On the issue of citizen's participation in the protection of public order

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Abstract. the article presents the consideration of topical issues of citizens ' participation in the protection of public order and ensuring public safety, regarded as one of the political rights of citizens enshrined in the Constitution of the Russian Federation, namely: freedom of association. A comparative analysis of the experience of involving the population in the protection of public order in the Russian Federation and certain foreign countries has been conducted. The forms of participation of citizens in the protection of public order, as well as the methods of motivation of citizens for this type of activity have been analyzed. The suggestions for improving regulatory, social, organizational measures aimed to attract citizens to the protection of public order have been presented.

1 Introduction

The purpose of the study is to research the current problem concerning the participation of citizens in the protection of public order. One of the fundamental constitutional political rights of citizens of the Russian Federation is the participation in the management of state affairs and the freedom of association [1]. This implies that citizens participate in the implementation of the objectives and functions of the state, along with the functioning state bodies (the executive agency). Citizens of the Russian Federation could and should take part in protection of public order and administration of public safety, if necessary. Forms of such participation are enshrined in Federal law "On the Participation of Citizens in the Protection of Public Order" [2].

One of the main internal functions of the state is the enforcement of law within its territory, or, to be more precise, the protection of public order and administration of public safety. The guaranteed provision of these factors creates safe conditions for the operation of state authorities, life activities, and the development of civil society.

A subsystem of law enforcement bodies, one of the representatives of which are internal affairs bodies (police), has been created in the system of the executive authority. The activity of internal affairs bodies (police) is regulated by the Federal law "On Police" and is aimed at the enforcement of law in the country [3].

The significance of the topic is confirmed by the fact that human rights activities of the internal affairs bodies, as well as their role in the provision of personal and public safety and law enforcement remains ineffective in a number of cases. Despite the positive

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dynamics of statistical indicators on the territory of the Russian Federation, the level of crimes and administrative offenses in the streets and other public places is still quite high. Therefore, the active engagement of the public in the protection and enforcement of public order, the creation of conditions by the state for comprehensive civil assistance to law enforcement bodies in order to enforce the law in the country.

2 Materials and methods

The study of the problem of citizens' participation in public order protection was based on the analysis of the experience of organization of activities of law enforcement associations in the Russian Federation, and the number of citizens involved in this activity. The information obtained from foreign colleagues served as the materials for the research. The research was based on the general scientific dialectical method. In addition, the special methods such as the methods of comparative analysis, sociological observation, and deduction were applied. The methods listed above allowed to study the general patterns of citizens' participation in the public order protection in the country regarded as a whole, in certain regions of the Russian Federation, as well as in foreign countries.

In the course of work, the materials obtained from the publications of various Russian researchers, such as Alekseev A.I., Borenshtein A.L. [4], Bratko A.G., Goiman V.I., Kalinin V.A., Nikolaenko E.A. [5], Kozlova E.I., Kriazhkov V.A., Kriazhkova O.N., Kutafin O.E., Kononov A.M. [6], Mel'nikov O.Iu. [7], Gugunskii A.N. [8], Lazarev V.V., Mordovets A.S., Petrov S.M., Popov L.L., Rad'ko T.N., Sal'nikov V.P., and others have been used.

The article does not present the analysis of such concepts as "public order", "public safety", their correlation, since this issue is elaborately considered in other scientific publications.

3 Results

The federal law "On participation of citizens in the protection of public order" covers the following forms of such participation: assistance to the work of law enforcement and other state bodies; freelance cooperation with the police; participation in the search for people who went missing; taking part in law enforcement public associations; participation of citizens in the activities of voluntary people's guard [3].

Analysis of the information presented on the official website of the Ministry of Foreign Affairs of the Russian Federation has revealed that in all federal subjects of Russia, there are volunteer associations aimed at searching for missing citizens, including children, that have been already established or are in the process of obtaining official registration [9].

In the current climate, the institution of the cooperation between law enforcement bodies and citizens is not only a condition for successful solution of problems of public order protection and public safety administration, but also a means of strengthening the authority of law enforcement bodies among the population and building the foundations of civil society, its establishment and development [8].

The major problems that need to be solved when involving the public in the protection of public order are: volume (limit) of participation of citizens in the activity, forms of participation, social protection of citizens (safety assurance).

Despite the positive result of the activities of citizens assisting law enforcement bodies, in the society there are different opinions on the issue of their participation in law enforcement, from the negative one (citizens' denial of their duty to be involved in the protection of public order, since the state has established a system of law enforcement

agencies, which activities are aimed at solving this particular problem), to the positive-patriotic one (citizens believe that they should take an active role in the protection of public order and the administration of public security, which are indispensable for the normal functioning of the state and society).

It should be noted that the issues of popular participation in the protection of public order have been quite successfully resolved in various foreign countries, such as Japan, the United States, Canada, United Kingdom, China, Germany, etc. In the police agencies of these countries, there are divisions which activity is aimed at the organization of cooperation with the population, and various forms of collaboration between the police and the population are enshrined at the statutory level and fairly well implemented.

One of the most developed forms of cooperation between the police and the population in the countries of Western Europe is collaborative work in advisory bodies (committees, centers, groups, councils) [5].

However, there are other more active forms of public participation in the protection of public order, most commonly associated with the prevention of unlawful acts. They are "Anti-crime association" and "vigilance units" – in Japan, "public police" and "problem-oriented police", "neighborhood watch", "civil patrol", promoting the work of traffic police – in the United States, the adoption of the "Volunteers of the police" program – in Germany [10], street and rural committees – in China [11], etc. The experience of organization of the involvement of the population in the protection of public order in the United States, where state government programs are adopted and well-funded, should be particularly noted.

The study of the foreign experience is necessary to identify factors that contribute to social progress, search for patterns of development of various political systems, predict the dynamics of social relations, search for the most effective ways to solve urgent problems, and implement positive experience in the practice of law enforcement bodies in the country.

It should be noted that the participation of citizens in the protection of public order could be considered to be a form of their participation in the implementation of public administration (along with engagement in the legislative activity of the state, the work of the jury, etc.), as well as a form of enforcement of their political rights, including freedom of association.

In the Russian Federation, the situation with the involvement of citizens in the protection of public order is controversial.

The retrospective analysis of the experience of involvement of the population in the protection of public order demonstrates that, on the basis of the Decree of the CPSU Central Committee and the Council of Ministers of the USSR of May 20, 1974 № 379 "On the Further Improvement of the Voluntary People's Guards Activity on the Protection of Public Order", voluntary national guards were formed in all regions of the Soviet Union [12].

The regulatory document established the administrative status of voluntary people's guards, where the rights and obligations of the public association were precisely regulated. It should be noted that the scope of rights of such voluntary people's squads were quite broad. Participants of the voluntary people's squad took an active role not only in maintaining and administering public order and public safety, but also in solving social problems in the context of the suppressing negative social phenomena, such as drunkenness, hooliganism, social parasitism, vagrancy, etc. Also, national volunteers participated in the solution of certain economic problems, for instance, they assisted state bodies in the combat against theft of state, public and personal property, violations of trade rules and profiteering. In addition, they took part in raising legal awareness of the country's population, preventing juvenile delinquency, and also provided assistance to the border troops in protecting the state border of the USSR, as well as in implementing measures for

protection of natural resources, elimination of poaching, violations of hunting and fishing regulations, etc.

According to Voronina L.I., Patiukova A.V., "such diversity in the areas of activity and conditions of participation of people's guards allows to suggest that their members encountered risks associated with danger to life" [13].

Due to the collapse of the USSR and the change in the form of state structure, the experience of establishing public associations and building their cooperation with law enforcement bodies was lost. For several decades, there were no voluntary people's guards. Until 2014, there was no statutory regulation on the establishment and determination of the legal status of law enforcement public associations at the federal level, although such statutory regulation was implemented at the level of particular subjects of the Russian Federation.

The evolution of the Russian state has indicated the need for normative consolidation of new forms of interaction between the state and the society. Moreover, the administrative reform in the Russian Ministry of internal affairs of 2011, which significantly reduced the number of police officers in the regional bodies of internal affairs, also highlighted the need to establish close interaction and cooperation between the police and the population [14].

The engagement of the government and internal affairs bodies in attracting the population to the protection of public order was also expressed in the speech of the President of the Russian Federation at the expanded Board of the Ministry of internal affairs of the Russian Federation: "We should actively involve volunteer guards... we need to work more closely with various public associations" [9].

As previously noted, in certain regions of the country, the response to the solution of this issue was much faster. In such subjects of the Russian Federation as the Penza Region, the Astrakhan region, the Ivanovo region, the Kostroma region, in Moscow and St. Petersburg, the Krasnodar territory and other regions, laws that regulate the participation of citizens in public order protection were adopted long before the settlement of this issue at the federal level.

Currently, the legal basis for the participation of citizens of the Russian Federation in the protection of public order is reflected in Federal Law No. 44-FZ of 2 April, 2014 "On the participation of Citizens in the Protection of Public Order" [3]. This law defines the principles and forms of participation of citizens in public order protection, the procedure of establishment and official registration of law enforcement public associations, the rights and obligations of the members of these associations in the process of protection of public order, as well as the assurance of citizens' participation in the activity under discussion.

The law reflected a number of constitutional provisions that are relevant in the field of attraction of citizens to the public order protection and the enforcement of their political rights.

First, the article 2 of Constitution of the Russian Federation states that "the recognition, observance and protection of human and civil rights and freedoms is the duty of the state". Second, part 1 of the article 46 of Constitution reveals that state enforcement of public order is the major method of protection of rights and freedoms, along with judicial and legal protection (part 3 of the article 46 of the Constitution of the Russian Federation), within which all other methods complement the current system of protection of human rights and freedoms [1].

However, the set of government measures applied to protect the rights and freedoms of the individual as well as to enforce the principle of legality in certain cases is not considered to be sufficiently effective, and the additional law enforcement mechanisms are required in order to harness the potential of civil society, by involving citizens in public order protection along with law enforcement agencies, in particular [15].

This statement by no means contradicts the constitutional system of protection of person's rights and freedoms in Russia, which is presented in the activity of law enforcement bodies as components of the human rights system, the most important of which are the bodies of internal affairs, since, along with law enforcement agencies, public organizations, including the ones that contribute to the protection of public order are the element of the human rights system [15].

Therefore, in case law enforcement bodies, due to objective reasons, do not effectively solve issues of public order administration, it is quite reasonable and rational to involve citizens in this activity, provided there is a compliance with the law and their life and health are unconditionally protected.

The purpose of the federal law "On participation of citizens in the protection of public order" is to create legal conditions for the voluntary participation of Russian citizens in the protection of public order. Thus, Russian citizens are allowed to protect public order, but not as a part or department of a law enforcement agency or executive authority, but as an independent entity [16], that could be either individual (a freelance police officer) or collective (a member of the people's guards or law enforcement public association).

The adoption of the federal law "On participation of citizens in the protection of public order" had a positive impact on the crime situation in most regions of the country, since the engagement of volunteer guards and law enforcement public association contributed to the prevention and solution of a fairly large number of crimes.

Statistics demonstrate that, for instance, in 2018, in Moscow, the number of crimes was decreased by 1.7%, including crimes against a person that were decreased by 5.7%. The indicators of street crime were decreased from 30.2% to 28.7% [17]. The improvement of operational performance occurs also due to the assistance provided by citizens and their public associations.

According to the legislation of the Russian Federation, more than 27 thousand citizens were involved in law enforcement in public places, including the period of the 2018 FIFA World Cup. On the positive side, the collaboration of the state-public association called "Moscow people's guards", the public associations called "Safe capital", "Center of crime prevention", "Operational youth squad", etc should be noted. The level of citizens' confidence in the activities of the police increases as well. A similar situation is observed in the Samara and other regions.

The most common forms of citizen participation in the protection of public order are:

1. foot and car patrol of streets together with police officers (carried out in almost all regions of the Russian Federation);
2. assistance in the work of district police officers and youth liaison officers in the residential sector (conducted in all regions of the country);
3. engagement in law enforcement during public events such as sports, cultural, entertainment, religious and other events (conducted in all regions of the country);
4. assistance to traffic police officers in detecting violations of traffic rules (carried out in the Republics of Buryatia and Mari El, the Arkhangelsk, Vladimir, Volgograd, Kaliningrad, Kirov, Penza, Samara, Sakhalin, Tyumen, Ulyanovsk regions, Moscow and St. Petersburg) [18].

The sociological research on the attitude of citizens of the Russian Federation to the police performance that is periodically conducted by the Ministry of internal affairs of Russia and Russian Public Opinion Research Center demonstrates that, at the present time, the positive opinion prevails over the negative one [19,20].

Mel'nikov O.Iu. claims that "the majority of Russians express a potential readiness to directly or indirectly assist the internal affairs bodies in the enforcement of law and order and the anti-crime activity" [7].

However, it should be noted that there is also a number of negative aspects, for instance, related to the implementation of the principle of voluntary engagement of citizens in law enforcement.

Thus, in the Republic of Tuva, employees of companies take part in the protection of public order together with police officers under the order from the management. The city administration of Kyzyl sends out letters to government agencies, local government bodies and other non-governmental organizations requesting to assign the employees to participate in patrol of streets and other public places together with police officers. There is a lack of interest in the protection of public order among the population of Tomsk. Similar situations are encountered in other parts of the country [19].

The issue of motivating young people to protect public order and administer public safety is quite challenging in all regions of the country. Furthermore, it should be emphasized that certain Russian citizens are quite highly motivated. This category of citizens involves retired military men and employees of internal affairs bodies who have devoted their entire lives to the enforcement of security of the state and the law in its territory. In addition, their experience is considered to be extremely valuable, since these people know firsthand about service discipline, possess professional skills concerning weapons and other impact munition, etc. For instance, in Odintsovo, Moscow region, the volunteer people's guards were formed from such individuals [19]. However, as previously noted, the positive assessment of public involvement in the administration of public safety is not observed in all regions of the Russian Federation.

Certain problems should be discussed more elaborately.

In almost all regions of the Russian Federation, there are problems concerning financial incentives for citizens involved in law enforcement. The budgets of most subjects of the Russian Federation, as well as municipal divisions, are subsidized, and, therefore, are not sufficient to make incentive payments to citizens, even in small amounts.

However, according to Shaposhnikov V.L., the material payments or their increase alone would not motivate the citizens. The financial interest of citizens in such work negate the sense of patriotism, the respect for the activity of law enforcement officers, and would be considered to be a way to earn money. Therefore, it is necessary to provide other methods of encouragement, which could include:

- education of young people and the manifestation of their social activism;
- young people's acquisition of certain skills and competences that could subsequently assist in choosing a profession;
- public approval from friends, comrades, neighbors;
- the activity regarded as a form of spending the free time;
- the opportunity to make new friends with similar life principles and motivation [17].

Certain issues related to the involvement of citizens of the Russian Federation to participate in law enforcement are resolved by the order of the Ministry of internal affairs of Russia of 18 August, 2014. "The problems of training of volunteer people's guards in the conditions associated with the use of physical force, and in providing first aid" № 696 [3]. In the regulatory document, the attention is paid to the quality of police training for people that are involved in the protection of public order and administration of public security, as well as to maintaining the corresponding skills and competences of volunteer guards concerning the prevention of various offenses, including the use of physical force, etc.

4 Conclusions

In the conclusion of the consideration of the issues of citizens' participation in the protection of public order and administration of public safety, it is necessary to state that it

is reasonable to augment the number of methods of encouragement of young people and other citizens in the analyzed type of activity, with diverse measures such as:

- the opportunity to receive free training of effective techniques of various martial arts;
- first aid for citizens who have been hurt or injured in advance of the arrival of the ambulance.

Undoubtedly, the important aspect of citizens' activity of the protection of public order is timely coverage of its results in the mass media. Such information should contain not only the statistics, but also the information on particularly distinguished participants of voluntary people's guards and other law enforcement public associations, as well as the types of reward provided for them, and their photos should be presented in the honor board.

Undoubtedly, the social support would contribute to the increase in motivation among young people.

The social support measures could include:

- additional and, most importantly, paid vacation;
- free tickets to theaters, concerts, exhibitions;
- free use of public transport;
- free dormitory accommodation;
- free meals;
- discounts on utilities payment;
- social and health insurance, etc.

The analysis of the implementation of the requirements of the federal law "On participation of citizens in the protection of public order" has demonstrated that it is necessary to eliminate the problems associated with:

Firstly, the reduction in the time for consideration of applications for the involvement in the register of volunteer people's guards and other law enforcement public associations;

Secondly, the approval of the badge of merit for the participants of these associations (only for the volunteer people's guards);

Third, the approval of the corresponding uniforms for patrolmen.

Thus, the experience of foreign countries of involvement of citizens in the protection of public order, improvement of forms and methods of activity of voluntary people's guards and other law enforcement public associations, their close cooperation with internal affairs bodies and other law enforcement agencies, improvement of the incentive and promoting measures, as well as strengthening of social benefits would have a positive impact on the state of public order in the Russian Federation and the citizens' attitude towards law enforcement bodies.

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