

ON THE ISSUE OF EXPANDING THE LIST OF SUBJECTS OF PUBLIC CONTROL

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***Abstract.** The study of the problem of expanding the list of subjects of public control is permanently relevant and controversial due to the fact that there are different positions of the authors on this issue, concerning both the scope and directions of this transformation. Public control is a relevant and constantly reforming institution of civil society, and its improvement should be the primary task of the legislator.*

***Keywords:** public control, public monitoring, public discussions, civil awareness, online surveillance*

Introduction.

This study analyzes the problem of expanding the list of subjects of public control, and, as a result, offers the author's solution to the question of who exactly, and to what extent the granting of powers to include in it.

Main text.

Currently, the main subjects of public control, which are listed in the provisions of article 9 of the Federal law "On the basis of public control in the Russian Federation", are not citizens as the main sources of public power in the state and not civil society institutions, but public structures formed under state authorities and local self-government with their direct participation, - public chambers (Public chamber of the Russian Federation, public chambers of subjects of the Russian Federation, public chambers (councils) of municipalities) and public councils (under Federal Executive authorities, legislative (representative) and Executive bodies of state power of subjects of the Russian Federation, which are authorized to create various temporary structures for the implementation of various forms of public control, in particular, public monitoring commissions, public inspections, public control groups.

At the same time, the provisions of article 3 of the Federal law "On the basics of public control in the Russian Federation" grant Russian citizens the right to participate in public control both personally and as part of public associations and other non-governmental commercial organizations. In addition, the issues of participation of

public associations in public control as organizers of such forms as public monitoring, public discussions, etc. are partially regulated.

Accordingly, the question arises – why citizens and public associations and other non-profit organizations are not included by the legislator in the list (and closed) of subjects of public control designated in the norms of article 9 of the Federal law "On the basis of public control in the Russian Federation".

There is a conflict of legal norms that must be eliminated, because it is the low quality of the constitutional legislation, which is manifested, among other things, in the presence of gaps and conflicts, that is the legally conditioned cause of the constitutional conflict. It seems appropriate to include citizens and public associations in the list of subjects of public control, which is contained in the ninth article. At the same time, if from the point of view of the legislator, the scope of legal personality of subjects of public control is different, then they should be divided into groups, indicating the specifics of the legal status and the list of rights and obligations.

Identifying citizens as a separate entity that has the right to take part in the implementation of public control, the legislator deciphers personal order as participation as public inspectors and public experts, which determines a significant restriction on the possibility of exercising the right to exercise public control, since it excludes not only the right to initiate any verification, but also to act independently, assumes total control of the citizen to the subject of public control that attracted him.

The institution of public control is based on the provisions of article 32 of the Constitution, which regulates the right of citizens to participate in managing state Affairs, consequently it is the citizens, not others, should be the main subjects of public control, whose right to its implementation cannot be limited to anyone, because it has a primary, basic character, as the power in the country belongs to the people and is exercised on his behalf. Accordingly, if the legislator, structuring such a seemingly important institution and tool by which citizens can directly take part in the management of state Affairs, does not include a citizen of the Russian Federation in the list of its subjects, the Institute of public control itself loses its meaning, since its very name should already assume the presence of citizens, representatives of the public,

civil society institutions, and not pseudo-social structures engaged by controlled bodies.

It should be emphasized that the tasks of public control are the formation and development of civil legal awareness, increasing the level of trust of citizens in the activities of the state, ensuring interaction between the state and civil society institutions, while not giving either citizens or the mentioned civil society institutions real powers in terms of its implementation, which seems at least illogical.

In addition to including citizens and public associations in the list of subjects of public control, it is advisable to make changes to the text of the law aimed at expanding and detailing their rights in terms of its implementation, strengthening their independence, and granting the right to initiate verification.

From the point of view of legal technology, it seems appropriate to describe in detail the features of the legal status of citizens of the Russian Federation as subjects of public control in one article, or better, a Chapter, without applying reference rules, in order to simplify the procedure for familiarizing with the legal foundations of their exercise of public control, to fix a clear list of rights, freedoms, duties, and responsibilities, and to prescribe a mechanism for implementing certain forms of public control by citizens. We should not forget that the presence or absence of higher education, especially legal education, should not restrict active members of the public in exercising their right to participate in the exercise of public control in the Russian Federation.

Within the framework of scientific and practical justification of the expediency of including citizens of the Russian Federation in the list of full-fledged subjects of public control, special attention should be paid to such a fairly new phenomenon in the electoral process as online broadcasting of the voting procedure, which provided an opportunity for an unlimited number of Russian citizens to observe the elections, thereby Accordingly, in practice, this form of public control allows representatives of the active part of the population to take a direct part in ensuring the transparency and legality of electoral procedures, thereby increasing the level of public confidence not only in the elections, but also in the government as a whole.

Conclusion

This problem must be solved. In fact, given the availability and wide coverage of opportunities for implementation, and a well-coordinated legal mechanism for implementation, this type of citizen participation in the control of voting is very important for the development of the entire institution of public control as a whole. At the same time, legal regulation of all electoral procedures should be carried out not only at the highest legal and technical level, but also with a balance of interests of all subjects of electoral legal relations in order to prevent the occurrence of electoral disputes and conflicts. Accordingly, from the perspective of further development and establishment of the institution of online monitoring of the voting procedure, it seems appropriate to include Russian citizens in the list of subjects of public control, specifying their rights and obligations, including in this area, and in order to prevent the occurrence of legal conflicts, since the uncertainty of the legal status of citizens who perform monitoring can lead to constitutional conflicts.

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