The article is devoted to the research of public control in relation to law enforcement agencies in Russia. The article substantiates the concept of public control in the Russian Federation, as well as analyzes current issues related to the consolidation in legislation of the concept and list of objects of public control.

**Keywords**: Public control. Law enforcement agencies. Democracy. Russian Federation.

**ABSTRACT**

This article is devoted to the research of the features of public control in the Russian Federation in relation to such a variety of objects of public control as law enforcement agencies. The object of research is social relations arising in the process of organization and functioning of the institution of public control in Russia. The purpose of the research: to identify current problems associated with the possibility of exercising public control in relation to law enforcement agencies, substantiating ways to resolve them, in order to ensure the optimal organization and functioning of this civil society institution. Research objectives: 1) to define the concept of public control in Russia; 2) to analyze the problems associated with the consolidation in the legislation of the Russian Federation of the concept and list of objects of public control; 3) to research the points of view in the Russian scientific literature regarding the limits of public control in relation to law enforcement agencies; 4) justify changes and additions to the current legislation regarding optimization of the organization and implementation of public control in relation to law enforcement agencies.

**METHODOLOGY**

This article in the process of cognition of state-legal phenomena were used: a) General scientific methods (formal-logical, systemic, structural-functional, concrete-historical); b) General logical methods of theoretical analysis (analysis, synthesis, generalization, comparison, abstraction, analogy, modeling, etc.); c) private scientific methods (technical and legal analysis, specification, interpretation, etc.) (ZALESNY, GONCHAROV, 2019; ZALESNY; GONCHAROV, 2020).

**RESULTS**

The modern development of the Russian Federation as a democratic legal state with a republican form of government involves the implementation of the principles of democracy and public participation provided for by the Constitution of Russia in the management of public affairs (CONSTITUTION OF THE RUSSIAN FEDERATION, 1993). However, the implementation of these constitutional principles requires a carefully designed and detailed system of legal guarantees. One of the most important legal guarantees for the implementation of
the above constitutional principles is the institution of public control.

It seems that under public control in the Russian Federation we should understand the totality of principles, norms and public institutions vested in a legal form, which are associations of citizens whose mass and voluntary activities are aimed at monitoring the formation and functioning of state authorities and local self-government, as well as for the activities of authorized legal entities and individuals who are endowed with the current legislation with a specific set of laws full powers exercised by them independently, either in conjunction with state and local authorities, or on their behalf and (or) on their behalf, in order to ensure the realization of the rights, freedoms and legitimate interests of man and citizen, the formation and functioning of public authorities in compliance with applicable law and the prevention of the appropriation of power or its usurpation by individual authorities and their officials.

In the process of organizing and exercising public control in the Russian Federation, numerous problems arise that, according to some authors, impede the effective functioning of this civil society institution, without the resolution of which it is impossible to implement the constitutional principles of democracy and public participation in the management of public affairs (GONCHAROV, 2019a; PISHCHULIN, 2014; GRIB, 2016a; GONCHAROV; ZALESNY; POYARKOV, 2020). One of these problems is associated with difficulties in determining the concept of an object of public control in the Russian Federation, their list, the criteria for the formation of this list, as well as the limits of public control in relation to certain varieties of its objects. This problem is largely due to the lack of legislation in Russia, in particular, in federal laws dated 21.07.2014 № 212-FL "On the Basics of Public Control in the Russian Federation", 04.04.2005 № 32-FL "On the Public Chamber of the Russian Federation", dated 10.06.2008 № 76-FL "On public control over ensuring human rights in places of forced detention and on assistance to people in places of forced detention", definition of the concept of object of public control, as well as their list.

This problem is compounded by the fact that Federal Law dated 21.07.2014 № 212-FL "On the Basics of Public Control in the Russian Federation" actually distributed public control objects in Russia into several groups. The activities of objects of public control included in the first group are covered by the subject matter of the aforementioned Federal law. This group of objects of public control is the most numerous and is represented both by state authorities and local self-government bodies, and by authorized legal entities and individuals endowed by the current legislation with a specific set of power of authority exercised by them independently, or in conjunction with state and local government bodies.

The second group of objects of public control, according to a number of authors, includes government bodies, the implementation of public control in respect of which is impossible in full, or substantially difficult (for example, the President of the Russian Federation) (GRIB, 2019).

The third group of objects of public control includes those who are withdrawn from the subject of regulation by the aforementioned Federal Law: a) state authorities authorized in the field of ensuring the country's defense and state security; b) public security and law and order, police, investigative bodies, prosecutors and courts; c) public authorities that carry out activities related to the execution of sentences; d) government bodies authorized in the field of control over the circulation of narcotic drugs and psychotropic substances; e) bodies of state power and local self-government responsible for the maintenance of orphans and children left without parental care; e) bodies authorized to provide psychiatric care. In addition, this group of objects of public control includes those whose activities are related to public relations: a) regulated by legislation on elections and referenda; b) regarding the organization and conduct of public discussions and public hearings in accordance with the legislation on urban development; c) arising from the implementation by the public environmental inspectors of public environmental control (public environmental control), as well as public inspectors in the field of animal handling public control in the field of animal handling.

A number of authors believe that the removal of these public authorities from the general legal regulation of public control in the Russian Federation indicates their special status (GRIB, 2019). Most of the objects of public control belonging to the third group are law enforcement agencies. The implementation of public control in relation to this category of public authorities, although provided for by applicable law, has significant obstacles to practical implementation.

This is because public control over the types of activities referred to in Part 2 of Article 2 of Federal Law dated 21.07.2014 № 212-FL "On the Basics of Public Control in the Russian Federation" is not enshrined in the current legislation of the Russian Federation either by adoption separate Federal laws on public control over certain types of activities carried out by state authorities and local self-government, or by mentioning public control in Federal laws directly on regulating the activities of various government bodies. For example, there is no mention of public control in Federal laws regulating the activities of state security, internal affairs, defense, courts, prosecutors, investigations, etc. 2

The organization and implementation of public control in relation to the judicial authorities in the Russian Federation is important in terms of ensuring the real nature of this institution of civil society, since, on the one hand, the courts represent a separate branch of state power, and on the other hand, their activities always affect the rights, freedoms and legitimate interests of both citizens of the country and legal entities, as well as public authorities. However, public control in relation to courts of all levels should not impede their activities or influence the procedure for their decision-making (including the content of regulatory legal acts issued by courts).

As rightly noted by V.V. Grib: "In exercising public control over the judiciary, a cautious and balanced approach is needed that excludes any, even potential impact on the issuance of judicial acts. This factor should be considered in the further development of the system of public control over the judicial authorities" (GRI, 2016b). The situation is aggravated by the fact that the foundations of the legal status of judicial authorities, as well as the activities of individual judicial authorities, for example, the Constitutional Court of the Russian Federation, are regulated by federal constitutional laws, which have greater legal force in relation to Federal Law dated 2107.20 № 212 - FL "On the basis of public control in the Russian Federation", fixing the foundations of the organization and implementation of public control in Russia. In this regard, as I already noted in previously published works, the legal status of the institution of public control must be fixed in the Constitution of the Russian Federation (GONCHAROV; KOVALEVA, 2009: 72-75). In turn, the current Federal legislation governing the organization and functioning of the judiciary should be supplemented by chapters on the procedure, conditions and limits of public control in relation to certain types of judicial authorities in the Russian Federation.

Public control over internal affairs bodies is important because they are the most numerous in the law enforcement system. Federal Law dated 07.02.2011 № 3-FL "On Police", although it does not contain provisions governing the exercise of public control in relation to internal affairs bodies, it fixes the possibility of interaction with citizens and their associations. So, in accordance with Paragraph 7 of Article 9 of this Federal Law, public councils are formed under the Federal executive body in the field of internal affairs and territorial bodies, which are designed to ensure the coordination of socially significant interests of citizens of the Russian Federation, Federal government bodies, and government bodies of constituent entities of the Russian Federation, local authorities, public associations, human rights, religious and other organizations, including professional business associations to address the most important issues of the police.

However, it seems necessary to amend and supplement the aforementioned Federal law in terms of determining the order, conditions and limits of the organization and implementation of public control in relation to internal affairs bodies. This, on the one hand, will provide additional legal guarantees for the implementation of the principle of legality in the activities of internal affairs bodies, and on the other hand, it will simplify the identification and suppression of offenses and crimes committed by employees of this type of law enforcement agencies.

Public control in relation to the investigating authorities and the prosecutor's office is also significantly complicated, according to some authors, due to the lack of its regulation in the current legislation, and due to the specifics of the activities of this type of law enforcement. So, V.V. Grib notes:

The General Prosecutor's Office of the Russian Federation and its bodies, as well as


However, it seems that a reference to the special legal status and great immunity of the investigating authorities and the prosecutor's office should not be an obstacle to exercising public control over this type of law enforcement agency. Moreover, the specifics of their activities, related to the possibility of practically uncontrolled criminal proceedings against any persons by other state authorities, requires, in our opinion, more thorough public control, as already noted (GONCHAROV, 2019b).

Of particular importance is the organization and implementation of public control in relation to state security agencies (in particular, the FSB). This is due to the fact that this type of activity is almost always associated with the need to ensure compliance with state secrets, as well as the implementation of fire trees and tasks to ensure the state security of the Russian Federation, and to counteract internal and external influences to undermine it. In this regard, the organization and implementation of public control in relation to this type of law enforcement agencies requires amendments and additions to the federal laws dated 28.12.2010 № 390-FL “On Security” and dated 03.04.1995 № 40-FL “On the Federal Security Service”. The above changes and additions to the current legislation will allow for the full organization and implementation of public control in relation to law enforcement agencies, as well as ensure the further development of this institution of civil society.

CONCLUSIONS

It appears that law enforcement agencies are subject to public scrutiny in Russia, along with other public authorities. However, the mechanism for exercising public control in relation to law enforcement bodies in the Russian Federation requires detailing and consolidation in the current legislation.


Secondly, Federal constitutional laws and federal laws governing the legal status, powers and foundations of the activities of certain types of law enforcement agencies should be supplemented with provisions on the procedure for organizing and exercising public control in relation to law enforcement bodies as objects of public control. Alternatively, individual federal laws can be adopted that regulate the organization and implementation of public control in relation to law enforcement agencies.

At the same time, the exercise of public control in relation to law enforcement bodies should not impede their exercise of their powers stipulated by the current legislation of the Russian Federation.

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Vitaly Viktorovich Goncharov


Candidate of Legal Sciences, Associate Professor of the Department of State and International Law of the Kuban State Agrarian University Named after I. T. Trublin, 350004, Krasnodar, Kalinina Street, 13, Russian Federation. E-mail: nipgergo2009@mail.ru. ORCID: https://orcid.org/0000-0003-3029-4727.

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