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MAIN DIRECTIONS OF REFORMING THE INSTITUTE OF PUBLIC CONTROL IN THE RUSSIAN FEDERATION

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Abstract. *The article is devoted to the study of certain aspects of the legal mechanism for the implementation of the right to exercise public control by citizens of the Russian Federation in terms of preventing the occurrence of constitutional conflicts, legal conflicts, increasing public confidence in public authorities, institutions of direct and representative democracy, and the institution of elections.*

Keywords: *public control, constitutional conflict, subjects of public control, public chambers, public councils, online voting broadcast, election dispute, public inspector, public expert.*

Introduction

The relevance of improving the effectiveness of the constitutional and legal mechanism of public control is not in doubt. At the same time, the Institute of public control is one of the most interesting and important tools for combating various negative phenomena in the field of public administration. The multidimensional application of its various forms in practice can significantly affect the effectiveness of not only state bodies, but also civil society structures. Accordingly, the expediency of studying legally established instruments of public control is confirmed by the special significance of public participation in the management of state Affairs.

Main text

The main condition for the stability of the Russian Federation in its constitutional foundations and dynamic development is to overcome the mutual alienation of society and the state, and restore the trust of citizens¹. The development of the institution of public control is a condition for the stability of state development, the implementation of the theory of "democratic" constitutionalism in state and legal practice, and a means of preventing constitutional conflict². Social control provides the interaction between

¹ Ebzeev B. S. Constitution, state and personality in Russia: the philosophy of Russian constitutionalism // Constitutional and municipal law. 2013. No. 11. – p. 18.

² Teterin A.V. Constitutional and legal conflict: theoretical problems and ways to overcome. The dissertation on competition of a scientific degree of candidate of legal Sciences. Arkhangelsk, 2018. - P. 143.

state, society and citizens, and is an important way of preventing such constitutional conflicts that are constitutional values, because they have as their goal the achievement of which guarantees the priority of the highest values of individual human rights in the ratio of interests of personality, society and state.

The state authorities take many actions aimed at establishing public control in our country as an integral element of democracy, since the effectiveness of state and local government bodies correlates with providing the population with real opportunities to control their work. It is necessary to agree with those scientists and practitioners who believe that the institution of public control in democratic countries is a necessary structural element of interaction between the government and civil society institutions, the capabilities of which can serve in the successful fight against and prevention of corruption, the creation of a corruption-free state³.

In connection with the constitutional reform, the question arises whether it was worth including the institution of public control in the text of the basic law of the state in order to give it the highest legal force and, accordingly, increase the status of this institution in our state.

Currently, the main law of the state, the term "public control" is not enshrined basic rights and principles based on which the functioning of the legal mechanism of its realization, namely, the constitutional principle of democracy, the right of the people of the Russian Federation to exercise its power directly, the right of citizens of the Russian Federation to participate in managing state Affairs both directly and through their representatives, the right of citizens to appeal personally and also to submit individual and collective appeals to public authorities.

From the point of view of improving legislative regulation and increasing the effectiveness of the legal mechanism of public control, the expediency of constitutional consolidation of this institution directly in the text of the basic law of the state is not explicitly expressed and can rather be aimed at attracting public attention to it and strengthening its legal significance.

³ Михеев Д.С. Некоторые размышления о субъектах общественного контроля // Вестник Марийского государственного университета. Серия «Исторические науки. Юридические науки». 2019. Т.5 №1. – С.67.

The analysis of the texts of the main laws of foreign countries allows us to conclude that Russia, without fixing the norms on public control in the text of the Constitution of the Russian Federation, belongs to the group that includes the largest number of world powers. At the same time, this circumstance, as E. V. Berdnikova rightly notes, does not mean that there is no control mechanism of civil society in these countries and that the authorities are accountable to the population. In almost all democratic States, various forms of public control are implemented, including public initiatives and monitoring, public discussions and hearings, as well as the activities of non-governmental organizations and public Advisory bodies. In this case, due to historical, cultural and national factors, the concept of "public control" is replaced by other categories, for example, civil participation or transparency of power, although, in fact, it provides for the same implementation mechanism⁴. Accordingly, the institution of public control at the level of the basic law does not always mean that there is a truly effective legal mechanism for its implementation in the country, since the legal and actual constitutions may not coincide, thereby creating fictitious legal norms, which may also lead to constitutional conflicts. In this regard, most States fix this legal institution in the form of a separate legislative act, specifying various ways and forms of its manifestation in separate laws and bylaws.

In the Russian Federation legal basis of functioning of Institute of public control in addition to the standards of the basic law of the state, are the Federal law "On fundamentals of public control in the Russian Federation" dated July 21, 2014 №212-FZ, which gave the right to representatives of civil society, active and indifferent citizens the opportunity to propose, participate in the discussion and to bring their initiatives to the attention of the authorities; the Federal law "About Public chamber of the Russian Federation" dated April 4, 2005 №32-FZ; Federal law No. 59-FZ of may 2, 2006 "on the procedure For considering citizens 'appeals in the Russian Federation"; Federal law No. 76-FZ of June 10, 2008 "On public control over ensuring human rights in places of forced detention and on assistance to persons in places of forced detention",

⁴ Berdnikova E. V. category "public control" in the constitutional legislation of foreign countries // Izvestiya of Saratov University. New.ser. Ser. Economy. Management. Right. 2018. Vol. 18. Issue 4. – P. 466.

others. The most important regulations that regulate certain forms of public control are the President's Decree RF "About public discussion of projects of Federal constitutional laws and Federal laws" on February 9, 2011. No. 167, presidential Decree "On consideration of public initiatives submitted by Russian citizens using the Internet resource "Russian public initiative" of March 4, 2013. No. 183 , decree Of the President of the Russian Federation "on the procedure for the formation of public councils under Federal ministries, Federal services and Federal agencies whose activities are Managed by the President of the Russian Federation, under Federal services and Federal agencies subordinate to these Federal ministries" dated August 4, 2006, No. 842 , others.

After a certain period of time, however, the legal mechanism for the functioning of the Institute of public control in the Russian Federation revealed certain shortcomings, gaps in the regulation of its individual aspects, manifestations and forms.

The main problems of organizing public control in the Russian Federation are its formality and the low level of activity of the population, which is associated, first, with distrust of the authorities in General, and secondly, with the lack of a real opportunity for the population to participate in its implementation. This implies the need for a radical transformation of the constitutional and legal mechanism for implementing public control in the Russian Federation.

In particular, it is advisable to define in more detail the concepts of subjects and objects of public control, its forms, the rights of public controllers and the legal consequences of the results obtained as a result of public control, and to specify in detail the mechanism of interaction between state bodies, public associations and the media.

The question of the possibility of direct intervention of subjects of public control in the activities of controlled objects remains debatable. In search of the negative aspects of the functioning of public control in Russia, a number of authors note this particular moment as the main one and believe that the granting of this power will affect the positive dynamics of the development of the analyzed institution . It is difficult to agree with this position for a number of reasons. Thus, the vast majority of

subjects of public control do not have sufficient qualifications for making cardinal decisions in the controlled area, may be biased, interested, or have any subjective reasons for carrying out negative actions against controlled public authorities.

Conclusion

It is very difficult to implement preventive measures regarding the possible interest of subjects of public control to such an extent as to be fully confident in their effectiveness. accordingly, granting the right to interfere in the activities of objects of control seems premature and excessive in modern realities. The fact of verification itself will be sufficient, the results of which will be communicated to higher authorities, which, in turn, are authorized to use any real leverage in the event of detection of facts of illegal moments in the activities of controlled structures. Accordingly, if there is no need to increase the influence of supervisors on controlled structures, it seems appropriate to increase the effectiveness of their activities by creating additional tools, forms, and methods.

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