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Research paper



Perfection of State Control and Supervising Activity in the Russian Federation

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Abstract

The article is devoted to the development of approaches to perfection of state control and su-pervising activity in the Russian Federation. It has been established that state control and supervising activity of public authorities is administrative activity that is expressed in a complex of actions aimed at supervision, compliance of accomplishment and adherence to legal orders by entities under control. It has been proved that new economic relationship that is being formed in the state requires new approach to implementation of control and supervising functions. It has been defined that significant overregulation of entities under control, first of all economic entities, insufficient certainty of supervisory powers of supervising entities lead to creation of illegal framework resulting in mistakes and abuse of control and supervising authorities. It has been established that reformation of control and supervising activity should be by way of legislative delineation of control from other kinds of activities similar in forms and purpose.

Keywords: State, control and supervising activity, legal relationship, value, way, powers of the state, management.

1. Introduction

Control and supervising activity of public authorities is characterized by target orientation that consists in keeping supervised entities under the current legal regime.

The main social value in the Russian Federation, as a democratic and legal state, is a person, his life, honor and dignity, integrity and security. Achieving this goal is closely connected with the need to improve the mechanism of regulating public relations, which requires the state to take appropriate measures to maintain normal life of people and functioning of the public institutions.

In such conditions, an important role is assigned to the control and supervisory activities of public authorities, local self-government and the public. It is necessary to mention that control and supervisory activities can be characterized either from the administrative or legal point of view. In the first case, we are talking about the function of administration, the stage of the management cycle, implementation of the principle of feedback in administrating. In the second case we deal with the means to ensure legality in the implementation of the executive branch.

The results of the research show that control is one of the main functions of the state. It consists in monitoring of the legality and purposefulness of activities, providing it with an assessment from the point of view of legal, scientific, socio-political, organizational, technical and other positions. However, in many cases, for the sake of ensuring the freedom of citizens, enterprises, organizations, their protection from excessive state guardianship, the supervisory powers of the subjects of power are limited to legal acts that enable them to exercise only supervising activities.

The study of problems of perfection of state control and supervising activity is de-scribed in works by O.A. Astrafurova [1], A.V. Kireeva [2], V.N. Medvedeva [3], H.I. Nu-manov [4], D.R. Usmanova [5], I.A. Shukin [6] and others. But, despite of a significant number of publications devoted to these issues, unified understanding of approaches to perfection of the control and supervising activities in the state has not been formed.

2. Methods

The methodological basis for the study includes the following general scientific methods: analysis and synthesis while analysing of existing theoretical and methodological approaches and provisions, scientific developments on the perfection of the state control and supervising activities; structural and logical in the systematization of factors that affect the implementation of innovations in control and supervising activities; factor analysis in deter-mining the influence of factors on the level of participants' satisfaction with the activities of state bodies in the framework of control and supervising activities.

The information background for the research was based on legislative and regulatory legal acts, statistical materials of the public authorities and local self-government, scientific publications of domestic and foreign scientists on the problems of perfection of the state control and supervising activities in the Russian Federation [7, 8].

In the course of the research, it is planned to develop approaches to perfection of the state control and supervising activities, to prove strategies for implementing of effective con-trol and supervising activities in the Russian Federation. In addition, the task is to justify approaches to improving the forms and methods of control and supervising activities in the state, to identify and formulate the main directions for improving the effectiveness of control and supervising activities at various levels.

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3. Results

Control and supervising activity ensuring law-based governance in public administration is inherent in all branches of the mechanism of the government. In summary, the control function is to find out to what extent the activities of state bodies, enterprises, institutions, organizations meet the tasks that are assigned to them or are carried out, and how the duties assigned to them are fulfilled, what the final results of the work performed by them are.
Studies have proved that form is an objective expression of the essence of activities of agencies and official bodies that fulfill administration. They are designed to ensure the most appropriate performing of administrative functions, the achievement of administrative objectives with the least expenditure of forces, resources and time. At the same time, forms are manifestations of the practical activity of state bodies in shaping and realizing goals and functions of administration to ensure their own existence.
The form can be defined as the external expression of action of an executive body or an official which is carried out within its competence and causes certain consequences, which can be classified as administrative and legal forms. At the same time, under the forms of state control, we mean the ways of carrying out control activity in its practical implementation, per-formed within the framework of powers granted to the state supervisory bodies, which are based on appropriate principles and applied to achieve the set goals.
It has been shown in practice that the forms that are used during the control can be different. It depends on many circumstances (entity and subject of control, its purpose, application of funds). The main forms of control can include inspections, auditing, analysis of in-formation materials, familiarization with reports, messages. Under these conditions, the control is mainly carried out in the form of verification (examination and determination of certain areas of financial and economic activity, which results in the preparation of a record or a note), auditing.
Different types of control in our opinion are verification; inspection; auditing; examining operation; monitoring. All the mentioned forms of control have their own features which are revealed while carrying out different types of control measures. According to the powers of the control and supervisory bodies, the use of different forms of control is an integrated system that allows the subjects of control to obtain the necessary information on the status of the activities of the entities under control in full, for example, bodies of executive power.
The activities of the regulatory authorities allow detecting the deviation of requirements and rules established by regulatory legal acts, as well as procedures for conduct of activities by entities under control, obtaining of the relevant results in consequence of their actions, taking measures to prevent and stop violations, restoration and implementation of requirements, unobeyed conclusions. This allowed developing approaches to the integrated automation of administrative processes for carrying out control and supervising activities at the level of state bodies of the Russian Federation (Fig.1).

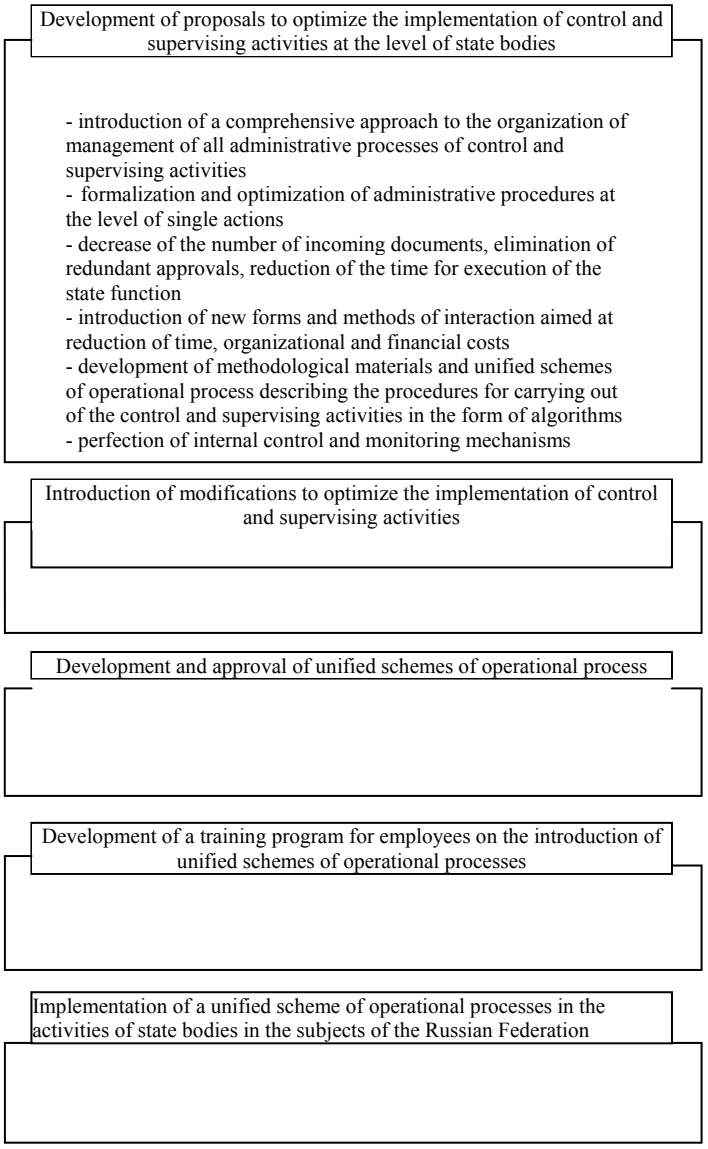


Fig.1: Integrated optimization of administrative processes to fulfill state control and supervising activities

The analysis of the activities of the regulatory and supervisory bodies in practice al-lows concluding that the main form of control and supervision activity of state bodies is verification, which can be planned and unplanned. Another, most commonly used form of control and supervising activity in the sphere of executive power is inspection, which is carried out during the control in cases where special knowledge is required to evaluate certain activities or products.
In addition to inspection, an important form of control and supervising activities is the auditing. A special feature of the auditing is that it is oriented towards observing the established order and legitimacy of the financial and economic activities of business entities and contains a formalized regulatory and accounting auditing of the work of the relevant financial bodies, organizations, and structures.
It has been shown in practice that the auditing also reveals deviations in the established procedure and in the objectiveness of displaying financial work in the approved reporting, which relates to the production and administrative spheres. The auditing is aimed at observing of the established order and legality in the financial and economic activities of business entities and contains formalized, regulatory and legal audit of the work of the relevant financial bodies of the entities under control.
Correct use of procedures and forms of control in the sphere of executive power is one of the most important factors of its effectiveness. Carrying out this or that function, the state affects

social processes with the help of a special mechanism. The modern supervisory bodies can establish certain regulations, rules and standards. However, the bodies of control and supervising activity in some cases and in accordance with the procedure established by the law should apply coercive measures, acting as the subject of legal activity.

An important place among the elements of the mechanism for realizing the functions of the state is occupied by the methods for their implementation. The opportunity range which allows the state, being a subject of power, to exercise power, is extremely diverse. It can achieve its goals acting in various ways by coercing, forcing and stimulating.

Considering the issue of the implementation of the state control and supervising function, one cannot avoid the issue of methods of state control and supervision, which should be understood as the complex of the means and methods of state control and supervising activities. The integrated, generalized nature of methods of coercion and persuasion makes it un-necessary to single out imperative, permissive, incentive and advisory methods as independent ones.

Control and supervisory function of the state is based on the combination of stimulation and coercion as methods for its implementation. At the same time, the leading place, through the imperious nature of the state control and supervision, belongs to the method of coercion. Since the functioning of the state is conditioned by the category of power, state control and supervision as one of the functions of the state is a power-enforcing activity.

Imperiousness of the control and supervisory function is manifested in powers belonging to its subjects which are associated with the possibility: to interfere in the activities and interests of the entity under control; to give responsibilities to the entities under control in order to comply with the instructions to eliminate the identified shortcomings; to raise the questions to the competent authorities on bringing perpetrators to justice; to directly apply coercive measures in some cases.

Studies have shown that incentive methods occupy an equally important place in the mechanism of functioning of the state as a whole and its control and supervisory function in particular. Some authors [9, 10] aptly note the shift of the center of gravity from direct legally authoritative influence to the methods of coordination and provision of assistance. Under the influence of transformations, the question arises in the state and society about the limits of the use of coercion as a method of exercising the functions of the state, in particular control and supervisory one.

At the same time, state control and the corresponding function cannot be considered only as a repressive activity. Unfortunately, the world and domestic experience in the implementation of state control and supervision shows the reformation of the organizational nature of the state's control and supervisory function, the transformation of this phenomenon into an instrument of mutual alienation of the society and the state.

In the store of the method of persuasion there are such ways of stimulation as encouragement, recommendations, clarification. At present, the state control and supervisory bodies do not operate properly with these methods of influence on subcontrol facilities. Studies have found that various deviations, anomalies, violations of norms contain facts about bringing guilty ones to justice. At the same time, information about exemplary, demonstrative implementation of controlled requirements and rules that are under control is practically not dis-played.

Therefore, it is proposed that the state control and supervision authorities, while re-porting on their activities, should also bring information about the controlled objects with impeccable and best practice. During their verifications supervisory bodies and officials are of-ten limited to stating the facts of violations, instructions to them and requirements for their deletion without providing practical assistance to the controlled entity. Therefore, the control and supervising activities should not be one-sided, and its task cannot be reduced only to the discovery of the facts of nonfulfillment.

It is equally important to direct, target citizens and organizations to find ways of high-ly effective implementation of the laws. It is quite obvious that the bodies that carry out the state's control and supervisory function should conduct inspections not only to identify violations, but also to help and eliminate the shortcomings and prevent entities from making mis-takes again.

Based on the analysis of regulatory legal acts and scientific publications, it seems advisable to group the methods of state control into the following groups: a) information-analytical; b) corrective; c) complex (the combination of the previously mentioned).

We refer the following to the first group of methods: methods for obtaining checking information; analysis of the data received; its processing (method of accounting, statistics, reporting, etc.). To the second group of methods, in the authors' opinion, it is possible to re-late: ways and means of expressing the requirements for eliminating the revealed violations (appeal, complaint, presentation, bringing information to the attention of the competent subject, etc.)

At the same time the methods of verification include: 1) methods for obtaining, summarizing and analyzing general information, data on the entity of the state control and super-vision (for example, financial and environmental monitoring); 2) the methods for initiating of information of reporting nature and its evaluation (for example, a record or report) of a super-vised official about his activities, their organization and results; (hearing a government official about budget implementation); 3) methods of document verification, which record the activity of the controlled entity (income declaration, balance sheet); 4) inspection of the actual actions of the monitored entity for compliance with legal, technical standards, as well as standards of efficiency and effectiveness.

The methods of response include such means and methods as: 1) methods of caution, warning of the possibility or imminence of violations of legal and other social norms; 2) methods of indicating the obligation to eliminate the violated rules and providing practical assistance in eliminating the identified violations, shortcomings; 3) the methods of implementation of state coercion to a person who has flagrantly violated or failed to comply with the requirements for eliminating previously identified violations and other cases (for example, revocation of a license, blocking of a financial account of the organization); 4) the methods of applying to another competent authority with a request to bring the perpetrators to justice.

4. Discussion

The reliability of the presented approaches to the perfection of the state control and supervising activity in the Russian Federation is confirmed by the fact that unprofessional and excessive use of the methods of autonomy in the implementation of the state administration, in particular, state control, results in weakening of the power-compulsory component of the control and supervising activity, generates such phenomena as formalism, lack of supervision and irresponsibility [11, 12].

One should not forget about the imperiously-forcing nature of the state control and supervision. The idea of the priority of methods of persuasion regarding the methods of coercion in modern conditions is just utopian. In conditions of social and economic instability, decisiveness, intransigence, categoricalness are more effective means than contracts and agreements. Excessive use of the method of persuasion, as practice shows, is not always productive.

At the same time, methods of coercion and persuasion are common, but not uniform methods of conducting control and supervising activities of the state. Having certain distinct-ness and

peculiarities, control and supervising function has its own distinctive methods.

It can also be noted that the mentioned approaches to improving state control and supervising activities are not exhaustive and can be fully supplemented by other classification groups. Nevertheless, we consider it possible to limit ourselves to the above-mentioned generalizations for the disclosure and explanation of the general mechanism for the implementation of the state's control and supervisory function.

5. Conclusion

Summing up, it can be noted that the control and supervising activities of the state bodies are administrative activities, which are expressed in the actions of monitoring, verification of implementation and compliance of legal orders by the entities under control, as well as cessation of violations through application within the framework of the competence of certain activities and means aimed at limiting access to information.

It has been established that new economic legal relations, which are now being formed in the state, require new approaches to the implementation of control and supervisory functions. The legislation on control is being changed, some control and supervising authorities are being liquidated, new structures are being formed, the role of other structures (customs, tax authorities, etc.) is increasing, and therefore control and supervisory proceedings are being changed. At the present time, they tend to become unjustifiably complicated.

A significant amount of excessive and unjustified regulations of the activities of the entities under control, primarily economic ones, the lack of certainty of the control powers of the subjects of control lead to the creation of an illegal field, which ultimately leads to errors or outright abuses by the control and supervising authorities. Therefore, the improvement of legislation, its systematization, standardization and reform of control and supervising activities should be carried out by means of legislative delimitation of control from other types of activities that are close in form and purpose, as well as by means of a clear definition of the subject of control and supervising activity in public administration.

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