

Legal policy of self-regulation mechanisms of social, political and economic processes formation in Russia

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Abstract: The article is devoted to practical and scientific problems of the functional distribution between state regulation of socio-economic, political and other processes and self-regulatory mechanisms of the Russian society. The author notes that if the West European civilization in the process of historical formation showed a natural tendency to self-regulation, thereby forming a stable trend in the historical transformation of state forms of management, the Russian society has always gravitated to the "strong state" patrimonial outlook. This natural attraction causes the "bureaucratic" character of the Russian state, making it the lowest effective modern public relations. Thus, contrary to the above, according to the author formulates the current agenda for the Russian legal community and sets the vector legal reforms in Russia associated with the formation of systemic conditions for the development self-regulated mechanisms in society, and the state apparatus.

Key words: Public-private partnerships; Public functions; Self-organization; Self-regulation; National mentality

1. Introduction

Practical and scientific importance of the problem of functional distribution between state regulation of socio-economic, political and other processes and self-regulatory mechanisms of the Russian society is due to the increasing quality standards of public administration and therefore needs to ensure a high level of national economic, democratic and legal systems. At the same time, in terms of geopolitics and the global economy of the contemporary world, and absolute prerequisite for preserving national sovereignty, obtaining the status of an equal partner in the world community, it is a technological and axiological superiority of the Russian Federation in all key areas of public life.

At the same time, it must be said that today the Russian system of government demonstrates extremely low system efficiency.

Russian State regulator does have the tradition of the system of public control over the social and economic processes of society. At the same time, it should be noted that the above tradition is based on the mental field of the Russian society. If Western European civilization in the process of historical formation showed a natural tendency to self-regulation, thereby forming a stable trend in the historical transformation of state forms of management, the Russian society has always gravitated to the "strong state" patrimonial outlook (Ovchinnikov et al., 2015).

However, the world economic experience not only West European but also a number of eastern states, with a strong tradition of state control,

demonstrates today the objective need for self-regulatory processes, designing architecture for a variety of reasons. First, the bureaucracy built on the principles of strict hierarchy and the dominant sector in the economy; in a number of areas of strong public systems lose your bet on the potential use of private management systems based on competitive basis. Secondly, modern states are interested in reducing the resource cost to the maintenance of public institutions and the transfer of part of public functions to the private sector while maintaining the effectiveness of the regulation of all social processes. On the other hand, to say that today the state apparatus is completely useless and can be replaced by corporate regulator is not justified. Since the logic of corporate development involves maximizing profits, corporations in the absence of state control are ready to go to the violation of the natural rights and freedoms, and cease to be effective in every sense, including economic phase in the transition to monopoly.

In this context, the experience of going into the world of modeling self-regulatory process, it should be noted that the process of delegation of government regulation on the level of civil self-regulated in European legal policy sector is quite a long time. The general trend is that countries occupy the leading position in the world economic and technological world performing "locomotive" to fully implement the program changes the legal and political state control paradigm. However, it's not so clear in the Western European trends as the researchers note. Thus, according to Ian Bartle and Peter Vass in Britain in the second half of the 20th century, when in some areas, such as health and safety, there is a trend towards self-regulation, the

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pronounced increase the regulatory role of the state is manifested in such aspects of modern life, as the economy, industry, law, finance, health, education, culture and sport. At the same time these researchers noting the overall modern trend toward government deregulation, set just a question of whether there is a contradiction arises between the self-regulation mechanisms, which are based on self-interest of the individual, a separate community and public administration ideologically oriented to the public interest (though not always his slave)?

Obviously in this plane of research, there are two obvious problems presented by both paradigms of social control. First, the traditional model of public administration has some natural disadvantages, a priori inherent in one degree or another bureaucratic apparatus of any state. Among these characteristics in the classical works of political scientists, lawyers, sociologists, economists and other researchers stand out: the politicization, the formalization of control, significant time, economic, labor costs, and significant corruption risks compared to private-enterprise systems management. Part of the manifestation of such forms of a lower effective activity in the state apparatus is obvious due to socially significant role of the state. Obviously, the last assigned certain obligations to society, such as ensuring the unity of the legal regulations, the control of the monopolization of markets, public security, etc. the interests of the whole society. These obligations do not always make it possible to apply the system of government-private enterprise methods and means of reducing certain costs.

Because of this problem field study formulated a problematic question - Can be combined traditional mechanisms of self-governance and technology in Russia? Labeling in this regard scientific assumption (hypothesis), we note that given the national mentality, traditions of governance, public administration, national problems such synergies be overcome through a radical reform of the state "top" management system.

2. Review of the literature

Giving a description of scientific topics is elaborated scientific article the authors note that the considered problematic issues associated with certain theoretical contradictions and practical problems.

Problematic issues are associated with certain theoretical contradictions and practical problems. In particular, scientific conservative school insists on maintaining the traditional model of the state with the maximization of public functions - the formation of a "strong state" (Baranov et al., 2015) justifying this by the fact that the delegation of any kind was the restriction of state control will lead to another round of political and economic crisis in the country and jeopardize the sovereignty of Russia. (Dugin, 2000). A more balanced view of the matter under consideration reflects the position according to

which the application of Western liberal self-regulation mechanisms in the Russian political and legal reality is not effective, and legitimate Western self-regulated mechanisms in Russia are represented by shadow forms (Ovchinnikov et al., 2015).

Russian liberal believes in front of the school to minimize the public field, abduction as a "sleeping watchman" state, and the release of maximum freedom for the private sector.

Western foreign researchers tend to believe that a modern state can meet the high standards of efficiency only in a "smart" model of their organization. So, in contrast to the domestic extreme positions, a number of foreign researchers talk about organic synthesis of the classic elements of governance and self-regulation mechanisms (Zahid et al., 2015). The researchers consider this combination as an absolute condition (Bartle et al., 2007).

3. Methods and materials

Theoretical and methodological basis of the study is based on the universal, general scientific, special and methods. Among the general methods used in the study to analyze the state and legal reality, can be identified: a systematic approach, the dialectical materialist method, phenomenological private scientific and hermeneutical method. In addition, the used concrete sociological method. These methods make it possible to carry out a comprehensive assessment of the state of political, legal, social and economic systems of the Russian state, to give the proper interpretation of the objective conditions in which operates the state apparatus, test a scientific hypothesis and draw conclusions on the study.

Formal-legal (dogmatic) and comparative legal methods used for interpretive comparisons regulatory sources underlying legal policy formation of self-regulatory mechanisms in the Russian legal space. Also, for the formulation of the forecast of further institutional development of the Russian state management method used political and legal modeling.

4. Results and discussion

It should be noted that the process of delegation of government regulation on the level of civil self-regulated in European legal policy sector is quite a long time. The general trend is that countries occupy the leading position in the world economic and technological world performing "locomotive" to fully implement the program changes the legal and political paradigm of state control (Lyubashits et al., 2015). However, it's not so clear in the Western European trends as the researchers note. For example, in Britain, in the second half of the 20th century, when in some areas, such as health and safety, there was a trend towards self-regulation, the pronounced increase the regulatory role of the state is manifested in such aspects of modern life, the economy, industry, law, finance, health, education,

culture and sport (Bartle et al., 2007). At the same time these researchers noting the overall modern trend toward government deregulation, set just a question of whether there is a contradiction arises between the self-regulation mechanisms, which are based on self-interest of the individual, a separate community and public administration ideologically oriented to the public interest (though not always his slave)? (Zahid et al., 2015).

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The second aspect of this issue is based on the risks associated with self-regulating mechanism, because not all their forms are associated with compliance with the public and state interest. In consequence of that the activity of self-regulating communities could be aimed at meeting the interests of individual groups of citizens and organizations at odds with national and societal needs.

In this vein, it seems fair to say that it is impossible to oppose government regulation and self-regulation, and even on the contrary they should be treated in a single relationship that will ensure the effectiveness of the state (Fedorchenko, 2012).

In this light, and there is a non-trivial question of what to understand today under effective state? And the answer to this question is not as obvious in the modern picture of the world. In this connection, we can assume that now features the efficiency of the state apparatus becomes moderated function where government institutions play the role of process control self-organization in society. At the same time, though inevitably saved punitive and supervisory function, and its volume is significantly transformed and narrowing of the state apparatus. More specifically, for example, forms of social control vent some sectors inefficient bureaucratic controls and the development of civil institutions of dispute resolution takes a certain composition of the offenses sector punitive legal sanctions in compensatory and recovery sector. At the same time, the government achieved a number of fundamental

advantages over the classical model of public administration, including reduced fiscal costs for the maintenance of cumbersome bureaucracy, which in itself reduces the tax burden on the economy and at the same time to reach the level of salaries of officials of relevant qualifications similar to the private sector of the economy. State moderator fullest use of intellectual and creative capital of the company without significant financial costs actually shifting some elements of public functions at public institutions. At the same time, this delegation, subject to certain conditions, can significantly enhance the effectiveness of care of the public interest, as opposed to officials in a number of cases; citizens have a direct interest in the subject of the latter. For example, when the delegation of control functions of institutions of civil society appears, the state is only to carry out the final inspection revealed violations and punitive function. The basis of such mechanisms laid Federal Law of 21.07.2014 N 212-FZ "On the basis of social control in the Russian Federation". However, the system of formation of effective institutions of civilian control, he has not provided, due to the persistence of traditional bureaucratic architecture of the national control system.

Even more significant is the regulating influence of the state in the public sphere, involving self-regulatory organizations. Adopted in this regard, the federal law of 01.12.2007 number 315-FZ (e.g. From 07.13.2015) "On self-regulatory organizations" is undoubtedly the right move in the Russian legal policy also seriously advanced in establishing effective cooperation between business and government.

The laying of individual elements (outsourcing) of government functions for professional, civil community have been widely spread in Western public administration system and was partially applied in the Russian segment of the state administration. At the same time, it should be noted that the concerns of representatives of the conservative school is hardly justified because the government is not engaged in self-elimination: 1. transmits labor-intensive production chains making processes make intelligent decisions projects, maintaining a monopoly right to choose the final version of the decision for themselves; 2. carries out coordination of the interests of social groups in decision-consolidated management solutions, providing a social compromise in matters of conflict-containing high social potential; 3. use social communication as an alternative source of information to validate interdepartmental reporting; 4. through the system of legal policy creates conditions for the development of self-regulatory mechanisms in all spheres of human activity.

It is very strange to the fact that in Russia, along with elements of e-government, still do not appear, electronic projects of civil self-regulatory systems. In this regard, it seems promising, for example, the use of information and communication technology network "Internet" in the creation of public

resources (grants) interactive sites that let realize self-regulating system, by analogy with social networks.

Obviously, in the development of this trend modeling of public-private partnership, there are serious problems. In fact, they are also characteristic for the states included in the phase of modernization of public administration systems at a historically weak socio-political initiative of the population.

In particular, the Russian Federation is characterized by such trends: 1. initiate and oversee the process of creating public organizations authorized to communicate with the authorities, representatives of the relevant authorities. Hence of the corresponding systemic attempts to take control of the elements of social control bureaucracy; 2. save the classical system of government and as a consequence of ignoring the state apparatus in a significant amount of civil initiatives and self-regulation of the results; 3. the presence of systemic corruption, and as a consequence of self-attenuation processes primarily in the sector of the economy, legislative and projective civic initiatives, public control under the influence of corruption pressure; 4. the political passivity of the population that contributes to the formation of virtually polar political system of the state and the lack of a real constructive political opposition. That in turn eliminates competition in the political arena inhibiting the production of optimum administrative and legislative decisions of the supreme bodies of state power.

At the same time we should recognize that the modernization initiatives of the Russian government to build a similar West European public administration model in the field of e-government has a clear positive response in society and according to the researchers nevertheless improves the efficiency of the state apparatus and its social orientation, even in such difficult operating conditions (Astafieva and Savinkov, 2013).

In this regard, yet it is important and perhaps the only solution to the above problems, the cardinal transformation of the system of government "from above". At the same time, in front of the highest authorities on the agenda is the two objectives box. First of all the problem of the synthesis of traditional and innovative public-private corporate governance arrangements appear and their implementation in administrative practice. There is the task of creating systemic conditions for the development of civil self-regulation mechanisms. Including so institutional mechanisms for excluding the bureaucratic impact come on the activities of these communities, except for supervision of their legality.

5. Conclusion

In conclusion, it notes that in general, the legal policy of Russia aimed at the transfer of certain elements of government functions while maintaining state control over the most important processes reflecting the interests of society and the state. At the

same time, the legal process of designing a new model of governance of the Russian system is still not deprived of traditionally-inherent disadvantages.

Firstly, this part of the discharge of public functions to the private sector, not by the criterion of forming of more efficient processes of public administration, and on the basis of cost-saving costs, which is one of the manifestations of bureaucratic inefficiency. In fact, the process of resetting a public responsibility to society in areas such as housing and communal services, medicine, education, the economy, while maintaining the conditions of weak market competition.

Secondly, it is obvious that the political and economic attempts of the Russian Government to ensure "economic miracle" by analogy with the economically successful countries vodka, encounters taking half-hearted and system solutions. At the same time, virtually formed the key political and legal conditions allowing unfolding self-regulated social mechanisms. Thus, the judicial system is very politicized in the regional level is still high potential for corruption proceedings and independence of the courts and the security of judges is declarative in nature. There are signs of psychology "oprichnina" from civil servants in the system of control bodies (Prosecutor's Office of the RF Tax Service, Sanitary-Epidemiological Surveillance, etc.). At the same time human rights activists, social entrepreneurs, and experts note the high level of corruption and bureaucratic pressure, effectively blocking a key condition for the formation of self-regulation mechanisms - competition.

Thus, characterizing the hypothesis of the scientific article it should be noted that the reform of the Russian state should be based on a clear, scientifically and practically sound transmission functional elements of the public institutions of civil society management, and the introduction of market management technologies in the state apparatus. In turn, for the implementation of key policy objectives are formulated by the Government of the Russian Federation is necessary to create systemic conditions for the development of market competition and self-regulation processes. These conditions suggest uncompromising major reform of the judiciary and public administration, based on innovative technologies and approaches to public management. Finally, public policy, including in the sector of research grants and public contracts although formed orders for the development of individual self-regulation mechanisms, still no technological solutions allowing to creating independent public authorities self-regulatory mechanisms. Meanwhile, sees a promising form of interactive sites using information and communication technologies that can be tightly integrated with the "e-government" thereby creating a new form of organization of state power "smart government" (Melloulia et al., 2014).

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