This article is devoted to the research of the possibility of exercising public control in relation to the President of the Russian Federation. The article substantiates the concept of public control in Russia, and also analyzes the current problems associated with the consolidation in the legislation of Russia of the concept and list of objects of public control. This will not only solve modern problems associated with the implementation of public control in the Russian Federation in relation to the President of Russia, but also ensure the full development of public control as a promising civil society institution.

**Keywords:** Public control. President. Object. Russian Federation.
RESULTS

In accordance with Article 3 of the Constitution of the Russian Federation, the bearer of sovereignty and the only source of power in the country is its multinational people, exercising its power both directly and through state authorities and local governments. (CONSTITUTION, 1993) At the same time, the country's Basic Law emphasizes the inadmissibility of the appropriation of power in Russia belonging to the people (by seizing power or appropriating power), under the threat of prosecution under Federal law (up to the application of criminal liability measures to violators of this constitutional legal norm). These constitutional legal principles of democracy and the participation of society (people) in the management of state affairs for their actual implementation in practice require consolidation and implementation of constitutional guarantees in the Constitution of the Russian Federation and current legislation, which are a uniform system of mandatory conditions operating throughout the country, principles, methods, techniques and mechanisms to ensure: the full implementation of constitutionally established rights, freedoms and legitimate interests of citizens and legal persons, their protection and restoration in case of infringement (including by means of national and international justice); increasing the value of the institution of law in society; raising the level of legal culture of the population; formation of intransigence to any type of violation of legal requirements.

An important place in the system of constitutional and legal guarantees ensuring the observance and implementation of constitutional and legal principles of democracy and the participation of society (people) in the management of state affairs is occupied by the institution of public control. It seems that under the public control of power 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, and also for the activities of authorized legal entities and individuals who are endowed by applicable law with a specific set of power of authority exercised by them independently, either in conjunction with public authorities and local governments, 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 accordance with applicable law and preventing the appropriation of power or its usurpation by individual authorities and their officials.

As rightly noted in Russian scientific legal literature, one of the largest problems associated with the organization and conduct of public control in Russia is the determination of the list of objects of public control. (GONCHAROV, 2019: 28-36; PISHCHULIN, 2014: 108-110; GRIB, 2016: 154-160) This problem is due to several reasons.


So, from the sense of Part 1 of Article 4 of Federal Law dated 21.07.2014 №212-FL "On the Basics of Public Control in the Russian Federation", it can be assumed that the objects, public control, are the activities, acts and decisions made by state authorities, local authorities, state and municipal organizations, other bodies and organizations that exercise separate public powers in accordance with Federal Laws (hereinafter referred to as public authorities).

At the same time, an analysis of Part 1 of Article 18 of the aforementioned Federal Law shows that forms of public control affect not only the activities, acts and decisions of public authorities (for example, public monitoring, public inspection, public examination), but also provide for the possibility of other forms interaction of civil society institutions with state bodies and local governments (in particular, through public discussions, public hearings and other forms of interaction).

In this regard, it seems that the objects of public control are the bodies of state power and local self-government, as well as the activities, acts and decisions of state and municipal organizations, other bodies and organizations that exercise separate public powers in accordance with Federal laws.

Secondly, the practice of exercising public control in the Russian Federation over the past decade shows that public control is not carried out with respect to a number of state authorities and the activities they carry out, or it is significantly hampered.
This applies, on the one hand, to certain types of activities carried out by state authorities and local governments, mentioned 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" and withdrawn from its legal field: in the field of ensuring the defense of the country and the security of the state, public security and law and order, the activities of the police, investigative bodies, prosecutors and courts, as well as activities related to the execution of sentences, control and the circulation of narcotic drugs and psychotropic substances, the maintenance of orphans and children left without parental care, the provision of psychiatric care (public control over these types of activities should be carried out in accordance with separate Federal Laws).

At the same time, to date, Federal legislation has regulated individual Federal Laws only the possibility of exercising public control over activities related to the execution of sentences, and only in its separate part - compulsory detention (through the adoption of Federal Law dated 10.06.2008 № 76-FL "On public control over the enforcement of human rights in places of detention and on assistance to persons in places of detention", which, as we indicated earlier, is not contains definitions of the concept of "object of public control").

Public control over other activities referred to in Part 2 of Article 2 of the aforementioned Federal law is not enshrined in the current legislation of the Russian Federation either through the adoption of separate Federal Laws on public control over certain types of activities carried out by state authorities and local self-government, nor by mentioning public control in Federal laws directly regulating the activities of various state authorities. 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. (ON, 2010:2; ABOUT, 1995; ON, 2001: 2277; ON, 2002: 375; ABOUT, 1992: 366; ON, 1992: 1792; ON, 1996: 1: ABOUT, 2010: 15; ABOUT, 2011: 900). On the other hand, the practice of organizing and exercising public control shows the impossibility of its implementation in relation to such a public authority (senior official) as the President of the Russian Federation. As V.V. Grib rightly notes in this connection:

To date, public control over the activities of the President of the Russian Federation is not actually carried out and, moreover, is not legally and formally fixed. Thus, an analysis of federal legislation and law enforcement practice allows us to identify rather weak legal opportunities for public control entities to exercise public control in relation to the President of the Russian Federation. (GRIB, 2016: 34)

Moreover, in the Russian scientific and educational literature there are several points of view regarding whether the President of the Russian Federation is an object of public control. A number of authors believe that the people of Russia, being the only source of power and the bearer of state sovereignty, have the sovereign right to exercise public control in relation to any bodies of state power and local self-government, including the President of the Russian Federation. (GONCHAROV, KOVALEVA, 2009: 72-75; STEPANOVA, 2018)

This circumstance is confirmed by the provisions of the Constitution of the Russian Federation, which does not allow any exemptions from constitutional and legal principles of democracy and the participation of society in the management of state affairs, as well as Federal Law dated 21.07.2014 № 212-FL "On the Basics of Public Control in the Russian Federation", which secures the possibility of exercising public control in relation to any bodies of state power and local self-government, including the President of the Russian Federation. According to other scientists, the possibility of exercising public control in relation to the head of state is not disputable, but in practice is significantly limited, since it concerns only certain of his powers. As V.V. Grib notes the weak legal capabilities of subjects of public control to exercise public control in relation to the President of the Russian Federation are due to several reasons:

Firstly, in accordance with the current legislation, the actions (inaction) of the President of the Russian Federation cannot be appealed to the court because of the presence of the President of the Russian Federation, in accordance from Article 91 of the Constitution of the Russian Federation, immunity. Secondly, within the meaning of the Federal Law "On the Foundations of Public Control in the Russian Federation", the decrees of the President of the Russian Federation are not subject to public discussion or public examination, while federal laws, having greater legal force, undergo such procedures. Thirdly, the current legislation does not provide for such possible forms of direct (direct) democracy as the announcement of a public impeachment to the President of the Russian Federation or a public report of the President of the Russian Federation to the population about his activities. (GRIB, 2016: 36-37)

In part, the independence and uncontrolled activity of the head of the Russian state, which has no world
precedents, is caused, according to some scholars, by the special status of the President of the Russian Federation as a guarantor of its Constitution, human and citizen rights and freedoms, enshrined in the Basic Law of the country (OKUNKOV, 1996; THE, 1994) which, however, is formulated in the Constitution of the Russian Federation rather vaguely, not detailed in federal law. Nevertheless, the Constitutional Court of the Russian Federation actively refers to the special status of the head of state as a guarantor of its Constitution, human and civil rights and freedoms, for example, resolving a dispute on competence between the Council of the Federation and the President of the Russian Federation regarding the authority to issue an act on the temporary suspension of the General Prosecutor of the Russian Federation from office in connection with the institution of criminal proceedings against him. (ON, 1999)

The current Constitution of the Russian Federation significantly narrows the possibility of appealing laws and regulations issued by the head of state in a judicial proceeding. In fact, the only possibility of their cancellation is the appeal by citizens of Russia of these acts for their compliance with the Constitution of the country and the current legislation in the Constitutional Court of the Russian Federation. There are no other real forms of public control over the activities of the President of Russia. In this regard, such a restriction on the possibility of exercising public control in relation to the head of state is questionable from the point of view of legality and constitutionality, and the reference to the guarantee of the inviolability of the President of the Russian Federation, which is enshrined in Article 91 of the Constitution of the country, is not justified, since in such a case they are violated constitutional principles of democracy and the participation of citizens of Russia in the management of public affairs, the guarantee of the implementation of which is the institution of public control in the Russian Federation.

Moreover, as judicial and administrative practice shows, in some cases there is an unreasonable broad interpretation of Article 91 of the Constitution, when the judicial authorities refuse to consider complaints of citizens of the country on the actions (inaction) of officials of the Presidential Administration of the Russian Federation, including acts of plenipotentiaries of the head of state in Federal districts. (WEBSITE, 2020) The third group of authors questions the very possibility and legitimacy of exercising public control in relation to the head of state. So, in particular, K.S. Levichev notes that:

[...] the only effective form of exercising public control over the President of the Russian Federation is the election of the head of state, in which the people can refuse to elect a candidate for the highest position in the state if he has lost public confidence." (2020: 11).

In turn, according to K.I. Aleschenko:

[...] control over the activities of the head of state is limited only by the impeachment mechanism in force by the Constitution, when the President of the Russian Federation can be removed from office by the Federation Council only on the basis of charges by the State Duma of high treason or another serious crime, confirmed by the conclusion of the Supreme Court of the Russian Federation on the existence of in the actions of the President of the Russian Federation of signs of crime and the conclusion of the Constitutional Court of Russia Federation on compliance with the established procedure for the prosecution. (2019: 37).

However, this point of view only states the absence of a legal basis for exercising public control over the activities of the President of the Russian Federation, which, however, does not mean the impossibility of its implementation in relation to the head of state. (ZALESNY, GONCHAROV, 2020: 1-6)

**CONCLUSIONS**

It seems that the President of the Russian Federation is an object of public control in Russia, along with other public authorities. However, the mechanism for exercising public control in relation to the head of state requires detailing and consolidation in the current legislation.

- Firstly, it is necessary to define in the Federal Law dated 21.07.2014 № 212-FL "On the Basics of Public Control in the Russian Federation" the concept of objects of public control in the Russian Federation and fix their list by including the President of the Russian Federation in it.
- Secondly, the Federal Constitutional Law "On the President of the Russian Federation" should be adopted, in which a separate article should fix the possibility and limits of exercising public control in relation to the head of state, since at present the President of Russia is practically the only federal state.
authority mentioned in Constitution, whose legal status is not governed by special Federal constitutional or Federal law.

- Thirdly, special forms of public control should be fixed in relation to the head of state, which will not impede the exercise of his constitutional powers.

REFERENCES


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