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On Some Issues of Building a Model for Increasing the Economic Efficiency of Public Control Measures in Russia

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Abstract

This article is devoted to the analysis of some issues in constructing a model for increasing the economic efficiency of public control measures carried out in the Russian Federation. The preservation and development of the Russian state are determined, on the one hand, by the level of efficiency of the organization and activities of the public authority apparatus, and on the other hand, by the level of its support from the population. In this regard, a significant role among the legal guarantees for the implementation, protection and defense of the constitutional principles of democracy and the participation of Russian citizens in the management of affairs is played by various institutions of civil society, the most important of which is the institution of public control. The work substantiates the role and significance of the processes of increasing the economic efficiency of public control measures carried out in the Russian Federation. The article develops and substantiates the main directions for increasing this economic efficiency, including through the development of: public-private partnership in the field of public control; attracting private funding to this area; by introducing a system of modern digital technologies; by identifying the most effective forms of public control, as well as regions and municipalities with the highest efficiency coefficients for the functioning of the public control system; by expanding the number of forms of gratuitous participation of Russian citizens and non-governmental non-profit organizations in the functioning of the public control system, as well as increasing the number of these participants; through the development and implementation of remote forms of public control; by reducing the time of public control activities and their intensification; by expanding the use of successful foreign experience in the field of civil society control over the apparatus of public power and other objects vested with the right to exercise certain powers, or having public significance. The work formalizes the author's vision of a model for increasing the economic efficiency of public control measures carried out in the Russian Federation, and substantiates the author's definition of this concept. The main goal of the study is to analyze prospects and develop and substantiate ways to build a model for increasing the economic efficiency of ongoing public control measures in Russia.

Keywords: Public Control, Model, Increase, Economic Efficiency, Activities, Russian Federation, Democracy, Costs, Effectiveness, Optimization

INTRODUCTION

The issue of organizing and implementing public control is the object of close study in the scientific works of R. Abyzov, [1, pp. 3-6] E. Arbuzova, [2, pp. 126-131] V. Anikienko, [3, pp. 32-37] M. Atabayeva, [4, pp. 196-204] N. Beleshev, [7, pp. 12-13] E. Berdnikova, [10, pp. 320-324] A. Bezrukov, [11, pp. 113-127] E. Burizoda, [12, pp. 104-110] V. Nagaytsev, [14, pp. 45-55] E. Petrenko, [15, pp. 56-65; 16, pp. 66-74; 17, pp. 75-85] G. Fastovich, [21, pp. 12-14] S. Glushkova, [23, pp. 85-97] V. Goncharov, [25, p. 1] A. Kerimov, [35, pp. 29-37] N. Khrulev, [36, pp. 1252-1254] V. Kikavets, [37, pp. 3-11] A. Kiryanov, [38, pp. 3-6] N. Maloletkina, [46, pp.

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⁴ PhD in Law, Associate Professor, Associate Professor of the Department of Civil Procedure and International Law of the Federal State Budgetary Educational Institution of Higher Professional Education "Kuban State University". Address: 149 Stavropol str., Krasnodar Territory, 350040, Russia. http://orcid.org/0000-0001-6541-9046; email address: niipgergo2009@mail.ru, tel. 89684979665

⁵ Candidate of Law, Associate Professor, Associate Professor of the Department of State and International Law of the Federal State Budgetary Educational Institution of Higher Education "Kuban State Agrarian University named after I. T. Trubilin"; Address: 13 Kalinina Street, Krasnodar Territory, 350044, Russian Federation; ORCID: http://orcid.org/0000-0002-7591-0768; email: niipgergo2009@mail.ru, tel. 89684979665

403-406] M. Melnikova, [48, pp. 9-12] R. Metlitsky, [49, pp. 141-146] D. Mikheev, [50, pp. 159-163; 51, pp. 176-182] I. Petrulevich, [52, pp. 123-128] A. Prudnikov, [53, pp. 50-53] E. Sazonnikova, [56, pp. 156-160] N. Skripnikov, [58, pp. 65-69] K. Tolkachev, [62, pp. 59-65] A. Ulyanov, [63, pp. 64-73] V. Volkova, [64, pp. 73-78] J. Zalesny, [65, p. 1; 66, p. 1] as well as a number of other authors. At the same time, the share of researches devoted to the analysis of the effectiveness and efficiency of the functioning of this institution of civil society in Russia and in the world remains not high, although the works of such scientists as L. Atabieva, [5, pp. 71-74] S. Baburin, [6, pp. 40-47] V. Belik, [8, pp. 94-98] V. Belsky, [9, pp. 14-18] A. Cheshin, [13, pp. 203-209; 18, pp. 86-95] L. Dashkov, [19, pp. 139-145] R. Dolotov, [20, pp. 42-49] M. Feldman, [22, pp. 37-42] A. Pukhov, [29, p. 1] E. Gorelikov, [30, pp. 132-138] V. Grib, [31, pp. 3-8; 32, pp. 2-6] O. Ishchenko, [33, pp. 263-273] P. Kabanov, [34, pp. 9-13] V. Kovalev, [39, pp. 162-169] I. Kravets, [40, pp. 48-58] E. Kuznetsova, [41, pp. 19-28] D. Ligotsky, [42, pp. 111-121; 43, pp. 275-282] N. Lyakhov, [44, pp. 51-52] E. Lyskova, [45, pp. 2366-2372] A. Malko, [47, pp. 7-18] I. Pryadkina, [54, pp. 28-30] A. Sakhbieva, [55, p. 1] Yu. Shilov, [57, pp. 40-49] I. Teplyashin, [59, pp. 34-37; 60, pp. 8-12; 61, pp. 119-125] M. Savchenko, [67, pp. 51-61] S. Zubarev, [68, pp. 72-93] In this regard, the main goal of the reserch is to analyze prospects and develop and substantiate ways to build a model for increasing the economic efficiency of ongoing public control measures in Russia.

Methods and methodological basis of the research

The research methodology consists, in particular, of the following scientific methods of cognition: historicallegal; 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.

The preservation and development of any modern state depends directly, in our opinion, on two key factors: on the one hand, the viability of the state as a whole is determined by the degree of efficiency of the processes of organization and functioning of the apparatus of public power in the country; on the other hand, the stability of the apparatus of public power is based on the level of support it receives from the population of the state. In this regard, global trends are, firstly, the general humanization of the public administration system at the level of national states [28, p. 1] secondly, positioning human rights and freedoms as supranational and global constitutional values, [26, pp. 93-106] thirdly, awareness of the need to create a complex global system for ensuring the implementation, protection and defense of these rights and freedoms. [27, pp. 78-90]

In the Russian Federation (according to the current Constitution of 1993), on the one hand, the multinational people of the country have a high legal status as the bearer of sovereignty and the only source of power in the country, and on the other hand, the main purpose of organizing and operating the apparatus of public power in the state is to organize the implementation, protection and protection of rights, freedoms and legitimate interests a person and a citizen. [24]

However, the system of constitutional principles in Russia (primarily the constitutional principles of democracy and participation of citizens of the Russian Federation in the management of state affairs), as well as the overall system of rights, freedoms and legitimate interests of person and citizen, the rights and legitimate interests of public associations and other non-state non-profit organizations need a complex system of legal guarantees that ensure their implementation, security and protection from illegal attacks.

This system of legal guarantees consists, in particular, of: a) a constitutional prohibition, under the threat of criminal punishment, to seize power and illegally retain power; b) systems of bodies of constitutional control and supervision (primarily the Constitutional Court of Russia); c) a system of checks and balances in power, which does not allow any group of public authorities and their officials to usurp power; d) a system of civil society institutions, the most important of which is the institution of public control, which allows citizens and non-governmental non-profit organizations to control the actions, acts and decisions of both public authorities and any other structures vested with the right to exercise certain public powers on the basis of federal laws.

At the same time, a key role in the organization and implementation of the institution of public control is played by the system of its subjects, which, according to the legislation on public control (for example, Federal Law dated of 21.07.2014 № 212-FL "On the Fundamentals of Public Control in the Russian Federation") is not exhaustive. Theoretically, subjects of public control can include any citizens of the country and nongovernmental non-profit organizations. In any case, on the one hand, they are designated in Russian legislation as subjects who can participate in the organization and implementation of public control measures, and on the other hand, they are direct participants in the procedures for the formation of some important types of public subjects (for example, the Public Chamber of the Russian Federation, in the process of electing some of the members of which citizens of the country take part, voting for candidates for these vacancies of members of the Public Chamber of the country). In addition, legislation regulating the legal foundations of certain types of non-governmental non-profit organizations may give the latter separate powers of public control. In particular, as an example we can cite trade union organizations, which, by a number of federal laws, were endowed with the appropriate powers to organize and conduct public control measures, for example, in terms of protecting labor rights and freedoms of man and citizen in Russia. Thus, several groups of subjects of public control can be distinguished: subjects formalized in the legislation on public control; subjects whose powers in the field of public control are formalized in other federal laws, but which are not core to their activities; legal entities that may be vested with the authority to exercise public control; legal entities that can participate in public control activities; citizens of the Russian Federation (capable persons who have reached the age of 18). (tab. 1)

Table 1. Groups of subjects of public control in the Russian Federation as of 06.01.2024.

subjects formalized in the legislation on public control	subjects whose powers in the field of public control are formalized in other federal laws, but which are not the main ones in their activities	legal entities that may be authorized to exercise public control	legal entities that can participate in public control events	citizens of the Russian Federation
Public Chamber of the Russian Federation public chambers	trade union organizations	public associations	mass media	citizens of the Russian Federation (capable persons who have reached the age of 18)
of subjects of the Russian Federation				are age of 10)
municipal public chambers (councils)				
public councils under federal executive authorities	other representative bodies authorized by employees	other non- governmental non- profit organizations		
public councils under regional executive authorities	authorized (trusted) persons on labor protection			
public councils under legislative (representative) authorities of subjects of the Russian Federation	associations of subjects of public control			
public inspections				
public supervisory commissions public control groups	unions of subjects of public control			

At the same time, public control measures carried out by subjects of public control should be characterized by economic efficiency, which is due to a number of circumstances:

Firstly, Russian civil society has insignificant material resources and is unable to support subjects of public control, pay for the processes of their organization and activities, and carry out individual measures of public control. For example, trade union organizations that are authorized to conduct public control, in particular, over the observance of labor rights and freedoms of workers, are significantly limited in the number of possible checks, on the one hand, by the amount of funds that are accumulated from trade union dues of workers (and trade unions in Russia consist only less than a third of hired workers), and on the other hand, the absence in

most trade union organizations of a sufficient number of trade union members released from their main jobs who can be sent to carry out public control measures. Consequently, the overall effectiveness of the functioning of the institution of public control in this area depends on the efficiency of spending the scarce funds that trade unions, in particular, have for carrying out public control measures.

Secondly, although most subjects of public control are financed from budgets of all levels (federal, regional and local), the total amount of money allocated for the organization and functioning of the institution of public control in the country is extremely small. Moreover, a significant part of these funds is spent on the functioning of the apparatus of public chambers and councils at all levels. These apparatuses function, as a rule, in the form of state and municipal institutions, in which there are a significant number of employees who carry out organizational, legal, personnel and other support for the work of members of these public chambers and councils, as well as for individual public control measures carried out by them. And the effectiveness of the functioning of the institute of public control in the Russian Federation as a whole depends on the economic efficiency of spending money both on the functioning of the above-mentioned apparatuses of subjects of public control, and on the measures of public control carried out by these subjects.

Thirdly, the importance of increasing the economic efficiency of activities carried out by subjects of public control lies in the fact that its constant provision (the focus of subjects of public control on achieving these indicators) stimulates the processes of introducing all modern scientific and technical achievements into the functioning of the institution of public control. First of all, those that are associated with modern digital technologies, artificial intelligence technologies, social platforms, the Internet, modern communication technologies that allow the collection and processing of necessary information online without restrictions on volume, territorial affiliation and other indicators. That is, the focus on increasing economic efficiency in the functioning of public control optimizes and modernizes all the processes taking place in it. What is it for? The fact is that the objects being checked - even the apparatus of public authority, even other objects endowed with the right to exercise certain public powers - are constantly being improved in terms of modern management technologies, data collection and processing, etc. And it is impossible to fully and objectively monitor their activities, acts and decisions without these technologies.

Fourthly, the focus of subjects of public control on achieving economic efficiency dictates the need to introduce into the public control mechanism increasingly advanced methods for combating corruption in the field of public control, control mechanisms for identifying and suppressing existing and potential conflicts of interest of inspectors and officials of objects of public control. This circumstance in general acts as a means of ensuring a number of principles of public control (the legality of its organization and implementation, professionalism and ethical consistency of members of the subjects of public control and employees of their apparatus, responsibility in the activities of these persons, etc.).

Fifthly, increasing the economic efficiency of public control carried out by subjects of public control is important in conditions of limited funding for their activities to expand, on the one hand, the number of public control events carried out in general in the municipality, region, country, and on the other hand, the intensity of coverage of public control events control of its potential targets, which does not allow the latter to form and implement various corruption schemes, as well as organize other violations of the rights, freedoms and legitimate interests of legal entities and individuals on an ongoing basis.

To increase the economic efficiency of activities carried out by subjects of public control, a model for this increase in economic efficiency should be developed. (tab. 2)

Table 2. The main directions of increasing the economic efficiency of activities carried out by subjects of public control.

directions for increasing the level of	directions for reducing the level of costs of the functioning	mixed directions (affecting both the	
profitability of the functioning of the	of the public control system	increase in the level of profitability and	
public control system		aimed at reducing the level of costs)	
public-private partnership	identification and scaling of the most cost-effective forms of	the introduction of modern digital	
	public control	technologies	
	identification of the most cost-effective regions and		
	municipalities in terms of public control, followed by		
	adaptation of their experience across the country and the		
	region		

	expansion of the number of forms of gratuitous participation	
	of individuals and legal entities in public control	
attracting private financing free of	the expansion of the number of participating individuals and	expansion of the volume of foreign
charge	legal entities in public control is free of charge	experience being introduced to increase
	development and implementation of new remote forms of	the economic efficiency of public control
	public control	measures carried out by subjects of public
	reducing the time of a separate public control event	control
	intensification of the processes of conducting public control	
	events	

The Main Directions of The Above Model Can Be Identified, In Particular

Firstly, the organization and implementation throughout the country of a public-private partnership system in the field of public control. Why is this partnership needed? On the one hand, public-private partnership will allow private business entities to invest money in the organization and activities of subjects of public control, which will ease the burden that now falls entirely on the shoulders of state and local budgets. On the other hand, this will stimulate private business to form an active civil patriotic position. Why does a private business need this partnership? It's no secret that a high level of civil society activity is directly related to a low level of corruption, which makes it possible to predict business projects for long periods of time. This makes business in the country as a whole, its individual regions and municipalities "transparent". Thus, an active system of public control that effectively eradicates corruption in the field of public administration is very beneficial to business. Consequently, its active involvement in the problem of financing the activities of subjects of public control in the form of public-private partnerships allows businesses to gain confidence in their long- and medium-term investments.

Secondly, the attraction of private financing of business entities in the form of donations. This direction differs from public-private partnership in that, on the one hand, the private business entity financing public control in this form does not enter into an agreement on public-private partnership with a public authority, transferring funds, providing other material resources on its own initiative of one's own free will. On the other hand, with this form of increasing the economic efficiency of public control, the state does not assume any obligations. At the same time, in order to legalize private donations in the Russian Federation, it is necessary to make appropriate changes and additions both to the legislation on public control and to financial and budgetary legislation. Alternatively, it is possible to provide certain incentive measures for private business entities (for example, of a tax nature) that finance the institution of public control, equating this financing to charity. In particular, the amounts of these funds can be withdrawn from the taxable base of a legal entity by introducing strict restrictions on the volume of these amounts (no more than 1% of the total taxable base in the estimated period of time used to calculate taxation).

Thirdly, the introduction of modern digital technologies both in general in the organization and activities of subjects of public control, and in the mechanism for organizing and conducting public control activities. This is especially important to implement in those areas (in those objects) of public control where modern digital technologies are actively used. For example, in Russia, remote voting has been tested and is actively used in elections and referendums. Accordingly, it is possible to significantly reduce the costs of public control over the conduct of elections and referendums if these technologies are used in the work of public observers (in particular, public control in this case can be organized and carried out with significantly less man-hours, monitoring both the progress of voting, as well as the process of counting votes, processing documents, etc.). Moreover, with electronic voting this method is the only possible one. There is no other way to verify the legality of the electronic voting procedure.

Fourthly, the identification of the most cost-effective forms of public control. At the same time, it should be understood that not all forms of public control implemented in the Russian Federation can be economically effective. This is due to the fact that subjects of public control need, through their activities, to implement and achieve the entire range of goals and objectives of public control enshrined in legislation. However, subjects of public control, on the one hand, should strive to ensure that the costs of their organization and activities (including ongoing public control activities) are equal or less than the economic effect obtained from ongoing public control activities. How is this economic effect achieved? For example, during public control of state and

municipal procurement, damage to the state or municipal budget of a certain amount of money may be revealed (in particular, a product, work or service could be purchased at a price exceeding the free market price).

Fifthly, identifying the most cost-effective municipalities and constituent entities of the Russian Federation in terms of the ratio of expenses spent on the functioning of the public control system in them, and income received, in particular, in the form of identified and recovered (or voluntarily reimbursed) amounts of damage caused to state and municipal budgets, as well as to individuals and legal entities, by violations of the law carried out by representatives of objects of public control. The experience of these regions and municipalities should be analyzed and scaled throughout the country (the entire subject of the Russian Federation). At the same time, members of subjects of public control (their leaders) who have achieved the greatest economic efficiency should be nominated (appointed, elected) to higher-level subjects of public control in order for the specified positive experience to be scaled in the shortest possible time and with the greatest efficiency.

Sixthly, the expansion of the number of forms of gratuitous participation of citizens and public associations (as well as other non-governmental non-profit organizations) in the organization and conduct of public control events. This will, on the one hand, significantly reduce the amount of imputed costs for carrying out individual public control measures, and on the other hand, reduce the amount of fixed costs (for example, if these citizens and legal entities provide public control subjects with premises, transport, fuels and lubricants, paper, stationery for carrying out individual events public control, as well as for the functioning of the apparatus of subjects of public control).

Seventhly, the expansion (increase) of the number of citizens and non-governmental non-profit organizations participating in public control events. Together with the use of modern digital technologies and telecommunication systems, this will make it possible to scale the ongoing public control activities, relying on the resources and personal participation of the above-mentioned citizens and legal entities, which minimizes fixed and opportunity costs per unit of public control activities carried out by this subject of public control.

Eighthly, the development and implementation of new remote forms of public control, along with those forms that are already enshrined in the legislation on public control and are actively used by its subjects. For example, such forms could include the possibility of online public control over the progress of work of commissions for the procurement of products for state and municipal needs. In addition, as we noted earlier in this article, a number of public relations and events (for example, election and referendum procedures) that are carried out using remote forms should be controlled by subjects of public control also using similar remote forms of control.

Ninthly, reducing the time of public control events. This direction can be implemented both by systematically improving the skills of representatives of subjects of public control, which will allow them to automate their activities in organizing and conducting public control events, and by introducing ready-made algorithms for these events based on modern digital technologies, artificial intelligence technologies, robotization of the workflow, online technologies, modern telecommunications systems, platforms, the Internet, etc.

Tenthly, the intensification of the process of conducting public control measures. This direction is closely related to the previous one and is also largely based on the symbiosis of the constant growth of professional competencies of members and representatives of subjects of public control and modern technologies and systems (including software and hardware products).

Eleventhly, expanding the scope of analysis, adaptation and implementation of foreign positive experience in improving the economic efficiency of the organization and functioning of various institutions of control of civil society, both over the apparatus of public power and other objects vested with the right to exercise certain public powers, or having public significance. Of particular interest in this part is the experience of the countries of the European Union, Great Britain, the USA, Japan and China, where the economic efficiency of the work of civil society actors in this area is growing at a much higher rate than the GDP of these countries.

CONCLUSION

In the course of our scientific research, we have made a number of conclusions, in particular:

The Institute of Public Control in Russia is currently, on the one hand, the most effective institution of civil society, and on the other hand, a larger number of citizens and legal entities participate in it than in other structures of civil society.

This institution of civil society acts as the only legal guarantee of the implementation, protection and defense of both constitutional principles and the entire system of rights, freedoms and legitimate interests of individuals and legal entities, formalized at the level of federal law, in the organization and implementation of which individuals themselves can take part individuals, as well as non-governmental non-profit organizations.

At the same time, the issue of increasing the economic efficiency of activities carried out by subjects of public control (which is especially important in conditions of the economic crisis) is becoming important for the preservation and development of public control in the Russian Federation.

The above-mentioned economic efficiency can be increased, first of all, through the development and implementation of a comprehensive model, which should include a number of areas for increasing the said economic efficiency, including through the development of: public-private partnerships in the field of public control; attracting private funding to this area; by introducing a system of modern digital technologies; by identifying the most effective forms of public control, as well as regions and municipalities with the highest efficiency coefficients for the functioning of the public control system; by expanding the number of forms of gratuitous participation of Russian citizens and non-governmental non-profit organizations in the functioning of the public control system, as well as increasing the number of these participants; through the development and implementation of remote forms of public control; by reducing the time of public control activities and their intensification; by expanding the use of successful foreign experience in the field of civil society control over the apparatus of public power and other objects vested with the right to exercise certain powers, or having public significance.

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