation safety, environmental safety, and other administrative and legal institutions of the national security of Russia.

Ensuring the necessary level of fire safety and minimization of losses due to fires is an important factor of sustainable socio-economic development of the Russian Federation. Fire risk indicators characterize various aspects of fire safety in the country. The frequency of fires reflects the overall level of fire safety and the effectiveness of preventive fire protection activities of supervisory bodies and measures undertaken by citizens and owners.

Experts note that the deterioration of the situation is due to the lack of a well-functioning control system of fire safety, the low performance of its tasks and duties, reduction of the level of scientific and technical support of these activities, as well as the complexity and lack of study of the nature and characteristics of social interactions emerging between the various categories of participants of social relations in the process of creating and maintaining a sustainable fire prevention status of fire safety facilities [17, 3].

Fire safety is an integral part of the National security of the Russian Federation and represents a dynamically sustainable state, when objectively absent, excluded or prevented fires, their causes and sources, as well as their damage to the national interests of the Russian Federation.

The national interests of the Russian Federation constitute objectively-necessary criteria of existence and life support, independent, normal functioning and free progressive development of Russian society and State.

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