

On the Need to Develop a Federal Program to Optimize the Economic Base of Public Control in Russia

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Abstract

Annotation. This article is devoted to the analysis of the prospects for the development and adoption of a federal program aimed at optimizing the economic basis of public control in the Russian Federation. The authors substantiate the position that one of the main problems hindering the development of public control in the country is its weak economic base. Due to the fact that public authorities play an important role in the process of formation and functioning of subjects of public control in Russia, the basis for financing the organization and activities of public control are funds from state and municipal budgets. In this regard, the authors substantiate the need for the development and adoption by the Government of the Russian Federation of a comprehensive federal program dedicated to strengthening organizational, technological, material and property independence and independence of subjects of public control. The work substantiates the need to include in the draft of the above-mentioned federal program sections devoted to: ensuring the material and technical independence of subjects of public control from public authorities; ensuring their financing primarily from protected items of public budgets; development of processes for the use of modern information and communication technologies by these entities; consolidation of a system of criteria for assessing the effectiveness and efficiency of the work of subjects of public control as the main condition for increasing the volume of their funding; consolidating a system of control on the part of public authorities regarding budget financing of the activities of these entities; systems for organizing public-private partnerships in the field of public control. In addition, the work substantiates the system of proposals for participation in the development of the above-mentioned federal program of the country's Public Chamber.

Keywords: *The Need for Development, Federal Program, Optimization, Economic Base, Public Control, Democracy, Russian Federation, Federal Budget, Regional Budget, Municipal Budget.*

INTRODUCTION

The works of T. Abramova, [1, pp. 9-14] Yu. V. Agibalov [2, pp. 57-73] V. Anikienko, [3, pp. 32-37] N. Beleshev, [6, pp. 12-13] S. A. Benda, [9, pp.122-124] E. Berdnikova, [8, pp. 320-324] E. Burizoda, [10, pp. 104-110] S. I. Glushkova, [12, pp. 85-97] M. Gorny, [13, pp. 54-75] N. Khrulev, [18, pp. 1252-1254] V. Kikavets, [19, pp. 3-11] A. Kiryanov, [21, pp. 3-6] I. A. Kravets, [22, pp. 48-58] E. V. Kuznetsova, [23, pp. 19-28] N. S. Lisina, [25, pp. 32-40] N. Lyakhov, [26, pp. 51-52] N. Maloletkina, [27, pp. 403-406] M. Melnikova, [28, pp. 9-12] R. L. Metlitsky, [29, pp. 141-146] D. Mikheev, [30, pp. 176-182] O. B. Molodov, [31, pp. 1-14] I. M. Morozova, [32, pp. 38-41] A. Prudnikov, [36, pp. 50-53] I. Pryadkina, [37, pp. 28-30] E. V. Sayfullin, [42, pp. 107-113] E. Yu. Semeleva, [43, pp. 65-70] Yu. Shilov, [44, pp. 40-49] N. Skripnikov, [45, pp. 65-69] A. A. Spiridonov, [46, pp. 72-79] E. Svinin, [47, pp. 41-44] P. V. Teplyashin, [48, pp. 1126-1133] I. Teplyashin, [49, pp. 119-125] M. A. Vakhtina, [53, pp. 87-80] V. Volkova, [54, pp. 73-78] J. Zalesny, [55, p. 1; 56, p. 1] are devoted to the issues of organizing and implementing public control in the Russian Federation, as well as a number of other authors. At the same time, the works of L. Atabieva, [4, pp. 71-74] E. Bakhanova, [5, pp. 15-

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19] O. Belokrylova, [7, pp. 57-70] V. M. Dolgov, [11, pp. 65-72] T. Hasanov, [17, pp. 4-10] N. N. Kirillovskaya, [20, pp. 37-40] A. Ogorodnikov, [33, pp. 267-282] A. L. Petelin, [34, pp. 59-63] I. Petrulovich, [35, pp. 123-128] N. Y. Rasheva, [38, pp. 7-17] D. A. Safin, [39, pp. 22-27] E. Salamov, [41, pp. 315-317] I. Teplyashin, [50, pp. 34-37] O. A. Teplyakova, [51, pp. 122-134] A. Toporov, [52, pp. 77-80] A.M. Zhitneva, [57, pp. 45-52] as well as some other scientists, are aimed at analyzing modern problems that hinder the development of certain types of subjects of public control, most of which note as one of the most important problems the weak property (economic) base of the organization and activity the specified subjects. There are clearly not enough works that would justify complex measures at the federal level dedicated to strengthening the material, technical, organizational, legal, and property base of public control, which is why the choice of the topic of this scientific research is determined, the purpose of which is to substantiate the need for the Government of the Russian Federation to develop and adopt a comprehensive federal program to optimize the economic base of public control in Russia, as well as the content of this federal program. The main objectives of this scientific research can be identified, in particular: a) the analysis of the role and place of this institution of civil society among the fundamental guarantees of the implementation, protection and defense of the system of constitutional principles, as well as the system of rights, freedoms and legitimate interests of both physical and legal entities in Russia; b) the research of the weak economic base of subjects of public control in the system of its main problems of organization and functioning; c) the justification for the need to develop and adopt by the Government of the Russian Federation a comprehensive federal program dedicated to strengthening the organizational, technological, material and property independence and independence of subjects of public control; d) the justification of the structure and content of the specified federal program; e) the justification for the system of instructions to the Civic Chamber of the Russian Federation in the process of preparation for the development of the specified federal program

METHODS AND METHODOLOGICAL BASIS OF THE RESEARCH

The research methodology consists, in particular, of the following scientific methods of cognition: historical-legal; statistical; formal-logical; sociological; methods of financial analysis; comparative-legal; method of studying specific legal situations. The empirical basis of this scientific article is, first of all: the Basic Law of the Russian Federation; materials of international and national law; documents of judicial practice; materials related to the activities of subjects of public control; sources of Russian and foreign scientific legal doctrine of civil society control over the apparatus of public power.

MAIN TEXT

The existence of a modern democratic legal state, as we have already noted in previous researes, [14, p. 1; 15, p. 93-106] presupposes, on the one hand, the presence of a system of functioning forms of direct and indirect democracy in the state, and on the other hand, the positioning of a person, his rights and freedoms as a fundamental value in the country. The Constitution of the Russian Federation of 1993 established the legal status and powers of the multinational people of Russia as the bearer of sovereignty and the only source of power in the country.

However, the system of constitutional principles (including those mentioned above – democracy and participation of citizens of the Russian Federation in the management of state affairs), as well as the system of human and civil rights and freedoms, rights and legitimate interests of public associations and other non-governmental non-profit organizations need a system of legal guarantees ensuring their implementation, protection and defense.

This system includes: a) a set of constitutional prohibitions on the usurpation of power; b) a system of public authorities in the field of constitutional control and supervision; c) a system of numerous institutions of civil society.

The Institution of Public Control allows Russian citizens and non-governmental non-profit organizations to monitor the activities, acts and decisions of public authorities and other bodies and organizations exercising certain public powers.

However, the processes of organizing and implementing public control in the Russian Federation are associated with numerous problems, including the following:

Firstly, this institution of civil society is not mentioned in any way in the Russian Constitution. Moreover, in the text of the country's Basic Law the concept of "civil society" is also not used. Although, when drafting the Constitution of the Russian Federation before 1993, some of them even provided for a separate chapter "Civil Society". But after the President of Russia dispersed the country's Parliament (the Supreme Council of the Russian Federation) in October 1993, the draft Constitution was adopted as a basis, which was developed in the Administration of the President of the Russian Federation, which does not contain any mention of any institutions of civil society. In 2020, when numerous amendments and additions were made to the Constitution of the country, attempts to incorporate the institution of public control into these amendments were also unsuccessful, although at that time the legislation on public control had been successfully functioning in Russia for more than 15 years. In our opinion, this is due to the unwillingness of the country's leadership to raise the legal status and importance of the institution of public control, so as not to make themselves dependent on the activities of subjects of public control. However, ignoring the need to formalize civil society and its main institution in the country's Constitution leads to a decrease in the authority and importance of civil society in the eyes of both the population and numerous state and municipal employees, which does not reflect in the best way on their desire not to violate the law, human and civil rights and freedoms, rights and legitimate interests of public associations and other non-governmental non-profit organizations.

Secondly, a significant problem hindering the functioning of public control in Russia is the fact that a number of objects of public control have been removed from the subject matter of legislation on public control (in particular, Federal Law dated of 21.07.2014 № 212-FL "On the Basics of Public Control in the Russian Federation") under the pretext that the exercise of public control over them will be regulated by separate federal laws, most of which have not been adopted to date. These objects include certain types of activities, acts and decisions of public authorities (for example, investigative bodies, courts), certain types of public relations (for example, in the field of elections and referendums). This problem, in fact, has led to the fact that a number of activities, acts and decisions of public authorities, other bodies and organizations exercising certain public powers have been out of the field of view of subjects of public control (and public control measures are not carried out in relation to these objects).

Thirdly, a major problem is the fact that subjects of public control in Russia, in fact, are not endowed with any real powers. Their powers are auxiliary, optional, informational, preventive, etc. character. This unfavorably distinguishes the institution of public control even from the institution of people's control of power in the totalitarian USSR, where the bodies of people's control of power still had a number of real powers (for example, they could bring to justice officials of Soviet enterprises and institutions who violated Soviet legislation, temporarily remove them from positions until the issue is decided on the merits by a higher authority or court). The legislator tried to balance the lack of real powers of subjects of public control in Russia with the possibility of appealing them to higher (in relation to those being inspected) public authorities, to law enforcement agencies, as well as directly to the court by filing lawsuits in order to protect the rights and freedoms of man and citizen, the rights and legitimate interests of public associations and other non-governmental non-profit organizations.

Fourthly, a significant problem hindering the functioning of public control is the generally non-democratic mechanism for the formation of subjects of public control, in which the main role is played by the public authorities themselves, whose activities, acts and decisions will then be checked by the subjects of public control created by them. In particular, a third of the members of the Public Chamber of the Russian Federation are appointed by the President of Russia. Regional and municipal chambers of accounts are formed by regional executive and legislative bodies of state power, and local government bodies in their entirety. And regional public chambers, created by regional public authorities, elect a third of the composition of the country's Public Chamber. Thus, the participation of public associations and other non-governmental non-profit organizations in the formation of the majority of subjects of public control is minimal.

Fifthly, a significant problem hindering the functioning of public control in Russia is the fact that in the process of formation and functioning of subjects of public control, the positive foreign experience of organizing and functioning institutions of civil society control over the apparatus of public power (especially countries with a developed democratic tradition - the USA, Switzerland, Germany, etc.) is poorly used. This problem leads to the fact that the institution of public control in Russia does not allow for the effective implementation of full and comprehensive coverage of all its subjects by public control measures.

Sixthly, a significant problem hindering the functioning of public control is the weak economic base of the subjects of public control.

What is the reason for the insufficiency of the economic base of public control in Russia?

Firstly, the weakness of the economic base of the subjects of public control is a consequence of the generally weak development of civil society institutions in the country. In fact, in 1992, all previously existing (during the Soviet era) institutions of civil society were either destroyed (for example, the Communist Party was banned), or lost their influence in society (in particular, a single trade union organization – the All-Union Central Council of Trade Unions - broke up into many independent trade union organizations, of which massively became trade union members come out). The old institutions of civil society in the USSR really had a gigantic material base, formed over many decades from deductions from the salaries of workers, as well as a number of other sources. The new institutions of civil society in the Russian Federation, which have been forming since 1992, are distinguished by a small number of participants and a low level of economic security and independence. For example, a minority of working citizens actually belong to trade unions. The rest of the institutions of public control are distinguished by even less property and economic independence and independence. All this does not allow, as a number of authors rightly point out, [23, pp. 16-20] to develop the economic base of public control from sources of other institutions of civil society.

Secondly, the weak economic basis of public control is also due to the low level of legal culture and legal consciousness of Russian citizens who are not ready (and often do not have the financial ability due to low earnings and living standards) to participate financially in the formation of the economic basis for the organization and activities of civil society institutions, first of all - public control (table 1). [16, pp. 33-34]

Table 1. The level of provision of subjects of public control in the Russian Federation with material and monetary resources (in 2023 by federal districts).

№№	Name of the Federal district	The level of provision of subjects of public control in the Russian Federation with material and monetary resources (as a percentage of the stated needs)
1.	Central	77
2.	Northwestern	80
3.	Southern	72
4.	Privolzhsky	84
5.	Ural	87
6.	Siberian	88
7.	Far Eastern	71
8.	North Caucasian	60

Thirdly, due to the fact that most of the subjects of public control are created and operate at the regional and municipal level, then most of the costs of forming the economic base of their organization and activities fall on regional and municipal budgets, which in most cases are subsidized for 2024. They cannot afford to fully finance the subjects of public control (table 2). [16, pp. 11, 40]

Table 2. The level of subsidization of regional and municipal budgets in the Russian Federation in 2023 (by federal districts)

№№	Name of the Federal district	The number of regions of the federal district whose budget is subsidized from the federal budget	Percentage of municipalities in the federal district in need of subsidies from federal and regional budgets
1.	Central	All except: Kaluga region, Moscow, Moscow region	74
2.	Northwestern	All except: St. Petersburg, Leningrad region	81
3.	Southern	All	80
4.	Privolzhsky	All except: Republic of Tatarstan, Samara region	79

5.	Ural	All except: Tyumen Region, Sverdlovsk Region, Khanty-Mansiysk Autonomous Okrug, Yamalo-Nenets Autonomous Okrug	88
6.	Siberian	All	54
7.	Far Eastern	All except: Sakhalin region	83
8.	North Caucasian	All	94

Fourthly, the situation is aggravated by the fact that the federal budget practically does not subsidize the economic expenses of subjects of public control at the regional and municipal level, which makes it impossible to count on its help (table 3). [16, pp. 70]

Table 3. Increase/decrease in subsidies for the activities of subjects of public control in the region (municipality) from higher budgets (in 2023) in % relation to the previous year (with distribution by federal districts in the Russian Federation).

№№	Name of the Federal district	Increase/decrease in subsidies for the activities of subjects of public control in the municipality from higher budgets (in 2023) in % relative to the previous year	Increase/decrease in subsidies for the activities of subjects of public control in the region from higher budgets (in 2023) in % relative to the previous year
1.	Central	+ 11	+ 7
2.	Northwestern	+ 6,3	+ 6,4
3.	Southern	- 11,4	- 19
4.	Privolzhsky	- 3,9	- 7
5.	Ural	- 14	- 3,5
6.	Siberian	- 17	- 4,7
7.	Far Eastern	- 12	- 6
8.	North Caucasian	+ 19,7	+ 27

As a result, the weak economic base of the subjects of public control generates a huge number of problems, including the following:

Firstly, the insufficient economic basis of public control does not allow them to cover all objects of public control with their activities in real time.

Secondly, the lack of financial resources among subjects of public control does not allow them to use modern technologies in their work. Websites on the Internet, their maintenance, modern programs for analysis, search and processing of information (licensed) cost significant amounts of money. Thus, subjects of public control cannot carry out its activities effectively enough, while violators of the legislation on public control, using modern digital technologies, evade responsibility without being convicted of committing offenses and crimes.

Thirdly, the activities of subjects of public control largely depend on their apparatus. Members of subjects of public control do not receive salaries, performing their functions free of charge. However, employees of the offices of these entities, which, as a rule, are created in the form of state and municipal institutions, receive salaries. The meager financing of subjects of public control does not allow to increase (optimize) the number of employees of these apparatuses, which constrains the activities of subjects of public control.

Fourthly, the weak economic base of the subjects of public control does not allow them to carry out activities that are auxiliary, aimed at the development of the institute of public control (in particular, research, educational, preventive, organization of international cooperation, inter-subject relationships, etc.).

The resolution of the above-mentioned problems requires the direct participation of the state, which must optimize the costs of organizing and operating subjects of public control.

In our opinion, this problem can be solved by instructing the Government of the Russian Federation to develop and adopt a comprehensive federal program that will focus on the development of the economic base of the system of subjects of public control in Russia.

This Federal Program should include a number of key sections:

Firstly, the first section of this program should be devoted to updating the principles, goals and objectives of this program. From this section it should be clear what this program is aimed at, what current and strategic tasks need to be solved to achieve the general goals of this program. It should be indicated how the economic

base of the subjects of public control will look after the implementation of this program. The duration of the program is seen as optimal for about 10 years (2025-2035).

Secondly, the next section should be devoted to detailing the list of measures that will expand the economic base of subjects of public control over the specified period of validity of this Federal Program. Events should be grouped by dates, period (duration) of action, participants, etc.

Thirdly, a separate section should be devoted to the source of funding for this Federal Program. At the same time, it is impossible to indicate the federal budget funds as the only source. Legal entities (mainly non-governmental non-profit organizations created by economic entities that are the locomotives of the Russian economy) should be involved in financing the activities of the specified Federal Program. This participation of these categories of legal entities should be based on a public-private partnership.

Fourthly, the specified Federal Program should contain a section devoted, on the one hand, to criteria for evaluating the effectiveness and efficiency of the activities of subjects of public control, and on the other hand, to the mechanism for linking the volume of financing of these subjects from the funds of the Federal Program with the dynamics of changes in the effectiveness and efficiency of their activities. The higher the efficiency and effectiveness, the more money should be allocated.

At the same time, the Public Chamber of the Russian Federation should be involved in the preparation of the above-mentioned Federal Program.

She should be instructed, on the one hand, to analyze the existing economic base of subjects of public control, and on the other hand, to study the proposals of these subjects for the development of this base of their organization and activities. In this work, the Public Chamber of the country should rely on the help and support of public authorities, primarily fiscal ones (for example, the Federal Tax Service). The Public Chamber should present its own version of the activities that should be included in the specified program, suggesting options for organizing a mechanism for interaction between public authorities and civil society institutions and legal entities in terms of collecting their proposals on the forms, methods and volumes of their participation in financing public control entities on the terms of public-private partnership. (table 4).

Table 4. Subjects involved in assisting the Public Chamber of the Russian Federation in the preparation of a federal program aimed at developing an information management system in Russia.

Permanent subjects of public control	Subjects of public control, the creation of which is not mandatory	Public associations and other non-governmental organizations	Citizens of the Russian Federation
Public Chambers of the subjects of the Russian Federation Municipal public chambers and councils Public councils under the federal executive authorities Public councils under regional executive authorities Public councils under regional legislative (representative) authorities Subjects of public control created on the basis of separate federal laws			

CONCLUSION

In the course of the scientific research, we made a number of conclusions, including the following:

Public control in Russia is a fundamental legal guarantee through which the rights, freedoms and legitimate interests of individuals and legal entities are ensured for implementation.

2. The organization and implementation of public control in the Russian Federation is due to a number of problems, including the following: a) the lack of formalization of this institution of civil society in the Russian Constitution; b) the removal from the subject of legislation on public control (in particular, the Federal Law

dated of July 21.07. 2014 № 212-FL “On the Fundamentals of Public Control in the Russian Federation”) of a significant part of the objects of public control under the pretext of the adoption of separate federal laws in relation to them, the majority of which not accepted to date; в) слабые полномочия субъектов общественного контроля; d) an openly antisocial mechanism for the formation of subjects of public control, in which public authorities play a key role; e) the weak use of positive foreign experience in the organization and functioning of the institution of civil society control over the apparatus of public power in the processes of optimizing public control; f) the weak economic base of subjects of public control.

The frankly weak nature of the economic base of the subjects of public control is due to: a) the underdevelopment of civil society in Russia; b) the low level of culture and legal awareness of citizens of the Russian Federation who are not ready to participate financially in the formation of the economic base of the organization and activities of civil society institutions, primarily public control; c) the subsidized nature of the vast majority of regional and municipal budgets in Russia, which does not allow financing the expenses of subjects of public control; d) the insufficient funds allocated for public control from the federal budget.

The weak economic base of the subjects of public control gives rise to a lot of problems in its functioning, including the following: a) the insufficient coverage of its objects by public control measures; b) the lack of financial capabilities to optimize the processes of using modern digital technologies in public control; c) the impossibility of expanding the staffing level of the apparatus of subjects of public control, which operates in modern Russian realities in the form of state and municipal institutions; d) the inability of subjects of public control to organize and conduct activities that accompany their control powers (research, educational, preventive, international cooperation, inter-subject relationships, etc.).

The resolution of these problems requires the development and implementation of a number of measures, the most important of which is the need for the Government of the Russian Federation to develop and adopt a comprehensive Federal program dedicated to strengthening organizational, technological, material and property independence and independence of subjects of public control.

The above-mentioned comprehensive Federal program should contain the following provisions: a) principles, goals and objectives of the specified program; b) a list of measures to expand the economic base of subjects of public control for the period 2025-2035; c) the sources of financing for these activities (budgetary, as well as through public-private partnerships); d) a system of criteria for evaluating the effectiveness and efficiency of the activities of subjects of public control as a condition for increasing their financing from the federal budget.

The Public Chamber should be involved in the development of this comprehensive Federal program, which should be instructed to: a) the analyze the economic base of all types of subjects of public control; b) the collection information from these subjects on which areas of improvement of their economic base are priorities; c) the development of a draft list of measures to expand the economic base of subjects of public control for the period 2025-2035; d) the organizing a mechanism for interaction with civil society institutions and legal entities in terms of collecting their proposals regarding the forms, methods and volumes of their participation in the financing of subjects of public control on the terms of public-private partnership.

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