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**STATE AND PUBLIC CONTROL IN THE RUSSIAN FEDERATION:  
CONSTITUTIONAL AND LEGAL RESEARCH**

Specialty 5.1.2. Public law sciences

ABSTRACT OF THE THESIS  
for the degree of Doctor of Sciences in Law

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**Relevance of the research topic.** Modern legal science should take into account the fact that the constitutional development of the Russian state is passing through a new, truly momentous historical stage. Complicated geopolitical and international economic contexts pose objectives, the solution of which should bring Russia to a new level of stability and prosperity, regardless of any challenges and threats.

President of the Russian Federation Vladimir Putin, addressing the Federal Assembly of the Russian Federation on February 21, 2023, described the current period as "a milestone time for this country", "a period of cardinal, irreversible changes in the entire world, the most important historical events that determine the future of this country and the people, when each of us has a colossal responsibility"<sup>1</sup>.

From legislative point of view, this period is particularly important for fundamentally new - rational, balanced, efficient - approaches to improving the quality of public and municipal administration, to building a trust-based constructive dialogue between civil society and the state, focused on achieving common development goals, are especially important during this period.

The role of state control (supervision), municipal control and public control in their integral interrelation is of considerable importance in this process (it should be noted that in the thesis the terminological series including the list of "state control (supervision), municipal control and public control" is replaced by the wording "state and public control" in a number of cases (including the title of the work itself, the chapters and paragraphs) solely in order to facilitate the perception of linguistic constructions and guided by the proximity and fundamental unity of the legal nature of state control (supervision) and municipal control, taking into account the fact that state power and local self-government themselves constitute a single system of public authority. At the same time, such a terminological solution in no way means denial of the self-valuable and extremely significant nature of municipal control. The issue of the exact correlation of the concepts is addressed in the corresponding paragraphs of the thesis).

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<sup>1</sup> Message of the President of the Russian Federation Vladimir Putin to the Federal Assembly of the Russian Federation on February 21, 2023. The text is on the official website of the President of the Russian Federation. Electronic resource. <http://www.kremlin.ru/events/president/news/70565>. Accessed on February 23, 2023.

These types of control, relying on a fairly modern, well-developed regulatory legal framework, at the same time need further improvement, rational "adjustment" of specific legal mechanisms and practical approaches to the organization of control and supervisory activities.

Constitutional and legal foundations for developing state control (supervision), municipal control and public control at the present stage of state building, socio-political and socio-economic development of the Russian Federation are an extremely important and relevant subject of research. The evolution of approaches to control in the state and society reflects the general course and dynamics of improving public administration, and legal science should timely develop and propose significant ideas and innovations aimed at improving the quality of public authorities in the interests of citizens.

In accordance with the Constitution of the Russian Federation, local self-government bodies and state authorities are part of a unified system of public authority in the Russian Federation and interact to most effectively solve problems in the interests of the population living in the relevant territory (part 3 of Article 132). This important provision, enshrined in the Russian Constitution in 2020, clearly objectified the most important principle of unified efforts of all bodies and officials in the process of state and municipal governance in order to achieve the maximum positive effect to ensure the rights and freedoms of our citizens, improve the quality of their lives, realize their legitimate interests and needs for free development, as required by the constitutional characteristic of Russia as a social state (part 1, article 7 of the Constitution of the Russian Federation).

Prime Minister of the Russian Federation Mikhail Mishustin called the "state for citizens" a new culture of public administration and emphasized that it is designed to "focus the work of the authorities around the interests of each particular person", highlighting: "the success and quality of the state's work is largely determined by the degree of trust of citizens, the expert community and business in the actions of the authorities, as well as by how easy and understandable their interaction is and whether it

meets people's expectations".<sup>2</sup> The core of the modern culture of state and municipal governance, therefore, lies precisely in the fact that the state, represented by all bodies that make up the unified system of public power, ought to act in the best interests of the individual, putting these interests, rights, freedoms and dignity of the individual at the forefront in its daily work and strategic development.

Modern state control (supervision), municipal control and public control, considered in the thesis through the prism of the constitutional and legal principle of their systemic unity proposed by the author, are an extremely significant component of state and municipal management as a whole, also acting as a structural element of genuine constitutionalism. Their organization and the basic principles on which they are based should develop in the same unified logic. It is legitimate and relevant to talk about the formation of a new philosophy and culture of control and supervisory activities, about the development of a new quality and importance of public control as an important component of the culture of public administration and the relationship between public authorities and civil society.

Control, as an important feedback mechanism, has in its modern constitutional and legal dimension not a punitive bias and the nature of administrative pressure on citizens and business, but exactly the opposite - the nature of a tool to ensure guarantees of the rights and legitimate interests of citizens, business community, organizations, help and assistance to them in their daily activities and in relations with public authorities.

The evolution of control towards building its partnership model and, in many respects, its service character is quite distinct and corresponds to the model of development of state and municipal governance, which the country's leadership speaks about and scholars write about. It is the topical aspects of further development of control and supervisory activity in this direction that are considered in the thesis from the perspective of the constitutional law science.

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<sup>2</sup> Mikhail Mishustin referred to the "state for citizens" as a new culture of public administration. Retrieved from the website "национальные проекты.рф" on February 1, 2022. Electronic resource. <https://xn--80aapampemcchfmo7a3c9ehj.xn--plai/news/mishustin-nazval-gosudarstvo-dlya-grazhdan-novoy-kulturoy-gosupravleniya>. Accessed on March 11, 2023.

Approaches to understanding, legislative regulation and practical organization of state and public control in this country have passed a serious historical path, acquiring various features at different historical stages, which are shown in the thesis. The modern period of state-building and constitutional development of the Russian Federation is characterized by a number of significant trends in the development of state control (supervision), municipal control and public control in their interrelation, corresponding to the general direction of improving state and municipal management. They include:

- orientation of public administration towards citizens, their rights, needs, expectations and wishes;
- ensuring greater openness (transparency) of public administration;
- development of forms of interactive communication between public authorities and society;
- reduction of excessive administrative burden on the subjects in respect of which control and supervisory activities are carried out;
- wider implementation of a risk-based approach in the framework of control and supervisory activities;
- increasing the role of public control as a significant form of feedback in the state-society dialogue, contributing to the improvement of public administration.

At the same time, it should be noted that, despite the tremendous work on improving control and supervisory activities carried out in recent years by the Federal Assembly of the Russian Federation (in terms of updating legislation), the Government of the Russian Federation and other federal executive authorities, state authorities of the subjects of the Russian Federation and local self-government bodies, including in cooperation with the business and expert community, a number of challenges and urgent tasks remain, the solution of which lies in the plane of further improvement of scientific and theoretical approaches, the regulatory legal framework and the practice of state and public control. Among them there is the need to further reduce the number of unnecessary inspection activities, eliminate their duplication, in general reduce the control and administrative burden on controlled persons and optimize their dialogue with the controlling authorities, further develop feedback mechanisms to ensure a fuller

consideration of the interests of all persons involved in the sphere of control and supervisory activities.

From the standpoint of modern jurisprudence, it is important and relevant to define a set of reasonable steps of a law-making and organizational nature to further improve state control (supervision), municipal control and public control in the Russian Federation.

Currently, there is an urgent need to expand legal and organizational capabilities for effective public control, increasing its practical significance in the public-state dialogue.

The relevance of the thesis topic is also due to the lack of comprehensive studies in which the priority would be given to the systematic convergence of state control (supervision) and municipal control as an activity implemented by public authorities with public control as an important function of civil society institutions. These types of control are often considered in isolation, from the point of view of the specific features inherent in each of them, and not enough attention is paid to the principle uniting them. To determine such a unifying principle, it is the constitutional and legal perspective of the study of state and public control that is important.

Research in terms of constitutional law of modern state control (supervision), municipal control and public control in their interrelation and prospects for their development in the context of the identified major trends is an extremely relevant vector of scientific work, which has both theoretical and practical significance for further improvement of state and municipal governance, the functioning of a unified system of public authority in the Russian Federation.

**The degree of elaboration of the scientific problem.** Essential aspects of implementing state control in the general context of building state power and realization of the state's control function in the pre-revolutionary period were touched upon in the works of such Russian legal scholars and state researchers as A.S. Alekseev, I.E. Andreevsky, N.I. Lazarevsky, M.M. Speransky and others.

In the Soviet period, as approaches to the organization of state, party and people's control developed, they were reflected in the works of L.K. Vinogradov, N.A.

Voskresenskaya, V.M. Gorshenev, G.A. Dorokhova, S.N. Ikonnikov, V.F. Kotok, A.E. Lunev, S.P. Mezentsev, L.F. Morozov, V.P. Portnov, Ya.N. Umansky, I.B. Shakhov, E.V. Shorina and other researchers.

In modern law science versatile issues of state control (supervision), municipal control and public control are investigated in publications of such authors as S.A. Agamagomedova, V.V. Alekseev, V.P. Belyaev, V.G. Bessarabov, Z.V. Vdovenko, A.A. Grishkovets, A.I. Gurin, E.I. Dobrolyubova, A.S. Evdokimov, S.V. Zapolsky, A.S. Zubarev, N.V. Zybunovskaya, S.M. Zyryanov, A.V. Kalmykova, E.V. Kirichok, A.Yu. Kiryanov, V.I. Mayorov, K.V. Markov, E.V. Maslennikova, A.F. Nozdrachev, O.V. Pavlov, A.N. Pokida, A.A. Sitnik, A.M. Tarasov, V.N. Yuzhakov, A.B. Yablonskaya, I.M. Yapryntsev and others.

Such researchers as, for example, P.A. Byshkov, O.S. Sokolova, E.S. Shugrina and others have focused on the topic of municipal control. In turn, such scholars as A.I. Avdeeva, R.E. Arutyunyan, N.A. Beleshev, E.V. Berdnikova, O.S. Zabalova, V.E. Karastelev, M.S. Kritskaya, A.G. Kucherenka, A.V. Martynov, D.S. Mikheev, T.N. Mikheeva, E.A. Ogneva, A.L. Petelin, O.G. Savitskaya, T.D. Sokolova, O.E. Starodubova, V.V. Starchikova, I.V. Teplyashin, L.A. Sharnina and other authors have made public control the subject of their research.

In the last few years, thesis research has been conducted on municipal control (see, for example: Byshkov P.A. Municipal control in the Russian Federation: theory and practice. Thesis ... Doctor of Law. Moscow, 2018), constitutional and legal understanding of important issues of public control (see, for example: Berdnikova E.V. Public control in the constitutional and legal interaction of public authorities and civil society institutions in the Russian Federation. Thesis ... Doctor of Law. Saratov, 2022).

At the same time, the analysis showed that at present there are practically no comprehensive constitutional and legal studies of state control (supervision), municipal control and public control in their systemic unity and in relation to trends in the development of state and municipal governance in the Russian Federation as a whole.

The paper shows the importance and expediency of strengthening the constitutional and legal vector of research on the subjects of state control (supervision),

municipal control and public control in their inseparable relationship and systemic unity. It is such a comprehensive study that is presented in the scope of the thesis.

**The aim of the thesis research** is to form an integral constitutional-legal concept of the development of state control (supervision), municipal control and public control in their systemic unity on the basis of a comprehensive analysis of the theoretical and methodological foundations, the historical path of development and the modern Russian model of state control (supervision), municipal control and public control, as well as considering the international experience of regulation of control and supervisory activities; and within the framework of the concept to formulate and justify a set of proposals for further improvement of legal regulation, organizational and managerial mechanisms and practices of control and supervisory activities, public control in conjunction with improving the quality of public and municipal management, the effectiveness of public-state dialogue in the Russian Federation.

**To achieve this aim, the following tasks were set:**

1) to determine the theoretical foundations of the study of state and public control, considering the current trends in the constitutional development of the Russian Federation;

2) to show on the basis of the conducted analysis from the standpoint of constitutional law the content and correlation of the concepts of "state control (supervision)", "municipal control" and "public control";

3) to formulate and substantiate the constitutional and legal principle of the systemic unity of state control (supervision), municipal control and public control;

4) to characterize in a meaningful way the key historical stages of the formation and development of state control as a state-legal institution, to trace the comprehensive reform of state and public control from the standpoint of domestic experience of legislative regulation and constitutional and legal practice;

5) to reveal significant aspects of international experience in regulating relations in the field of organization of state and public control, noting the current directions of possible mutual reception;



6) to characterize meaningfully the Russian model of building an integrated institute of state and public control in a systemic relationship with the improvement of public administration;

7) to show from the constitutional and legal positions the relationship of the organization of state and public control with the forms of realization of the political right of citizens of the Russian Federation to participate in the management of state affairs;

8) to reveal the evolution of views on public control in the context of Russian constitutionalism, to show modern principles and models of regulation of public control and public participation in various aspects of public and municipal administration;

9) to characterize the model of open state and municipal governance in Russia from the point of view of relevant aspects of interaction with civil society institutions;

10) to determine the current contemporary topical understanding and prospects for the development of the institution of parliamentary control in the overall system of state and public control;

11) to illustrate the prospects for improving the theoretical foundations of state and public control in the context of the tasks of constitutional development of the Russian Federation on the basis of the conducted analysis;

12) to formulate and substantiate, from the standpoint of a systematic approach, current directions for improving legislation on state and public control, to determine the prospects for the development of organizational mechanisms and law enforcement practice in the field of state and public control.

**The object of the study** is a set of public relations in the sphere of organization and implementation of state control (supervision), municipal control and public control in the Russian Federation in correlation with the development of state and municipal governance and interaction between civil society and public authorities in the country, as well as the system of norms regulating these public relations.

**The subject of the research** covers doctrinal provisions of the constitutional law science on state control (supervision), municipal control and public control, constitutional-legal and other norms regulating relations in the sphere concerning the

organization and implementation of these types of control and supervision, the practice of implementation of these norms and problematic and controversial issues identified by this practice that require theoretical and practical attention.

**The theoretical basis of the research** includes doctrinal provisions of law science, contained in the works of researchers in the field of constitutional law, as well as the theory of state and law, municipal law, administrative law and other legal sciences.

With regard to the authors already named above (when describing the degree of development of the scientific problem), whose scientific works were used as a theoretical basis, it should be noted that theoretical provisions and views set out in the publications of such famous domestic constitutionalists and legal theorists as S.A. Avakian, N.A. Bobrova, N.A. Bogdanova, I.B. Borisov, A.G. Golovin, V.V. Grib, A.A. Dzhagaryan, S.V. Kabyshev, A.A. Klishas, E.I. Kozlova, V.V. Komarova, O.E. Kutafin, M.A. Lipchanskaya, G.V. Maltsev, M.A. Mityukov, V.N. Pligin, G.D. Sadovnikova, S.V. Stepashin, B.A. Strashun, Y.A. Tikhomirov, T.Y. Khabrieva, N.M. Chepurnova, Y.L. Shulzhenko, B.S. Ebzeev and others are very significant for the topic investigated in the thesis.

When developing the topic, the author of the thesis also addressed the arguments, scientific approaches, conclusions and proposals set out in the works of such authors as N.Yu. Akinina, L.V. Akopov, A.P. Alekhin, V.F. Anisimov, Z.N. Bedoeva, A.V. Bezrukov, Yu.A. Bratashova, O.V. Brezhnev, A.M. Budaev, O.N. Bulakov, T.M. Byalkina, N.N. Volchkova, A.M. Voronov, A.Yu. Gulyagin, E.O. Danilov, A.V. Danilov-Danilyan, I.N. Dekhtyar, V.N. Zhimirov, E.V. Kazakova, A.A. Karmolitsky, Yu.M. Kozlov, V.A. Kolokoltsev, O.N. Kolomytseva, A.S. Kuznetsov, N.S. Lisina, S.V. Mochievsky, A.G. Ovsepyan, I.N. Ryazantsev, A.A. Spector, A.I. Stakhov, A.G. Tishchenko, V.A. Fedosov, Yu.G. Fedotova, D.Ts. Khobrakov, N.V. Khudyakova, G.N. Chebotarev, V.V. Chumanova, N.I. Shaklein, S.A. Shirobokov and many others.

The provisions outlined in the works written jointly with the co-authors, including Golovin A. Yu, Evsikov K. S., Ivanova D. A. and other colleagues, are of great importance.

It should be emphasized that the study of the organization and development of control and supervisory activity in the state should combine rich tools and approaches of the theory of state and law (since, for example, it is from the theoretical and legal positions that control is systemically interrelated with public administration - they in inseparable unity manifest themselves in the implementation of state functions), administrative law, municipal law, as well as other branch and applied sciences. The author incorporates it into the initial methodological approaches to the research; this enriches the possibilities for the scientific search for new valuable meanings.

The paper formulates and substantiates the statement that, while the constitutional-legal basis of the systematic academic understanding of control and supervisory activity in the Russian Federation remains exactly the same, it is expedient and important to develop the legal doctrine of state control (supervision), municipal control and public control as an interdisciplinary discipline and a plane for interdisciplinary research, in view of the rich scientific experience and material in this area, accumulated and developed in the fields of theory of state and law, administrative law, municipal law, other legal disciplines, as well as in other sciences, taking into account the importance of economic approaches, mathematical and statistical tools, etc. for the sphere of modern control and supervisory activities. An interdisciplinary approach can provide a significant synergetic effect for the further scientifically elaborated development of control and supervisory activities in Russia. This approach applied in the paper resulted in a number of significant conclusions and suggestions.

**The methodological basis of the research** is a set of traditional methods of scientific research, including dialectical approach, systematic approach, synergetic approach, methods of analysis and synthesis, generalization, analogy, induction and deduction, sociological, statistical, formal legal, historical, comparative (comparative legal) and other methods.

The author considers the central methodological approach to be the systemic approach, which allows to achieve a comprehensive systemic scientific comprehension of control and supervisory activity in a unified space of constitutional and legal

foundations of modern state building and the evolution of the entire state-society system.

It should be particularly noted that the constitutional and legal study of a significant sphere of public relations, a certain important aspect of state and public life is of particular value if it is carried out in the broad context of the most general, complex categories that are basic for constitutional law. It seems extremely important to consider the constitutional and legal problems of building a system of state control (supervision) and public control in their interrelation from the standpoint of a systematic approach to modern Russian constitutionalism. The author believes that control and supervisory activity based on the priority of ensuring and protecting the human and civil rights and freedoms is a significant constructive element of constitutionalism for the modern state.

One of the key methodological approaches chosen within the framework of the conducted research is to consider the topic from the standpoint of understanding the developed control and supervisory activities as one of the significant elements of Russian constitutionalism.

The system-structural approach contributed to the consideration of the issues of the development of state control (supervision), municipal control and public control in a systematic hierarchical relationship with the general directions of improving public and municipal governance in the Russian Federation and increasing the effectiveness of public-state dialogue in the context of constitutional development, which corresponds to the stated research paradigm.

Since methodological approaches should correspond to the specific-historical stage of development of the state-legal reality, and in the current case to the modern stage of constitutionalism development and, accordingly, constitutional-legal comprehension of the phenomena under study, the significant specificity of the methodological approach to the scientific search in the sphere under study consists in considering the organization and functioning of the entire system of control and supervisory activity through the prism of the constitutional-legal approach formulated in the thesis.

The historical method is also important, from which perspective the paper considers the main historical stages of development of the phenomenon under study, as well as the comparative (comparative-legal) method, since it is very significant to look at international experience in the field of organization of control and supervisory activities and constitutional-legal regulation of its foundations, including in the aspect of possible reception of foreign legal approaches and organizational solutions or, which is especially important in modern conditions, translation of the Russian experience of legal regulation.

The prognostic method (method of legal forecast), allowing to extrapolate the main trends in the development of the investigated sphere of relations, as well as the method of legal modelling, which are widely used in the final chapter of the study in order to formulate specific recommendations of normative and organizational-administrative nature, constituting significant elements of scientific novelty of the thesis work, are of particular importance.

The combination of selected scientific methods made it possible to solve the tasks and achieve the stated research aim.

**The information base of the study** includes the Constitution of the Russian Federation, the Law of the Russian Federation on the Amendment to the Constitution of the Russian Federation dated March 14, 2020 No. 1-FKZ "On Improving the Regulation of Certain Issues of the Organization and Functioning of Public Power", federal constitutional laws, federal laws, regulatory legal acts of the President of the Russian Federation, acts of the chambers of the Federal Assembly of the Russian Federation, The Government of the Russian Federation and other federal executive authorities, laws and other regulatory legal acts of the subjects of the Russian Federation, municipal regulatory legal acts.

It is of great importance to refer to the strategic planning documents of the Russian Federation, subjects of the Russian Federation and municipalities, lists of instructions of the President of the Russian Federation, instructions of the Prime Minister of the Russian Federation and Deputy Prime Ministers of the Russian Federation, information materials of the Government of the Russian Federation and

other federal executive authorities, the Accounts Chamber of the Russian Federation, judicial and other law enforcement practice, information from electronic resources that make up the digital environment of information and analytical support for control and supervisory activities in the Russian Federation (they are described in the thesis), statistical information regarding control and supervisory activities in this country.

In the historical part of the study, legal sources of the pre-revolutionary and Soviet periods of the development of the Russian state are widely used, in the comparative (comparative legal) part – data on constitutions and other normative legal acts of various foreign countries.

The totality of the regulatory, scientific, informational and other sources used amounted to more than 450 titles.

The **empirical basis** of the study is statistical data, including data from federal executive authorities, the business community, and materials of law enforcement practice in the field of state control (supervision), municipal control and public control.

**The validity and reliability of the research results** are confirmed by the use of normative legal acts of the Russian Federation and constituent entities of the Russian Federation in the current editions, objective statistical information, data of law enforcement practice, a wide range of verifiable scientific sources, sufficient theoretical basis in the form of works of many researchers on relevant issues, as well as the formation of conclusions and recommendations corresponding to the designated goal and objectives of the study, based on the use of the above-mentioned scientific methods, allowing to obtain reasonable and reliable results of scientific research.

**The scientific novelty** of the thesis consists in the fact that it presents an unparalleled comprehensive constitutional and legal study of the development of state control (supervision), municipal control and public control in the general context of topical issues and modern tasks of improving state and municipal governance in the Russian Federation.

This is the first time in the Russian science of constitutional law that a systematic comprehensive study of the constitutional foundations, regulation and practice of the organization and development of state control (supervision), municipal control and

public control in their systemic interrelation and in the plane of topical issues of improving the quality of state and municipal governance has been carried out. As a result of which a holistic constitutional-legal concept is presented and a set of interrelated proposals for the organization and development of state control (supervision), municipal control and public control a set of interrelated proposals for further development of legal regulation and practice in this area has been formulated.

The key elements determining the scientific novelty of the constitutional and legal concept presented in the thesis are the well-founded systemic unity of state control (supervision), municipal control and public control from the point of view of their purpose within the entire public-state mechanism, consideration of the vectors for development of control and supervisory activities, public control in relation to the general significant trends of modern development state and municipal administration, a reasoned set of interrelated proposals of a scientific, theoretical, rule-making and practical nature, the implementation of which will significantly improve state control (supervision), municipal control and public control in the key necessary for the future development of the Russian Federation as a constitutional legal social state.

One of the important tasks for constitutional and legal science is to build an image of the future model for organizing the interaction between the state and society on the stable basis of the foundations of the Russian Federation's constitutional system. This requires a clear vision of the trends in the development of relations between public authorities and civil society institutions and the development of sound proposals for improving such interaction on the way to approaching the ideals of a constitutional, legal, social state. The conducted research contributes to the solution of this problem in terms of the constitutional and legal aspects of the development of state control (supervision), municipal control and public control in Russia, revealing the relevant theoretical and methodological foundations, identifying current trends and proposing theoretical, law-making and organizational approaches to further improvement of control and supervisory activities in the country.

The improvement of state, municipal and public control in their systemic unity should serve the common goals of improving the quality of state and municipal

governance, increasing the effectiveness of mutual trust-based public–state dialogue and thereby strengthening the constitutional system of the Russian Federation as a democratic rule of law state.

The conceptual effect accompanying the implementation of the relevant directions and proposals outlined in the thesis should be developing a new constitutional and legal philosophy of the future of control and supervisory activities in the overall process of improving state and municipal management in this country, which will significantly manifest itself both in the scientific and theoretical plane, and in legislation, organizational and managerial decisions and practice for the development of state control (supervision), municipal control and public control in their systemic unity and in the broad context of improving the efficiency of the functioning of the entire unified system of public authority in the country and the genuine development of civil society.

**The following main provisions (conclusions) are formulated and submitted for defense in the thesis:**

1. State, municipal and public control in their systemic unity from the constitutional and legal point of view means the activity of public authorities of all levels authorized by legislation, as well as public institutions (institutions of civil society) to exercise, in the established forms and within the established limits, the powers and functions to monitor, verify, analyze and evaluate the activities of bodies and organizations, prevent, suppress violations, eliminate their consequences and (or) restore the pre-existing condition of constitutionally significant values, aimed at achieving the state of protection of constitutionally significant values, including comprehensive observance of guarantees of human and civil rights and freedoms, strengthening of law and order, as well as improving the efficiency of state and municipal administration, timely and objective informing of the society and informing public authorities, officials about the revealed shortcomings in order to eliminate them.

2. Due to modern trends in ensuring the systemic unity of all levels of public authority, including municipal, and the development of effective forms of dialogue between the state and civil society, the categories of state control (supervision),



municipal control and public control should be considered as systemically interrelated and aspiring to a kind of trinity - organic correlation in terms of goals, objectives, mechanisms of implementation and expected socially significant results. This trinity stems from the general social nature of control activities carried out by state, municipal and public institutions and corresponds to the constitutional basis of control in the country – the basic provisions of the Constitution of the Russian Federation on a democratic legal social state. The author substantiates such unity and, in fact, a common approach of the legislature to formulate definitions and goals of different types of control activities (although there are some legal nuances and semantic accents depending on the subjects of such activities and areas of control), which is shown in the thesis on the basis of the analysis.

3. The modern understanding and practical organization of control and supervisory activities in the Russian Federation should be based on the constitutional and legal principle of the systemic unity of state control (supervision), municipal control and public control, which is revealed in the following aspects:

- a unified conceptual approach of the legislator to orienting all types of control to achieve constitutionally significant goals and protect constitutionally significant values;
- the orientation of all types of control to comprehensively ensure the rule of law in the areas of public relations subject to control and in all areas of activity of public authorities, which are monitored;
- correlation of the content of all types of control in terms of a combination of both verification measures (or observation) and analytical and prognostic components aimed at countering the formation of conditions conducive to the commission of violations;
- compliance with the expected results of control activities within the framework of all control types - to eliminate violations and restore the state of protection of rights and freedoms of individuals and legal entities, public interests;
- the unity of the constructive nature of control activities, the essence of which is not so much the implementation of a punitive function (the application of sanctions based on the results, bringing to justice those responsible for violations), as in the

protection of rights and freedoms from violations and the development of constructive proposals to prevent violations in the future, that is, to improve the activities subject to control.

Consistent implementation of this principle, both in lawmaking and in law enforcement practice, will serve to further increase constructive civic engagement and overcome the possible divergence of public and state control. The significance of this principle both for legal science and for the practice of control and supervisory activities is that the interaction of subjects of state, municipal and public control, based on the awareness and practical implementation of the systemic unity of the legal nature and the main objectives of control activities, will give a synergetic effect for the development of public-state communications, dialogue between public authorities and civil society, and ultimately – to improve public and municipal governance in the country in the interests of citizens.

4. The constructive, creative potential of public control should be considered as serving to ensure the synergy of joint effective efforts of civil society, on the one hand, and the state, represented by a unified system of public authority, on the other hand, aimed at solving the most important issues of society, meeting the needs of society, ensuring the rights, freedoms and legitimate interests of the individual. From the constitutional and legal point of view, the personal attitude of citizens to the implementation of public control and the assessment of its real effectiveness are important, and therefore it is necessary:

- to develop the concept of responsible public control, within which citizens base the implementation of their control functions by virtue of legislation on a personal responsible attitude to this process and on the desire for constructive results of control, focused not only on identifying shortcomings of state and municipal management, but also on developing proposals and recommendations for effective improvement of the implementation of public the authorities of their functions in the interests of the population;

- to introduce as a significant indicator of the effectiveness of public control mechanisms such a criterion as the degree of satisfaction of the population as a result of public control over the activities of public authorities.

5. The modern Russian model of control and supervisory activity is characterized by the following significant features from the constitutional and legal point of view:

- focus on the full-fledged development of a service and partnership model of control and supervisory activity (this feature is generic, meaning-determining, having axiological significance, and is revealed, among other things, through the group of interrelated features listed below);

- establishing a modern national model of control and supervisory activities based on a fully updated legislative framework;

- expanding the application of the risk-oriented approach as one of the central pillars for organising control and oversight activities;

- focus on the priority of a preventive approach in the implementation of control and supervisory activities;

- active digitalisation of control and supervisory activities and ensuring openness (accessibility) of information;

- constant focus on the introduction of new technologies and organizational and managerial approaches to the organization of control and supervisory activities.

6. In the modern doctrinal understanding, legal regulation and practice of organizing state control (supervision), municipal control and public control, the priority of preventing violations of the rights and freedoms of individuals and legal entities, minimizing the risk of harm (damage) to legally protected values should be strengthened.

The current legislation on state control (supervision), municipal control, as well as on the basics of public control should be supplemented with norms reflecting this priority, both at the level of norms-principles and in specific legal mechanisms.

In particular, Federal Law No. 212-FZ of July 21, 2014 "On the fundamentals of public control in the Russian Federation" should enshrine the principle of priority of

preventive orientation and comprehensive assistance in preventing violations of values guaranteed and protected by the Constitution of the Russian Federation and laws.

In general, the main direction of further reform of state control (supervision), municipal control is to reduce the number of unnecessary inspections and expand preventive measures.

7. The key directions for this new stage of the reform in control and supervisory activities in the Russian Federation should involve:

- in terms of state and municipal control - reducing the number of unnecessary inspections and expanding measures that are preventive in nature (which is due to the existing sustainable trend in modern state control);

- widespread introduction and further development of information technologies, electronic platforms and services convenient for operational communication of all involved parties in the process of control and supervisory activities. At the same time, it is important to popularize digital solutions and technologies in order to attract as many citizens and organizations as possible to their interested use.

In particular, in terms of practical legal and organizational mechanisms, there is a need for:

- further active introduction of remote-control technologies through the use of information and telecommunications technologies, development of special mobile applications and services and other similar tools that allow the use of modern achievements of digitalization to improve the efficiency and convenience of practical implementation of control (supervision);

- further active introduction of artificial intelligence technologies in the field of control and supervisory activities (in particular, appropriate analytical capabilities can be used in determining risk indicators for the purposes of unscheduled inspections, etc.);

- institutionalization and development of a single digital platform of public control, which would provide users with wide convenient opportunities, and to which all interested participants of public control would have access. This could be a unified Internet portal of public control in the Russian Federation (conventionally, the portal "общественныйконтроль.рф"). The Public Chamber of the Russian Federation should

be entrusted with the main function of coordinating the work of such a portal on the part of civil society institutions (a specific version of the legislative solution with the definition of the relevant changes is proposed in the text of the thesis).

8. It is necessary to develop and fine-tune mechanisms in constructive dialogue with the business community to ensure an optimal balance of public and private interests in the sphere of interaction between law enforcement agencies and business, based on the priorities of encouraging and creating conditions for the implementation of entrepreneurial initiative, ensuring positive economic effects for the state and society from the activities of Russian business.

The legislation should provide for mechanisms that exclude unjustified duplication of any verification measures by various bodies, as well as other excessive administrative influence that complicates the economic activities of entrepreneurs.

Elements of public control within the mechanisms of state and municipal control should be strengthened by introducing broad practices of participation of the public (e.g., public inspectors, including representatives of the business community) in relevant control activities. For this purpose, it is required to establish the status of the relevant representatives of the public - citizens who have declared their willingness to provide voluntary and gratuitous assistance to controlling bodies (organizations) and their officials in activities aimed at achieving the goals and solving the tasks of state control (supervision) and municipal control, as well as to clearly institutionalize and regulate the procedure, forms and limits of their participation in control and supervisory activities, bearing in mind that they are not endowed with any state or municipal powers, but only assist in the relevant activities.

It is also essential to further introduce public debates on both the content and actual areas in the development of control and supervisory activities, with representatives of the business community and with representatives of subjects of public control.

9. Given the increasing importance of modern control and supervisory activities and public control, it is reasonable to elaborate approaches to the consolidation of key basic provisions on state control (supervision), municipal control and public control in

the Constitution of the Russian Federation. In the perspective, in case of the next stage of improvement of the constitutional text, the following basic provisions should be considered to be enshrined in Chapter 3 of the Constitution of the Russian Federation (the specific wording will have to be substantially elaborated at the time of inclusion of the relevant provisions in the text of the Constitution):

- in the Russian Federation, within the framework of the functioning of a unified system of public authority, state control (supervision), municipal control is exercised, and the possibility of exercising public control is guaranteed in accordance with the goals, objectives and principles established by federal laws;

- the implementation of state control (supervision), municipal control and public control is based on the recognition of their systemic unity and focus on ensuring the best conditions for a decent life and free human development, on the guarantee and protection of human and civil rights and freedoms.

10. The development of modern information and analytical support for control and supervisory activities should continue in the following areas:

- further improvement of automated information systems of federal executive authorities and ensuring their maximum integration into a single digital environment of control and supervisory activities;

- strengthening interdepartmental coordination in terms of the development of information systems necessary to improve the unified digital environment of control and supervisory activities;

- "digitization" of cross-sectoral risks (related to the areas of responsibility of different supervisory authorities) for the purpose of further comprehensive development of the risk-based approach in control and supervisory activities.

11. A set of amendments to the current legislation regulating various types of control aimed at:

enshrining the provision that human and civil rights and freedoms, being directly applicable, determine the meaning and content of activities in the area of state control (supervision) and municipal control;

consolidation and disclosure of the principle of systemic unity of state control (supervision), municipal control and public control, which will contribute to improving the effectiveness of all these types of control;

consolidation and disclosure of the principle of personal responsible attitude to participation in public control, the priority principle of preventive orientation of public control and comprehensive assistance to the prevention of violations of values guaranteed and protected by the Constitution of the Russian Federation and laws, as well as the focus on further development of forms of public control;

securing greater efficiency of modern parliamentary control, including by ensuring its greater interaction with the general system of state control (supervision), municipal control and public control in their constitutional and legal unity.

Specific suggestions, including the wording of relevant legal norms, are outlined in the thesis.

**The theoretical significance** of the research lies in the fact that the formulated and reasoned provisions, conclusions and suggestions can be used both for the further development of the constitutional legal doctrine, deepening the understanding of the modern issues of state control (supervision), municipal control and public control within the framework of the constitutional law science, and for improving the legal regulation and practice of control and supervisory activities, public control in the country, as well as, in general, improving the quality of public and municipal administration.

The theoretical provisions of the thesis can be applied in the further development of approaches to teaching relevant disciplines. In particular, the author considers it important in the future to pay more attention to the issues of public control in the framework of teaching courses of constitutional law of Russia and municipal law. It is equally important to stimulate further scientific research of public control in its systemic unity with state control (supervision), municipal control in the context of modern Russian constitutionalism. It would be possible to recommend to consider the issue of allocation of a special course (special academic discipline) on public control within the framework of state-legal specialization in educational organizations of higher education implementing educational programs in the direction of training "Law", as well as to

encourage students to prepare graduate qualification papers on the subject of public control in the Russian Federation.

**The practical significance** of the results obtained lies in the fact that both the specific theoretical, rule-making and practical organizational proposals formulated in the thesis, as reflected in the above provisions submitted for defense, can be used to further improve state control (supervision), municipal control and public control in the Russian Federation.

The thesis formulates specific lawmaking proposals that can be directly used for developing and submitting to the State Duma of the Federal Assembly of the Russian Federation draft federal laws on amending a number of existing legislative acts of the Russian Federation.

The practical significance of the work is characterized, in particular, by the presence of the following suggestions formulated by the author:

1) the trends in serious improvement of the mechanisms of state and municipal management analyzed in the thesis give grounds for the practical formulation in a certain perspective of the issue of the development and adoption of a new system-forming legislative act - the Federal Law "On the Improvement of State and Municipal Management in the Russian Federation";

2) in the future, it is also advisable to work out the issue of adopting the Federal Law "On the Basics of Licensing Activities in the Russian Federation" and ensuring its systemic relationship with legislation in the field of control and supervisory activities, which will contribute to solving the problem of improving the quality of state and municipal governance in the country and strengthening the constitutional system of Russia;

3) it seems reasonable to study the issue of developing and adopting at the federal level a new strategic planning document – Strategy for improving the effectiveness of state control (supervision), municipal control and public control in the Russian Federation up to 2035. The goals, objectives, principles and mechanisms formulated within the framework of such a document will give a powerful impetus to the systematic long-term development of control and supervisory activities, public control;



4) the paper offers specific variants of legislative decisions with the wording of the relevant changes:

- on the consolidation of the principle concerning the systemic unity of public control, state control (supervision) and municipal control in Federal Laws No. 212-FZ of 21 July 2014 "On the foundations of public control in the Russian Federation" <sup>3</sup>, No. 248-FZ of 31 July 2020 "On state control (supervision) and municipal control in the Russian Federation" <sup>4</sup>(hereinafter also referred to as the Federal Law "On state control (supervision) and municipal control in the Russian Federation" or Federal Law No. 248-FZ), as well as on the inclusion in Federal Law No. 77-FZ of May 7, 2013 "On Parliamentary Control" of the <sup>5</sup>norm that "parliamentary control is carried out based on the principle of systemic unity with public control, state control (supervision) and municipal control, based on the common goals, objectives and general focus on the protection of values guaranteed and protected by the Constitution of the Russian Federation and laws";

- on the consolidation in Federal Law No. 248-FZ of 31 July 2020 "On State control (supervision) and municipal control in the Russian Federation" of the principle that human and civil rights and freedoms, being directly applicable, determine the meaning and content of activities in the area of state control (supervision) and municipal control;

- on the establishment in Federal Law No. 212-FZ of 21 July 2014 "On the Fundamentals of Public Control in the Russian Federation" of the principle that preventive orientation and comprehensive assistance in preventing violations of values guaranteed and protected by the Constitution of the Russian Federation and the laws, as well as the principle of a personally responsible attitude to participation in public control;

- on supplementing the objectives of public control in the Russian Federation in Federal Law No. 212-FZ of 21 July 2014 "On the Fundamentals of Public Control in the

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<sup>3</sup> Official Internet portal of legal information <http://www.pravo.gov.ru>, 22 July 2014 (original text).

<sup>4</sup> Official Internet portal of legal information <http://pravo.gov.ru> , 31 July 2020 (original text).

<sup>5</sup> Official Internet portal of legal information <http://www.pravo.gov.ru> , 08 May 2013 (original text).

Russian Federation" with such an objective as creating conditions for improving public administration and municipal governance in the Russian Federation;

5) it is necessary to significantly improve the provisions of the Federal Law of 7 May 2013 No. 77-FZ "On Parliamentary Control" by introducing a number of interrelated amendments aimed at ensuring greater effectiveness of modern parliamentary control, including by ensuring its greater interaction with the overall system of state control (supervision), municipal control and public control in their constitutional and legal unity (specific lawmaking proposals are set out in the text of the thesis);

6) at present, given the difficult geopolitical situation, purposeful unfriendly actions by a number of countries, unprecedented sanctions pressure on the Russian economy and other widely known negative circumstances, it is advisable to consider strengthening the external vector of parliamentary investigations and to specify in the subject matter of parliamentary investigations the facts of gross or mass violation of human and civil rights and freedoms by purposeful unlawful actions of representatives of unfriendly regimes. For this purpose, in Federal Law No. 196-FZ of 27 December 2005 "On a parliamentary investigation by the Federal Assembly of the Russian Federation", the norm of article 4, paragraph 1, part 1, according to which parliamentary investigations are subject to facts of gross or mass violations of human and civil rights and freedoms guaranteed by the Constitution of the Russian Federation, may be supplemented with the words ", including as a result of actions by representatives of foreign states and foreign and international organizations directed against citizens of the Russian Federation;".

The proposal substantiated in the thesis to institutionalize and develop a unified digital platform of public control, which would provide users with a wide range of convenient opportunities and to which all interested participants of public control would have access, is also of practical significance. This could be a unified Internet portal of public control in the Russian Federation (conventionally, the portal "общественныйконтроль.рф"). The main function of coordinating the work of such a portal by civil society institutions could be assumed by the Public Chamber of the

Russian Federation (a specific version of the legislative decision with the wording of the relevant changes is proposed in the text of the thesis).

The practical recommendations, if implemented, will make it possible to significantly improve organizational and management mechanisms in the sphere of control and supervisory activities and the development of public control in the Russian Federation, in particular, to promote further comprehensive digitalization of state control (supervision), municipal control, public control, to improve information and analytical support of control and supervisory activities, more effective interaction between control and supervisory authorities and their officials, as well as between supervisors and supervised persons, and increase the satisfaction of citizens of the Russian Federation and the business community with the practical mechanisms for organizing interaction in the sphere of control and supervisory activities. Achieving this will be in line with the priorities of developing a new philosophy of control and supervisory activities as well as state and municipal administration in general within the framework of the evolving concept of "State for People".

The above makes it possible to characterize the thesis as a work in which, on the basis of the research carried out by the author, a complex scientific issue of important legal, political and socio-economic significance is solved, and in which new scientifically sound solutions are outlined, the implementation of which can make a significant contribution to the development of the country.

The author, whose practical activity is directly related to the development of normative legal bases and law enforcement practice in this sphere, hopes that the thesis will not only arouse theoretical interest (serving, perhaps, as an occasion for interesting scientific legal discussions), but will also provide grounds for further elaboration and implementation of practical steps to improve legal norms and practice of organization of the entire system of state control (supervision), municipal control and public control in the Russian Federation.

**The approbation of the research results** has been conducted through the publishing scientific papers, using the key provisions and conclusions presented in the thesis, in the practical service activities of the author in the Office of the Government of

the Russian Federation, the author's activities as a member of the interdepartmental working group to protect the rights of entrepreneurs under the Office of the Prosecutor General of the Russian Federation, the Scientific Advisory Council under the Office of the Prosecutor General of the Russian Federation, the interdepartmental working group established by the Government of the Russian Federation to introduce the client-centered approach to public administration, as well as in teaching activities.

The author of the thesis was also a member of the working group for the drafting of the Federal Law of 21 July 2014 No. 212-FZ "On the Fundamentals of Public Control in the Russian Federation", was among the developers of the draft Federal Law of 31 July 2020 No. 248-FZ "On State Control (Supervision) and Municipal Control in the Russian Federation", was directly involved in the development and implementation of many other legal acts that are important for the regulation of relations in the field of organization and implementation of state control (supervision), municipal control and public control in the Russian Federation.

Many of the author's normative and practical developments, which he implemented and coordinated at the regional (working as a minister of Tula Oblast) and federal (working in the Office of the Government of the Russian Federation) levels, are cited and used to substantiate the conclusions and recommendations in the thesis.

The structure of the work is determined by the purpose and objectives of the study. The study consists of an introduction, five chapters (including 17 paragraphs), a conclusion, a list of references and appendices.

**The author's publications on the research topic.** 2 monographs and 34 scientific articles have been published on the topic of the thesis research in journals recommended by the Higher Attestation Commission of the Ministry of Education and Science of Russia for the publication of the main scientific results of the thesis for the degree of Doctor of Sciences. The list of other scientific publications of the author, including 28 works, is also presented.