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**REGULATION BY ADMINISTRATIVE LAW OF FORMS AND
METHODS OF ADMINISTRATIVE ACTIVITY OF THE RUSSIAN
FEDERATION REGIONAL STATE EXECUTIVE BODIES: NEW
STRATEGIES AND CONDITIONS FOR THEIR MODERNIZATION**

Specialization 12.00.14 – Administrative law;
administrative procedure

THESIS BRIEF
for the Candidate of Science in Law degree

Scientific supervisor:

Doctor of Law, Docent

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Main results of the thesis by A.V. Mazein

‘Regulation by Administrative Law of Forms and Methods of Administrative Activity of the Russian Federation Regional State Executive Bodies: New Strategies and Conditions for Modernization’

Thesis for the Candidate of Science in Law degree (Specialization 12.00.14 – Administrative law, administrative procedure) is complete scientific research into current forms and methods of administrative activities of state executive bodies of the Russian Federation constituent entities and strategies for their modernization aimed at reaching national development targets of the country.

The study is especially topical due to current socio-economic conditions and new ways of scientific and technological development of the Russian Federation that foster the change in procedural and institutional manifestation of administrative work of regional state executive bodies of the Russian Federation. Improving administrative activities of regional state executive bodies of the Russian Federation is critically important for the development of the country in whole and is fully supported by its President. Within this context the President mentions, that ‘the country is developing and moving forward, but it only happens when the Russian Federation regions are developing’.¹

Currently, there are only segmented studies related to regulation by administrative law of forms and methods of administrative activity of the Russian Federation regional state executive bodies. Therefore, an integrated study of forms and methods of administrative activity and their regulation at the regional level is necessary. As forms and methods of current administrative activity are being constantly re-designed, such studies are especially important. At the moment, modernization is necessary to achieve national development goals, outlined in the Presidential Directive². National development goals include ‘sustaining the population, its health and well-being’, ‘comfortable and safe living environment’, ‘ensuring digital transformation’ and presuppose accomplishing other tasks, that require modernization of forms and methods

¹Presidential Address to the Federal Assembly: dated April 21, 2021 //Consultant Plus: [website]. – Moscow, 1997-2021. <http://www.consultant.ru> (reference date: 10.03.2021).

²On national goals of the Russian Federation development till 2030: Presidential Directive dated July 21, 2020 No. 474 // Consultant Plus: [website]. – Moscow, 1997-2021 - <http://www.consultant.ru> (reference date: 20.08.2020).

of current administrative activities (e.g., ‘digital maturity’ of state administrative bodies). To solve these tasks, it is necessary to identify new strategies of regulation by administrative law of forms and methods of administrative activity of the Russian Federation regional state executive authorities, which means to devise the procedure of achieving relevant goals.

Given these considerations, a thorough study of current forms and methods of administrative activity of the Russian Federation regional state executive bodies is topical for administrative law in particular and legal science in general.

Subject of the research - social relations that arise in the course of administrative activity of state administrative bodies, including the Russian Federation regional executive bodies.

Scope of the research – administrative and legal norms, specifying the methods of administrative activity, peculiarities of administrative practice and basic concepts of administrative law in the relevant field.

Goal of the research – to analyse current forms and methods of administrative activities of regional state executive bodies of the Russian Federation, define their modernization strategies to reach national development targets of the country using the science of administrative law.

To reach this goal the following **tasks** must be accomplished:

1) to provide general overview of state administration and generalize on scientific approaches to administrative and legal science related to its matter;

2) to analyse current system of state administration and define the role of regional state executive bodies of the Russian Federation within it;

3) to study administrative and legal status of state executive bodies of the Russian Federation constituent entities;

4) to specify on the content of administrative activity of the Russian Federation regional state executive bodies as the type of social activities and formulate the elements of its structure;

5) to substantiate the development of strategic state administration, including modernization of forms and methods of administrative activity conducted by regional state executive bodies of the Russian Federation in order to reach national development goals;

6) to define the conditions for modernization of forms and methods of administrative activity conducted by the Russian Federation regional state executive bodies.

7) to substantiate the implementation of new methods of administrative activity conducted by the Russian Federation state regional executive bodies, including customer-centric administration method;

8) to provide more details to existing classifications of forms and methods of administrative activity conducted by the Russian Federation regional state executive bodies;

9) to formulate strategies on amendments and additions to current legal acts regulating administrative activity conducted by the Russian Federation regional state executive bodies.

Scientific novelty of the thesis is predetermined by objective need for research into modernization of forms and methods of administrative activity conducted by the Russian Federation regional state executive bodies to achieve national development goals in constantly changing socio-economic situation, including accelerated digitalization. In addition to that, neither theoretical, nor practical aspects of modernization of forms and methods of administrative activity in the Russian Federation at the regional level have been properly elaborated, which also contributes to the scientific novelty of the study.

As the result of the study:

- administrative and legal approaches to state administration, administrative activities, their forms and methods outlined in recent research papers, system of regulatory acts and administrative practice have been *summarized*;

- there have been *detected* various systems and entities of state executive bodies of the Russian Federation regions, including variants in legal regulation of their authority;

- there have been *systemized* institutional elements of administrative activity conducted by regional state executive authorities of the Russian Federation; and their legal regulation has been *substantiated*;

- it has been *defined*, that modernization strategy of administrative activity elaborates on the procedure of achieving the development goals;

- development of legal regulation of strategic planning as part of strategic state administration, including its regional level, has been *shown*;
- there have been *revealed* strategic ways to modernize administrative activity of the Russian Federation regional state executive authorities at the current stage: customer-centricity, hybridity (their inter-disciplinary nature) and digitalization;
- there have been *suggested* some approaches to reveal and classify forms and methods of administrative activity of regional state executive bodies of the Russian Federation under modernization.

The following **new statements and provisions containing novelty** are set forth for defence:

1. There has been detected a variety of state executive bodies of the Russian Federation constituent entities; types of sectoral state executive bodies of the Russian Federation constituent entities. There has been devised a unified classification of types of sectoral regional state executive bodies of the Russian Federation depending on their functions, competence and main administrative instruments used:

- 1) ministry (devising state policy);
- 2) service (control and surveillance);
- 3) agency (state property administration);
- 4) directorate (rendering state services);
- 5) administration of senior government officials and/or supreme state executive organ of the Russian Federation constituent entity (organizational, technical, financial and administrative support of senior government official's activity and/or supreme state executive body of the Russian Federation constituent entity);
- 6) representative office of the Russian Federation constituent entity (ensuring communications between regional state executive bodies and federal government bodies or government bodies of other regions).

From this perspective it has been advised to ensure uniformity of public authority stipulated by Federal Law 'On guiding principles of public authority organization in constituent entities of the Russian Federation' by creating a uniform system of names for other regional executive bodies, noting that according to the Constitution (charter) of the Russian Federation constituent entity some state executive bodies of constituent entities may have different names with regard to their historic, ethnic or other traditions.

2. To apply uniform approach to legal regulation of state executive bodies' competence in different constituent entities of the Russian Federation the author suggests a Model provision on executive bodies of the Russian Federation constituent entity. The use of such Model provision will allow to establish uniformity of legal acts defining legal status of regional state executive bodies of the Russian Federation. The suggested Model provision on state executive body of the Russian Federation constituent entity contains the following subdivisions: 'General Provisions', 'Goals', 'Tasks', 'Functions', 'Authority', 'Organizational Issues'.

3. There has been formulated the concept of administrative activity of state executive bodies of the Russian Federation constituent entities as the type of social activity, which includes acting authority, object, goal of activity and particular administrative steps undertaken by various means and instruments. To develop the statement the author has provided the definition of the method of administrative activity as the influence the acting state authority exercises as part of its competence over the administered entity, its condition and behaviour while the acting state authority undertakes particular administrative steps in any form targeted at achieving state administrative goals.

4. The author has discovered that the evolution of legal regulation of strategic state administration in the Russian Federation and its constituent entities results in combined use and reciprocity of methods and ways of project administration. It has also been substantiated that a wide range of approaches prevailed at various stages of strategic state administration development. Therefore, the author suggests a periodical classification of legal regulation in state strategic planning: 1 stage – 'Introduction of program-oriented and goal-oriented approach' (till 2005); 2 stage – 'Introduction of project-based approach for high-priority national projects and regional projects' (2005-2012); 3 stage – 'Implementation of strategic directives of the Russian Federation President and adoption of Federal Law 'On strategic planning in the Russian Federation' as a consolidating factor of strategic administration' (2012-2016); 4 stage – 'Hybridization of project and planned administration aimed at achieving national development goals' (since 2016).

The author has established, that at the current stage of state strategic administration development aimed at achieving national development goals till 2030,

administrative activity of regional executive bodies becomes customer-centric, which transforms forms and methods of administration. Planning and rendering customer-centric services in particular, requires design-thinking skills and proactive activities.

5. The author has formulated a definition of ‘strategy for administration activity modernization’ of the Russian Federation regional state executive bodies as a strategic system of planning steps aimed at transformation of administrative activities that reflects goals, directions, stages and instruments to achieve expected results of administration activity improvement in particular spheres. The author has offered to outline the elements of administration activity modernization in a strategic plan at the regional level, devised according to the standards of state program (sub-program).

6. Classifications of forms of administrative activities have been improved:

1) depending on the conceiver of administrative activity: a) those undertaken by the conceiver; b) those undertaken after petitions by the citizens or entities; c) proactive initiatives.

2) depending on administrative and legal mode: a) those implemented in ordinary circumstances; b) those implemented under special administrative modes, including high alert mode.

It has been proved, that using proactive initiatives in addition to other administrative forms is conditioned by the need in using proactive technologies. The decision on their use is automatically implemented as part of algorithm, which the information system of an entity is based on.

It has been proved, that updated classification of administrative forms of activities depending on the administrative and legal mode is applicable to other modes, not only emergency situation or military emergency. In current situation more directives of the Russian Federation regional state executive bodies are issued in high alert mode.

7. To provide legislative framework for new forms of administrative activities by the Russian Federation regional state executive bodies, namely detecting in the Internet the citizens’ petitions that require reaction, the author has suggested amending art. 1 of Federal Law dated May 2, 2006 No. 59-FZ with part 5:

‘5. Procedure of consideration of citizens’ petitions stipulated by current Federal Law is not applicable to legal relations, connected with considering citizens’ petitions submitted to state bodies and/or local authorities via social media, messengers or blogs.

The procedure of consideration of such petitions shall be specified by state bodies or local authorities.’

8. It has been detected, that due to the introduction of digital technologies in administration procedures there appear other indirect methods of administration (special group of methods) – automated (digital) notification. Automated (digital) notification is a special method of influencing people and organizations’ behaviour by notifying them in real-time mode about practicability and timeliness of certain actions.

In connection with this there has been substantiated the necessity to amend part 3 art. 21 of Federal Law dated July 27, 2010 No. 210-FZ ‘On the manner of rendering state and municipal services’, which envisages the following options at state and municipal services portal, with clause 6²:

‘6²) automated notification of petitioner upon their consent on the need in seeking and/or getting state or municipal service;’.

The thesis research has **theoretical value** as it is a complex study of problems related to modernization of forms and methods of administration activities of the Russian Federation regional state executive bodies. As the result of the study:

- there has been *substantiated* the introduction of basic structural elements of administrative activity of the Russian Federation regional state executive bodies;
- the concept of the method of administrative activity that reflects the connection between the goal of the activity and undertaken steps has been *elaborated*;
- development stages of legal regulation of state strategic planning including its regional level, have been *systemized*;
- customer-centric strategy in state administration has been *formulated* and there has been shown the impact of customer-centric standards on modernization of forms and methods of administrative activity of the Russian Federation regional state executive bodies;
- there have been *presented* updated classifications of administrative forms based on the conceiver and based on administrative and legal mode applied;
- there has been *introduced* a special group of administrative methods - automated (digital) notification.

Practical importance of the study includes the opportunity to use basic provisions, conclusions and recommendations provided in the paper, for improving

legal regulation of administrative activities. The paper puts forward particular recommendations on improving existing administrative legislation regarding forms and methods of administrative activities of state executive bodies. Provisions and conclusions of the study can be used in education as part of courses in ‘Administrative law’ and ‘Legal regulation of administrative activities.’

Evaluation of research results. While writing the thesis the author made presentations of some of the statements made in the thesis at 12 international and all-Russian scientific conferences.

The thesis has been prepared and discussed at the Department for Legal Regulation of State Administration and National Security of Faculty for Law and Security at Urals Institute of Administration - branch of Russian Presidential Academy of National Economy and Public Administration.

Publication of research results. During 2018-2021 main statements of the thesis research were included in 12 publications by the author (total volume of 8.6 printed sheets).

Structure of the thesis: introduction, three chapters comprising 11 sections, conclusions and recommendations, reference literature and annexes.

The **first chapter** *‘Essence of state administration at the current development stage of the Russian Federation’* studies approaches to the essence of state administration, reveals its system and structure, including the system and structure of state executive bodies; dwells on the legal status of regional state executive bodies of the Russian Federation.

The **second chapter** *‘Legal nature of forms and methods of administrative activity of the Russian Federation regional state executive authorities’* reveals the structure of administrative activities of regional state executive bodies of the Russian Federation, analyses legal regulation of its elements and studies the concept and types of forms and methods of administrative activities.

The **third chapter** *‘New strategies and conditions for modernization of forms and methods of administrative activity of the Russian Federation regional state executive authorities’* reveals the content of strategic state administration, analyses the evolution of the stages of its legal regulation, including that at the regional level,

provides general overview of strategies and conditions for improving administrative activities of state executive bodies and detects directions of modernization.

The **conclusion** formulates main findings and provides practical recommendations, which can foster the improvement of legal regulation of administrative activities in the Russian Federation regions.

Annexes illustrate the variety of regional state executive bodies in the Russian Federation and the lack of uniform approach to assigning the authority in provisions on state executive bodies of the Russian Federation constituent entities. Model provision on state executive body of the Russian Federation constituent entity is annexed separately.



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