

*Translation from Russian into English*

*As manuscript*



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**ADMINISTRATIVE AND LEGAL REGULATION OF THE FORMATION  
OF THE HUMAN RESOURCE RESERVE  
IN THE INTERNAL AFFAIRS BODIES OF THE RUSSIAN FEDERATION**

Specialty 12.00.14 - Administrative law,  
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**Abstract**

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**The relevance of the research topic** and its importance for the Russian administrative and legal science are due to the fact that qualified human resources are a key input of the internal affairs bodies, which ensures the implementation of large-scale objectives facing them. The recognition of this fact implies the undertaking of a set of activities aimed at the formation of highly professional and effective human resource potential of the internal affairs bodies, including the police. Practice shows that one of such activities is the work on the formation, training, and use of human resource reserve for filling managerial positions. It should be noted that the country's political leadership represented by the President of the Russian Federation has repeatedly drawn attention to the need to work with the human resource reserve in the system of the MIA of Russia. We have to admit that the situation with human resources, including the managerial ones, among others the supreme commanders, despite significant positive changes that have occurred in the course of reforming the system of the MIA of Russia in recent years, is far from favorable. From the mass media, the public with amazing regularity learns about arrest or prosecution of another acting or retired high-ranking official of the internal affairs bodies, who has been exposed to corruption and other violations of the law, which in many cases led to a violation of the rights of citizens (illegal criminal prosecution, torture, etc.). It is obvious that the situation in which such people find themselves in responsible leadership positions of the senior, and even more so the supreme commanders of the internal affairs bodies, testifies to the need to improve the work on the selection and placement of the leading HR in the system of the MIA of Russia, including such a component as anti-corruption. And here, the importance of working with the human resource reserve appears to be hardly overestimated.

The effectiveness of the implementation of the objectives assigned to the internal affairs bodies, including the police, implying an increase in the effectiveness of their work, to a decisive extent depends on the personal qualities, professionalism, and competence of human resources, first of all - the managerial ones. For their selection, training and correct placement in modern conditions, new approaches to the work on the formation and use of human resource reserves meeting the realities of social life are required. In particular, it is necessary to further improve the regulatory legal framework, including the de jure consolidation of the provisions stating that promotion, especially when it comes to appointments to managerial positions of the senior and even more so the supreme commanders, is carried out based on the comprehensive assessment of professional, personal and business qualities of officers, their skills and abilities demonstrated in performing official activities, mainly during the period when they are in the human resource reserve.

### **Extent of previous investigation of the scientific problem.**

Among the domestic authors who have dealt with the stated topic to a greater or lesser extent, we will mention the following ones: Yu.E. Avrutin, N.M. Antoshina, G.V. Atamanchuk, A.A. Grishkovets, N.M. Kazantsev, V. Ya. Kikot, L.M. Kolodkin, A.P. Korenev, V.M. Manokhin, A.F. Nozdrachev, P.P. Sergun, Yu.N. Starilov, G.A. Tumanov, S.E. Channov, T.V. Lobanova, N.Yu. Portnyagina, P.P. Platonov, E.A. Sumina, V.M. Chuprov, A.M. Bobrov, T.M. Zanina, M.G. Kirzhimanov, A.V. Kurakin, A.V. Olshevsky, N.I. Razuvaeva, Yu.V. Rostovtseva, S.M. Emelin, and A.S. Pestruirov. Among the foreign authors, we will mention the following ones: Richard Gerber, Herbert Jung, Harold Kunz, Cyril O'Donnell, Jacques Chevalier, Woodrow Wilson, Michel Crozier, and Niklas Luhmann.

However, there are relatively few legal research papers devoted entirely or mainly to the investigation of the problems of the human resource reserve in the public service system. In addition, none of them analyzes these problems in relation to the internal affairs bodies from the standpoint of the science of administrative law. At least one specialized work at the level of a doctoral dissertation is known, in which the problems of the civil service managerial HR reserve are studied from the standpoint of economic science and management science. In light of the attitudes of the political leadership of modern Russia to the further strengthening of work with managerial HR reserve, such a situation obviously does not correspond to the importance and significance of the problems of human resource reserve, without the scientific understanding of which it is impossible to implement a balanced HR policy in public administration and effective HR work based on it in the system of the MIA of Russia.

### **Aim and objectives of the dissertation research.**

**The aim of the research** is to analyze the human resource reserve in the internal affairs bodies of the Russian Federation from the standpoint of the science of administrative law, to develop based on the comprehensive analysis of domestic and foreign legislation the theoretical positions of scientifically well-grounded proposals and recommendations aimed at improving the administrative and legal regulation and organization of work with the human resource reserve in the internal affairs bodies, including the police.

To achieve this aim, the following research objectives have been identified and **solved**:

1) to analyze the HR policy in the system of the MIA of Russia and consider its correlation with the work on the formation and use of the human resource reserve in the Ministry;

2) to formulate the author's definition of the concept of "human resource reserve", propose a system of principles used in the work on the formation of the human resource reserve in the internal Affairs bodies;

3) to carry out a historical and legal analysis of the experience of forming human resource reserve as an element of public service in the Department of Internal Affairs and the possibility of its application in modern conditions;

4) to study the foreign experience of working with police HR, including work on the formation of human resource reserve, and to formulate proposals for the implementation of its individual provisions in the current Russian legislation regulating the formation and use of the human resource reserve in the internal affairs bodies as an element of public service;

5) to study the current administrative and legal framework governing the relations on the formation of the human resource reserve as one of the elements of public service in the internal affairs bodies, in particular - the institute for certification of internal affairs bodies officers, as well as the use of competitive principles for appointment to senior positions, and to make proposals for its improvement;

6) to consider the administrative and legal status, as well as practical aspects of the work of HR structural divisions of the internal affairs bodies as subjects of administrative and legal relations in the field of forming a human resource reserve as an element of public service, to justify and make proposals to improve their activities;

7) to investigate the anti-corruption potential of the human resource reserve in the internal affairs bodies, the problems and prospects of its use as an anti-corruption means.

**The object of the dissertation research** is a set of public relations in the sphere of formation and use of the human resource reserve in the internal affairs bodies of the Russian Federation, including the police, regulated by the administrative law.

**The subject of the dissertation research** is a set of regulations and the norms contained therein forming the legal base of formation and use of the human resource reserve in the internal affairs bodies of the Russian Federation, general and specialized scientific literature on the issues under research as well as statistical and empirical data relevant to the topic of the dissertation.

**The theoretical basis of the dissertation research** is presented by dissertation research papers of administrative scientists and works on administrative and legal regulation in the field of public administration, management of the internal affairs bodies, and administrative and legal bases of HR policy in the internal affairs bodies.

**The methodological basis of the dissertation research** is presented by a system of philosophical, general scientific and special juridical tools and learning

styles that helped to ensure objectivity, historicism, and comparativism in the study of administrative and legal regulation of formation of human resource reserve in the internal affairs bodies as an element of public service. In the course of the research, the author used both general scientific research methods, in particular logical, historical and systemic methods, and specific scientific research methods, which should include the method of comparative law, statistical method, and other scientific methods.

**The information base of the dissertation research** consists of: the Constitution of the Russian Federation, Federal Law of 07.02.2011 No. 3-FZ “On Police”, Federal Law of 30.11.2011 No. 342-FZ “On Service in Internal Affairs Bodies of the Russian Federation and Amendments to Certain Legislative Acts of the Russian Federation”, Federal Law of 27.05.2003 No. 58-FZ “On the State Service System of the Russian Federation”, Federal Law of 27.07.2004 No. 79-FZ “On State Civil Service of the Russian Federation”, Order of the MIA of Russia of 30.08.2012 No. 827 “On Approving the Procedure for the Formation of Human Resource Reserve of the Ministry of Internal Affairs of the Russian Federation, its Territorial Bodies and Departments” and other regulatory legal acts, including the international ones.

**The validity and reliability of the results of the dissertation research** are provided and confirmed by the author’s use of well-known methods and approaches, construction of the complex algorithms of the author’s research, construction of the clear logic of the research, the author’s reference to a large number of scientific sources.

**The scientific novelty** of the research lies in the fact that it is a comprehensive legal research devoted to the problems of the administrative and legal regulation of the formation of the human resource reserve in the internal affairs bodies, as well as developing scientifically well-grounded proposals for the improvement of the administrative regulatory framework to improve the efficiency of work of the HR departments of the internal affairs bodies in the sphere of legal relations arising in the process of formation of the human resource reserve.

The scientific novelty of the dissertation research is confirmed by the **main provisions submitted for defense**:

1. HR policy in the system of the Ministry of Internal Affairs of Russia is one of the components of the state HR policy in law enforcement agencies, which, in turn, is part of the HR policy in the field of public service. To date, however, the term “HR policy in the system of the MIA of Russia” has not received its legislative consolidation, so the author’s definition of HR policy in the MIA of Russia was suggested. Such is the complex of administrative and legal and organizational activities designed to form the HR of the internal affairs bodies (officers, civil

servants) ensuring the achievement of long-term strategic aims and development objectives of the MIA of Russia, determined by the President of the Russian Federation and implemented in practice by the overhead HR of the MIA of Russia. The HR policy in the system of the MIA of Russia is part of the HR policy in the field of public service in general. The Concept of HR policy in the law enforcement bodies of the Russian Federation proposed by the author appears to be able to pursue a balanced HR policy in the MIA of Russia, which will certainly improve the staffing situation, strengthen the human resources of the internal affairs bodies with the qualified experts having professional and personal qualities necessary for the service.

2. At present, Article 79 of Federal Law No. 342-FZ of November 30, 2011 is devoted to HR work based on its applied, i.e. practical, organizational and legal nature. However, despite the importance of this issue, the legislator does not disclose the content of this definition and has not listed those areas of activity that include HR work. Therefore, the author's definition of HR work was proposed; such is the activity of Department for Civil Service and HR of the MIA of Russia and other HR structural divisions of the internal affairs bodies, the content of which is the practical implementation of the aims, objectives, and principles of the state policy in the MIA of Russia; a set of directions, forms, and methods of work with HR of the internal affairs bodies. Work with the HR reserve is an independent direction of HR work carried out by the Department for Civil Service and HR of the MIA of Russia and other HR structural divisions of the internal affairs bodies.

3. For the efficient use of HR potential of the internal affairs bodies, the formation of professionally trained, in-demand HR of the internal affairs bodies, it is necessary to define the conceptual apparatus. Based on the scientific analysis of the administrative legislation and the views of the legal scholars, the author's definition of the concept of "human resource reserve in the system of the MIA of Russia" was formulated. Such is a group of officers of internal affairs bodies from among the middle and senior commanding staff in the territorial bodies, institutions and organizations of the MIA of Russia formed in the prescribed manner on the basis of individual selection and objective integrated assessment of the appropriate qualification requirements, having passed the certification procedure, and according to their professional and personal qualities and the level of education are able to replace the higher positions in the internal affairs bodies of the Russian Federation. The consolidation of this definition in the current legislation will allow the HR departments of the MIA of Russia to more quickly and correctly carry out work on formation of a human resource reserve that is an important part of HR policy of the MIA of Russia, contributing to the formation of highly qualified managerial staff of the internal affairs bodies.

4. The domestic experience of working with the HR of the internal affairs bodies of the past years, taking into account the modern realities, remains relevant and is of scientific and practical interest, and therefore it requires careful attention and in-depth study. The relevant foreign experience is also of undoubted interest, first of all, taking into account the gradual transformation of the police from a purely security service in the democratic economically developed countries of the modern world into a largely service-oriented structure focused on serving the population, providing citizens with a wide range of though specific, but still public services. In fact, currently there is transformation in the understanding of the essence and role of a police officer as a public servant, the differences between police officers and other public servants are being erased, which is convincingly confirmed, in particular, by the fact that the recruitment of qualified HR to the police takes place with a wide use of competitive principles in filling police positions, including managerial positions. In the future, Russia will have to follow the same path.

5. As a result of the study of the theoretical and practical aspects of the activity of the HR divisions of the internal affairs bodies in the sphere of formation of the human resource reserve, as well as the synthesis of the results of the survey of the existing officers of the internal affairs bodies, the necessity of making amendments to the current legislation of the following changes is grounded:

- in Section I "General Provisions" of Order of the MIA of Russia of August 30, 2012 No. 827 "On Approving the Procedure for the Formation of Human Resource Reserve of the Ministry of Internal Affairs of the Russian Federation, its Territorial Bodies and Divisions", it is necessary to reinforce the principles of formation of the human resource reserve of the internal affairs bodies:

"3. The principles of formation of the human resource reserve of the internal affairs bodies are:

a) voluntary inclusion of the officers of the internal affairs bodies in the human resource reserve;

б) transparency in the formation of the human resource reserve of the internal affairs bodies;

в) respect for the equal rights of the officers when included in the human resource reserve;

г) taking into account the current and prospective need for filling positions in the internal affairs bodies;

д) interrelatedness of the official growth of the officers of the internal affairs bodies with their professionalism and competence assessment results;

е) personal responsibility of the heads of the divisions for the quality of selection of the officers of the internal affairs bodies for inclusion in the human

resource reserve and creation of conditions for official growth of the officers of the internal affairs bodies;

ж) objective assessment of professional and personal qualities of the officers of the internal affairs bodies applying for inclusion in the human resource reserve”;

- in Part 1 of Article 25 of Federal Law No. 342-FZ of November 30, 2011 “On Service in the Internal Affairs Bodies of the Russian Federation and Amendments to Certain Legislative Acts of the Russian Federation”, to reinforce the provision that appointments to certain positions in the internal affairs bodies are made based on the results of open or closed competitions. The content and features of these types of competition procedures should be regulated in Order the MIA of Russia of March 29, 2013 No. 174 “On Approval of the Procedure and Conditions of Holding Competition on Filling of Vacant Positions in the Internal Affairs Bodies of the Russian Federation and the List of Positions in the Internal Affairs Bodies of the Russian Federation, the Appointment to Which is Competition-Based”;

- Part 4 of Article 33 “Certification of Officer of the Internal Affairs Bodies” of Federal Law No. 342-FZ of November 30, 2011 “On Service in the Internal Affairs Bodies of the Russian Federation and Amendments to Certain Legislative Acts of the Russian Federation” should be supplemented with paragraph 5 of the following content: “5) when deciding on inclusion in the federal human resource reserve, the human resource reserve of the federal executive authority in the field of internal affairs, its territorial bodies, divisions”;

- Part 6 of Article 33 of Federal Law No. 342-FZ of November 30, 2011 “On Service in the Internal Affairs Bodies of the Russian Federation and Amendments to Certain Legislative Acts of the Russian Federation”, after the words “officers of HR and legal (juridical) divisions”, should be supplemented with the words “...psychological work divisions”, further as the text goes;

- to specify exceptional cases that make it possible to fill vacant positions of managers from among the officers of the internal affairs bodies who are not included in the human resource reserve. For this purpose, Part 3 of Article 78 of Federal Law No. 342-FZ of November 30, 2011 “On Service in the Internal Affairs Bodies of the Russian Federation and Amendments to Certain Legislative Acts of the Russian Federation” should be supplemented with the following paragraph: “The following cases are exceptional: at the time of formation of the human resource reserve of the division, there was no need for a reserve, but due to objective reasons, such a need arose; the officer is capable of filling higher positions in the internal affairs bodies of the Russian Federation, but he/she was not included in the human resource reserve of the division due to the service in a different territorial body of the police, the officer is currently not in the human resource reserve, but was previously in the reserve and was trained to fill managerial positions; the officer fills the position of Deputy Head,

but is not included in the human resource reserve, with undergoing of a reduced individual training program”.

– to amend subparagraph 23.4 of paragraph 23 of the Procedure of Formation of Human Resource Reserve of the Ministry of Internal Affairs of the Russian Federation, its Territorial Bodies and Divisions approved by Order of the MIA of Russia of August 30, 2012 No. 827 as follows: “23.4. Availability of an undischarged disciplinary penalty provided for in paragraphs 4-5 of Part 1 of Article 50 of Federal Law “On Service in the Internal Affairs Bodies of the Russian Federation and Amendments to Certain Legislative Acts of the Russian Federation”, as well as a disciplinary penalty for a corruption offense”.

– paragraph 9 of the Procedure of Formation of the Human Resource Reserve of the Ministry of Internal Affairs of the Russian Federation, its Territorial Bodies and Divisions approved by Order of the MIA of Russia of August 30, 2012 No. 827, must be supplemented with a new subparagraph as follows: “9.10. Opinion of the Plenipotentiary Representative of the President of the Russian Federation in the Federal District or the Chief Federal Inspector in the Subject of the Russian Federation”.

6. The necessity of development and introduction of term “service and personal competence rating of an officer of the internal affairs bodies”, which is necessary for the formation of interest to career development of the officers of the internal affairs bodies, was reasoned. The main characteristics of the service and personal rating were highlighted. In the structural divisions of the internal affairs bodies, the commission for officers’ service and personal assessment should work on a permanent basis. In determining the legal mechanism of the commission’s activity, it is advisable to organize it by analogy with the activity of the certification commission.

7. It was concluded that the human resource reserve is an independent and promising in terms of its practical application administrative and legal means in the internal affairs bodies of the Russian Federation to combat corruption, the anti-corruption potential of which is underestimated. The proposals for amendments to the legislation aimed at improving the work with the human resource reserve in order to combat corruption in the internal affairs bodies were formulated.

**The theoretical significance** of the research lies in the analysis and synthesis, from the standpoint of the science of administrative law, of scientific views and ideas on the activities of the internal affairs bodies as a body empowered in the field of public service, including the formation and use of the human resource reserve in the internal affairs bodies of the Russian Federation, defining the role of the human resource reserve in HR work of the MIA of Russia in general and its effect on the formation and use of HR policy of the MIA of Russia.

Theoretically significant are the provisions and conclusions formulated in the dissertation, which reveal the role and significance of the status of subjects of administrative and legal relations in the field of formation of human resource reserve in the internal affairs bodies.

**The practical significance** of the research is:

- in the development of specific proposals for improving administrative legislation in the field of formation and use of the human resource reserve of the internal affairs bodies;

– in the application of the results of the research in the educational process of the educational institutions of the MIA of Russia in the study of disciplines “Administrative Law”, “Administrative Activity of the Police”, “Public Service in the Internal Affairs Bodies” and in the retraining of the officers included in the human resource reserve of the MIA of Russia.

**Approbation of the results of the research.** The results of the research were heard at the meeting of the Department of Administrative Activity of the Internal Affairs Bodies of the Voronezh Institute of the Ministry of Internal Affairs of Russia. The scientific results of the research were tested, presented and discussed at various research-to-practice conferences, reflected in 1 scientific monograph, 27 scientific articles, including in the issues of a list of journals recommended by the Academic Council of the Russian Presidential Academy of National Economy and Public Administration and a list of the Higher Attestation Commission of the Ministry of Education of Russia.

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#### VERIFICATION OF TRANSLATION

I, Julia Vlasova, declare that:

1. I am a certified translator who is knowledgeable and fluent in both the Russian and English languages.
2. The attached is a true, accurate, and complete translation from Russian into English language of the attached document.

DATED this 28<sup>th</sup> day of December, 2020



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