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**SIGNIFICANCE OF PROCEEDINGS ON THE CASES ARISING FROM
ADMINISTRATIVE AND OTHER PUBLIC LEGAL RELATIONS FOR
IMPROVING THE SYSTEM OF PUBLIC ADMINISTRATION**

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The author provides an overview of both classical theories of ensuring effectiveness of public authority bodies' activity, and contemporary approaches and concepts to the problem and the role of judiciary activity to control the legality of deeds and acts of the public authorities and consequently the efficiency of their activities within the framework of legal procedures.

Keywords: court proceedings, administrative legal relations, public legal relations, public administration, proceedings on cases arising from public legal relations, administrative-legal disputes.

The problem of creating an effective system of bodies of public administration has been known to mankind since the emergence of a state. The concept of separation of powers and democratic centralism arise precisely because of the need to solve this problem.

The issue of effectiveness of public administration at the present time lays not so much in terms of management, as in terms of activities of law sciences, since a modern constitutional state is impossible without a developed legal system and existence of effective control mechanisms.

Relevance of the problem of improving the system of public administration bodies in modern Russia is confirmed, in particular, by the adoption by public administration bodies of legal acts on reforming and improving the efficiency of the state mechanism. To particular aspects of reforming the system of public administration dedicate the decree of the President of the Russian Federation No. 601 from May 07, 2012 "On the Main Directions of Improving of Public Administration System" [3], which enshrines system optimization as well as the basic indicators of provision quality assessment and measures aimed at improving the provision level, state and municipal services.

In particular, the above-mentioned decree provides for an order to the Government of the Russian Federation to reduce barriers of accessibility to justice in the event of the need for legal proceedings on cases arising from administrative and other public legal relations, as well as to develop appropriate legislative initiatives in the period up to September 01, 2012 [3].

Provisions of the decree of the President of the Russian Federation No. 601 from May 07, 2012 show a recognition of the value of the mechanism for the rights and legitimate interests protection, within process procedures relating to cases arising from administrative and other public relations, both for compliance with the law and judicial protection and for system of public administration.

Analysis of the problems of improving the practice of proceedings in cases arising from administrative and other public relations, as we believe, also has taken place before making any amendments from February 09, 2012 to the Resolution of the Plenum of the Supreme Court of the Russian Federation No. 48 from 29.11.2007 "On the Practice of Court Proceedings on Contesting Normative Legal Acts in Full or in Part" [5].

Improvement of public authorities' activities is not possible in the absence of effective control over the activities of these bodies. Comprehensive and well-founded control is most effective and impartial in proceedings based on the principle of the equality and contentiousness of parties [1]. These instruments are most developed in the Anglo-Saxon legal family [9, 65-69; 10]. In Russian practice, this practice is somewhat less common.

However, in particular, amendments to the arbitration procedural, civil procedural and criminal procedural codes related to giving effect to the provisions on the review of applications for compensation for violation of the right to a trial within a reasonable time or the right to execute a court decision in a reasonable time are an example of the effect on the measures to streamline the activities of public authorities [2].

It is well known that the decision of the European Court of Human Rights on the case of “Burdov against Russia” [6] was the reason for the introduction of legal provisions on the review of applications for compensation for the violation of the right to a trial within a reasonable time or the right to execute a court decision within a reasonable time (in this case, the decision of a supranational body was the reason of changes aimed essentially at optimizing the work of public authorities). However, it is difficult to overestimate the importance of the decisions’ effect of courts of general jurisdiction and arbitration courts in the field of their jurisdiction on the activities of public authorities.

It seems appropriate to mention the fact that the reference of consideration of applications for award of compensation for the violation of the right to a trial within a reasonable time and the right to execute a court decision within a reasonable time to cases arising from public legal relations is debatable.

We believe in reasonableness of the opinion about the need for development of criteria for attribution of such applications either to action proceedings, or to proceedings on cases arising out public relations, or to a particular type of proceedings. Currently, objectively there is no a unified position on the issue [7, 245-256]. Probably, this is largely due to the specifics of existing studies, each of which is implemented within of a specialized branch of law and does not always take into account the complex impact of existing changes on legal system.

Judicial control as a form of control over the activities of state and local governments largely contributes to the increasing of work effectiveness of the public administration system. In this context, we find reasonable the view of N. M. Chepurnova that “the purpose of judicial control is to ensure constitutionality and legality in the functioning of all institutes of political system, effectiveness of state and municipal government in all spheres of its implementation” [11, 4].

So, there is no doubt about the fact that judicial procedures to protect the rights and legitimate interests from illegal actions and orders of public authorities are an incentive to improve both the practice of public authorities’ activity and the system of public authorities itself.

The mechanism of judicial contesting and appeal against decisions and actions of public authorities, in our opinion, is identical to the mechanism of control over the activities of bodies. This mechanism also contributes to improving of implementation of public authorities’ activities and to reducing inappropriate decisions and actions.

Mechanism of judicial control over public authorities’ activities best serves as a guarantor of fulfillment of the legislation of the Russian Federation by such

bodies and contributes to the improvement of the system of public administration.

Appears that statistics of the number of decisions on cases arising from administrative and other public legal relations, in which a public authority is an interested party, should be one of the criteria for evaluating the performance of a public authority. The number of court decisions on cases arising from administrative and other public legal relations made in favor of an applicant per capita in regulated areas of public relations can serve as a similar statistical indicator.

Currently, there are no such criteria in evaluating the effectiveness of the activities of public authorities [4]. It appears that the absence of such a criterion reduces the possibility of effective monitoring [8, 28] over the compliance with the legislation of the Russian Federation, what in the conditions of formation of legal state is undesirable and can have a negative impact on the entire system and structure of public authorities.

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