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TOPICAL ISSUES OF LEGALITY CONSOLIDATION IN ACTIVITIES OF THE RUSSIAN POLICE

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Here is outlined a range of reasons that lead to violations of legality in the activity of police, and determined measures aimed at its strengthening and creation of conditions for overcoming the existing violations.

The author highlights the following tasks: improving of legislation that forms the legal basis for the organization and activities of the police; increasing the level of general and professional culture through the implementation of organizational and educational measures; increasing the level of professional competence of staff, as well as strengthening of their ties with the community.

Keywords: legality, legal order, rule of law, legal relation, system, control, police, police officer, safeguard, protection.

Legality – it is a principle, method and regime of strict, steady compliance with, execution of law norms by all parties to public relations (the state, its bodies, public and other associations, officials and citizens, that is, all subjects without exception) [8, 602 - 603].

As one of the main components of the democratization of Russian society, legality is presented, first of all, in the form of directing origin in the functioning of the state, in the face of its state bodies and officials. The universality of the legality encompassing the entire political system of the society, the activities of all participants of social relations, implementation of all legal provisions allows us to consider it as a specific, peculiar legal “super principle” [5, 34].

The status of the legality in modern Russia should be viewed as very negative. It is characterized by rather a high level of crime, increase of legal nihilism, weak level of legal protection of personality. In this regard, the focus on forming of a constitutional state, which has been reflected in the Constitution of the Russian Federation, necessarily implies a qualitative change in the understanding of the legality as one of the main components of the democratization of society and the protection of a man from the arbitrariness of state power bodies.

The Police in the Russian Federation by virtue of its functional specificity should build its activity in strict accordance with the principle of legality (principle of legality is enshrined in article 6 of the Federal Law No. 3-FL from February 07, 2011 "On the Police" (as revised in the Federal Law № 185-FL from July 02, 2013) [1]), which reflects the views of the legislator about the place and role of the police in society and the state, about the permissible limits, methods and means of its intervention in social life.

The legality of the police is derived from the general legal, common to all branches of the law of the principle of legality, got its consolidation in Art. 15 of the Constitution of the Russian Federation: "The bodies of state power, bodies of local self-government, officials, citizens and their associations are obliged to observe the Constitution and laws of the Russian Federation."

The legality in the police activity is derived from the general and legal, inherent in all branches of law principle of legality, which has been enshrined in article 15 of the Constitution of the Russian Federation: "The bodies of state authority, the bodies of local self-government, officials, private citizens and their associations shall be obliged to observe the Constitution of the Russian Federation and laws".

Under the legality as a principle of the police activity should understand the unconditional and precise observance of laws and normative acts by all without exception police officers. On the one hand, the functioning of the police is a measure of ensuring legality in the activities of state bodies, local self-government bodies and their officials, legal entities and individuals, on the other hand, every single act of service activity of the police and their totality as a whole, in turn, must be lawful itself. Otherwise, the police would be unable to fulfill its social role, as deviations from the law, no matter by what they are motivated, are especially intolerant in practice of exactly those government agencies that are engaged in the line of duty in law enforcement activity.

The level of development of the legality depends on the state of the current legislation: "The laws are the base of legality, so the improvement of laws, i.e., strengthening of the foundation of the legality, is an important means of

strengthening of the very legality, its protection and ensuring” [10, 23]. This leads to an understanding of the importance of the task of strengthening the legality in the police activity.

The issues of strengthening the legality in the police activity are relevant for modern Russia. Today, about 40% of servants are young people. More than 47% of employees have higher education. Over 56% of employees have been serving in bodies up to 10 years [6, 5]. The process of achievement of personhood of these people took place in the 90's: wealth, strength, power, unrestrained satisfaction of needs. In this system of values such qualities as honesty, decency, selflessness, and sacrifice have not found a place. Adherence to principles and uncompromising nature of police officers faithful to service duty did not always find understanding and support even among close friends and relatives. The image of an honest police officer somehow unnoticeably disappeared from TV screens. “Honest Police Officer” has become something of surreal and uninteresting for the mass media.

Generation of 90's – this is a special category of employees both for psychologists and for mentors, and managers engaged in educational work. Significant rejuvenation of staff has an impact on the effectiveness of operational activities, and on the state of service discipline and legality. Comparative figures of crimes and violations of legality committed by employees of internal affairs bodies grow from year to year, despite the staff reduction.

So, according to the Chief Directorate of the own security of the RF MIA, in 2012 over 2.5 thousand police officers were brought to criminal responsibility, over 54 thousand – to disciplinary responsibility. At that, 90% of revealing of infringements of the legislation is the result of work of internal security units [4].

In this regard, study of the causes of violation of legality by police officers is an important prerequisite not only to overcome existing offenses, but also to prevent them. In this connection “the knowledge of the causes of violation of legality, as well as the relevant directions of activities of police officers, where the risk of legality violation and the level of various kinds of abuse of authority is high, provides a real opportunity to eliminate causes of violations of legality through impact on them and thus improve and strengthen the requirements and regime of legality” [7, 145].

What are the main causes of violations of legality in the activities of the Russian police? In our view, they consist in bad organization and low technical equipment of service activity of employees. Violation of the legality is also facilitated by factors of regulatory nature, which include low-quality regulatory prescriptions, unduly broad and uncontrolled borders of official and legal discretion [9, 381-387].

Police as an integral part of the state is experiencing a positive and negative impact of the processes taking place in society, to which should be referred a low standard of living of large segments of the population, instability of economic system, high unemployment, etc. These and many other factors determine the need for a timely response to a qualitative changes in public relations, improvement of organizational structure and the legal basis of the police activity in order to ensure a high level of the legality while protection of life, health, personal rights and freedoms, combating crime, protection of public order, property, and ensuring public safety.

Order of the Ministry of Internal Affairs of Russia No. 211 from March 23, 2012 "On the Declaring the Decision of the Collegium of the Ministry of Internal Affairs of Russia" approved the decision of the collegium of the Ministry of Internal Affairs of the Russian Federation on No. 2km from March 15, 2012 "On urgent measures to strengthen the service discipline and legality in the internal affairs bodies of the Russian Federation". Collegium of the Ministry of Internal Affairs of the Russian Federation notes that, despite the measures taken by the leadership of the Ministry to strengthen official discipline and the legality, employees of internal affairs bodies of the Russian Federation continue to commit crimes that lead to grave consequences.

The Collegium considers that the main causes of crime and emergency incidents in the bodies of internal affairs of the Russian Federation are:

- reduction of the level of personal responsibility of the heads of the bodies of internal affairs and units for work with personnel for maintaining in subordinate collectives of service discipline and the legality, maintaining the proper moral and psychological condition of the staff;
- self-recusal of heads from organization of moral and psychological support and training of employees in the territorial bodies of the Russian Interior Ministry at district level, inaction in education of personnel;
- gross breaches of the orders and instructions of the Russian Interior Ministry, aimed at enhancing the effectiveness of educational work with personnel, during reforming of internal affairs bodies;
- serious omissions in the evaluation of personal and professional qualities of candidates to the service in internal affairs bodies;
- lack of a system for the timely identification of moral and psychological strain of personality of employees and behavioral abnormalities in the process of service;

- underestimation by heads of the role of HR managers work and moral and psychological support of the territorial bodies of the Ministry of Internal Affairs of the Russian Federation, educational institutions, research organizations, and other organizations and subdivisions created to fulfill the tasks and exercise the powers conferred on the Ministry of Internal Affairs of the Russian Federation.

The current system of interaction between departments for work with personnel and internal security units to prevent crime and accidents among employees does not meet the requirements of the time and does not allow quality work towards strengthening of service discipline and legality.

Insufficiently implemented the practical mechanisms laid down in the Federal Law No. 342-FL from November 30, 2011 “On the Service in Internal Affairs Bodies of the Russian Federation and Amendments to Certain Legislative Acts of the Russian Federation” [2], regarding the selection of citizens for service in law-enforcement bodies. Still, there are cases of ignoring negative conclusions of psychologists about the occupational psychological suitability for service while hiring in police departments.

In our opinion, the causes of violations of law by police officers should be divided into two groups.

The first should include objective reasons: economic instability; social tensions; poor-quality selection of candidates for service; omissions in the educational work on the part of the leadership and HR managers; shortcomings in arrangement of service activity on the part of the leadership, weak control over the activities of subordinates; bringing to the execution of inappropriate tasks.

The second group should include subjective reasons directly related to the individual characteristics of police officers: low level of legal awareness and legal culture; misconceptions about discharge of duty, expressed in the desire to “sugar-coat” achievements in service activity to achieve personal goals (promotion, getting rewards and awards, and desire to get loyalty of leadership); bad habits, rudeness, etc.; adverse psychological climate in team.

It should be noted that the state of legality in the activities of the police is largely influenced by the failure to resolve many social problems and a high rate of staff turnover.

Designation of a variety of reasons that lead to violations of legality in the activities of the police, allows determining measures to strengthen it, create conditions for overcoming existing violations. In our view, the most effective ones are the following:

1. Improving of the current legislation.
2. State, public and internal control over the police activity.
3. Maximum openness and publicity of the police activity.
4. Optimization of organizational structure of the police.
5. Quality improvement in the system of police management.
6. Sufficient funding, in order to ensure a high level of material and technical equipment of the police.
7. Systematic targeted increasing of the level of police professional training.
8. High quality of the work of HR apparatus.
9. Enhance of social protection of police officers.
10. Improvement of the system of reporting on executed work, overcoming of the so-called “furtigation” system.
11. Compliance with the legislation governing the police service, the official time of police officers.

12. Establishment in law enforcement bodies of independent trade unions.

Indicating the reasons contributing to the violation of the legality in the police activity and measures aimed at its strengthening we should bear in mind that the abilities of law enforcement bodies to protect the lives, health, rights and freedoms of the citizens of the Russian Federation, foreign citizens, stateless persons, combat crime, protect public order, property, and to ensure public safety are not unlimited.

The most important practical task of the police is a strengthening of the legality in its own activities, since exactly a sturdy legality would enable it to take its place in the system of bodies of a constitutional state [3]. The main directions of solving this task are: improvement of the legislation that forms the legal basis for the organization and activity of the police; increasing the level of general and professional culture through the implementation of organizational and educational measures; increasing the level of professional skills of employees, as well as strengthening their public relations.

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