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**LEGAL ENFORCEMENT OF STRATIGIC PUBLIC
ADMINISTRATION ГОСУДАРСТВЕННОГО УПРАВЛЕНИЯ
(THEORETICAL AND METHODOLOIGICAL ASPECTS)**

Specialty 12.00.14 – Administrative Law;
Administrative process

Abstract

of doctoral dissertation on Law

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The relevance of the dissertation topic. The ideological basis of modern public legal transformations implies the necessity of practical implementation of the constitutionally-mandated mission of the Russian Federation as a social and legal state, which is supposed to create conditions providing a decent standard of living and free development opportunities for the citizens. Due to increasing globalization processes combined with the general ambiguity of the world economy development in the future together with the increasing pressure of external development factors, the public administration paradigm needs changing – it should have such features and characteristics, that can help to confront the obvious challenges and threats and generally to conform with the on-going changes.

Being a form of state authority implementation in the whole unity of its three branches, public administration is systematically integrated into the executive branch, which is extremely close to the society, and the quality of its functioning directly forms the public opinion of the government. Translating into tangible reality the idea of life quality, social and economic growth and secure living depends on the efficiency of executive and administrative activities. Thus, altering the public administration paradigm, first and foremost, implies the change of benchmarks and priorities in organizing and functioning of executive branch structures.

The dynamics of the current legislation development demonstrates the search of an optimum model of organization and functioning of the executive branch, administrative and legal forms and means, which provide stability of the managerial resources in the framework of socio-economic, political and legal realities. In this regard it would be appropriate to discuss a comprehensive model of public administration.

Certain components of the strategic public administration have already been statutory determined, however, its organizational and legal basis needs improvement, first of all, in the part of providing regulation required for the exercise of powers, which defines the system and status of administrative acts, the

general model of administrative procedures, etc. Positive law doesn't have a unified approach to the concept, system, mechanisms and tools of strategic public administration as a complex phenomenon, it focuses primarily on the matters of strategic planning. The condition of the processual and procedural part of executive and administrative activities also does not correspond to the perception of the State of Law.

Building on the experience and achievements of the modern legal doctrine and positive law, as well as using the expertise of foreign countries in the solution of problems of strategic public administration, one should form its theoretical and methodological basis and respective legal support. This will provide the opportunity for maximal utilization of the resource and potential of public authority impact as the key factor of state mission implementation.

The research aim is to develop theoretical and methodological basis for legal support of strategic public administration in terms of today's nation building and social and economic development, as well as to put forward proposals for improvement and development of the current legislation, taking into account the fact, that forming the structure of strategic public administration constitutes a separate problem, which requires the mobilization of doctrinal, law-making and law enforcement actions.

The specified aim determines the necessity of solving the following **major tasks**:

- to rationalize the legal nature, concept and scope of strategic public administration as the necessary component providing social and economic growth and national security on the basis of the newly formed efficient management paradigm, taking into consideration the processes of digitalization and informational development of the society;

- to justify the necessity of forming the organizational and legal model of strategic public administration, as well as to identify the premises and conditions of its formation;

- to study the peculiarities, current state and trends of development in the sphere of public regulatory policy as a legal category and a tool of strategic public administration, which enables to form the aims of legal regulation and achieve results in the most efficient way;

- to study the matters of organizing and legal support of strategic planning as one of the defining factors of public strategic administration, which brings efficiency and effectiveness;

- to establish the system of administrative and legal forms of strategic public administration, taking into consideration the increasing relevance of integrated forms, which can ensure the new quality of functioning of the state machinery, as well as the governmental interaction with the society (administrative measures, standardization and regulation, public services).

- to establish the system of administrative and legal means of ensuring quality and efficiency of strategic public administration and within the framework of these means to rationalize the scope, peculiarities, trends and prospects of the development and improvement of the monitoring and control activities, management according to the results and assessment of the regulating impact of strategic public administration in the organizational and legal mechanism of strategic public administration ;

- to formulate and justify the proposals aimed at improving and developing the current legislation.

The object of the given research is the combination of social relations, which arise due to the provision of the strategic public administration by means of administrative and legal regulation. Strategic public administration as a legal category is considered in terms of the characteristics, indentifying its inherent features, peculiarities and inner organization, as well as in terms of ontological and epistemological interconnection with other social, economic, political and legal categories, phenomena and processes.

The subject of the research is the combination of administrative and legal norms, regulating relations to the strategic public administration, as well as trends and prospects of the development of such relations in the current social, economic, political and legal conditions.

The novelty of the scientific results of the dissertation research is determined by the problem setting, as well as the ways of solving the problem. The research is aimed at theoretical and methodological justification of the legal structure of the strategic public administration, supported by a certain system of legal means and forms. The novelty of the approach is in the study of the public administration not only as a form of exercise of public authority, but also as a systemic interaction of political and regulatory, organizational and humanitarian and value – based components. On the basis of the current scientific concepts the author has formed approaches to the legal mediation of strategic public administration, the substantive premises of which become clear for the executive power through the system-wide purposes of legal regulation and law enforcement in terms of the current condition, trends and prospects of social, economic, political and legal development of the state and society. The increasing necessity to reflect on the emerging paradigm of management in the sphere of executive and administrative activities became the reason for studying potential opportunities of legal regulation of informational and digital components of strategic public administration, including the resources of legal experiment. The terms and forming the concept of governmental regulatory policy as a legal tool of strategic public administration and the premises of defining the transformation strategy of the national legal system have been identified. The author substantiates the possibilities of legal mediation of the goal-setting category in terms of defining the strategies of public administration and legislative development of strategic planning. Specific proposals have been formulated in order to improve the existing legislation, aimed at increasing the efficiency of separate administrative and legal forms and means, that mediate the strategic public administration in the

framework of the legal models of administrative procedures, standardization and regulation, public services, control and monitoring activity, management according to results, assessment of the regulating impact. The scientific novelty of the research has been defined by both problem- setting and the approach to studying the problem, taking into account the degree of its scientific elaboration.

The research resulted in the following findings, possessing a scientific novelty:

1. The concept of strategic public administration was introduced as a legal category, identifying its scope, peculiarities of organizational and legal support, as well as a set of supporting administrative and legal forms and means. The proposals were made concerning the legalization of the structure of strategic public administration through the elaboration of the federal law «On strategic administration in the Russian Federation» (the legislative regulation of the concept, principles, functions, objects, criteria and indicators of efficiency and effectiveness in relation to governmental planning; organizational and legal fundamentals; the forms and system of methods, informational support; interaction with the society) . The conclusions have been presented about the trends of improving the legal support of strategic planning. The author's also substantiated the concrete proposals for making amendments into the Federal law on «Strategic Planning in the Russian Federation» of 28.06.2014 № 172-FZ in the part of terminology, the system of participants of strategic and operational planning, the documentary system of strategic planning, responsibility for violating the laws in the sphere of strategic planning.

2. It has been substantiated, that the organizational and legal constituent of the structure of strategic public administration should be based on the cumulative competence of the duty-bearers in the sphere of strategic planning, which can be performed via the legislative decision about strategic administration and existing legislation on strategic planning, as well as via status regulation in the system of the executive branch (laws and regulations, concerning the executive branch). The

cumulative competence is interpreted as a set of strategic planning responsibilities, legally and organizationally defined as regarding to both specific executive authority acting within its narrow field, and the system of executive branch as a whole, with a common procedural model of interaction in the system of executive power, and in the general system of participants of strategic administration and planning.

3. The trends have identified, which harmonize the programme, value-based and current regulation of informational and digital support of strategic public administration. The unique nature of the objects of regulation determines the openness of the legal space, which will be filled in accordance with the consistency and synchrony of digital innovations and priorities, requiring the formation of a special regulatory system, which will be mostly based on the scenario regulation and which should match the reactivity and adaptability parameters. In this connection it would be appropriate to admit shifting the emphasis from forming an array of laws and regulations to authorizing it by the government. It is proved, that legislative innovations in this field without the doctrinal reconsideration of the contents of legal regulation in general will have only tactical scope.

4. The author's view on the development of the legal experiment as a type of pro-regulation and the basis for forming the image (scenario) of the new (alternative) regulation, which will further allow to create the legal mechanism of interaction between the regulatory policy, strategic planning, legal forecasting, experimenting, forming proactive regulation and assessing the regulating impact. This means restoring the concept of «public legal experiment» on the federal level in terms of the legislative decision about strategic administration, to consider the experimental legal regime as a special variant of legal experiment in the field of digital innovations, to admit the possibility of sublegal experimental regulation, not to exclude the possibility of forming experimental law-enforcement models. The legal feasibility of conducting the experiment can be disputed in terms of constitutional and judicial regulation control.

5. Specific proposals have been suggested to improve the legal regulation of administrative and procedural form by means of systematizing the rulemaking powers of the executive bodies, legalizing the structures of administrative procedure, administrative act, standardizing and regulating, this will lead to strengthening of the national legal space in the context of forming the public regulatory policy.

6. In terms of the legal structure of strategic administration a number of rulemaking proposals have been made for the purpose of improving the legal support of control and monitoring activities, i.e. differentiating the legal regimes of controlling and monitoring activities; empowering local authorities with the monitoring function ;forming the common legal regulation in the sphere of control and monitoring with minimal exceptions, while each of them should be socially , economically and legally justified. The system of legal guarantees of the autonomous activities of monitoring bodies, as well as mechanisms of control of the public authorities' actions in the sphere of legal regulation of control and monitoring have been proposed. In the organizational and legal part it has been suggested to transfer the major load in solving the problem of rationing the regulation and control (monitoring)into the lawmaking sphere. The author substantiated the link between the deterrence mechanism of adopting new legal acts (and the revision of the existing ones) and the formation of the permanent comprehensive regulatory system, including not only socio-rationing, but the assessment of its results as well. The processual regime of judicial monitoring of public authorities' activities must be ensured by an independent self-sufficient administrative and processual form of settling public legal conflicts, which implies, firstly, complete abandoning of the arbitrary and processual form, and, secondly, isolating the administrative litigation from civil and arbitrary litigations by means of separate structures, which allows to mediate the specific features of emerging relations and the protected right (legal interest).

7. In terms of the legal structure of the control and monitoring activities there is a possibility to reduce the number of committed offences, responsibility for

which is incurred according to the results, by means of constructing a universal *corpus delicti*. It means that responsibility will be incurred not for a certain discrepancy between the action and the requirements, but for the failure to remove or incorrect removal of this discrepancy upon demand of the monitoring authority. Thus, the punitive trend of the Code of Administrative Offences of the Russian Federation will be considerably reduced, the differentiation with the criminal Code of the Russian Federation will be enforced, the Code of Administrative Offences of the Russian Federation will be closer to the monitoring legislation, the liability will be increased for economic entities and monitoring bodies. In the latter case it would be appropriate to speak about promoting the principle of credibility to officials, which can be attributed to the structure of personnel management. The person being overseen can express distrust with the help the mechanisms of judicial control in the framework of the Code of Administrative Offences of the Russian Federation.

8. The proposals to improve the legislation in the sphere of management according to results (MAR) and the assessment of regulating impact (ARI) have been suggested in the research. There is a possibility of providing alternative legal regulation of MAR: either by issuing the federal law, which will mediate the official interpretation of MAR in the mechanism of strategic public administration and define the frame' methodology of MAR in the system of public administration with the subsequent address to the laws on the types of public administration; or by developing the concept of MAR as an element of strategic public administration with subsequent regulatory mediation according to systems and spheres of public administration with reference to the amount public administrative activity, in the relation of which a MAR submodel should be formed. The first model is more preferable from the viewpoint of both the amount of regulatory materials and the scope. The author also substantiates the necessity of developing ARI as an obligatory phase of the lawmaking process and the conceptual element of the government regulatory policy.

The scientific and theoretical significance of the dissertation research:

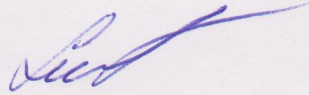
It represents a comprehensive theoretical and methodological study, devoted to the problems of legal support of strategic public administration in the current conditions, in the framework of nation-building and social and economic development. The suggested by the author conclusions may serve as the basis for studying the relevant issues.

The practical significance of the research is determined by its scientific and applied character and it suggests, that the legal support of the concept of strategic public administration elaborated in the process of conducting the research will enable to create the premises for its further development. The research findings can be applied to rulemaking, law-enforcement activities of the subjects of public administration. These findings can also be used in the learning process.

The structure of the dissertation research consists of the introduction, 3 chapters, comprising 11 paragraphs, the conclusion and the reference list. The introduction substantiates the topicality of the research theme, specifies the degree of elaboration of the scientific issue, goals and tasks of the research, describes the object and subject of the research, theoretical and methodological fundamentals of the research, its informational and legal basis, feasibility, credibility and scientific novelty of the research, their practical and theoretical significance as well as approbation of the research findings. The first chapter of the dissertation «Strategic public administration as a legal category» consists of 4 paragraphs and is devoted to the study of the legal nature, concept and scope of strategic public administration, its organizational and legal fundamentals, the analysis of peculiarities and scope of governmental regulatory policy as a legal category and the tool of strategic public administration, it also investigates strategic planning as a factor of strategic public administration. The second chapter of the dissertation research «Administrative and legal forms of strategic public administration» comprises 4 paragraphs and deals with the study of the concept and the system of administrative and legal forms of strategic public administration, administrative

procedure, regulation and standardization and the public service in the framework of ideas about the types of strategic public administration. The third chapter of the dissertation research «Administrative and legal means of providing strategic public administration» includes 3 paragraphs and concerns the study of control and monitoring activity as a means to ensure quality and efficiency of strategic public administration, as well as the legal support of management according to results and the assessment of regulating impact. The conclusion consists of the main findings received in the process of research.

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