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SOME ASPECTS OF INTERREGIONAL PUBLIC ADMINISTRATION IN MODERN RUSSIA: FROM THE SPECIAL TO THE GENERAL [1]

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The lack in modern Russia of complete organizational and legal base of state territorial management, which would be adequate to modern tasks of state-building, as well as to challenges and threats to national security, is noted in the article.

Reviewing the activities of investment authorized representatives, the author expresses doubts about the necessity of existence of the very institute of investment authorized representatives, noting it as a duplicative state superstructure.

Seeing the "paralysis of the mechanism to ensure the passage of managerial decisions "from top to down", the author summarizes the article by the need to structural adjustment of territorial public administration.

Keywords: public administration, interregional level of public administration, plenipotentiary representatives of the President, institute of investment authorized representatives, territorial public administration.

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A considerable unified level of interregional public administration in modern Russia began to take shape in 2000, when by the decree of the Head of State were established 7, and since 2010 – 8 federal districts and were appointed the respective plenipotentiaries of the President of the Russian Federation [1]. Today, you can definitely talk about the accomplished, but not yet fully completed regional reform of presidential and much of governmental structures of the Executive Branch. As a result was formed a kind of governments of federal districts, officially formed the interregional level public administration. Issues of further development of the latter are the focus of not only the scientific community, but also of the leadership of the country. Today, we can distinguish two main vectors in the development of interregional public administration.

First, the merging in 2010 and 2013 the powers of the plenipotentiary representative of the President of the RF in the federal district and the responsible official of the body of executive power – Deputy Chairman of the Government of the Russian Federation (in the North-Caucasus and the Far-Eastern Federal Districts) [2; 3; 7; 8]. Recall that in 2012 there was an attempt to merge the powers of the plenipotentiary representative of President of the RF in the Far-Eastern Federal District of the Russian Federation and the Minister of the RF for Development of the Far East. However, this attempt to improve the management of Far-Eastern territories of the country so far has actually been recognized by the leadership of the State as not entirely successful [4; 6; 9; 10].

Without going into particulars (for example, the plenipotentiary representative of the President of the RF in the North-Caucasus Federal District unlike its colleague has significant staff-institutional powers in relation to inter-regional executive bodies placed in the designated Federal District), we note that the merging of control and executive powers through combining the functions of the mentioned officials to some extent distorts the principle of separation of powers enshrined in the Basic Law and taking place in the practice of functioning of the state apparatus; there is a risk of bringing the President of Russia to responsibility for fulfilling of unusual for him executive and administrative functions, as well as caused by this serious abuses at the local level. Moreover, there is an obvious breach of normatively established personal subordination of plenipotentiaries of the President of the RF in the federal districts, which combine "government posts", to the Head of State and emergence of the situation of their accountability both before the President and the Chairman of the Government of Russia. This situation of a potential conflict is also extremely dangerous in conditions of a potential political crisis.

New quality of the two of eight plenipotentiaries of the President of the Russian Federation in the federal districts lets us talk about factual vesting them a peculiar status of "federal managers" of territorial development of the country, which is due, undoubtedly, to the military-political and socio-economic peculiarities and problems of these regions, as well as to their special significance for the Russian statehood. We can assume that a similar trend in the field of state territorial management may eventually lead to the transformation of the plenipotentiaries of the President of the Russian Federation in the federal districts into persons appointed to positions not by the Head of State, but, by analogy with the prefects in France, by the government with granting them administrative jurisdiction. However, the reorganization of the institute of representatives of the Head of State at the local level into the institute of plenipotentiaries of the Government of the Russian Federation in the federal districts does not seem appropriate and likely will have a very illusive positive effect. The main reason for this lies in the limited competence of these officials and because of the nature of their legal status in their failure to ensure effective implementation of the competence of the Head of State in the territorial dimension through effective organization the work of territorial units of the federal bodies of executive power oriented on the President of the Russian Federation [19, 15-18; 18, 19-22].

Second, the vesting in 2011 the responsible officials of the apparatus of plenipotentiary representatives of the President of the RF in the federal districts – separate deputies plenipotentiary representatives of the President of the RF in the federal districts some additional functions – the rights of investment authorized representatives in the federal districts and the determination of the primary goal of their work – the creation of a favorable investment climate, as well as promoting to the implementation of investment projects [11: 12]. At that, in order to fulfill the order of the country's leadership, federal bodies of executive power, the Interior Ministry and Federal Security Service, the heads of the supreme bodies of executive power of the constituent entities of the Russian Federation have defined officials responsible for coordination of activity and interaction with investment authorized representatives in the federal districts.

Appropriate acts, essentially specifying the main areas of work of investment authorized representatives in the federal districts, are taken by orders of plenipotentiaries of the President of the Russian Federation in the federal districts. The most amplitudinous act, which in fact comprehensively regulates the activity of investment authorized representative, is adopted in the North-West Federal District, where the order of the plenipotentiary representative of the President of

the RF No. 228 from May 10, 2012 approved "Regulations of the activity of the investment authorized representative in the North-West Federal District for interaction with the apparatus of the plenipotentiary representative of the President of the RF in the North-Western Federal District, federal bodies of executive power, bodies of State power of the constituent entities of the Russian Federation and bodies of local self-government within the North-Western Federal District, concerning the issues of promotion to implementation of private investment projects" [14].

Among the distinctive features of the considered document we should highlight the following: fixing the principles governing the activities of the investment authorized representative in the North-West Federal District, a clear formulation of its rights and expected results of its work, as well as the focus on the organization of its work – creation of the apparatus of the plenipotentiary representative composed of executive secretary, curators for work with the statements of investors (entrepreneurs) and experts. All of this once again raises the question of the possession of administrative jurisdiction (powers of authority) by the authorized representatives of the Head of State at the local level, a detailed study, which is few outside the scope of this article, has been previously held by the author [16, 66-70].

Along with investment authorized representatives in the Federal districts, as before, continue to operate federal government agencies with similar tasks and powers. We are talking about the Ministry of Economic Development of the Russian Federation, which, in particular, currently comprises the Department of Investment Policy and Development of Private-public Partnerships, which carries out functions of ensuring elaboration of public policy and normative-legal regulation in the sphere of investment activity. Similar apparatus' elements also operate in the structure of executive authorities of the constituent entities of the Russian Federation. The special position in the mechanism of public administration in the context of our study is occupied by the Commissioner of the President of the Russian Federation for the protection of the rights of entrepreneurs and its apparatus, as well as the commissioners for the protection of entrepreneurs' rights in the constituent entities of the Russian Federation [5]. Consideration of their, in our opinion, very ambiguous and contradictory legal status is beyond the scope of this work and is the subject of a separate scientific research.

Based on the foregoing, there are doubts about the necessity of existence of the very institute of investment authorized representatives in the federal districts as a duplicating state superstructure and even unnecessary bureaucratic element. So far it is very difficult to unambiguously answer to this question for a number of reasons, and primarily due to a short operation of investment authorized

representatives in the federal districts in the absence in most cases of clear and objective criteria (indicators) of their performance. On the one hand, by creating the institute of investment authorized representatives in the federal districts the country's leadership in the organizational-legal matters renounced the practice of institutionalization of new administrative-managerial structures, and limited to the assigning the functions to create a favorable investment climate on current officials. At that, the activity of each of the mentioned structures complements each other by providing comprehensive solution of a major national task of creating a favorable investment climate in Russia. Similar functions are exercised at different levels of public administration by bodies relating to the various levels and branches of public authority.

On the other hand, the regions are keenly interested in attracting investments in their own economy and creation of new industries, for that in the institutional aspect the constituent entities of the Russian Federation have actually created their structures. At the same time should not lose the sight of the fact that the formation of a favorable investment climate is the most important indicator of efficiency of both senior officials of the Russian Federation and the heads of federal executive bodies. However, as practice shows, the resolving of related problems leads to some duplication of powers of investment authorized representatives in the federal districts and commissioners for the protection of entrepreneurs' rights in the Russian Federation, which in recent times actively arrange interaction with the chief federal inspectors of the apparatus of plenipotentiary representatives of the President of the Russian Federation in the federal districts [15].

Moreover, the activities of investment authorized representatives in the federal districts is exclusively of sub-legislative nature and governed by corporate acts, while the work of executive authorities and some commissioners for the protection of entrepreneurs' rights in the Russian Federation is based on the legal acts of the highest legal force (decrees, orders, laws of the subjects of the Russian Federation). At that, the assignment of functions of investment authorized representative on one of the deputy plenipotentiary representative of the President of the RF in the federal district and the concentration of its powers on addressing relevant issues in practice creates the risk of moving a part of its apparatus out of regulation other areas and sectors of jurisdiction. While the functions of creation a favorable investment climate in the regions were also implemented by appropriate departments and officials of the apparatus of the plenipotentiary representatives of the President of the Russian Federation in the federal districts earlier, but alongside and in conjunction with others [13, 119-126].

Speaking in general about existing state territorial management, we consider it necessary to focus attention on the following moments. Today, many of the tasks of state territorial management have not only remained unresolved, but to a certain extent have been actualized. The basis of most changes in socio-economic sphere is an increase in the effectiveness of the controllability of the state territories and regional processes, what largely depends on the organizational-legal and institutional mechanisms for its implementation in the territorial and, including, in interregional context. Improving the management of territorial development of the country depends on the efficiency of the territorial bodies of federal public authorities. At the same time, one should recognize, that today the performance of federal territorial managerial structures is extremely low, what is mainly connected with the complexity of arrangement and structuring of the territorial federal state bodies.

Often territorial management bodies do not cope with their tasks and functions entrusted on them; prove to be incapable to function under the new conditions of development of the Russian society. At the same time there is duplication of their powers between themselves and regional bodies, inconsistency in management, insufficient mobility and degree of interaction of regional authorities between themselves and non-governmental organizations, formality of control and supervision in the entrusted field, weak executive discipline, and unfinished hierarchy line of executive power. Such state of affairs often causes various tragedies with human victims (air crashes, loss of ships, technogenic accidents, fires) [17, 14-17]. Largely namely these negative processes in the state territorial management had created conditions that seriously aggravated the consequences of the large-scale flooding in the Far East of the country. Still inflame local hotbeds of ethnic hatred, separatist tendencies are not fully terminated, what is extremely dangerous for a multinational state with different traditional religions from the perspective of ensuring its national security. So, one of the latest incidents, which has resulted from an explicit gap in work of relevant territorial bodies of public administration, has become the known throughout the country ethnic conflict in the Saratov region, the city of Pugachev.

The observed paralysis of the mechanism of ensuring the passage of managerial decisions "from top to bottom" does not allow the central government to fully exercise its decisions in strategic branches and the spheres of national economy, as well as to timely response to the needs of regions and its citizens, what entails the growth of social tension and discontent of the population, impedes economic development of Russia. In response, the central government is forced to create new and new state territorial structures, largely overlapping each other, increase

the staff of federal public servants and expenditures for maintaining state apparatus. However, this does not bring the desired result. Thus, obviously, there is a need to reconstruct the territorial public administration, what is beyond of the "simplified rationalisation activity".

At the same time, there are serious gaps in the legal regulation of the issues of exercising federal powers at the local level. Many adopted to date normative legal acts regulating the functioning of territorial units of federal state bodies are not always properly coordinated, their content is weakly oriented on prospect. Certain provisions of normative legal acts are simply not reflected in the practical work of territorial management bodies, in some cases they are ignored because of their inconsistency and poor elaboration. Unfortunately, we have to recognize the absence in modern Russia of a full-fledged organizational-legal framework of the state territorial management, which would be adequate to modern tasks of state-building, as well as to challenges and threats to national security of the country. The formation of much needed today scientifically based and logically built concept of territorial development of Russia as part and parcel of the process of improving the state territorial management is moving very slowly, what in some cases does not allow the highest level of elaboration and implementation of measures that would be adequate to threats of the Russian statehood, extremely negatively affects the entire system of public administration.

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LEGISLATION ON THE PLANNING OF PUBLIC MANAGERIAL ACTIVITY IN THE RUSSIAN FEDERATION: CONDITION, MAJOR TRENDS AND DEVELOPMENT PROBLEMS

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The author distinguishes main groups of forward looking and planned acts at the federal level, as well as the key points of the modern mechanism of administrative-legal regulation of forecast-planning activity.

He notes that in the present the procedure for development and approval of long-term predictions still has not received legal regulation, and that there is no an officially approved as a single document and really functioning concept of long-term socio-economic development of the country.

The lack of expediency in the formalization of long-term program planned documents of the comprehensive development of the Russian Federation is alleged in the article.

Keywords: legislation on planning, public managerial activity, predicting and planning, planned activity, strategic planning.

Proper organization and implementation of management (and especially - public management) is impossible without predicting and planning. However, according to justified remark of E. V. Kudryashova, it seems that in the post-Soviet period among researchers, including – specialists in jurisprudence, on this issue was imposed a taboo [17, 3]. Theme of planning is multifaceted and very voluminous. Therefore, this article focuses only on one of its aspects –analysis of the state of modern Russian administrative legislation on this issue. At once we offer to define the terminology. There are a lot of approaches to the definition of categories of "predicting" and "planning". In order to avoid uncertainty and ambiguity we note: further in the present work under predicting will be understood such a function (method, step, way) of management, which is associated with the formation of a vision of the future state of the controlled object on the basis of extrapolation of existing at the time of prediction trends (patterns) of its development without their changes. The fundamental difference in planning from predicting seems to us in the formulation of the goal, objectives and ways to bring the object into the desired by the subject condition through changing the patterns of its development.

If state planning acted as the constitutional principle of social order, then in the text of the Constitution of the Russian Federation from 1993 we will not see the terms of "plan", "prediction". So, according to article 16 of the Constitution of the USSR of 1977, economic management was based on national plans of social and economic development (for more details on this subject matter see Kutafin O. E. *Planned Activity of the Soviet State: State-legal Aspect* [13, 19]). The current Fundamental law only mentions the RF President Messages (article 84) and federal programs in the area of public, economic, environmental, social, cultural and national development of the Russian Federation (articles 41, 71). Therefore, the Constitution of the Russian Federation of 1993 can be considered as the legal basis for predicting and planning activity of the State only with a very high degree of conventionally. The legal framework for territorial planning at present is formed from the provisions of chapter 3 (articles 9-28) the Town Planning Code of the Russian Federation [2], as well as of some other Federal Laws [5]. Financial planning is based primarily on the Budget Code of the Russian Federation (hereinafter – BC RF) [1].

The situation with sectorial (cross-sectorial) and multi-objective administrative planning of socio-economic development is more complicated. Federal Law No. 115-FL from July 20, 1995 "On State Predicting and Programs for Socio-economic Development in the Russian Federation" (hereinafter – the Law of 1995) [4] was designed to play the role of the legislative foundation of such planning. This legal act "legalized" predictions of socio-economic development for long-term,

medium-term and short term prospects, the concept of socio-economic development of the Russian Federation, as well as the program of socio-economic development of Russia for medium-term prospect. However, the law of 1995 has not managed to provide complete foundations of planned activity. Among its conceptual disadvantages are: the obvious emphasis on prediction beginning (the word "plan" is not even mentioned in the text of the law), as well as the stubborn refusal not only to develop a unified system of predictive-planning acts of all kinds and levels with the mechanism of realization, but even to determine their legal nature. Expectedly and symptomatically that even the subordinate act of the very 1995, which established the procedure for the development and implementation of federal targeted programs and intergovernmental targeted programs, was adopted pursuant not to the Law of 1995, but then-effective legislation on the supply for the federal government needs [8]. Regulatory weakness of the Law of 1995 has led to an expansion of the financial law sector, which (especially – as we moved to the target-oriented budgeting model) "caught" the falling banner from administrative legislation in the field of predicting-planning issues. As noted by L. V. Andreeva, this step of the legislator was due primarily to the fact that the Law of 1995 did not enshrine in the planning documents long-term targeted programs in the system of medium-term planning. Institute of long-term programs has originated and still exists as part of BC RF [14].

It is noteworthy that May 12, 2009 the President of the Russian Federation approved the Decree No. 536 "On the Foundations of Strategic Planning in the Russian Federation". According to some authors, it is "the most important current strategic document in the sphere of socio-economic development, which has comprehensive nature and defines the main directions of state policy at the federal level for the long term prospect" [24, 19]. It appears that we cannot agree with this opinion. First, the mentioned decree is marked as "for official use only" and has not been officially published, and, therefore, by reason of that fact, it cannot claim to be a legal foundation for the planning of public administration. Secondly, the subject of its regulation is focused mostly on national security. Finally, thirdly, the content of the Decree No. 536 absolutely does not comply with the regulative minimum of planned activity [22, 421-422]. The newest stage in the development of planning legislation relates to the taking by the President of the Russian Federation in May, 2012 a series of decrees containing the conceptual provisions of strategic planning of development the Russian state and the various spheres of public life.

So, currently, at the federal level, we can distinguish the following main groups of predictive and planning acts.

1. The Concept of long-term socio-economic development of the Russian Federation.

This predictive act is mentioned in the Law of 1995 and defined as "a system of ideas about the strategic objectives and priorities of socio-economic policy of the state, the most important directions and means of implementing these objectives" (article 1 of the Law). RF Government Decree No. 1662-r from 17.11.2008 approved the Concept of long-term socio-economic development of the Russian Federation for the period up to 2020 [13] (the so-called "Strategy-2020"). However, as is known, the latter has become out of date before its adoption, as it was developed in conditions prior to the started in summer 2008 global financial and economic crisis. The need for a new concept was also due to the exceptional declarative nature of the content of the approved in 2008 document, absence of at least an approximate system of measures to achieve the set goals. During 2011 more than 1000 experts led by State University – Higher School of Economics and Russian Presidential Academy of National Economy and Public Administration were developing a new strategic document. Which, however, has not been approved by any legal act. And, therefore, has remained an analytical material of non-legal nature, expert report (on 864 pages). Thus, at the time of writing this work there is no an officially approved as a single document and really operating concept of long-term socio-economic development in the Russian Federation.

2. Predictions of socio-economic development.

The Law of 1995 refers to all kinds of predictions for time of action: long-term, medium- and short-term ones. An example of a long-term prediction is the developed in 2013 by the Ministry of Economic Development "Prediction of long-term socio-economic development of the Russian Federation for the period up to 2030". It should be noted that the mentioned prediction was not approved by a legal act and was not officially published. BC RF (art. 173) enshrines predictions only for the current fiscal year and period of not less than three years (that is, short-term and medium-term). As a result, the procedure for the elaboration and approval of only the latter kinds of acts is more or less formalized (see: RF Government Decision No. 596 from July 22, 2009 "On the Procedure for Elaboration of the Prediction of Socio-economic Development of the Russian Federation" [10]). But the procedure for development and approval of long-term predictions today still has not received legal regulation.

3. Programs of socio-economic development.

According to article 1 of the Law of 1995, these are "complex systems of targets of socio-economic development of the Russian Federation and planned by the State

effective ways and means to achieve these targets". It is noteworthy that the Law says only about the programs of medium-term development. It seems that the lack of long-term programs of development of the entire state in principle is justified: with increasing duration of a planning act the probability of hypothetical nature of its content increases. That makes it rather a predictive document. And niche of long-term predicting is already occupied by the document discussed above. Therefore, formalization of long-term planning documents on complex development of the Russian Federation is hardly advisable. Here you may recall that in the USSR "first fiddle" in the system of planning was played exactly by short-term (one year) and medium-term (five years) acts.

It is worth noting that the last program of socio-economic development of the Russian Federation for the medium-term prospect was approved by the RF Government Order No. 38-r from January 19, 2006 [12] and ceased operation in 2008. Since then medium-term programs have not been taken. Probably, their model has showed lack of effectiveness.

4. The main directions of activities of the Government of the Russian Federation (ONDP in Russian).

Legal nature, the order of elaboration and adoption of this act is also not formalized (there is only mention of ONDP in article 24 of the FCL "On the Government of the Russian Federation" [3]). Currently operate the approved January 31, 2013 Main directions of activity of the Government of the Russian Federation for the period up to 2018. This document has been approved not by a legal act of a body of executive power (Government of the Russian Federation), but by an official – the Chairman of the Government of the Russian Federation. Therefore, probably, it should be of local nature. However, in view of the level of competence of the Government of the Russian Federation, such intradepartmentality in this case is hardly possible. It is also noteworthy that the ONDP up to 2018 also have not been published. The functional role of this document is designated in its preamble – focus on the implementation of the Presidential Decree No. 596-606 from May 07, 2012 and the RF President's Message to the Federal Assembly of the Russian Federation of 2012. However, the analysis of its content allows us to draw a conclusion: if the named task was really set, then it has not been achieved at all; the content of ONDP is purely declarative and does not enshrine even approximate events for achieving the goals provided for by the decrees of the President of the Russian Federation. It appears that if the existing model of ONDP does not undergo significant evolution, they will wait for the fate of many other predictive-planning acts (including the concept of long-term development, medium-term programs, etc.). That is, not only

de facto but also de jure dying away. As federal public servants say in interview with correspondent, the biggest victory in the development of ONDP is that have managed to defend a more compact version of the document: "30 pages better than 200. They will take less space in a trash can" [23, 20].

5. State programs, federal targeted and departmental programs.

As has already been mentioned above, the institute of long-term programs originated in the bowels of the budget legislation (article 179 BC RF) and was due, including, to the need to consolidate program documents. In the future the phenomenon of state programs is formalized within the framework of administrative legislation. Under which, according to the legal definition, recognize "systems of measures (interconnected by tasks, timing of implementation and resources) and public policy tools that provide within the framework of implementation the key government functions the achievement of priorities and goals of public policy in the field of socio-economic development and security" (see: paragraph 2 of the Procedure for the elaboration, implementation and effectiveness evaluation of the government programs of the Russian Federation, approved by the RF Government Decision No. 588 from August 02, 2010 [11]). With the development of programmed foundation of budget the state programs have become a major tool for socio-economic planning that is designed to tie together its administrative and financial foundations (on this issue, see: *Program Budget: Study Guide*, under edition of Professor M. P. Afanas'ev [21]).

According to the legal definition, federal target programs (FTP) and interstate target programs represent a linked by tasks, resources and timing of implementation set of research, design and experimental, production, socio-economic, organizationally-economic and other measures to ensure the effective solution of system problems in the field of state, economic, environmental, social and cultural development of the Russian Federation, as well as innovative economic development (see paragraph 1 of the Procedure for development and implementation of federal target programs and interstate target programs, in the implementation of which the Russian Federation participates: approved by the RF Government Decision No. 594 from June 26, 1995 [8]). Departmental target program is a document containing a set of coordinated activities aimed at solving a particular task of state program subprogram, as well as measured target indicators. Departmental target program is an independent document, its separate provisions and parameters can be included in the report on the results and on the main directions of activity of a federal body of executive power (see paragraph 4 of the Provision on elaboration, approval and implementation of departmental target programs: approve by the RF

Government Decision No. 239 from April 19, 2005 [9]). If for some time FTP played a major role in program-planned activity of the State, then today they are being increasingly included in state programs as their elements (along with the subprograms and departmental target programs).

It is also worth noting that within state federal target and departmental programs implement both sectorial (state security, development of pension system, etc.) and territorial comprehensive planning (e.g., the development of the Kuril Islands, Far East, etc.). That is, today programs are being considered by the legislator as a universal tool for all kinds of planning.

6. An independent place in the administrative and financial planning is taken by so-called priority national projects. For the first time they have been enshrined in the Program of socio-economic development of the Russian Federation for the medium-term prospect (2006-2008). As rightly pointed out in the scientific literature, so far there is no specific normative legal act, which contains the concept of a national project, the requirements for its elaboration, approval and maintenance, monitoring of its implementation [14]. However, some of the above-mentioned issues (in particular the monitoring of implementation of national projects) are governed by local acts approved by the Presidium of the RF Presidential Council for the exercising of priority national projects and demographic policy. By their legal nature national projects are not uniform legal acts, but complexes of interconnected documents having different legal nature [20]. The strong points of this method of planning were that national projects allowed focusing significant resources on the most important directions (health, education, provision of housing, development of agro-industrial complex), giving them priority financing and presidential control over their implementation [14]. It is noteworthy that the national projects formally-legally remain in effect within the framework of taken today state and federal target programs on the relevant issues. However, it is not difficult to notice that the shortcomings of this tool come from its merits and lay, again, in its weak legal regulation. Besides, we cannot forget about the economic and political context: national projects were implemented in situations of active and successful economic development, accumulation by the State of significant financial resources. Since then, the situation has changed significantly and the time will show the effectiveness of national projects in conditions of economic stagnation and inevitable cuts in funding of social spheres.

7. Absolutely especial role is played by the RF Presidential Decrees on strategic planning.

Predictive-planning acts like messages of the President of the Russian Federation to the Parliament are well known to domestic legislation and managerial practice (suffice it to recall the article 84 of the Constitution of the Russian Federation of 1993). However, decrees No. 596-606 adopted in May 2012 – new political and legal phenomenon. From a legal point of view, here are all the issues that, in principle, are inherent to the institute of presidential rule-making. For example, it will not be an exaggeration to say that the role of the head of state exactly in administrative planning of socio-economic and political development is not reflected not only in the Law of 1995, but in principle in Russian law. On the other hand, the problem of "anticipatory decree rulemaking" of the President of the Russian Federation has been repeatedly analyzed by the Constitutional Court of the Russian Federation, which acknowledged such practice appropriate to the Constitution on condition of adjustment of such decrees after subsequently adopted federal laws. We think that the scope of authority of the President of the Russian Federation in the field of planning requires certain formalization. At least in order to elaborate and consolidate the legal mechanism of implementation of his strategic planning acts. Meanwhile, the mentioned decrees will probably play the role that has had to be executed by the factually abolished Concept of long-term development of the country. With the significant difference that the strategic benchmarks of planning acts of the President of the Russian Federation, it seems, are of legally-binding nature (if there is no, we repeat, a specific mechanism for their implementation).

Concluding this brief review of the array of predictive-planning normative material, it should be noted that the relevant norms are currently "scattered" in many other federal normative acts of administrative-legal nature, including – in the Federal Law No. 44-FL from April 05, 2013 "On the Contract System in the Procurement of Goods, Works and Services to Meet State and Municipal Needs" [7], Federal Law No. 275-FL from December 29, 2012 "On State Defense Order" [6] and etc.

What are the main features and trends of the modern mechanism of administrative-legal regulation of predictive and planning activity? In our view, the following key points should be emphasized.

1. Clear predominance of predictive foundation with all the consequences (in the first place – purely recommendatory nature of relevant provisions).

Planned mandatory acts preserve only in the financial sector (normative acts on the budget) and in territorial planning (e.g. housing scheme). In administrative-legal planning prevail indicative acts (which are essentially the same predictions) and, according to the German terminology, "affecting plans" [22, 422] (presented in

Russian law by the institute of long-term target programs, federal target programs and departmental target programs) .

2. Fragmentation and the lack of development of administrative legislation concerning the issues of planning.

Hardly advisable (or even possible) to join in a single act of the highest legal force legal bases of all major subject types of managerial planned activity. Financial and territorial direction of planning, as well as planning in the field of defense and security must evolve relatively independently, in accordance with its nature. Another pair of shoes is administrative planning (both sectorial, cross-sectoral and integrated). Here are necessary unified legal standards, requirements, unified concept of regulation of relations on the formation, approval, implementation, monitoring over implementation of plans and responsibility for relevant violations. With the necessary "draughtsmanship" of constituent elements. Today, as has been mentioned above, whole directions of predictive-planning activity are completely not regulated by the legislation. It is clear that the Law of 1995, not only does not cope with its role, but more than that – it was originally not suitable for it.

3. Increasing of the role of budget planning legislation.

Such occurs both due to objective reasons (in terms of market economy planned activity is implemented primarily through the implementation of state procurement), and due to the described above subjective reasons – weakness, fragmentation and inadequacy of administrative planning legislation to the needs of society. And if the first group of factors cannot be changed, the "dilapidated state" of administrative law should be eliminated.

4. Gradual increase in the planning horizon.

If predictive acts in principle can be oriented on arbitrarily long periods of time, the planning imposes special demands to public management – its resource provision and consistency. At the initial stage of forming the post-Soviet model of public management the planning virtually died out, actually remaining only within the framework of one year oriented law on budget. That is, it was presented in a very narrow segment – short-term financial planning (here we deliberately keep silent about those of legal, economic and organizational problems that occurred during the formation and execution of such plans). Over time, however, the time frames of planning begin to increase. So, in the same financial planning it is manifested in moving to three-year budgets, and in administrative one – in adoption of medium- and long-term program acts. This should be noted as a serious step forward.

5. The lack of systematicity, administrative-legal mechanism for predictive-planning activity of the subjects of public law.

Such phenomenon, not least due to the lack of a clear understanding of the legislator of the legal nature of planning in general and acts of planning in particular, is manifested in many aspects. Some of the provided by the legislation predictive (planning) acts are not accepted at all (remember the medium-term programs of social and economic development of the Russian Federation), some of the adopted have virtually become inoperative (as, for example, the Concept of long-term development of the Russian Federation up to 2020). We think that "dying away" of entire branches reflects not only the ineffectiveness of the latter, but also the lack of the system of designated elements. As the other contradiction can be considered the above mentioned situations of adoption of predictive-planning acts, the procedure for development and approval of which has not been normatively regulated.

We cannot say that the state makes no attempt to restore some semblance of order in these matters. It seems that as an important way to increase the unity should be recognized the steps for consolidation of planning acts, for example, through the inclusion of federal target programs into state programs. It is necessary to recollect the phenomenon of national projects that are both the "core" and the "top floor" of program documents (a kind of "programs into programs"). However, the steps taken are not sufficient to overcome the negative trends.

Planning system disbalance manifests itself not only "horizontally", but also "vertically": in the interrelations of the federal center, the subjects of the Russian Federation and municipal formations. As rightly and surprisingly frankly stated A. G. Khloponin at a meeting of the State Council of the Russian Federation, held July 21, 2006, which was dedicated to the theme of the mechanism of interaction between federal and regional bodies of executive authority in the elaboration programs of comprehensive socio-economic development of the regions: "Russia is not provided with the most important – the legal basis for the formation of a unified system of regional planning and the linkages between federal and regional aspects. Of course, it is a paradox for such a big country like Russia. That is, the being implemented regional policy is exercised not according to a plan, but as it will turn out. Let's call a spade a spade. Actually the implemented regional policy in Russia is not a result of conscious planning, but, rather, a sum of the random consequences of realization of the most different documents predominantly of sectorial orientation. This, of course, must not continue" [15]. Unfortunately, the comments that have been made some years ago sound more than relevant.

Finally, the most important aspect and at the same time the result of such incoherence of legal means of planning is if not a complete lack of mechanism for their implementation, then, at least, reduced effectiveness of the latter. The adoption of the decrees of the President of the Russian Federation in May, 2012, seems, among other things, was a kind of desperate attempt to "spur" management system that has drowned in the known contradictions and statics. However, they by themselves brightly revealed as never before the problem of lack of systematization in planning and effective mechanism for the implementation of planning acts.

A detailed analysis of all these problems and formulating possible solutions go beyond the scope of this article. However, in conclusion let us make one comment. Currently, some researchers make efforts to form a coherent scientific concept of planning. Among the newest papers on the subject matter, the palm of victory undoubtedly belongs to the following scientific work: Kudryashova E. V. *Modern Mechanism of the Legal Regulation of State Planning (through the example of the state financial planning)* [18]. Of course, the further development of the planning activity of the State cannot be without a scientific basis. However, one of the main shortcomings of existing approaches, in our opinion, is their explicit orientation on the West. It seems that the Russian model of legal regulation of planning activity should be based not only on the European and North-American experience, but also on the experience of dynamically socio-economically developing countries of Asia (which, in turn, is often based on the creative adaptation of experience of predictive-planning activity of the USSR). As a rare (and, unfortunately, a rather lapidary) exception from the named West-oriented vector can be called the following scientific publication – *Foreign Experience of State Predicting, Strategic Planning and Programming* [16].

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ABOUT SOME ASPECTS OF ADMINISTRATIVE-LEGAL REGULATION[1]

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The author considers the role and place of legal consciousness and legal culture in the mechanism of administrative and legal regulation. Here is especially emphasized the specificity of administrative-legal regulation, in view of the fact that it is designed mainly for such social relations, which exclude legal equality of their participants. Emphasis is given to the role of subjects that exercise law enforcement process.

Keywords: administrative-legal regulation, legal regulation, law enforcement activity, legal culture, legal self-consciousness.

The rapid development of our society is being accompanied by sometimes loud scandals associated with the violation of legal norms, at that, by high-level officials, law enforcement employees, officials of different ranks. Sufficient to mention the known by publications in the media cases of "Oboronservis", JSC "Rosagrolizing", problems in housing and communal services, offenses in the internal affairs bodies of the recent years and a number of other. A quite natural question arises: why does this become possible? Because all the relations in the mentioned spheres of activity are strictly regulated by relevant legal norms, and it would seem, it is needed only to comply with them, but they are not complied. The answer to these questions is on the surface, it is notorious human factor, without which just no one legal norm will work. The scientific community of lawyers has long began to explore the problem and has come to such scientific categories as

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"legal consciousness" and "legal culture". So far, however, there is no yet a single opinion in the legal science about the place of these definitions in the mechanism of legal regulation. Consider the views of both the scholars of the theory of law and the scholars of administrative law on the notion of "legal regulation", including administrative-legal one, as well as its mechanism.

S. S. Alekseev believes that the category of "legal regulation" is of fundamental, crucial significance for jurisprudence. On its basis it is possible, not looking up from legal ground and making full use of the original data of analytical jurisprudence, in one more point – after lighting legal means in statics – to expand beyond the limit of purely legal dogmatics, so necessary in the field of legal knowledge and yet narrow in its theoretical potentialities.

The distinguishing feature of legal regulation is that it has its own specific mechanism. In the most general way the mechanism of legal regulation can be defined as a system of legal means taken in unity, with the help of which an efficient legal impact on public relations is ensured.

In the mechanism of legal regulation as a dynamic structure exist three key links:

1) legal norms – the basis of legal regulation, when typed opportunities and necessity of a certain behavior of subjects are enshrined in abstract form at the level of positive law;

2) legal relations, subjective rights and legal responsibilities that in presence of specific life circumstances (legal facts) switch abstract possibilities and necessity to the specific, targeted, subjective legal rights and responsibilities, and therefore, switch legal energy of legal norms to the level of specific subjects – holders of rights and responsibilities;

3) acts of exercising rights and responsibilities, in accordance with which comes a result in society life programmed in positive law, actual resolving of life situation (case) [1, 264-266].

The sign of legal regulation is the unity of law-making, law-exercising and law-protecting (law-enforcement) activity of relevant bodies and persons. Legal recognizing of existence of a real legal regulation (law in action) is impossible without taking into account law enforcement activity in conditions of conflict regulated by the law of social interests (relations). Non-application of sanctions of a legal norm can make this norm invalid, that is, fiction, and the legal regulation itself will become powerless, that is, fictitious. A law norm without application of its sanctions will be similar to moral, aesthetic norm and etc. and lose its specificity expressed in peculiarity established therein and the sanction applicable by governmental and

other authorized bodies and persons – measure of state coercion (legal responsibility). Without application of measures of legal responsibility legal regulation is incomplete, imperfect and, ultimately, is not itself, does not fit its intended purpose especially in today's significantly negative condition of human society (terrorism, corruption, greed, etc.) that (condition) hinders the achievement of a common goal of human society – its preservation and sustainable optimal development.

Legal regulation can be also defined as the unity of the directing and enshrining lawmaking, law-exercising and law-protective activity of the state with involvement of society. At that, it should be noted that this unity is a legal expression of the unity of public authority, including in the state of law, the modern concept of which among its main features includes, along with the principle of separation of powers, also its supplementary (with certain correcting) principle of unity of state power [9, 194]. Thus, legal regulation – is an activity of the State and society, carried out in the process of preparation and adoption of law norms, their implementation in specific relations and application of state coercion to offenders in order to achieve a stable rule of law in the society [10, 153].

Therefore, legal regulation is inextricably associated with law-exercising activity, and it is highly convincing, because without the "introduction" of legal norms in social life we cannot speak about governing impact of law.

Regulation of public relations – the main function of law, its main feature in action, in motion, in implementation of its possibilities. Therefore, the mechanism of legal regulation allows us to understand how happens the transformation of the requirements of law norms, legal rules into lawful conduct of subjects, what stages constitute this process, at which stages occur failures, appear obstacles for exercising of a right and how we can eliminate these obstacles.

Administrative law is a branch of the Russian legal system, which is designed to regulate a special group of public relations. Their main peculiarity is that they arise, develop and are terminated in the field of public administration, that is, in connection with the organization and functioning of the system of executive power.

Enshrining appropriate rules of conduct in public administration, administrative law gives to managerial public relations the nature of legal relations [2, 24]. This discloses relevant features of the administrative-legal regulation, which are expressed in the mechanism of administrative-legal regulation. The mechanism of administrative-legal regulation can be defined as a system of administrative-legal means, by which administrative-legal impact on social relations is provided.

Administrative-legal regulation, its mechanism is the form of legal mediation of relations, in which one party acts as a manager, and the other as a managed

entity. This kind of relations always implies known subordination of managed objects to the will of managerial subjects, the mouthpiece of which is a subject of executive power. The specificity of administrative-legal regulation is that it is intended mainly for such public relations, which exclude legal equality of the parties.

Administrative-legal regulation, accordingly, has its specific mechanism that allows implementation of the impact of administrative-legal norms on public relations.

Legal scholars include the following elements in the structure of administrative-legal regulation mechanism:

1. Administrative-legal norms as primary elements of administrative and regulative impact on public relations

2. Application of norms of administrative law by the subjects of law. In the application of norms of administrative law arise difficulties, ambiguities, conflicts, that is why both law enforcer and other entities are engaged in the interpretation of norms of administrative law.

3. Administrative-legal relations, which arise as a result of the action and application of norms of administrative law. Legal relations finalize the forming of this system, and the establishment of legitimate managerial (administrative) relations is, in fact, the main goal of administrative-legal regulation. This is gained by both established law norms and their practical application to specific relations. Administrative-legal relations contain the respective rights, obligations and responsibility of the parties of relations [8, 397-398].

Thus, we see that either in the theory of law or in administrative-legal science the mechanism of legal regulation includes law-exercising stages, but does not focus on the role of entities engaged in implementation of law-exercising process. The problems associated with the level of legal consciousness and legal culture of officials engaged in the application of legal norms, as well as the possibility of including in the mechanism of legal regulation of such categories as legal consciousness and legal culture are not considered.

However, in our opinion, we should take a closer look at the role of legal consciousness and legal culture in the mechanism of legal regulation of public relations, especially this concerns officials of state structures, who in the course of enforcement embody legal norms from abstract concepts into real life. Because without fair law-exercising activity the law is "dead", and law-enforcement activity of officials with the perverse vision of law is dangerous both for society and the state. Therefore, we believe, researches in this area can be highly relevant, especially evidence-based recommendations of scientists on the method of formation

high-level of legal consciousness and legal culture among officials involved in enforcement activity.

In this context, the views of scholars on the concept of legal consciousness and legal culture are very interesting and important.

A. B. Vengerov notes that only then law-making and law-enforcement activity become effective when in these processes, along with powerful self-organizing principles, a priority place is taken also by conscious, organizing creativity, smart work. In examining these conscious and creative processes in lawmaking and enforcement the theory of law forms the theme of legal consciousness and legal culture. Individual legal consciousness of an official, it would seem, should always be focused on the exercising of law, on the active promotion of legal requirements into life. But, alas, among officials (many officials) exist a widely common emotional vision of the law, which, in their view, like a pillar: you cannot topple it, but you can bypass it [3, 559, 565].

This is due primarily to the fact that legal consciousness of an individual is determined by a totality of visions expressing the people's attitude to law and legal phenomena in public life, it does not exist by itself, it is interconnected with other forms of consciousness of objective reality and interconnected with the moral values of the individual, its ideas of good and evil, justice.

Legal consciousness is part (kind of) of public consciousness, its content consists of those visions, beliefs, ideas, which relate to law. Law and legal consciousness – phenomena which are in inseparable link. Law is inconceivable without legal consciousness, at least a vague or ugly one. Legal consciousness is inconceivable without the law, which is its basis and the starting point. Law and legal consciousness are correlates. Relying on law and being its correlate, legal consciousness at the same time is of extremely greater significance to legislation, legality and the rule of law. Legal consciousness is a powerful factor of lawmaking, a tool of improvement of legislation, strengthening of legality and the rule of law.

The forms of expression of legal consciousness are different: recognition, respect, support of law, visions and beliefs claiming to implementation in the legislation, criticism of the current legislation, objection against its provisions, protest reaching up to its denial, to combating it, attitude to the legality and the rule of law.

Topically perceived today the words of I. A. Il'in: "If modern man is inclined to doubt the value of homeland, patriotism and nationalism, or simply rejects all these precious basics of life, it hardly recalls about its essence, its deep sources and its vital necessity. Most of what modern man thinks about – is its personal rights and privileges, namely, how better to secure them and to expand in all directions

without incurring legal troubles; but the modern man almost does not remember that the current law in the country – law, decree, powers, responsibility, ban – cannot live and be applied outside of a living legal consciousness, cannot maintain and protect neither family, nor homeland, nor order, nor the State, nor the economy, nor property" [6, 217].

Maturity of legal consciousness of a personality depends on the level of its intelligence, which, however, is not an ancestral acquirement or a closed in itself value. It represents a particular mentality and behavior, which is produced by a man itself in the process of practical activity, communication with others in the conditions of society's life. Bright intelligence, uniqueness of its consciousness, distinctive character of thought, originality of action have been always resisting and resist dull mediocrity that is unperceptive to new, incapable of creative challenge and active creation [7, 374, 382].

Legal consciousness consists of certain visions, beliefs, ideas that reflect legal needs, the interests of personal and public development. Legal consciousness covers the knowledge of normative-legal systems of the past, assessment of the current legislation, views on its possible or necessary improvements and modifications, different legal settings related to those or other legal customs and traditions [4, 75].

Legal consciousness also plays a regulatory role in the process of law-exercising, including in resolving legal cases, adoption law enforcement acts, as well as all types of specific legal decisions. The fact that the execution of law norms by a significant part of people (different in different conditions) is deliberately implemented, by virtue of internal beliefs, exactly shows the regulatory role of legal consciousness. The higher the level of legal consciousness, the more it manifests its role of bringing behavior into compliance with the goals and the will expressed in law, the stronger legality and the rule of law.

Legal consciousness is inextricably linked with many social processes, such as rulemaking, legal practice, activity of law enforcement agencies, cultural heritage of society, the level of education in society, individual education of individuals of enforcement process, activity of state bodies, citizens and other persons concerning the implementation of law norms in specific legal relations, activities of the state and society to combat offences.

Thus, legal consciousness is a system of positive settings in the field of law, culture, history, etc., which are inherent to a personality dealing with enforcement activity and who is able to make an objective assessment of a certain legal phenomenon.

The significance individual legal consciousness is especially noticeable in applying law norms. Enforcement activity is an activity carried out for the purpose of implementation of regulatory prescriptions. It is implemented by a special apparatus in accordance with the legal consciousness of persons taking decision on the issues of application law norms. This circumstance is often emphasized in legislation. For example, the Criminal Code of the RF in assignment of punishment requires taking into account the nature and degree of the social danger of crime, identity of the perpetrator and circumstances mitigating or aggravating punishment (article 60 of the Criminal Code of the RF). Implementation of this requirement is impossible without individual legal consciousness of those who decide on the imposition of punishment.

Individual legal consciousness consists of legal views, concepts, perceptions and feelings of an individual, which determine its attitude to the current law, the rule of law, legal rules and requirements, in accordance with which people exercise subjective rights and execute legal responsibilities.

A few words, in our view, should be said about legal culture. Legal regime that provides an appropriate level of legality, a rigorous implementation of human rights and freedoms, the mutual responsibility of the state and an individual, is covered by the concept of legal culture. In a society with high legal culture there are created appropriate conditions for the real implementation by the State of its obligation to provide a decent life and free development of an individual, to establish law, democracy and justice. Because in such a society legal conflicts are very rare and are resolved in a civilized manner within the framework of existing legislation. Nobody can build their prosperity at the expense of impairment the rights and freedoms of others.

A high level of legal culture implies a high level of legality in the activities of public authorities and officials. Executive power takes appropriate measures for the implementation of laws and other normative legal acts in certain legal relations, excludes any facts of official red tape, bureaucratism, abuse of authority or official position. All the activities of state bodies and officials are effectively monitored by public associations and the media. Transparency and lack of censorship create conditions to ensure that any derogation of executive authorities from the law would become available to the general public and would be immediately eliminated by competent state bodies. In addition, every citizen has the right to appeal to the courts for protection of its legitimate interest violated by unlawful actions of state bodies or officials.

Such a society is usually characterized by the legal activity of its citizens,

which widely use the granted to them rights and freedoms in the economic, political and social spheres. Thanks to this activity, the citizens provide themselves and society the necessary material and spiritual benefits, create the conditions necessary for the effective operation of political and legal spheres of society. At that, each citizen has profound legal knowledge, has the possibility to receive qualified help and actively combats offences committed by other persons. Legal culture implies law knowledge of officials and citizens, skills to use laws in practical life, high degree of the respect, authority of law, law-abiding atmosphere of a personality, inner need for complying with laws and socio-legal activity [10, 144].

Legal culture is formed under influence of the spiritual, social, political, economic peculiarities of society, the state of legal views and priorities of society, the level of development of its legal institutions, as well as under the influence of the quality of legal education, the effectiveness of the human rights organizations activities.

The level of legal culture, legal education is greatly and not always positively influenced by the media.

Freedom of speech is an undoubted benefit that implements the freedom as a value. But in a society, which does not have a proper representation about the true content of values, the freedom is more associated with self-will, and the freedom of speech often becomes of manipulative nature. It is fraught with dire consequences, because the MEDIA have the strongest impact on the public consciousness. Therefore, the laws on freedom of speech and press should include not only the removal of restrictions for them, but also set limits based on a clear and responsible understanding of freedom, which does not allow its substitution by surrogates, the manipulation of consciousness and its depravity in all its forms. Freedom of speech as a condition of forming consciousness, including legal one, may not be legally used, say to humiliate a person, ethnic group, race, etc. In this regard, the relevance has not been lost by the statements of Boris Nikolaevich Chicherin, who in the late XIX century, said that poorly educated, unbridled Russian press, which is a "receptacle of undigested thoughts, vulgar passions, scandal and slander", mentally depraves society and "constitutes the sorest spot of Russian society" [5, 125-126].

Legal culture in the modern state-organized society depends in the subjective plane on: increasing of general and legal culture of individual citizens and their associations , their legal and moral consciousness , establishment of social justice, improvement of legislation; prevention of offences and, above all, crimes; strengthening of legality and the rule of law, state discipline; respect and the utmost protection of individuality rights; mass education and legal education of

the population; training of highly qualified lawyers; thoughtful conduct of a legal reform , etc. However, it seems that there is a dependence of legal culture on both material (economic) conditions of social life and constituting it groups and individuals, which may have a key significance for its increasing or vice versa reduction [9, 496].

Summing up the above, it can be stated that:

- legal consciousness and legal culture reflect legal validity and determine in the State the level of law-making, the quality of legislation at all its levels, as well as the state of law-enforcement, the rule of law, and the quality of law enforcement bodies' activity;
- legal consciousness and legal culture have a direct impact on the process of enforcement of law, at that, they may have a positive or negative impact on legal validity;
- legal consciousness and legal culture have normative-legal value for participants in social relations, they directly affect the result of their conduct;
- legal consciousness and legal culture are inherent to all the subjects of legal relations both individual and collective, for example, a personality and society as a whole;
- the low level of legal consciousness and legal culture is a negative factor that leads to legal nihilism legal infantilism, what ultimately destructively effect on legal relations.

Thus, we can conclude that the categories of legal consciousness and legal culture are an integral part of the mechanism of legal regulation, including the mechanism of administrative-legal regulation, and may be isolated in its structure, either independently or in its structural part that combines relations associated with the implementation of law norms.

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PROBLEMATIC ISSUES OF DETERMINATION THE OBJECT OF HOOLIGANISM[1]

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Here is disclosed the author's position on the object of hooliganism. Having identified the differences of the categories of "public order" and "public safety", the authors conclude that the generic, specific and main direct object of hooliganism is public order.

Keywords: hooliganism, crimes against public order, crimes against public safety, public order, public safety.

A detailed characteristic of hooliganism has been given in the works of scientists of prior years. At that, a rather ambiguous disclosure of the content of crime object draws attention. And this is despite the fact that responsibility for hooliganism in Russian criminal legislation has quite a long history. However, it is unlikely that this fact itself ensures uniformity of opinions. Especially when you define the object of such a crime as hooliganism. First, the previous criminal codes attributed hooliganism to different types of crime. Second, in case of hooliganism the harm is inflicted to many social relations. Third, the norm providing for criminal responsibility for hooliganism was being constantly subjected to change, not having found the stability so far. And, finally, in all the known editions the disposition of the relevant article always had a complex legal structure.

Bearing in mind that criminal-legal literature provides a detailed analysis of the various points of view about the object of hooliganism [9], we consider it

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appropriate to adduce the main ones, as well as to designate our own position on the issue.

Based on the structure of the Criminal Code of the RF the generic object of hooliganism can be defined as a totality of social relations that ensure public safety and public order. The question is how to develop a unified approach to the concept of "public order" and "public safety", as well as how to correlate the generic, species and direct object of hooliganism. We remind, that article 213 of the Criminal Code of the RF, which criminalizes an act of hooliganism, is included in chapter 24 of the Criminal Code of the RF "Crimes against Public Safety" section IX "Crimes against Public Safety and Public Order". The problem is whether the generic object unified for all the crimes in this chapter or there are two separate generic objects.

In the theory of criminal law, the question of generic object of hooliganism is controversial. In relation to article 206 of the Criminal Code of the RSFSR, there were suggested several points of view. Some scientists recognized the existence of several separate generic objects specified in article 10 of the Criminal Code of the RSFSR [7, 143; 10, 306]. At the same time, some researchers believed that crimes provided for in this chapter had a single generic object specified in the very title of the chapter [14, 348], or that we should talk about two kinds of generic objects: a) public order and public safety, and b) the health of population [12, 410]. In this case, we should agree with the scientists who believe that section IX of the Criminal Code of the RF contains two generic object – "public safety" and "public order" that cover different public relations, as well as the tenth chapter of the Criminal Code of the RSFSR contained three groups of separate public relations: "public order", "public safety", "the health of population". Of course, crimes against public safety and public order are closely related, which allowed the lawmaker to combine the structures of these crimes in one section of the Criminal Code of the RF. At the same time, each of these groups of public relations has certain specificity.

The foregoing means that the clarification of the concept of "public order" and its delimitation from the concept of "public safety" is fundamental in deciding the issue concerning the object of hooliganism. As we have already pointed out, this issue has been extensively enough studied by V. I. Zarubin [9].

The concept of "public order" is a more administrative-legal definition. Meanwhile, its study was paid attention of also specialists in other branches of law. And not all of their definitions of public order were the same.

Experts in the field of administrative law have given the concept of public order in its broad and narrow sense. In the broad sense of the word – it is a combination of all social ties and relations occurring under influence of the full range of

social norms, as opposed to the rule of law, which includes only the relations regulated by law norms. Accordingly the public order as a broader category includes also the rule of law. Almost the same, but a few in other words, was said about the public order in the general theory of law. Here public order is considered as a social category that covers the system (state) of volitional, ideological public relations, which are predetermined by economic basis and characterized by the correspondence of conduct of their participants to social norms (legal and non-legal ones) that dominate in society. The authors of this definition draw attention to the fact that the concept of public order includes only socially significant public relations [16, 12].

Generally legal definition of public order was suggested by I. N. Dan'shin: "Public order is an order of volitional public relations occurring in the process of conscious and voluntary compliance by citizens of the rules of conduct in the field of communication that are established in law norms and other norms of non-legal nature, thereby ensuring a smooth and stable joint life of people in conditions of developed society" [7, 68].

In the narrow sense of the word the public order was understood as an arising from the interests of all the people, regulated by the norms of law, morality, rules of community life and customs system of volitional public relations occurring mainly in public places, as well as public relations emerging and developing outside of public places, but in their nature ensuring protection of life, health, honor of citizens, consolidation of national wealth, public peace, creation of normal conditions for activities of enterprises, institutions and organizations [8, 7]. A. V. Seregin characterized the public order as "a regulated by law norms and other social norms system of public relations, the establishment, development and protection of which maintains public and personal safety of citizens, respect of their honor, human dignity and public morality" [13, 4].

The mentioned researchers place different accents. Giving the definition of public order, M. I. Eropkin considered an order as public one depending on the place where emerged and developed (public areas) protected public relations. In contrast, A. V. Seregin believed that public nature of "public order" is predefined by the content of public relations, and not by the place of their exercising. He also emphasized the close connection of public order and public morality.

Differences in judgments of scientists concerning the content of the concept of "public order" do not finish at that. Some legal scholars include public safety in the content of the concept of "public order". So, O. N. Gorbunova writes: "Public relations, which create in the State the climate of calm and security, form the system of volitional public relations, the totality of which can be called public order in

the narrow sense of the word" [3, 118]. Similar statements were said by I. I. Veremeenko. He believes that public order as a specific legal category represents a conditioned by the development needs of society "system of public relations emerging and developing in public places in the process of human communication, legal and other social regulation of which provides personal and public safety of citizens and thereby the climate of tranquility, coherence and eurhythmy of social life" [2, 27].

Representatives of the science of criminal law also tried to give a definition of public order through inclusion in it a fairly wide range of public relations. For example, P. F. Grishaev writes that public order means an order governing relations between the members of society, according to which each of them is obliged to follow the rules of society enshrined both in law norms and in norms of morality. Compliance with these rules of conduct by all the citizens guarantees public safety, that is, safe conditions of daily life and activities of the members of society [4, 6].

Nowadays, there are points of view that are opposite to those, which have been defended by O. N. Gorbunova and I. I. Veremeenko. They all come down to the fact that public safety is a broader concept and includes public order. For example, A. V. Gotovtsev argues that if "public order" is ensuring of human security, then "public safety" is both safekeeping of property and normal operation of the sources of increased danger threatening man and society. Hence the conclusion that the concept of "public safety" is somewhat broader than the concept of "public order" [4, 13].

In literature you may meet such judgments, according to which there is almost no difference between public order and public safety [11, 15].

These statements cannot be considered impeccable. Some authors have directly spoken up against them [9]. We also believe that in the title of Section IX of the Criminal Code of the RF the terms of "public order" and "public safety" are used as equally generic, each of which has an independent content. They are similarly used in part 1 article 2 of the Criminal Code of the RF. This conclusion comes out of the detailed analysis of other normative acts. In particular, the content of article 3 of the Federal Law No. 3-FL from February 07, 2011 "On the Police" [1] suggests that the legislator has laid on the police, on the one hand, the protection of public order, and on the other – ensuring public safety. This may be one of the proofs that from the standpoint of the legislator the public order and public safety are different and not included in the content of each other concepts.

We fully agree with the given by V. I. Zarubin definition of public order. Under public order he understands settled by the rules of law and morality public relations that in their totality ensure public peace, conventional norms of behavior,

the normal activity of enterprises, institutions and organizations, transport, safety of all types of property, as well as respect for public morality, honor and dignity of citizens [9].

As correctly noted by S. S. Yatsenko, if public order is embodied in the creation of a climate of public tranquility, favorable external environment of human activity, which provides normal rhythm of public life, then public safety is reflected in the creation of a secure environment when dealing with sources of increased danger and holding high-risk works [15, 19]. Substantial differences between the concepts of "public order" and "public safety" are associated with the normative means of settlement these phenomena. Public order is achieved as a result of streamlining of public relations through using all forms of normative regulation, whereas public safety – only with help of legal and technical norms [5, 15].

Having detected the differences between the categories of "public order" and "public safety", we come to the conclusion that the generic, species and main direct object of hooliganism is public order. We agree with the scientists who believe that the indication of public safety given by the legislator in the title of chapter 24 of the Criminal Code of the RF should be considered as a juridical inaccuracy. As has been stressed, public order and public safety are separate categories that cover by separate groups of public relations. In addition, chapter 24 of the Criminal Code of the RF is included in Section IX, where the generic object "public order" is specified along with the generic object "public safety", and in article 213 of the Criminal Code of the RF, which establishes criminal responsibility for hooliganism, there is a direct indication of the main direct object of such crime – public order. From the literal analysis of the articles of the Criminal Code of the RF it follows that the generic object specified in the title of chapter 24 – "public safety" – is not in the plane of the generic object of hooliganism [9].

The theory of criminal law proposes several solutions to the problem.

A. V. Kudelich offers to regroup all the crimes contained in chapter 24 of the Criminal Code of the RF in four separate chapters: crimes against the foundations of public safety; crimes encroaching on public peace; crimes related to violation of special safety rules; crimes related to violation of the rules on dealing with dangerous items, substances and materials [11, 34]. The proposed classification although deserves attention, but, in our view, it is unlikely successful. The Criminal Code of the RF traditionally operates with the category of "public order". This category is quite often used in other normative legal acts, including in the Constitution of the Russian Federation. Its exclusion from the Criminal Code of the RF may result, to some extent, in the inconsistency of the Russian legislation.

According to V. I. Zarubin, for the purpose of legally precise definition of the generic object of hooliganism the chapter 24 of the Criminal Code of the RF should be amended through adding to the title of the chapter the indication of public order. In this case, it will be possible to avoid some ambiguity. In addition, in the future reform of the criminal legislation of Russia, it is suggested take as a basis the provisions of the model code of the states-participants of the CIS. The authors of the code offer to include article on hooliganism into chapter 27 "Crimes against Public Order and Public Morality". The advantages of this approach, according to V. I. Zarubin, lie in the fact that, firstly, it shows independence of objects "public order" and "public safety" and, secondly, emphasizes the connection of public order with public morality, and one of the tasks of strengthening public order is precisely the protection of morals in our society [9]. It should be noted that the proposed approach has already been reflected in the Criminal Code of the Republic of Belarus (section XI chapter 30 article 339) and the Criminal Code of the Republic of Tajikistan (section IX chapter 25 article 237).

The amendments proposed by V. I. Zarubin, of course, eliminate the inaccuracy existing in the title of section IX chapter 24 of the Criminal Code of the RF. However, in our view, emerges another inaccuracy. The proposed amendments will actually lead to the fact that the titles of section IX and chapter 24 of the Criminal Code of the RF will exactly coincide: "Crimes against Public Safety and Public Order". This is acceptable only when a section consists only of one chapter. In particular, section XI and chapter 33 of the Criminal Code of the RF, section XII and chapter 34 of the Criminal Code of the RF have identical titles. As for section IX of the Criminal Code of the RF, in it, in addition to crimes against public safety, include crimes against population health and public morality, environmental crimes, as well as crimes against road safety and operation of transport. Thus, the title of section IX of the Criminal Code of the RF should be formulated in such a way as to fully cover all its chapters. And if purely philologically it is enough difficult to do this, then in any case there should not be a complete coincidence of the titles of a section and any chapter of the Criminal Code of the RF included in this section.

In this regard, it seems preferable to take the position of the authors of the model code of the CIS countries, although with some amendments. Defining the place of hooliganism in the Criminal Code of the RF, we propose to add to the section IX of the Criminal Code of the RF a chapter 24.1 "Crimes against Public Order and Public Morality" through moving in it articles 213 and 214 of the Criminal Code from chapter 24 of the Criminal Code, and articles 240-245 of the Criminal Code

from chapter 25 with simultaneous exclusion of the words "and Public Morality" from the title of the chapter. Thus, in Chapter 24 will be collected the most dangerous crimes that really threaten public safety, and in chapter 25 –crimes encroaching on population health. In general, in case of such a restructuring of chapters 24 and 25 of the Criminal Code the appropriate chapters (24, 24.1 and 25) in new version would more accurately reflect the objects of crimes included in them.

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THE CONCEPT AND EVOLUTION OF LEGAL AND SOCIAL ESSENCE OF "GUILTINESS" AND "INNOCENCE"

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On the basis of research of scientific works in the field of law, philosophy, sociology, psychology in terms of determining the legal and social essence of two antipodes – guiltiness and innocence, the authors have concluded that there is a need for more detailed research in this area and elaboration of science-based concepts of "guilt", "guiltiness" and "innocence" with a view to their further consolidation in the existing legislation, and exception of bringing an innocent person to juridical responsibility. Definitions of the concepts of "guiltiness" and "innocence" are proposed in the article for a scientific debate.

Keywords: guilt, feeling of guilt, guiltiness, innocence, forms of guilt, responsibility, grounds of responsibility, correlation of guilt and responsibility.

Development of state and law opens to scholars unlimited possibilities for the study of various legal institutes, sub-institutes, categories, legal, social and other phenomena and concepts in all areas of scientific knowledge. This allows us to enlarge and enrich the available scientific knowledge, participate in scientific discussions, improve our own knowledge, elaborate research projects, etc.

Scientific papers devoted to the concept of innocence contain various approaches to its research and analysis. And this applies to "innocence" not just as to a philosophical-legal concept, but also as to a category outside the law.

If you go from reverse and explain the concept of guilt, we can assume that innocence will be the antipode of guilt. We shall try to prove it.

Since ancient times, the concept of guilt was included as one of the fundamental concepts of religion. For a religious man the awareness of guilt acts as a sense of sin, as a duty to ask for forgiveness from God. The procreation itself and further human existence in Christianity was originally recognized sinful.

"Always sincerely blame yourself, recognizing yourself the culprit of troubles. Say: I am guilty. I am sinful. Remember that you are as weak as your neighbor is, and weakness is terminated, and you must not blame weak and sinful ones if they recognized their weakness. You have to blame the devil that is strong in evil" [15, 304].

In the Old Testament, guilt was identified with the notion of responsibility. In the New Testament the term of guilt was not used directly, but guilt was understood as responsibility for a deed and attitude of a man to this deed. Feeling of guilt is a complex and incredibly powerful state. "In small doses it is necessary and healthy, in excessive – destroys, and its complete absence is fatal" [2, 152].

There was also no concept of guilt in Russkaya Pravda. But there was the concept of responsibility, which comes for the very fact of infliction harm or "umbrage". In the Council Code of 1649 was firstly introduced the principle of individual responsibility in the Russian legislation. There was enshrined the rule about unequal responsibility depending on social class, both for the guilty and for the injured party. Great importance for the development of the concept of guilt has Military Charter of Peter I (1715), which for the first time in Russian law formed an important condition for legal responsibility – the mental state of a person held liable. Pre-revolutionary criminologist S. Budzinskii wrote that a crime could occur only as a result of the simultaneous merger of will and deed, i.e. when a free will was inseparably bound with a deed [3, 99-100]. A significant contribution to the development of forms of guilt was made by the Russian pre-revolutionary legal scholars N. S. Tagantsev and N. D. Sergeevskii. The latter considered guilt as an element of crime. "If a person really envisaged or foreseen consequences, really was aware of the law prohibition and actually had an opportunity to take this prohibition to guide its activities, the combination of these conditions is called subjective guiltiness" – N. D. Sergeevskii wrote [20, 410, 17, 266].

A. A. Piontkovskii for the first time gave the definition of guilt, which then was reflected in the current legislation: "Guilt is a mental attitude of a sane person to a criminal deed committed by it in the form of intent or negligence" [14, 131]. At the same time A. A. Piontkovskii highlights such kinds of guilt as a "moral guilt" (as an act of evil will of an offender), "formal guilt" (committed in the form of intent or negligence); "material guilt" (awareness of a deed) [13, 32]. B. S. Utevskii introduced the concept of "culpable conduct" – this is a conduct that receives negative evaluation from the perspective of socialist morality and socialist law and which is the basis of criminal responsibility [21, 10-59]. From the standpoint of B. S. Utevskii, guilt has a subjective-objective nature, contains both subjective and objective foundations, separate of which may be beyond of a corpus delicti.

Further study of the legal literature revealed that the essence and content of the concepts of "guilt" and "guiltiness" though have a single lexical root, their essence and content are different.

The study of the scientific literature has led to the conclusion that guilt is considered by scientists and researchers from different perspectives: as a legal category, as a feeling, psychophysical provision, moral and ethical state, as a mechanism of control over a person, as a phenomenon of remorse, etc. Feeling of guilt is not a separate subject of scholars' researches. As a rule, the feeling of guilt is spoken about as a state that hinders the development of identity [19; 24; 25].

Researchers in the field of Psychiatry ascertain that experiencing of the feelings of guilt is peculiar just mainly to mentally healthy people. Conversely, people with psychiatric disabilities and pathologies of mental development (psychopathy, schizophrenia, and others) do not show the presence or development of the feeling of guilt. Accordingly, guilt is considered by domestic psychologists and psychiatrists as ethical feelings, ability to self-evaluation and self-judgment, the regulator of social behavior, the phenomenon of remorse, the regulatory mechanisms of social control, the consequence of an offense or crime, the consequence of spontaneous activity, as well as a necessary and important element of a mature, healthy psyche [8, 9, 5]. At different periods of the development of the Russian society "guilt" has acted not only as a psychological, socio-political, but also as a class notion.

There is also such an opinion among modern scholars that guilt is an "artificial legal category that has its own value different from guilt in psychology, philosophy and other areas of human knowledge that for centuries have been studying the problem of guilt. Guilt in criminal law is limited to the attitude of persons to the stipulated by criminal law deeds and their socially dangerous consequences.

In other words, guilt in law is possible only in respect of the values protected by the State represented by its legislator" [5, 21].

In foreign psychology guilt is described as an asocial phenomenon, deviant behavior of personality, and is associated with the unconscious behavior, the desire to inflict pain, sometimes for no reason. Sigmund Freud considered guilt as a kind of anxiety, "the anxiety of conscience", which allows you to split your own "I" into justice and victim. The source of guilt is fear, which is transformed into conscience, and exists in two forms – the two sources of guilt:

1) fear of authority – forces you to abandon the meeting of primary impulses;

2) fear of "super-ego" – subsequent – forces you to abandon forbidden desires and exercises punishment [23, 64].

Outstanding researcher B. F. Skinner reasonably proposed an original idea of the sources of guilt. From his point of view, the process of development of guilt or its absence occurs under the influence of the measures of persuasion and coercion, in particular encouragement. If good deeds are rewarded, and bad ones are accused, a man forms a feeling (or understanding) of correct and wrong conduct. So the knowledge of "what is good and what is bad" forms the mastering of proper conduct. A man seeks to repeat the enshrined conduct, and the accused conduct is more likely will not be repeated [18].

Foreign studies of the psychology of guilt have also other arguments. But mostly they are boiled down to the fact that guilt is recognized as a conditioned reflex and equate it with the fear of punishment.

We have defined one more direction, in which researchers-scientists offer to consider guilt in the context with the legal concepts of "misconduct", "unlawful action / inaction", "responsibility", "choice", etc. [11; 12, 22; 16 , 362].

It has become interesting for us to consider their interrelation.

Guilt (culpa, schuld, culpabilite) as a legal category is the basis of responsibility. The concept of guilt discloses the basic law institute – institute of legal responsibility. Guilt in law is a mental attitude of a person to its socially dangerous actions and their consequences in the form of intent or negligence. Guilt represents a real fact, which is to be detected by court, executive authority body, official (in the case of a disciplinary offense, an administrative offense).

Article 5 of the Criminal Code of the RF legislatively enshrines the principle of guilt: "A person shall be brought to criminal responsibility only for those socially dangerous actions (inaction) and socially dangerous consequences in respect of which his guilt has been established. Objective imputation, that is criminal responsibility for innocent infliction of harm, shall not be allowed". Articles 25 and 26 of

the Criminal Code of the RF disclose the concept and content of the forms of guilt. The legislator introduces the concept of intent (indirect and direct) and the concept of careless deed. At that, the legislator does not give the concepts of "guilt" and "guiltiness" and "innocence". Meanwhile, there is an opinion among theoreticians and practitioners that "the understanding of guilt solely as intent and negligence" seems to be a firmly established delusion [6, 119]. Identification of the principle of guilt with the principle of subjective imputation causes among scientists some controversy because the term of "subjective imputation" is ambiguously interpreted in the legal literature [5, 22].

Significant contribution to the study and justification of the concept of guilt was brought by Georg Wilhelm Friedrich Hegel (1770-1831) – an outstanding German philosopher. In his work "Philosophy of Law", which has become the source of a lot of citations, he considers legal essence of intent and guilt. Hegel concludes that "guilt contains a completely external judgment, whether have I committed something or not? The fact that I shoulder blame does not mean that the crime can be imputed to me". Hegel invariably correlates guilt and responsibility. At that, he argues that if things or objects of one person inflict harm to others, to society, it yet does not refer to the deed of this person, though, when considering the issue of responsibility this fact should be taken into account. The philosopher writes: "If things, of which I am the owner, inflict harm to others, this is not my own deed. However, I am, to a greater or lesser degree, responsible for this harm…" In this connection, he concludes that as a guilty should be considered someone who knows and understands what he/she has committed. And if a person committing a deed does not know that what he does is prohibited, it should not be considered guilty: "The guilt of my will just insofar as I know about it" [4].

Action – an active conduct of a person, which includes inner motivation, in which it manifests itself as a personality. Lawful action – a conduct based on the rule of law, correlated with the moral values and ideals, which requires a moral choice. Inaction – a passive conduct of a person, which also can include an inner motivation. At that, the person may be aware of the nature of passivity, may allow indifference, although could and should not allow it. An act of accusation (punishment) will be the result of action / inaction, which has come into conflict with legal, moral, ethical, social, religious or other norms.

"Choice" is an active state of a man. It is an expression of your own "ME", manifestation of personality, its autonomy. Man is constantly faced with the choice of one of alternatives of behavior, and society expects from it the manifestation of response to the interaction with the environment. Choice can be made within

the legal framework, and may be beyond of lawful behavior and then we can talk about the choice in correlation with the concepts of "guilt", "punishment" and "responsibility".

Our study has showed that there is a different understanding and perception of the essence of responsibility. Responsibility in the scientific literature in most cases is treated only as accountability and imputability. Philosophical and sociological concept of responsibility is disclosed through an objective, historically specific nature of interrelations between personality, collective and society from the standpoint of conscious exercising of mutual demands placed on them.

Some researchers understand responsibility as a subjective obligation to be responsible for deeds and actions, as well as their consequences. Others associate responsibility with the need to choose the form of their deeds, with willingness to accept the consequences of choice as unavoidable accomplished facts. There is an opinion that responsibility is not a guilt, but confidence in their actions. From morally ethically point of view responsibility is a certainty, reliability, honesty in respect yourself and others; this is an awareness and a readiness to admit that the result (of response), which you receive during your deeds and actions, is exactly a consequence of your deeds (actions).

In the explanatory dictionary of D. N. Ushakov responsibility is treated as a provision, in which a person performing any work is required to give a full account of its actions and take the blame for all the consequences that may arise in outcome of assigned duties, in performing any duties, obligations [22]. Thus, Ushakov associates the concept of responsibility with the concepts of "guilt", "duties" and "obligations".

Such a different understanding of responsibility in our view can be explained by its versatility. Responsibility may be ethical, moral, social, material and legal. We do not exclude other types of responsibility. In turn, the legal responsibility can be represented as: criminal, civil, administrative and disciplinary.

Code on Administrative Offences of the RF (hereinafter – CAO RF) does not provide the concepts of "guilt", "guiltiness", "innocence", while the legislator identifies them with presumptions, such as "presumption of innocence" (article 1.5), and discloses through the concept of offense (article 2.1: "a wrongful, guilty action (inaction) of a natural person or legal entity, which is administratively punishable under this Code or the laws on administrative offences of the subjects of the Russian Federation, shall be regarded as an administrative offence") and responsibility (articles 2.1, 2.4, 2.5, 2.6, 2.6.1) , as well as circumstances mitigating or aggravating administrative responsibility (articles 4.2 and 4.3). Article 2.2 CAO RF enshrines

the forms of guilt: intent and negligence, and article 4.1 – general rules of imposition of administrative punishment. The study of the concept of guilt in CAO RF was carried out by V. V. Kizilov, who noted in the tort legislation of Russia the absence of the concept of guilt and offered his concept of definition of the notion of guilt [7]. According to this author, guilt is "a category of social society, the rules of the existence of which are governed by various norms, including legal ones. In isolation from society the concept of guilt does not exist. And, above all, guilt is an assessment by society of committed deeds".

Thus, it can be assumed that the concepts of guilt, guiltiness and innocence the legislator discloses in CAO RF through the forms of guilt and the rules of imposition of administrative punishment.

We find interesting a legislatively enshrined rule contained in the Law of the Russian Federation No. 3132-1 from June 26, 1992 "On the Status of Judges in the Russian Federation" that "In imposition of disciplinary penalty shall be taken into account the nature of disciplinary offence, circumstances and consequences of its commission, the form of guilt, the identity of the judge who has committed a disciplinary offence, and the extent of the violation of citizens' rights and freedoms, the rights and legitimate interests of organizations by judge's actions (inaction) (part 2 article 12.1). At that, the legislator does not explain what is a guilt, what forms of guilt can be in case of a disciplinary offence. In part 1 of the considered article 12.1 the legislator discloses the concept of disciplinary offence through the concept of culpable actions (inactions). That is, from the point of view of the legislator the concept of "guiltiness" of a judge is a reflection the concept of "misconduct' ("For the commission of a disciplinary offense, that is, culpable action (inaction) in the line of duty or in outside activities, as a result of which have been violated the provisions of this Law and (or) the Code of Judicial Ethics approved by the all-Russia Congress of Judges, what has resulted in the derogation of judiciary credibility and harm infliction to the reputation of a judge…" [1]).

Civil legislation also does not disclose the concepts of guilt and guiltiness, however, actively operates with the concepts of innocence and intent (articles 169, 227, 404, 697, 901, 963, 1079, 1083, 1104 of the Civil Code of the RF and other). So, paragraph 1 article 401 of the Civil Code of the RF contains the definition of innocence in case of obligation default: "A person shall be recognized innocent, if, taking into account the extent of the care and caution, which has been expected from it by the nature of the obligation and conditions of turnover, it has taken all the necessary measures for proper discharging of its obligation". It can only be assumed that a person will be deemed to be guilty in reverse, that is, if the person "with

the extent of the care and caution, which has been expected from it by the nature of the obligation and conditions of turnover," has not taken all the necessary measures for proper discharging of its obligation. It should be noted that guilt in civil law is not based on the person's mental attitude to offense committed, and it is rather of an objective-subjective nature. A more detailed analysis of the civil legislation norms allows to conclude that in civil law a person is imputed the presumption of guilt. This is evidenced, for example, in paragraph 2 article 401 of the Civil Code of the RF, where the legislator indicates that "The absence of guilt is proved by a person who has breached an obligation". It remains unclear, what should the person prove? And why has the person already been accused and who has recognized it such? Also we have noted that in article 151 of the Civil Code of the RF the legislator introduced the concept of "degree of guilt": "When determining the size of compensation for the moral damage, the court shall take into consideration the degree of the culprit's guilt and other circumstances, worthy of attention", what criteria should be applied and what must be understood under the "degree of guilt" is not explained. Unlike the Constitution of the Russian Federation that enshrines the norm on the presumption of innocence of an offender: "an accused is not obliged to prove its innocence". "Everyone accused of committing a crime shall be considered innocent until its guilt is proved according to the rules fixed by the federal law and confirmed by the sentence of a court which has come into legal force". In the meantime, we close the position of those legal scholars and researchers, among whom there is point of view that this norm applies solely to criminal legislation and does not apply to administrative and disciplinary legal relations. The fact that it does not apply to civil legal relations is proved by the above norm of paragraph 2 article 401 of the Civil Code of the RF.

Summarizing our research in the area of responsibility we have concluded that the legislator puts equality between the terms of guilt and guiltiness. At that, the researches of scientists show that not everyone agrees with this identity. Thus, "if the legislator puts an equal sign between guilt and guiltiness, it should after the words "is guilty of…" write "that is intentionally or negligently", – A. I. Martsev writes [10, 34-35].

Study of scientific works in the field of philosophy, sociology and psychology has allowed us to conclude that the innocence, as well as responsibility, can be considered as a legal and non-legal concept. Psychologists usually describe the state of innocence as an instinctive human behavior, the result of habitual activity. From the perspective of legal psychology it appears to us that innocence can be described as:

- own perception of the legitimacy of actions in accordance with the values and standards of conduct inherent to conscience;
- the result of expectations of society from a man;
- the ratio of your own and public perception;
- the absence of a gap between your own and public perception.

As a legal phenomenon "innocence" in our understanding is the opposite of "guiltiness".

The research conducted in the mentioned topic also has led to the following general conclusions:

1) analysis of scientific and educational materials has showed that the institute of guilt in the domestic doctrine has acquired its greatest development in criminal law;

2) review of scientific views associated with the issues of guilt has exposed the lack of a unified interpretation of the term of "guilt", "guiltiness", "innocence" and common understanding of this phenomenon both in different fields of human knowledge, and within legal and non-legal branches. This has led to the expansion of this notion and blurring of the boundaries of legal norms. In practice, the ambiguity of scientific positions along with a lack of legislative consolidation leads to incorrect evaluation of human conduct and as a consequence to bringing an innocent person to responsibility.

Since the legislator does not explain any of the concepts of "guilt", "guiltiness" and "innocence", we can only conclude that there is a need for more detailed research in this area and elaboration of science-based concepts of "guilt", "guiltiness" and "innocence", with a view to further consolidation in the current legislation and exception of bringing an innocent person to responsibility.

The research has allowed us to put forward an assumption that innocence may be presented as a legal category, as legal presumption, as psycho-physical, moral state of a person. We have obtained a conclusion that innocence is a philosophically-legal presumption of the institute of public service, which has a direct relation to social and legal guarantees of public servants.

We offer for scientific debate a philosophical and legal concept of the essence of "guiltiness" and "innocence" (not claiming completeness and its inclusion in normative legal acts). Guiltiness as a legal phenomenon means a phenomenon, in which there is an essence of unconscious, deviant behavior of a personality.

Innocence as a legal phenomenon means a state that is formed under the influence of the rules of proper behavior, and develops under the influence of legal prohibitions, methods of persuasion, encouragement and coercion.

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ADMINISTRATIVE-LEGAL FORMS AND METHODS FOR REGULATION OF ECONOMIC ACTIVITY OF CUSTOMS BODIES

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Here is noted that forms of economic activity of customs bodies are governed not only by Russian administrative-legal acts, but also by administrative-legal norms of international importance.

The authors provide grounds for classification of legal forms of economic activities of customs bodies. The content is disclosed in the essence description of the methods of customs bodies' economic activity.

The authors allege that the most common administrative-legal methods of economic activities of customs bodies are control and supervision.

Keywords: customs bodies, forms of economic activity of customs bodies, administrative-legal methods of activity, customs control, customs supervision.

Creation of the Customs Union has not only contributed to strengthening economic ties between the States-participants, increased turnover, but also mediated the need to improve the forms and methods of regulating the activities of customs bodies at the checkpoints of transit of goods, vehicles across the customs border. Regulation is an administrative-legal management function for the equilibrium of the institutional formations of economic system, for the implementation of political, social, economic and other major tasks of internal and external value. Administrative-legal regulation can be explained as regulated by law managerial activity of public entities endowed with the powers of authority to perform their basic tasks and functions.

Different bodies of executive authority take part in economic management. At the federal level: the Government of the Russian Federation, the Ministry of Industry and Trade of the Russian Federation, the Ministry of Regional Development of the Russian Federation, the Ministry of Finance of the Russian Federation, the Ministry of Economic Development of the Russian Federation, as well as federal agencies: the Federal Customs Service, the Federal Tax Service, etc. The success of economic policy of the State depends on the coordination of their actions.

Customs bodies of Russia (FCS of Russia) – an executive authority with powers in the field of customs regulation and implementation of the state customs policy. One of the most important performance criteria of the FCS of Russia is the fulfillment of the established by the Russian Government estimated figures concerning the filling of the revenue side of the Federal budget. In 2012, the customs authorities transferred in the Federal budget 6581.04 billion rubles, which is more than 10% higher than the indicator of 2011 [5].

Customs payments administered by the FCS of Russia constitute more than half of the Federal budget revenues. In 2012, their share in the budget of the Russian Federation amounted 50.5%, what is almost 10% higher than revenues for the same period from tax payments that included in the system of taxes and fees and administered by the tax authorities of Russia (in 2012 the Federal budget received 12, 845.49 billion rubles, of which: FCS – 6,581.04 billion rubles, FTS – 5,160.12 billion rubles).

The structure of payments in the year 2012, as in the previous year, is characterized by a high proportion of export component. The share of charges levied upon export of goods amounted to 62.3% (62.4% in 2011), indicating a continued strengthening of export dependence of Russia [6].

Economic activity of customs bodies cannot be exercised by itself. It is always embodied into specific actions, forms, methods that reflect the content and

specificity of this activity. In respect to the activity of customs bodies the form is a way of expressing the state-legal content of the customs bodies activity, i.e. all those qualities (mostly legal) that characterize it as a specific public authority. The Federal Customs Service of the Russian Federation is governed by the Government of the Russian Federation. The Government of the Russian Federation has granted to the customs bodies the powers to elaborate state policy and normative legal regulation, control and supervision in the field of customs affairs.

Legal form of the managerial activity of customs bodies is significantly different from other legal forms of their activity by that through legal forms there is practically organized the implementation of the tasks and functions of the customs bodies, everyday practical management of bodies included in the system (regional customs administrations (RCA), customs posts (CP), customs), regulation, control and other functions on the basis of and pursuant to laws.

We would like to draw attention to the fact that, in accordance with the provisions of paragraph 1 article 2 of the Federal Law No. 311-FL "On Customs Regulation in the Russian Federation" [2] Customs Regulation in the Russian Federation in accordance with the customs legislation of the Customs Union and the legislation of the Russian Federation represents a totality of tools and methods to ensure the observance of measures of customs tariff regulation, as well as prohibitions and restrictions during the import of goods into the Russian Federation and export of goods from the Russian Federation.

Characteristic features of legal forms of activity of customs authorities are most clearly manifested in the public-authoritative, executive and administrative, organizational and targeted, control actions.

Forms of economic activity of customs bodies are very diverse because of their orientation. Selection in a particular situation of those or other forms depends on many circumstances.

The content of a taken managerial decision in economic activity may be influenced by the following factors: the nature of competence of a body (RCA , CP , customs) or an official who takes a decision (performs its duties); the level of legal reglamentation between subjects; subordination of subject; the nature of managerial ties (direct or operational management); peculiarities of managerial impact; internal or external interaction; specific goals of implemented economic activity; the nature of issues solved in the process of economic activity; the nature of consequences caused by these actions, etc.

All the forms used by customs bodies and their officials in the implementation of economic activity are subordinated to the main objectives of the activity

of the FCS of Russia. Therefore, they are not arbitrarily elected by the FCS and the bodies entering its structure. As a rule, forms of public authorities' activity are regulated by administrative-legal norms (e.g. in acts concerning the legal status of one or another management body, in job descriptions, regulations). The forms of activity of customs bodies, including economic activity, are regulated not only by Russian administrative-legal acts, but also by administrative-legal norms of international importance, for example, administrative agreement – Customs Code of the Customs Union [1] adopted by the decision of the Interstate Council of the Eurasian Economic Community at the level of the Heads of States.

The choice of a particular form of activity of customs bodies is subordinated to certain consistent patterns, as well as to the purpose and functions of the activity (in particular economic one); the content and nature of resolved issues; directions; the objectives of impact; features of a particular object, etc.

Most theorists of administrative law divide all forms of managerial activity into legal and organizational (non-legal). It is known that legal forms entail legal consequences in the form of emergence, modification or termination of administrative-legal relations in the economic activities of customs bodies.

The diversity of legal forms of economic activity of customs bodies can be classified according to the following grounds:

By content: lawmaking (identification of areas of customs policy, elaboration of legal norms – issuance of normative (subordinate) acts of customs bodies (orders and instructions), legal acts governing the interpretation of a law norm (for example, instructions on the procedure for calculation of customs duties, the procedure of filling of declarations, etc.); law-enforcement (detection of offences, suppression of smuggling, customs borders protection, ensuring economic security of the state, etc.).

Management acts of customs bodies are aimed at economic activity of customs bodies and are designed to regulate social relations in the established sphere of activity or to solve a specific managerial case, as well as to define personal conduct of a subject (recipient).

By goals: internal (recruitment, training, qualification, record keeping, management within an organizational structure); external (performing the tasks and functions entrusted to a body).

By way of expression: written and oral (usually in the form of signs or symbols: "customs", "customs control zone", etc.)

Legal forms necessarily imply distinct legal consequences, and because of that they to the maximum extent claim their designation as administrative-legal

forms. For example, intergovernmental and interstate administrative-legal acts (contracts) govern peculiarities of enrollment and distribution of import customs duties, customs procedures; the orders of the Federal Customs Service of the Russian Federation govern the peculiarities of filling customs declarations, etc.

Legal forms of management also include licensing and monitoring. License is a special permit for a legal entity or individual entrepreneur to conduct activity. Their list is laid down by the Government Decree No. 957 from November 21, 2011 [4]. Customs bodies are not included in the list. However, during certain customs procedures customs bodies may require the provision of licenses, certificates, permits and (or) other documents required for the release of goods in accordance with the Customs Code of Customs Union and (or) other international treaties (paragraph 1 article 195 of the Customs Code of Customs Union).

Monitoring – (from LAT. monitor) is an integral part of management, and is expressed in the continuous monitoring over economic objects, analysis of their activities. Customs bodies in accordance with the Law 311-FL are empowered to monitor the activities of economic operators with regard to the compliance with the terms of assignment such status (article 94 CC CU).

Non-legal forms of managerial activity of customs bodies do not entail legal consequences, but are quite common and are implemented on the basis of and pursuant to the legal regulations. These include:

- conducting of organizational activities: coaching of staff; meetings; drawing up action plans for the customs control; development of visual information for the subjects of customs legal relations; counseling; compilation and dissemination of positive experience, etc.;
- collection and processing of information (for example, for automated information data system of customs bodies);
- implementation of material and technical works (e.g., drawing up of different fact sheets, reports, record keeping, execution of documents).

Forms of managerial activity are directly related to methods of legal regulation and expressed through them. Methods are the totality of ways and techniques, as well as the means used by the Customs bodies for the purposes of successful resolving of task given by the Government of the Russian Federation, which allow application of the most effective means of influencing the participants of foreign economic activity. Methods of customs bodies' activity are very diverse, what allows their classification in order to identify the most significant properties and specific features.

The main content of the essential characteristic of customs bodies' economic activities methods is:

- organic connection with the designated purpose of this type of activity;
- express managerial (ordering) effect on relations within the assigned area of activity;
- of legally-overbearing nature;
- used by customs bodies as means of exercising their competence;
- cannot be anonymised, are aimed at a specific addressee;
- they express State (public) interest, will of the State, etc.

The choice of specific administrative-legal methods of economic activity of customs bodies is directly dependent not only on the peculiarities of organizational-legal status of the subject – RCA, CP, customs, but also on the peculiarities of the targeted object (the status of object, form of ownership, etc.).

In accordance with the Government Decision No. 459 from July 26, 2006 the FCS of Russia applies the following administrative-legal methods:

- carries out control and supervision in the area of customs affairs, as well as functions of currency control agent, functions of transport controls at the crossing points on the State border of the Russian Federation, and sanitary-quarantine, quarantine phytosanitary and veterinary control, etc.;
- defines the procedure for keeping records of persons working in the field of customs affairs, as well as the procedure for keeping records of banks and other credit and insurance organizations, bank guarantees of which are accepted by the customs bodies as collateral for payment of customs duties;
- together with the Ministry of Finance of the RF determines the procedure of control of customs value of goods;
- develops and approves the procedure and production technologies of customs clearance;
- keeps customs statistics;
- inform and consult;
- maintains the commodity nomenclatures of foreign trade activity;
- arranges conducting of necessary studies, tests, examinations, analyses and assessments, as well as researches in the relevant field of activity and so on [3].

The most common administrative-legal methods of economic activity of customs bodies are control and oversight.

Control (from the French Controle – check) is a part of economic activity of customs bodies, consisting in checking compliance of the subjects of customs legal relations with required condition prescribed by legal acts, as well as international

treaties, agreements. Control also has specific forms (continuous, selective, thematic; current, subsequent; planned and unscheduled, etc.).

Oversight as an integral part of economic activities of customs bodies is a kind of control, which is dominated by supervisory functions. The feature of oversight activity of the FCS of Russia is that the oversight is carried out directly, on a daily basis, without interference with declarants' activity. Customs bodies also conduct monitoring in hierarchical subordination order (over the activities of RCA, CP, customs and their officials).

Administrative-legal means and methods of implementation the tasks and functions used by customs bodies in the economic activity are very diverse. In role of law enforcement agencies the customs bodies successfully apply such administrative-legal methods as persuasion and coercion (but this is a separate big topic for scientific study and description).

For the prevention and suppression of offenses, in accordance with the provisions of paragraph 2 and 3 article 2 of the Federal Law No. 311-FL "On Customs Regulation in the Russian Federation", they apply measures of customs-tariff regulation, prohibitions and restrictions affecting foreign trade of goods under international treaties that constitute the contractual-legal basis of the Customs Union, and are adopted, in accordance with the said contracts, by the acts of the Customs Union bodies. In cases and under the procedure stipulated by international treaties constituting the contractual-legal basis of the Customs Union, by the acts of the Customs Union, the Russian Federation applies certain measures of customs-tariff regulation, prohibitions and restrictions unilaterally in accordance with the legislation of the Russian Federation. An important tool for the prevention and suppression of offences in customs area is a control conducted by customs bodies in the field of customs affairs, currency, transport control at the crossing points of the state border of the Russian Federation, sanitary and quarantine control, etc.

In the run-up to the preparations for the XXII Olympic and XI Paralympic Winter Games in Sochi the FCS of Russia has developed special customs procedures of control and rules of placement of goods under a special customs procedure, is improving the issues of customs control of goods transported within the framework of e-commerce, as well as sent through international mail. As a result of application by customs bodies of administrative-legal forms and methods of economic activity, only on the results of 2012 the amount of liquidated debt on payment of customs duties and fees amounted to 24, 6 billion rubles. From 2012 through June 2013, the share of customs duties actually paid or recovered as a result of

the adjustment of customs value of goods, in the total amount of customs duties additionally charged according to the results of the adjustment of customs value of goods, stood at 97.3% [6].

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TOWARDS THE ISSUE OF INCREASING THE PROFESSIONAL LEVEL OF PUBLIC SERVANTS IN THE RUSSIAN FEDERATION[1]

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Here is alleged that the learning process of public servant should not be limited to the transmission and absorption of educational information, and should provide training of a specialist-professional, which can be provided subject to the successful solution of at least three interrelated tasks. The first task is associated with the accumulation of knowledge and experience, as well as with the correct reproduction of information. The second one is the based on acquired information ability to address specific professional tasks. And the third one is the personal development of a public servant.

The author notes the positive experience of the Institute for training of dominant officials in the Republic of Korea.

The need to develop effective mechanisms for the formation of state order in the area of education and the development of an effective system of vocational education, which guarantees the continuity of training, retraining and professional development of public servants, is noted in the article.

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Keywords: public servants, professionalism of servants, public service system, staff management, human resources management, training of public civil servants, professionalism development.

The Program of Reform and Development of Public Service of the Russian Federation [2] has adopted as the main task the increasing of professionalism and competence of a public servant as the main subject of rendering public services to the population. However, the analysis of the provisions of the Federal Law "On Public Civil Service of the Russian Federation" shows that the mechanism for implementation of law norms in article 44 "human resources management" is inefficient. In addition, the term "human resources management", in its content, does not reflect the diversity, complexity and the most important thing – the needed quality of human resources management in the system of public administration. Staff management is only a small part of a new kind of professional activity – human resources management. Therefore, the professional training of public servants is of particular importance.

Maintaining a high level of qualification, necessary for the proper performance of official duties by public servants, is one of the fundamental requirements enshrined by Federal legislation. However, this principle is largely linked to the civil servant's independent decision, who, in turn, must strive to improve its professional level.

It is assumed that the training of public civil servants should be carried out continuously during the entire period of public service, in the form of professional education (for the first time) and further vocational education. It is logical that the training of highly qualified specialists for public and municipal service must be carried out on the basis of a special federal law, which has not yet been adopted in the Russian Federation.

The experience of Korea on the issues of staff management at the public service, which can be applied to Russia, represents a particular interest.

The system of management of public service of the Republic of Korea, which is responsible for the development and implementation of personnel policies in the public sector, includes:

- Commission for civil cases (under the President of the Republic of Korea). The core functions of the Commission are the development of personnel policy, the resolving the issue of job promotion public servants of the highest

rank; inspection of HR services in all ministries and departments;

- Ministry of government administration and internal affairs, within the framework of which the Institute for the training of chief officials is established. The Institute, which graduates public servants, conducts general and specialized training courses, organizes forums of nationwide significance. In addition, develops international cooperation within the framework of the training programs for senior public servants;
- HR services of ministries and departments.

Public service in the Republic of Korea is divided into two categories: national and local. The system of local public service largely follows the structure that functions at the national level. In order to create the necessary conditions and increase the interest of a public servant in the proper performance of its official duties there has been developed and is being implemented a comprehensive system of measures that includes political neutrality, the system of moral and material incentives, protection of status, professional training, health protection and safety, as well as disciplinary sanctions. Public servants from the 5 rank and below are required to regularly undergo retraining within the programs of increase the overall and professional qualification. Training results are taken into account in job promotion.

The procedures of entry on public service differ depending on the level, group or the nature of post. Admission to public office implies a certain qualification (higher education is required).

An open competition is held upon entry on public service. Admission to service is carried out by the qualification examination or testing (once a year across the country in training centers) and security check. The main forms of the examinations are written or oral tests (in several rounds) and require a differentiated approach depending on what position is claimed for by a candidate.

Candidates applying for positions of the 5th level pass an examination consisting of 3 rounds: 1) written examination (knowledge of the Constitution, English language, history of Korea, administrative law, and public administration), 2) oral exam (administrative law, public administration, as well as economics or political science (at choice)), 3) interview.

Candidates applying for positions of the 7th level pass a written exam (Korean language, English language, history of Korea), knowledge of the Constitution, administrative law, public administration (one at option) and are interviewed.

Candidates applying for the post of public service of 9th (beginning) level pass a written exam (Korean language, English language, history of Korea, sociology, public administration) and are interviewed.

The 1st exam round is held for one day and includes questions for all subjects. The date of the exam for entry on public service is announced in advance. The day after the exam at the official Internet representation the Office for human resources management of public servants places the questions that have been proposed to candidates.

In case of being accepted, the candidates for public service serve internship, the duration of which depends on the post held. Therefore, already prepared competent specialists enter public service.

Within the framework of the Program of annual growth of professionalism and qualification every minister of its department sets the level of salary increments depending on the performance effectiveness of each public servant. This is a good motivation for professional growth of a public servant.

A rigid system of exams and competitive selection of candidates for holding public office and job promotion in the Republic of Korea deserves attention. Control system of public service personnel policy, in which an especial place is taken by the Institute for training chief officials, is aimed at raising the level of professionalism of the public service as a whole.

In Russia, the training of public servants faces a number of difficulties, which depend both on their personal perception of training and on the process of training itself.

So far in high school system dominates education of supporting type that is oriented on training of specialists to actions in specific, commonly occurring situations, which bears pragmatic nature. This is so-called supporting, informative education, which is characterized by a focus on knowledge transfer in finished form and inoculation of technocratic culture of thinking, artificial dissociation of spirituality and professionalism. Also, modern education has a strict disciplinary structure both of students and teaching staff.

New times call for transition to alternative, innovative, developing and professionally student-centered education. The main parameters of the education of this type are:

- interdisciplinary organization of educational content;
- formation of the culture of systems thinking among specialists-graduates;
- increase in spirituality and civil qualities in the structure of personal characteristics of a specialist;
- innovative nature of the content and methods of teaching;
- the ability of graduates to create fundamentally new technologies, and not just assimilate old ones in the course of learning [5, 6].

The main motive in activity of a public (municipal) servant must be a motive of protection the interests of the state, society and individual citizens, ensuring the stability of social system and security of society and its citizens, incentives to develop the country and its welfare. Naturally, the concretization of performing this semantic task depends largely on the state of management system and its individual components, sectoral specificity of a state body and official status of a public servant.

The ongoing reform of the management system and, in particular, public service, puts before public servants new tasks and makes new demands for their activity and personal growth.

These conditions lead to the society's need for trained, highly skilled staff, a new generation of professionals capable of solving innovative tasks in complex and contradictory conditions. This requires a wide range of knowledge, professional skills, psychological readiness to work in modern conditions and motivation of their achievement.

Educational process of public servants should not be limited to reproduction and assimilation of educational information, and should represents a training of specialist-professional, what can be provided subject to the successful solution of at least three interrelated tasks. The first task is related to the accumulation of knowledge and experience, as well as correct reproduction of information. The second – the ability to solve specific professional tasks relying on learned information. And the third – the personal development of public servant.

Solving these tasks has both intrasubject significance (mastering the basics and the current state of science, its methods and formation, willingness to apply them in practice) and intersubject significance (from a passed discipline select the necessary for mastering of a new, form issues, whose solution requires an integrated interdisciplinary approach) and didactic significance (ensuring of continuation, removing repetitions, intensification of educational process).

Successful professional training of public and municipal servants should be based on:

- unity of teaching and practice, implemented through program-target concept;
- differentiated approach to teaching, drawing on multiple criteria;
- unity of content, forms and methods of training;
- training that is focused not only on the general and specific knowledge, but also on the ability to use them in public service;

- work on increasing self-esteem, motivation to learning and readiness to professional activity;
- readiness to self-education, continuous improvement of professional skills;
- optimization of methods for training activities through the balancing of forms of group and individual work;
- formation of an individual culture of organization and professional activity;
- ensuring of flexible educational process in accordance with the form of training, time period, purpose, composition and properties of learners, peculiarities of teachers, available means of learning, and situation [5].

These fundamental principles should form the basis of an effective model for training, improvement the quality of training of public and municipal servants.

The effectiveness and quality of public and municipal servants' training implies an increase in knowledge and the growth of professional self-awareness, mastering of scientific foundations of professional activity, the readiness and ability of public servants to resolve professional tasks with the assistance of modern methods and technologies, as well as increasing the level of psychological readiness for professional activity, change of value orientations towards the priority of the rights and freedoms of citizens, the interests of the State and society.

The level of professionalism of public servants to a certain extent affects the prestige of the institute of the public service in general. A competent head among the priority measures always puts the selection of personnel under relevant criteria and stimulation of workers to professional development.

Given that professionalism is formed in the process of a public servant activity, it is important to research its dynamics, identify the stages and levels of professionalism development.

One of the determinants for the formation and development of professionalism is the demand for professionals in various sectors of society. Equally important is the value and importance in society of the very sphere where a public (municipal) servant works, its prestige stimulates the development of his or her professional skills. Lowering the prestige of the profession, on the other hand, reduces the motivation to the success and professionalism of public and municipal servants.

Availability of relevant legal norms, which form the basis for the requirements for a public servant, their correction with taking into account social changes, as well as the dynamics of the functions and powers of the very state body, also significantly affects the level of its professionalism.

Identity of a public servant is characterized by an appropriate level of professional knowledge and skills, as well as by its individual psychological properties (balance of intellectual, emotional and volitional areas).

Public (municipal) servant has specific features that significantly affect its professionalism. First, public servant is considered as an active carrier of professional activity in the processes management and governing of people. This forms the psychological content of the professional activity of public (municipal) servant. Secondly, its professional activity in the system of public and municipal service is built on an understanding of its needs, goals as socially important and on correlation them with the conditions of the very environment. At the same time the public servant recognizes the need to be proactive in changing the environment conditions as one of the targets of activity. Thirdly, the activity of the public servant includes a focus on transforming itself, self-development according to the model, the model of a successful specialist in the system of public or municipal services. Fourth, the public (municipal) servant to establish social interaction between the participants of managerial activity needs for specific communication means, such as: speech culture (crispness, clarity , literacy of language) , the ability of the distribution of roles and duties, the establishment of appropriate relations between subjects of management; ability, if necessary, to delegate powers; ability to reasonable control over the actions of others in the course of execution of received tasks, as well as business communication skills (ability to listen, to understand , to persuade, to prove, to explain, to give orders and instructions).

To date, public service is characterized by a significant portion of administrative-command style of business communication (42.5%) in contrast to liberal one (39.5%). There is also a trend of an inverse dependence between the development of systematic and analytical thinking and organizational skills. The higher the level of systematic and analytical thinking, the less organizational skills and vice versa.

Of particular concern is the speech culture of public servants. Ability to distinctly, clearly, intelligently express their thoughts has just little over half of the specialists of public service (57.8%). When that public servants in most cases have a high level of education. Thus, among those occupying the highest and main posts of the category “leaders” more than one quarter (25.9%) have two or more higher education, almost in 2 times more than in this category as a whole, candidates of sciences – more than in 4 times, doctors of sciences – almost in 8 times. By the level of education the public servants of the category “leaders” of the highest group surpass the political elite concerning the positions of “candidates of sciences” in 3.5

times (14.8% and 4.2%), "doctors of sciences" – in 3 times (3.0% and 1.0%) [4, 258-259].

Ability to allocate duties and delegate powers has an explicitly expressed sex differentiation. Leaders-women are less capable in this regard (27.2% of the total number of women), for comparison, 62 out of 100 men successfully cope with such tasks.

Ability to monitor the progress and performance also cannot be characterized as sufficiently advanced among the leaders of the public service system. Typically, the final control prevails over the current one, what leads to not entirely satisfactory results of activity.

There is a dependency of communicative, emotional-sensual and cognitive characteristics of a public servant. High level of communicative skills is peculiar to specialists with high emotionality and low intelligence. Public servants with low sociability have low level of emotionality and higher intelligence.

The qualification requirements for civil service posts include requirements to the level of vocational education. These requirements relate primarily to the entry on public service. Additional vocational education is one of the foundations for the passage of public service. The Decree of the President of the Russian Federation No. 1474 from December 28, 2006 "On Additional Vocational Education of Public Civil Servants of the Russian Federation" [1] defines the order of professional training for public civil servants, through 1) professional training, 2) professional development and 3) internship. Is especially emphasized exactly the need for the passage of vocational training of civil servants, who hold the positions of public service in the the category of "leaders", "assistants (advisors)" or "specialists" relating to the highest and the main groups of positions, as well as positions of civil service in the category of "ensuring specialists" relating to the main group of positions [1].

Grounds for direction of a servant to vocational retraining, professional development or internship are: the appointment of the public servant to another post in order of career development on a competitive basis or inclusion of the public servant in personnel reserve on a competitive basis or as a result of its certification. As a result of vocational retraining to the civil servant may be assigned additional qualification. Thus, vocational retraining only is a possibility of the public servant to move up the career ladder.

Today additional vocational education of public and municipal servants is provided by many educational institutions of the Russian Federation. However, despite the introduction of competitive procedures for the placement of state and municipal order, the practice shows that the priority in this area is given to those

institutions that over a long period have been engaged in this direction. They include Russian Academy of National Economy and Public Administration under the President of the Russian Federation, Russian Legal Academy of the Ministry of Justice of the Russian Federation, Financial University under the Government of the Russian Federation, Russian Customs Academy, Budget and Treasury Academy of Ministry of Finance of the Russian Federation, and so on. This is correct, because there is a great experience of work with training of public and municipal employees, who usually already have the first higher education and work experience in public or municipal service. However, a unified training center for public and municipal servants, by analogy with the Institute of Training of Chief Officials in the Republic of Korea would have more opportunities for qualified training of persons for public service and increasing responsibility for the level of training of public servants.

Basis for public services should be formed from specialists, who are capable in changing conditions to put into practice new technologies of public administration. Generational change in public service should occur more efficiently and intensively to prevent the quality gap between the accumulated for years experience in public administration and those innovations that are brought in the public service system by young managers that are not burdened with negative experience of the past. It is important to use the accomplishments and abilities of servants of all formations and generations.

In this regard, important is formation of staff composition of public service, application of unified approaches to the passage of public service in various bodies of executive, legislative and judicial powers, creation of prerequisites for sustainable planning of career growth of a new generation specialists, system update and turnover of staff [3].

Currently, the system of vocational training and further vocational education that would be built in the light of the objectives of professional development, job responsibilities, organization of career development and individually-psychological properties of public servants is insufficiently developed. State standards for educational programs largely fail to take into account the requirements of the legislation on public service. The requirements to official duties of public servants do not take into account the new system of vocational learning. There is still very little of programs of innovative and developing education.

The system of state order for additional vocational training does not reflect the new conditions of functioning of public service, public authorities formally organize competitive selection of educational institutions for implementation

educational programs of public servants. Public authorities do not actively participate in the elaboration of content and quality control of the execution of educational programs in order to develop the skills required for public servants; there are directions of increasing the qualifications that are not covered by educational programs.

The purpose of vocational retraining of public (municipal) servants lays in receiving by them special knowledge and skills in the course of educational programs designed to study individual disciplines, branches of science, technique and technology necessary to perform a new type of professional activity. Also vocational retraining is implemented in order to expand the qualification of public servants for the purpose of their adaptation to new economic and social conditions and performing of a new professional activity, including international requirements and standards.

These goals can be achieved only in an environment of continuous and systematic education of public (municipal) servants.

In this regard, it seems important, on the basis of the programs of vocational development of public servants, to develop and introduce in practice new educational technologies in the field of public administration and jurisprudence. There is a need for the elaboration of effective mechanisms of forming the state order in the field of education, as well as the need for the development of an effective system of vocational education that guarantees the continuity of training, retraining and professional development of public servants. All these problems can be solved only by concentrating them in a unified body, which would be responsible for the vocational training of public and municipal servants.

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ORGANIZATIONAL-LEGAL AND TACTICAL FUNDAMENTALS OF POLICE ACTIVITY ON PROTECTION OF PUBLIC ORDER AND PUBLIC SAFETY

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Author's generalizations and analysis of organizational and tactical fundamentals of police activity on protection of public order and public safety are represented in the article.

Noted, that the latency of administrative offences is more widespread than the latency of crimes.

Here is argued that, despite the fact that the forces and means of internal affairs bodies are part of the operational environment, that is, influence on the choice of the way of the police actions, coordination of its tactical activity is necessary.

Keywords: public safety, public order, the police, police activity, organization of protection public order and safety, tactics of protection public order and safety, administrative-legal support.

The National Security Strategy of the Russian Federation until 2020 as the main directions of the state policy has defined strengthening the role of the state as a guarantor of security of a person, as well as improving of normative legal regulation of prevention and combat crime, corruption and extremism [3].

The concept of long-term socio-economic development of the Russian Federation establishes in the field of public order and combating crime the following

priorities: reducing crime; increase of public safety and protection of critical facilities; ensuring equal protection of the rights of ownership of real estate [5].

The conceptual ideas of the State program of the Russian Federation "Ensuring of Public Order and Combating Crime" are improving the quality and effectiveness of crime counteraction, protection of public order, property, ensuring of public safety and road safety, as well as the credibility of the internal affairs bodies of the Russian Federation by the population [6].

The main tasks of the Ministry of Internal Affairs of Russia are established by the Provision on the Ministry of Internal Affairs of the Russian Federation approved by the Presidential Decree No. 248 from March 1, 2011 [4]. The base element of the system for ensuring public order and combat crime is the police. The main priorities of its activities are formulated in the Federal Law No. 3-FL from February 7, 2011"On the Police" [2].

In the course of the reform of the internal affairs bodies as one of the key objectives of law enforcement activity has been formulated the protection of honor, dignity, rights and freedoms of a man and citizen. Exactly this is stated in parts 1 and 2 article 1 of the Law on the Police: "…police is intended to protect the life, health, rights and freedoms of the citizens of the Russian Federation, foreign nationals, stateless persons (hereinafter also referred to as the citizens; persons), to combat crime, protect public order, property, and to ensure public safety. Police immediately comes to the rescue of anyone who is in need of its protection from criminal and other unlawful infringements.

Said thesis, which is laid into basis of law enforcement activity of internal affairs bodies of the Russian Federation, crowns the change of priorities of this activity – from the protection of state interests to the protection of interests of a man and citizen, its rights and freedoms, property and ownership. In this regard, the police should develop and implement measures provided for by laws and other normative legal acts that are aimed at bringing public relations associated with life, health, honor, dignity, rights and freedoms of people into the state of protection from socially harmful, and socially dangerous deeds and consequences thereof [11, 40-43].

Defining the essence of the police in its mission, the legislator does not disclose the content of the definitions of "public order" and "public safety". Paying attention to the breadth and diversity of these categories, it should be acknowledged that at present there is no unity in understanding these definitions, their subject composition and main institutes.

With taking into account the contained in the Strategy definition of national security as "a state of protection of an individual, society and the state from internal

and external threats, which allows ensuring of constitutional rights, freedom, decent quality and standard of living of citizens, sovereignty, territorial integrity and sustainable development of the Russian Federation, defense and security of the state" [3], as well as such types of safety enshrined in the Federal Law of 2010 "On Security" [1] as military security, the security of the State, public safety, environmental safety and other types of safety provided for by the legislation of the Russian Federation, we believe appropriate to highlight some of the components of the category of public safety.

First of all, it is the main objects of public safety, including:

- personality: its rights and freedoms, its vital interests, the satisfaction of which ensures the existence and the possibility of progressive development of an individual in society;
- society: its material and spiritual values, which ensure social and public stability;
- a wide range of the sources of threats to public safety, including ones identified in the National Security Strategy.

All this allows us to characterize public safety in modern conditions as the state of protection of the essential interests, security of a person, society from internal and external threats, which ensures the realization of human rights, decent quality of life of citizens, the development of the spiritual values of society, social and public stability [7, 44-47].

Study of legal literature shows that it is possible to distinguish the following common positions of scientists concerning the essence and content of public order, it:

1. is conditioned by the current system of public relations in the society;
2. includes all the relation established in society under the influence of social norms;
3. is the object of the impact of the entire political system;
4. must ensure the strengthening and development of the state and social structure, inviolability of person, protection of life and health of citizens, inviolability of property.

Thus, it seems possible to determine public order as an important element of the legal framework of the life of citizens, which includes a system of public relations that arises and develops in the process of communication of its participants predominantly in public places, and is regulated by legal and other social norms, compliance of which ensures personal and public safety of people, environment of peace, coherence and eurhythmy of public life [10, 54].

Despite the measures taken today, the state of the public order and safety in Russia is not satisfactory. First, most of the offences committed in public places either directly or indirectly encroaches on public order, personal security of citizens. Secondly, statistics shows that tens of millions of citizens are brought to administrative responsibility in Russia. However, it should be borne in mind that the latency of administrative offenses is more widespread than the latency of crimes. Therefore, official statistics shows largely the amount of work done by law enforcement agencies, but not the number of actually committed administrative offenses. Thirdly, legal, economic and social reforms in the country have led to a situation in which emerged a sharp increase in the number of persons of no fixed abode and employment. Today this kind of person has become not only a part of the social landscape of the country, but also has increased the threat to public order, public safety and personal security of citizens.

These factors make the study of organizational and tactical foundations for the police activity to protect public order, property and to ensure public safety relevant and in demand both in theory and practice.

Tactics for protection of public order (in the narrow sense) – it is a choice within its competence and implementation by the subject carrying out protection of public order, on the basis of theoretical and practical knowledge, of the most appropriate in a particular situation lawful way (method) of actions aimed at preventing and suppression offenses mainly in public places with the use of means permitted by law.

In its broad understanding the tactics for protection of public order can be considered as a tactical way of protecting public order. This is a continuous subordinated to strategic (political) guidelines activity of the State to determine (elaborate, choose) and implement in practice the based on scientific knowledge and analysis of operational environment most appropriate forms and methods, techniques and ways of direct protection of public order at the maximum full use of capabilities of force and means of internal affairs bodies, other competent bodies, public associations and citizens [14, 13].

The tactics for protection of public order is aimed not only at detecting, suppressing (revealing, investigation, etc.) of offences in the field of public order protection, but above all at its maintenance and strengthening, the prevention of offences. Such focus of law enforcement activity in the mentioned area is both a feature and the "principle of the tactics for protection of public order". Identifying and addressing the causes (conditions) of offences, as well as

conducting of various activities with a view to their prevention, constitute a relatively independent section of forensic, investigative and administrative-tactical activity.

The choice of tactic is affected by the presence of different circumstances. The totality of elements, conditions and factors affecting the activity of internal affairs bodies was called "operational environment", which actually includes all the diversity of exactly those aspects of objective reality, which are considered and evaluated during the organization of activity of internal affairs bodies [8, 6].

In the field of public order protection and combating crime the operational environment consists of such elements (parts) as the area of functioning of internal affairs bodies; state of public order and crime; forces and means of internal affairs bodies; performance of internal affairs bodies concerning the protection of public order and the fight against crime.

Specific feature of the tactics for protection of public order is the availability of a wide range of forces and means involved in its implementation. The special literature distinguishes basic, additional and attached forces [12, 25].

Should also be noted that the forces and means of internal affairs bodies, on the one hand, are part of the operational environment, i.e., affect the choice of mode of action, and on the other hand, require management. So, for example, according to the plan of complex use of forces and means (single dislocation), every day they carry out the arrangement of squads and posts in view of the operational environment, and in the process of service they carry out coordination (management) of their actions.

In order to optimize the choice of courses of action in internal affairs bodies develop model plans that are meant for frequently repeated situations. In conditions of the shortage of time and information their use allows to act tactically correct. However, it is just not real to foresee all the situations, and all the more to develop model plans for them. In each specific case, in addressing emerging challenges, it is necessary to find a proper tactical decision, at that, perhaps, just one correct. Therefore, the choice of the best course of action and its execution is of creative nature.

In practical activity, staff of internal affairs bodies is in constant contact with the changing environment and must make decisions taking into account the specific conditions and situations, relying not only on scientific knowledge, but also on their own experience and intuition. Creative search for optimal solutions gives the tactical decisions some characteristic features of art. In military affairs the tactic in the first place is regarded as art (Greek taktika – an art of troops formation, a part

of the military art, as well as the art of preparation for and conduct of combat) [13, 628; 9, 643].

On the basis of the provisions of the above conceptual documents and normative legal acts, internal affairs bodies (police) will have to:

- focus their efforts on top-priority solving the tasks of protection of public order, property and ensuring public safety, including during the preparation period and conduct of major international and mass sports events (XXII Olympic Winter Games, XI Paralympic Winter Games, World Championships in Aquatics 2015, Ice Hockey World Championship 2016 and FIFA World Cup 2018);
- take measures to improve the responsiveness of forces and means involved in the system of single dislocation regarding the changes in the state of the operational environment, strengthen the control over the compliance with mandatory norms of arranging squads involved in the system of single dislocation, and their compliance with the established order of service;
- make better use of automated software system "Safe City" ("Bezopasnyi gorod"), information and telecommunication technologies, unified system of navigation and information support for monitoring and controlling the forces and means with use of satellite navigation equipment GLONASS or GLONASS / GPS.

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HANDLING OF COURT CASES OF EXPULSION FOREIGN NATIONALS: TOWARDS THE ADOPTION OF THE CODE OF ADMINISTRATIVE COURT PROCEDURE[1]

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The author conducts a critical analysis of the draft code of administrative proceedings in the context of respect for human rights. Notes debatable nature of the legislator's decisions concerning the enshrining of retortions in the Code of Administrative Court Procedure. Raises a number of questions on the draft law. For example, why do the authors of the draft law pay so much attention to persons expelled in order of readmission? Why do the prescriptions of the chapter not apply to deported foreign nationals? When that constitutional norms equally apply to all expelled foreigners.

Keywords: foreign nationals, expulsion of foreign nationals, deportation, readmission, code of administrative court procedure.

May 21, 2013 the State Duma adopted in the first reading the draft Code of Administrative Court Procedure of the Russian Federation. The scholarly dispute should now focus on the discussion of specific legal provisions, as well as on "the full-fledged implementation of the norm of the Constitution of the Russian Federation on administrative justice as a special form of exercising judicial power in the country" [6, 4-5]. Ideally, the final adoption and entry into force of the draft code will guarantee the rights and freedoms of powerless participants of administrative legal relations, as well as ensure the necessary balance of private and public interests. Panova I. V. marks that there will be three components of "successful and effective implementation of administrative proceedings" in the system of courts

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of general jurisdiction: court procedure, special process specialization of judges to resolve administrative cases [5, 21]. New administrative and judicial protection is intended also for immigration relations.

Foreign nationals, according to part 4 article 4 of the draft Code, are endowed procedural rights and responsibilities along with Russian ones. Exceptions to this rule, as proposed, can be established only by the norms of the Code of Administrative Court Procedure or by the Government of the Russian Federation by way of retortion. The possibility of retaliatory restriction on foreign nationals of those States, the courts of which allow limitations of procedural rights of Russian citizens and organizations, is not specified in the draft law, and is on discretion of the supreme body of executive power. This begs the question about the extent of such restrictions. For example, whether can the government deprive foreign entities the right to appeal to court with an administrative claim in whole or should it be limited to certain exceptions, diminishing separate procedural rights while maintaining all the rest? In practice, you can provide a variety of options of such restrictions. For example, they may affect certain categories of cases (deportation, etc.); degree of procedural protection (inability of proceedings in the second (third as option) instance; the level of procedural ensuring of hearing a case (in the case of diminishing of specific procedural rights: the right to qualified legal assistance, familiarization with the materials of a case, etc.).

It seems that the design of the norm does not allow introducing of a total ban for foreigners to go to court with an administrative claim, even if there are similar actions of the States of which they are nationals. Part 4 article 4 should be understood in this way: First, foreign nationals, stateless persons, foreign and international organizations (hereinafter – foreign persons) are entitled to apply to the courts of the Russian Federation for the protection of their violated or disputed rights, freedoms and legitimate interests in the sphere of administrative and other public legal relations based on authority-based subordination of one party to the other. Secondly, foreign persons shall enjoy the same procedural rights and perform procedural duties along with Russian citizens and organizations, except as otherwise expressly provided for by this Code. The Government can place retaliatory restrictions on foreign nationals of those States, the courts of which allow restrictions of procedural rights of Russian citizens and organizations. It may be appropriate to add this text in different parts of the article, stressing the inviolability of the right of recourse to the courts as such.

First of all, this decision is in conformity with national constitutional principle (article 62, part 3). The Constitutional Court of the Russian Federation explained

that this rule applies only to human rights, that is, those that arise from birth and do not require a sustainable legal connection with the State [1]. The right to appeal to court certainly falls into this category. It is fundamental and is guaranteed by the rules of international law.

The European Court of human rights also stressed the importance of judicial oversight over the activity of migration administration of the State that expels a foreigner. Its position is that the authorities of a country cannot "be free from effective oversight by the national courts" [3, 260-295]. According to it, to any measures that affect human rights, even for the sake of national security, should apply "a certain adversarial procedure in an independent public authority that is competent to assess the reasons of a decision and relevant evidence... Independent public authority must be able to respond in cases where a reference to the concept of national security is unsubstantiated or shows interpretation of "national security" in a manner that is unlawful or contrary to common sense and arbitrary. Without such guarantees the internal affairs bodies or other public authorities will be able to arbitrarily encroach upon the rights protected by the Convention" [2, paragraph 59].

By the way, the Court does not require exactly judicial oversight, although it does not exclude it. The main thing is that the check of legality of executive authority activity has to be carried out by an independent body, which has all the attributes of judicial instance: independence in evaluating of evidence and making decision, procedural form of activity, competitiveness. In the Russian legal system only the courts have such signs. Therefore, the restriction of the right to appeal with an administrative claim will significantly impact on the status of foreigners, and the lack of compensation procedure will not allow the State to provide the necessary protection of their rights, what violates constitutional and international principles.

Norm-exception should not contribute to its too broad interpretation allowing executive authority (even the highest) to enjoy significant almost unlimited powers. Doubts are raised by the indication to the fact that countermeasures will be introduced if the courts of foreign countries "allow restrictions of procedural rights of Russian citizens and organizations". There are a variety of situations. Russians may be subject to limitations established by the legal regulations of a foreign State. This also suggests two options: either Russian citizens will fall under the scope of the rules that apply to all foreigners, or the authorities will lay down the rules that worsen their legal status in comparison with other foreign entities. Anyway the Russian Federation needs means to protect its citizens, but the justifiability of retortions taken by an act of the Government is questionable. Rather, it suggests the international-legal measures of regulation. Retaliatory restrictions are also

possible, but probably only by virtue of law. Although their use requires a very serious discussion.

Let's suppose another situation: the judicial system of a foreign state is not able to function effectively. Status of foreigners (all or only Russians) in resolving their cases by the courts is diminished due to the current practice, despite a quite democratic legislation. Moreover, such incidents are rare or occur regularly, but not always. Here one should speak not so much about the restriction that requires normative consolidation, but about the violation of established procedural order, which is committed by foreign judicial authorities. Russia in such situations, of course, has to protect its citizens, but not through retaliatory measures. Otherwise it will become a country with ineffective, unfair judicial system. Solution to the problem is also to be found in the application of international-legal means.

By the way, the institute of retortion has long been known in international public and international private law. The logic of this measure is described by L. A. Lunts. The action of national legal norm is conditioned not by discrimination of its own citizens by foreign authorities. It is applied "because a State has no reason to believe that it itself or its citizens or organizations suffer any diminishing of their rights" [4, 311]. V. L. Tolstyh noted that retortions may apply to procedural rights, but more often this legal institute "is understood in the sense that in response to the restrictions of substantive rights of Russian citizens can be taken the measures to limit the substantive rights of citizens of the respective foreign state". Currently, such sanctions are hardly probable because of a possible conflict with "general principles of international public law, in accordance with which, individuals are not responsible for the actions of States" [7, 383-384].

It should be noted that the norms allowing the Russian Government to limit on the basis of reciprocity the procedural rights of foreign nationals have already been enshrined in the article 398 of Civil Procedure Code of the RF and article 254 Arbitration Procedure Code of the RF. It is no coincidence that there is no practice of their realization. First, there are already mentioned international-legal constraints. Second, retortions can disrupt the normal functioning of the judicial system. Procedural restrictions, even partial, are quite able to collide with the principle of proper judicial process or the right to a fair trial, which are common to legal orders of all democratic countries. Third, the modern states, which are open to immigration, in general try to stick to the national principle, avoiding serious restrictions of the rights of foreigners, especially related to judicial protection. Therefore, the decision of the legislator concerning enshrining retortions in the Code of Administrative Court Procedure is controversial and, at least, requires a comprehensive discussion.

Some questions are caused by their spread on procedural rights, in particular, arising in consideration of administrative disputes. Restriction of civil-procedural rights may cause difficulties in the protection of private rights enshrined by substantive rules, what will probably hurt economic (other private) relations, but will not affect the fundamentals of public policy. Impossibility of judicial protection in public relations distorts the principles, which base the system of public administration of a democratic state. Even responding to the activities of foreign authorities, a state using procedural retortions will weaken the guarantees of administrative-legal status of foreigners.

By the way abroad are known examples of the impact on the procedural status of foreigners. So, according to the legislation of the United States, all non-citizens are divided into two groups: receiving and not receiving official access to their territory. The latter are expelled from the country by an act of the migration authority that they have no right to appeal in court. It is emphasized that the procedural status of foreign nationals follows after the substantive one, which can be received only after legal entry into the United States [9, 844]. The literature discusses the British anti-terrorism legislation, which was formed after the terrorist attacks on USA, September 11, 2001. Its rules provide for the power of the Minister of Internal Affairs to imprison foreigners suspected of having links with terrorist organizations close to Al-Qaeda. This measure applied to cases where special services had reliable information confirming such relations, but not sufficient for the prosecution. Appealing against the ministerial act was allowed in the Special Immigration Appeals Commission (hereinafter – SIAC) – a quasi-judicial body independent of the Interior Ministry, which received the opportunity to review such cases in full [10].

The cases based on classified information were heard behind closed doors. Foreign citizen, as well as its lawyers was not present at such proceedings, the right to protection was provided by a special attorney appointed by the SIAC. It represented foreigner's interests, but had no right to disclose the classified information received at these proceedings. Only after consideration of the complaint by the Commission it was allowed to appeal to the court, which also was denied the opportunity to check the grounds of application to the foreign person of enforcement measure, and limited to verification of the procedure for its imposition. Deviations from a number of principles of court procedure were explained not by the criminal nature of cases on the application of coercive measures against foreign nationals. In particular, the limited access to the materials of the case appeared from the objective need to ensure national security, protect the lives of informants, who have

reported about the links of the suspected person with terrorists ("and this is the limit, which should not be crossed in the course of judicial oversight") [8].

These examples give rise to justifiable criticism among scholars specializing in migration and human rights. It turns out that the introduction of such restrictions for the citizens of the USA or the UK would mean the accepting by the Russian authorities of arguable and questionable practice in terms of general principles of law. At that, both the USA and Great Britain are trying to minimize the negative consequences of the action of their own legislation through establishing various compensation (quasi-judicial and etc.) mechanisms to ensure the rights of foreigners. Most likely, retaliatory measures on the part of any other State would be lopsided. Succumbing to political emotions authorities quite possibly may perceive negative foreign experience, forgetting to reflect its positive aspects. It seems that these examples even more prove the doubtfulness of reciprocal restrictions of administrative-procedural rights of foreign entities. It would be fairer if they get a full set of rights needed to protect their interests in administrative judicial process.

Finally, questionable chapter 26 of the draft, which has been titled "Proceedings on Administrative Cases on Temporary Placement in a Special Institution of Foreign Nationals Subject to Readmission". Actually its content is quite justified; articles 252-255 of the draft are designed to guarantee the rights of persons expecting readmission (expulsion on the basis of an international treaty). Norms develop constitutional provision prohibiting restriction of human freedom for more than 48 hours, otherwise than by a court decision. Other thing is not clear. Why do the authors of the draft pay so much attention to persons expelled by way of readmission? Why do prescriptions of the chapter not apply, for example, to deported foreign nationals? And this when the constitutional provisions are equally applicable to all expelled foreigners. Perhaps chapter 26 well demonstrates one of the main drawbacks of the draft Code of Administrative Court Procedure – copying of the current Civil Procedure Code of the Russian Federation. It includes chapter 26.1 "Temporary Placement in a Special Institution of Foreign Nationals Subject to Readmission", which also consists of four articles. At that, judges lacking orientation concerning the procedure for resolving issues related to the restriction of freedom during pending deportation already now in respect of such cases apply the norms of this chapter by analogy. This decision of the legislator cannot be recognized successful. Apparently, chapter 26 of the draft needs to be edited, and we should start by application its norms to the restriction of freedom of all foreign nationals expelled from Russia, regardless of the form of expulsion.

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INTERACTION OF INTERNAL AFFAIRS BODIES WITH THE MEDIA: ADVANTAGES AND SHORTCOMINGS OF THE CURRENT NORMATIVE LEGAL ACTS

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The article is devoted to the analysis of some Federal laws and departmental normative legal acts regulating the interaction of police officers with the media. Legal determinants of weak efficiency of interaction between internal affairs bodies and the media are identified and studied in the article. The author summarizes that the departmental legal regulation of the interaction of internal affairs bodies and the media does not reflect the real needs of crime prevention practice.

Keywords: the media, the police, internal affairs bodies, interaction between internal affairs bodies and the media, crime prevention, normative legal act.

Interaction of internal affairs bodies (hereinafter – IAB) with numerous media is a complex set of public relations that affect such priority values as security, rights and freedoms of individuals involved in such a relations, as well as the powers, i.e., rights, duties and responsibilities of entities representing not only public associations or organizations of various forms of ownership, but also the state. Diversity and internal imperfections, disunity, and sometimes even contradictions of sources governing relations in this area, have a negative impact on the end result of their application – prevention of offenses and crimes.

The process of interaction implies joint mutually beneficial activity of various entities within their powers, which are united by an ultimate goal, or at least by intermediate tasks. In this connection the legal mechanisms for regulation of this

joint activity must simultaneously correspond to two (or more) entities involved in the interaction – to their status, competencies, goals, tools, etc., what a priori determines practical complexity of such a regulation.

With the variety of normative legal acts regulating the considered social sphere, first of all, the Constitution of the Russian Federation [1], as the basic Law of the state, is the legal foundation for further rulemaking, defines the principles, norms and boundaries, which cannot be went beyond by Federal Laws and subordinate legal acts. It declares inalienable rights and freedoms of man and citizen (including freedom of speech and the right of access to information), the basic principles of the legislative, executive and judicial power, which must be respected in the process of independent and joint activities of IAB and the MEDIA. Also part 3 article 17 of the Constitution states: "Exercising the rights and freedoms of man and citizen shall not violate the rights and freedoms of others". In view of the fact that there is a big possibility of purposeful or accidental intrusion into the sphere of individual rights and freedoms of man and citizen in the activities of both IAB and the MEDIA, we consider this constitutional principle as fundamental for the whole subsequent process of legal regulation of their interaction.

It should be noted that there is no separate special Federal Law governing public and private cooperation issues between IAB and the MEDIA in the modern Russian legislation. Regulation of the mentioned interaction is based on a totality of laws that are directly or indirectly related to the activities of considered structures. Our research has shown that taking into account the diverse types, forms and levels of prevention activities, directions and forms of interaction, all Federal Laws and Codes can be divided into three main groups:

1. Federal Laws and Codes directly regulating the powers of internal affairs bodies in general, as well as different types and directions of their activities (including preventive one).

The most significant of these include: the Federal Law "On the Police" No. 3-FL from February 7, 2011, the Federal Law "On Operational Investigative Activity" No. 144-FL from August 12, 1995, the Criminal Code of the Russian Federation No. 63-FL from June 13, 1996, the Criminal Procedure Code of the Russian Federation No. 174-FL from December 18, 2001, the Criminal Executive Code of the Russian Federation No. 1-FL from January 8, 1997, the Code on Administrative Offences No.195-FL from December 30, 2001, the Federal Law "On Private Detective and Security Activities in the Russian Federation" No.2487-1 from March 11, 1992, the Federal Law "On the Principles of Prevention of Child Neglect Juvenile Delinquency" No.120-FL from 24 June 1999, the Federal Law "On safety"

No. 390-FL from December 28, 2010, the Federal Law "On Combating Terrorism" No. 35-FL from March 6, 2006, the Federal Law "On Weapons" No. 150-FL from December 13, 1996, the Federal Law "On Narcotic Drugs and Psychotropic Substances" No. 3-FL from January 8, 1998, etc.

Due to the large number of normative legal acts in this category and the limited volume of work, it seems impossible to give an extended analysis of all the Laws mentioned. At the same time we consider it necessary to summarize their most significant features. These laws and codes, as well as a number of other normative legal acts have several functions of applied preventive nature, namely:

- directly define the list and powers of subjects (in this case, internal affairs bodies) in the prevention of offences;
- officially proclaim and thereby legitimize the very ability of IAB to interact with the MEDIA (article 8 of the Federal Law "On the Police»);
- define strict legal framework of permissible or obligatory conduct of a wide range of subjects representing certain categories of potential offenders – citizens, officials, members of certain professions, including direct law-enforcers – police officers, etc., thereby rendering preventive effect on them;
- determine disciplinary, administrative or criminal responsibility for violation of or non-compliance with established norms of allowable or compulsory conduct, i.e. render a direct preventive impact;
- provide a complete list of material objects, restricted or completely prohibited to free turnover, as well as a list of activities requiring licensing;
- define the grounds and procedure for the authorization (licensing) for engagement in certain activities, access to goods, the turnover of which is prohibited or restricted.

Should be pointed out that certain provisions of these laws have so-called double prevention, i.e., designed not only for the direct prevention of a specific offense, but also thereby for prevention of the negative consequences associated with it. For example, illicit weapon trafficking and, as a consequence, causing injury or murder by this weapon.

2. Federal Laws that pertain directly to the MEDIA.

The enumerated below laws also have a different purpose, but are aimed at priority of ensuring the direct activity of the MEDIA, and only some of their norms may be regarded as ones providing an ultimate preventive effect. They perform the following functions:

- provide a formal notion of the MEDIA, its rights, obligations, responsibility, i.e., competence;

- define the powers – rights, duties and responsibilities of a journalist or advertiser;
- enumerate specific prohibitions on the distribution of certain information relating to law enforcement activity;
- define the possibility and terms for the use of hidden audiovisual recording, filming and photography, technical means;
- proclaim the inadmissibility of the methods of psycho-physiological and neuro-linguistic impact on recipient;
- define the responsibility of the MEDIA and the procedure of redress for violation of the established norms of permissible or obligatory conduct.

These laws include:

The Law of the Russian Federation "On the Media" No. 2124-1 from December 27, 1991 [5].

It sets forth the basic conceptual provisions on the freedom of the media, search activity, receiving, production and distribution of the media; on the possibility and procedure of institution the media, possession, use and disposal of it, as well as the manufacture, acquisition and operation of technical devices designed for production and distribution of the media products. The law provides legal interpretations of the basic concepts and terminology used in this field, which ultimately minimize subjectivity of their interpretations.

Article 3 "Prohibition of Censorship" of the law expressly prohibits the requirement from the editorial of the media of advance approval or the imposition of prohibitions on the dissemination of reports and materials. However, in light of the above provisions of part 3 article 17 of the Constitution and other Federal Laws pertaining to the collection, storage and dissemination of information (which will be discussed below), this legal prohibition cannot be regarded as complete permissiveness and absence of control over the media.

Furthermore, the totality of provisions of article 41 "Ensuring the Confidentiality of Information", article 43 "The right to Rebuttal", article 49 "Duties of a Journalist", article 51 "Prohibition of Abuse of Journalist Rights" of the Law concretizes responsibility of a journalist or editorial office of the media for the accuracy and authenticity of information and the legitimacy of its dissemination. In our opinion, these norms are ambiguous and, firstly, regulate the issues of interaction of IAB and the MEDIA employees, excluding the use of informal and unverified data. Secondly, are aimed at protecting of the protected interests of citizens and organizations, at prevention undue compromising of the persons involved, their reputation and good name, and unwanted premature dissemination of procedurally and

operationally significant information. And thirdly, presuming responsibility, i.e., some negative effects, provide a preventive impact on possible professional abuses or violations of members of the media.

Federal Law "On Advertising" No. 38-FL from March 13, 2006 [9] defines advertising and legal entities in this area. It provides a meaningful in the context of this work concept of "social advertising – information addressed to an unlimited range of persons, aimed at achieving the charitable and other socially useful goals...", forms the main advertising requirements, gives a legal interpretation of the terms and concepts of "authenticity", "fidelity" and "ethics" in advertising. The Law defines the features of particular ways of distribution of advertising, forms and methods of its control, prohibitions and restrictions, as well as responsibility for violations.

Bearing in mind that exactly the media are the primary distributor of advertising, that is "able to make available to IAB the widest audience, as well as has specific means, forms and methods influencing on the feelings and emotions of people at the subconscious level" [20, 22], we should recognize the fundamental importance of this act as for the functioning of the media in general and for the preventive impact on the causes and conditions of committing offences in particular. For example, restrictions on advertising of tobacco, alcohol, weapons, or vice versa, promotion of healthy lifestyle, education or profession, etc.

At the same time, we should recognize the obvious shortcomings of certain provisions of the Federal Law "On Advertising" contributing to the abilities of producers of both advertising and the media, as its repeater, to "bypass" incorrectly formulated legal prohibitions and restrictions, to use so-called hidden advertising and etc. contrary to the public interest and social programs of generally humanistic and educational nature. Negative examples of social irresponsibility and impunity of the media, which have been admitted in the Russian society and state power in our recent past, were advertising companies of pyramid schemes such as "MMM", "Russkii dom Selenga", "Hopper-Invest" and others, which for a long time were being broadcasted on central Television and, as a result, led to cheating millions of investors, devastation of private enterprises, a series of depressions and suicides. Except them, there were many other organizations involved in financial fraud using inappropriate advertisements [22, 71]. Specific abilities to provide rapid psychological and emotional impact on a huge audience of respondents, as well as the status of the repeater of "alien" information, necessarily determine the highest responsibility of the media to the consumers of information – readers of periodicals, radio listeners,

viewers of television programs and Internet users for promptness, quality, and most important for its authenticity.

Federal Law No. 7-FL from 13 January 1995 "On Coverage of the Activities of State Government Bodies in the Mass Media" [7] provides for a procedure for obtaining and using information about the activities of government departments, and also defines the categories of socially significant information that should be announced by appropriate State media. These include the addresses and statements made by the President of the Russian Federation, the Council of the Federation, State Duma and the Russian Government, etc. There is no doubt that the relevant information about the activities of law enforcement agencies, state policy in the sphere of combating crime, etc. falls within the purview of this law.

Federal Law "On Communications" No. 126-FL from July 7, 2003 [8] establishes the legal framework for the activities in the field of communications, gives public authorities the powers to regulate such activity, determines the competence of subjects involved in the provision of telecommunication services or receivers of such services. Due to the fact that it is the media are the main users and consumers of services for information transmission by means of communication, we find undisputed the functional significance of this law. In addition, it provides that "public authorities have the right of the priority use of any networks and communication means regardless of departmental affiliation and form of ownership", what should be interpreted as an opportunity of their use by internal affairs bodies in resolving tasks of combating crime.

Also the media activities are regulated by the provisions of Criminal, Criminal Procedure Code and a number of Federal Laws and codes in the field of civil-law, financial, arbitration, tax and similar to them relationships [3, 2, 4].

3. Federal Laws, the provisions of which provide the legality and safety of use of information in IAB and the MEDIA.

Study of the legal framework of interaction of IAB and the MEDIA allows us to highlight a number of specific laws, whose rules do not directly affect the activities of subjects, but often are of secondary, securing nature, although often in the form of binding norms during daily activities. We believe these laws perform the following functions:

- list the categories of data that are personal data or constitute State secrets, give their notions;
- define the grounds, conditions, procedure for obtaining, processing, storage and use of information and personal data;

- define categories and competence of agents authorized to conduct certain operations with the information or its storage medium;
- define responsibility for stipulated violations.

Such laws, in our opinion, include:

Russian Federation Law "On State Secrets" No. 5485-1 from July 21, 1993 [6], which primarily provides legal interpretation of terms such as "state secret", "carriers of information constituting a state secret", "secrecy label", etc., defines the powers of a variety of entities, gives an exhaustive list of information constituting a state secret, and much more.

Federal law "On Personal Data" No. 152-FL from July 27, 2006 [11] defines the concepts and categories of personal data, the principles and conditions of their processing, storage and use.

Federal law "On Information, Information Technologies and Information Security" No. 149-FL from July 27, 2006 [10] defines a large number of the concepts and tasks associated with information. It describes the issues of rights to information, there are also provisions on access to information.

Commenting on these laws, we must recognize that in the light of modern terminological chaos in the Russian legislation the proposed in them list of legitimate terms provides a clear and correct understanding of the considered and other federal laws, what corresponds to fully shared by us point of view of A. S. Pigolkin about the unity of rule-making terminology [23, 133].

Also it is necessary to proceed from the thesis that IAB and the MEDIA in their daily activities work solely with information and its carriers – material and ideal.

It is the specificity of information, its legal status, content, significance for security of society and an individual, as well as a certain features of its media storage or subject, establish, and in some cases severely restrict the abilities of IAB and the MEDIA to obtain and further use certain data. And though "the MEDIA are quite active and autonomous in the informational sphere" [21, 14] and are designed to implement citizens' rights to information, it should be noted that the above mentioned Federal Laws significantly reduce and limit this sphere, thereby protect the rights and freedoms of other persons, political, economic, military and other security of society and the State.

Thus, the provisions of the above laws must be interpreted and applied only in the implementation by each of the subjects of its core competencies, while solving tasks in context and in the light of other laws and codes.

Considering further the issues of legal regulation and interaction of IAB and the MEDIA you cannot stick just to its "narrow" interpretation, which involves

only the legislative base, and thus abstract from such a bulk and a significant part of the legal framework as subordinate normative acts of departmental level. Separation of the legal regulation of interaction between IAB and the MEDIA into legal and departmental one is an objective process, it is determined by the levels of preventive impact and accordingly by legal nature (level) of normative legal acts used in this.

At the same time departmental normative legal acts are based on provisions of Federal Law, and, in fact, are the instructions for use of the latter, as a rule, in applied issues with taking into account the specific of activity and objectives of each of the interacting entities.

The study of subordinate normative legal acts in this field allowed the identification of just several ones regulating the interaction of IAB and the MEDIA:

- RF Presidential Decree No. 1060 from August 10, 2011 "On Approval the List of Information about the Activities of the Ministry of Internal Affairs of the Russian Federation Placed on the Internet" [12];
- Order of the Ministry of Internal Affairs of Russia No. 19 from January 17, 2006 "On the Activities of Internal Affairs Bodies for the Prevention of Crime" with numerous subsequent additions and amendments;
- Order of the Ministry of Internal Affairs of the Russian Federation No. 1 from January 01, 2009 "On Approving the Concept of Improving the Cooperation between Subdivisions of the Ministry of Internal Affairs of the Russian Federation and the Media and Public Associations for 2009-2014" [13];
- Order of the Ministry of Internal Affairs of the Russian Federation No. 984 from August 31, 2011 "On the All-Russian Competition of the RF MIA "Shield and Quill" [14];
- Order of the Ministry of Internal Affairs of the Russian Federation No. 995 from September 06, 2011 "On Improvement the Activity of Subdivisions on Information and Public Relations, Public Affairs Office of Internal Affairs Bodies of the RF and Internal Troops of the RF MIA" [15];
- Order of the Ministry of Internal Affairs of the Russian Federation No. 1136 from November 12, 2011 "On the Procedure of Placing Information on the Activities of the Ministry of Internal Affairs of the Russian Federation on the Internet" [16];
- Order of the Ministry of Internal Affairs of the Russian Federation No. 791 from August 15, 2012 "On the Placing of Information on the Activities of the Ministry of Internal Affairs of the Russian Federation on the State Information System "Law-enforcement Portal of the Russian Federation" [17];

- Order of the Ministry of Internal Affairs of the Russian Federation No. 795 from August 15, 2012 "On the Procedure of Apology to the Citizen the Rights and Freedoms of whom have been Violated by a Police Officer" [18];
- Order of the Ministry of Internal Affairs of the Russian Federation No. 900 from October 02, 2012 "The Issues of Organization the Protection of Honor and Dignity, as well as Business Reputation in the MIA of Russia" [19].

Forestalling further reasoning we specify that Presidential Decree No. 1060 from August 10, 2011 and Order of the RF Interior Ministry No. 1136 from November 12, 2011 are not directly related to the organization of interaction of IAB and the MEDIA, and relate only to the narrow issues of the nature of information about the activities of the Ministry of Internal Affairs and procedures of their placement on the Internet. Based on the above we consider their separate analysis optional.

Study of the provisions of the Instruction approved by the Order of the Ministry of Internal Affairs of Russia No. 19 from January 17, 2006 "On the Activities of Internal Affairs Bodies for the Prevention of Crime" clearly indicates its generalized nature, target orientation exclusively on the various categories of police officers, and its attempt to regulate the activities exactly to prevent crime rather than to organize interaction with the media, which is certainly wider of only prevention activity and has other destinations.

It should be recognized that the considered document, referring to the issues of interaction, that is, mutual activity of subjects, illogically has exclusively intradepartmental nature, does not account for the specifics of inter-departmental cooperation, corporate interests and peculiarities in the activities of the second entity of interaction – the media, and thus a priori does not have legal values for persons, who are not representatives of IAB. As the main functional shortcomings of the Instruction should recognize only an indirect reference on the necessity of criminal investigation officers, police commissioner, staff of patrol-guard and road-patrol services to interact with the media, as well as very limited description of the powers of the personnel of departments for information and public relations (hereinafter – DIPR, OIOS in Russian), that is, precisely those members of IAB, whose competence includes organization of interaction with the MEDIA. In General, their responsibilities are formulated in the following vague phrases: "Organize the dissemination of information on prevention of crime in the media. Prepare and hold meetings for journalists, press conferences, briefings, round tables with the participation of leadership of the internal affairs concerning the issues of prevention of crimes". Such departmental approach to the regulation of interaction obviously

does not correspond to the existing theoretical views about the forms of interaction and prevailing practice.

Moreover, the study of the above mentioned "Concept of Improving the Cooperation between Subdivisions of the Ministry of Internal Affairs of the Russian Federation and the Media and Public Associations for 2009-2014" clearly indicates the presence in it of a directly opposite approach – systematic evaluation of the prevailing situation, development of forms and directions of cooperation, identification of promising goals and objectives of interaction, specific means and ways to achieve them.

However, the Concept as a document of strategic and political nature reflects exactly basic rather than applied issues of interaction that, in our opinion, have mainly found their practical reflection in the Order of the Ministry of Internal Affairs of the Russian Federation No. 995 from September 06, 2011 "On Improvement the Activity of Subdivisions on Information and Public Relations, Public Affairs Office of Internal Affairs Bodies of the RF and Internal Troops of the RF MIA. The Order, taking into account the provisions of the Concept, lists the tasks and directions of cooperation, functional duties of the employees of departments on information and public relations department, reflects the specificity of work with information of restricted access and much more.

To date this Order is fundamental departmental normative legal act regulating the main issues of interaction IAB with the MEDIA, although not without some of the typical drawbacks that are peculiar to such documents. For example, some declarative nature, general nature, "static" lighting of the issues of activity organization – the selection and placement of staff, competencies, tasks, etc. However, we believe it is fairly innovative compared with previous to it documents.

The following normative legal acts of the Ministry of Internal Affairs of Russia do not directly regulate cooperation with the MEDIA, but, nevertheless, have an indirect relation to the individual aspects of interaction.

Order of the Ministry of Internal Affairs of the Russian Federation No. 984 from August 31, 2011 "On the All-Russian Competition of the RF MIA "Shield and Quill" is focused on the close cooperation of IAB with the MEDIA for purposes of "... further improvement and strengthening interaction with the MEDIA, institutes of civil society, ensuring public confidence in police and internal troops of the Russian Interior Ministry, objective informing the public about the activities of internal affairs bodies and internal troops of the Russian Interior Ministry, as well as the propaganda of advanced forms and methods of work of departments on information and public relations of the Interior Ministry of Russia". The document lists

tasks that are relevant to cooperation of IAB and the MEDIA. However, like most intradepartmental documents, does not have any influence on the mentioned in it representatives (copyright collectives) of the media and other social structures, while theoretically involves the formation of their professional or creative interest. The solution to this problem we see in the development of interdepartmental agreement taking into account mutual interests and specificities.

Order of the Ministry of Internal Affairs of the Russian Federation No. 791 from August 15, 2012 "On the Placing of Information on the Activities of the Ministry of Internal Affairs of the Russian Federation on the State Information System "Law-enforcement Portal of the Russian Federation" regulates the types (categories) of information, the order, periodicity and form of its posting, as well as responsible actors. The analysis of this document shows that the mentioned in it categories of information correspond to the main directions of cooperation of IAB with the MAEDIA: informing the public about the activities of IAB; the state of the crime situation; cultural and patriotic activities in the Interior Ministry; legal education of citizens; the formation of police officers' image; orienteering about the circumstances of specific incidents etc. Undoubted advantage of the document, in our opinion, is an offered by it relative independence and initiative of executor in the formation of the information array, what is directly specified in separate provisions: "The information is placed in this section of the Portal selectively, according to the decision of the initiator of investigation agreed with the concerned bodies of preliminary investigation and inquiry".

Order of the Ministry of Internal Affairs of the Russian Federation No. 795 from August 15, 2012 "On the Procedure of Apology to the Citizen the Rights and Freedoms of whom have been Violated by a Police Officer" has no direct reference to the interaction with the MEDIA. However, we believe that it also regulates this aspect of cooperation, since a formal apology may be brought either directly to the person – the victim of misconduct, or through publication (broadcasting) it in the media, what is also declared in the law "On the Media". However, the disadvantage of the Order is the lack of developed form of such an apology (statement) that equally takes into account the position of both parties, reflects the remorse of intruder (applicant) for what had happened, but at the same time does not involve self-abasement of IAB. Otherwise, this situation allows subjectivity both of the statement and its evaluation.

Order of the Ministry of Internal Affairs of the Russian Federation No. 900 from October 02, 2012 "The Issues of Organization the Protection of Honor and Dignity, as well as Business Reputation in the MIA of Russia" also is not directly

related to the organization of interaction with the Media, but is aimed at protecting the legitimate interests of IAB and their staff, which have been adversely affected or biased in the media. In our view the order is purely of declarative nature and has no applicable provisions.

Summarizing the above, we can conclude that the departmental legal regulation of the interaction of internal affairs bodies (IAB) and the MEDIA does not reflect the real needs of crime prevention practice and requires adjustment in accordance with the provisions of "the Concept of Improving the Cooperation between Subdivisions of the Ministry of Internal Affairs of the Russian Federation and the Media and Public Associations for 2009-2014".

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