State and problems of legal regulation of public relations in the field of the agro-industrial complex

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Abstract. Purpose: The purpose of this work is to establish, on the basis of a systematic analysis of the factors influencing the provision of legality, the elements of the modern deterministic complex of negative phenomena in lawmaking, law enforcement and judicial practice related to the effectiveness of law enforcement in the Russian Federation. Design/methodology/approach: The methodological basis of the study was the comparative-legal, statistical, structural-functional and method of expert assessments. Findings: Today in Russia, in the conditions of state-political transformations, the main functional burden for their successful implementation is placed on the rule of law as the main socializing regulatory institution. It has an extremely negative impact on the state of the legality of the problem in lawmaking and law enforcement. To understand the essence of these problems and minimize their consequences, the authors substantiate the need to study the identified issues within the framework of the concept of legal dementia. Legal dementia is such a state of compliance by subjects of law with the provisions of the law, which is characterized by a failure to some extent by state bodies not only to fulfill their functions, but also inability to respond due to a low level of competence and professionalism to factors that weaken the effectiveness of legal guarantees. Originality/value: The study made it possible to come to qualitatively new conclusions substantiating the dominance of legal dementia in the impact on the state of law in modern society. In order to increase the effectiveness of guarantees of legality, it is proposed to create a State Commission for the Codification of Legislation; to develop and implement the Concept for Ensuring the Rule of Law in the Russian Federation, which provides for a set of measures aimed at the uniformity of judicial practice.

1 Introduction

The modern period of development of public relations in the Russian Federation is complex and controversial, due to the lack of a unified legal doctrine that prioritizes systemic
compliance with the law, and is characterized by the strategic need to bring the domestic legal system in line with economic and social formations.

The legal imbalance that has reached a critical point, aggravated by a huge array of outdated legislation, does not allow the system of state bodies to form a single vector of law enforcement, often striving to defend public interests with erroneous populist methods for implementing long-term programs. Under such conditions, the loss of life prospects by a significant part of Russian society will contribute to the formation and spread of anti-legal stereotypes of behavior, the dominance of criminal structures in resolving important political and economic issues [1].

Thus, it seems important to rethink the complex of factors that determine the modern variability of behavioral legal stereotypes, the motivational mechanism for manifestations of unprofessionalism and incompetence of officials, the relationship of imperative attitudes of professional activity with compliance with the requirements of the law.

The issue of predicting trends in expanding the boundaries of the criminalization of public relations requires a multifactorial analysis, an objective assessment of various phenomena and processes that have transformed from a transitional period into a qualitatively new phenomenon – a pseudo-legal superstructure that replaces the role of a legitimate regulator of public relations.

The most indicative in this regard are the results of a study conducted by the Federal Security Service in May 2020, according to which the level of respondents who noted distrust of law enforcement structures increased from 45% in 2017 to 66.7% in 2019. Most of the respondents noted distrust in the judiciary (55%), while two-thirds (66.9%) are not confident in the independence and objectivity of the judiciary [1].

2 Materials and research methods

In the course of applying comparative legal, statistical and sociological methods, the method of expert assessments, public opinion was studied on the issues of perception and reproduction of regulatory guidelines in modern conditions, a synthesis of data on the processes of lawmaking and law enforcement in the Russian Federation.

3 Results

It should be noted that the legal benefits of a civilizational society find their effective application under the main condition - the legal space of the application process, based on the principles of legality and justice. Exploring the essence of law and the conditions for the effectiveness of its legal regulation, the famous Russian jurist of the late XIX century N.M. Korkunov noted that the essence of law is not reduced to the presence of positive law, the expression of its role as a social regulator is the existence of legal relations, expressed in fixed rights and obligations [3].

Today in Russia, in the conditions of cardinal state-political transformations, the main functional burden for their successful implementation is assigned to the rule of law as the main socializing regulatory institution. Being a special transforming legal regime, only legality has a unique regulatory toolkit capable of ensuring the implementation of the principles of individualization and differentiation, the effective use of those benefits and opportunities that are aimed at providing a domestic genetic fund.

Revealing the state of legality, one of the leading domestic legal scholars N.N. Voplenko notes that the indicators of the institution under study are the indicators of legal psychology, among which the main place is occupied by the society's expectations related
to the procedure for the administration of justice, the effectiveness of the activities of
government and administration, with the prevailing prestige of law in the processes of its
implementation [4-6].

An analysis of the consideration of numerous facts of violation of the law, including
those that caused a great public outcry in relation to I. Golunov, P. Ustinov, led to the
conclusion that antisocial phenomena are interconnected with both internal and external
contradictions of society. Determination of factors determining social formations involves a
deep analysis of both structural changes in social processes and social patterns with
phenomena and processes of various levels. Considering the importance of natural
phenomena, including those due to geographical, demographic and a number of other
factors, scientists note the dominant role in society of the social and historical foundations
themselves, predetermined by the achieved stages of social development and social
formations of higher levels.

Undoubtedly, the radical transformations of modern state-legal, socio-economic
institutions require not only a systematic study of their content, but an explanation of the
goals of the genesis of such processes, especially in the context of an obvious mimicking
effect on normative guidelines, law-making and law enforcement, attempts to revise
doctrinal approaches to law understanding and values. legal norms. Investigating the
mechanism of perception and reproduction of normative attitudes in modern conditions,
based on the results of a survey of 150 respondents, we came to the conclusion that in the
context of globalization, the information flow focused on market values does not contribute
to the development of individual behavior variability, its charge carries adaptive loads
oriented on the distribution of behavioral stamps of an adaptive nature. Thus, 90% of
respondents justifiably relate to non-payment of credit funds, explaining this by reasons that
arose through the fault of the state, and 71% noted their readiness if they have the
possibility of embezzling large financial resources due to their official position. Under such
conditions, the individual does not strive to comply with the requirements of regulatory
guidelines, but is guided under the influence of the dominant motivation of the prevalence
of the facts of millions and billions of embezzlements [7].

The downplaying of the importance of such principles as justice and the inevitability of
punishment has an extremely negative effect on the state of legality. Thus, the Chairman of
the Supreme Court of the Russian Federation V.M. Lebedev in September 2019, arguing
that the judicial legal positions were not sufficiently legitimate, identified the search for
legal means to ensure the uniformity of judicial practice as a priority task of the
highest judicial body. At the same time, it is the uniform application of legal provisions that is an
essential feature of legality [8].

Thus, a study of 100 verdicts handed down by the courts of the Rostov region showed a
systemic disregard for the requirements of the law by judges related to the need to reflect a
number of provisions in the reasoning part of the verdict. Analysis of the sentences of the
courts for the consideration of criminal cases under Part 1 of Art. 105 of the Criminal Code
of the Russian Federation, in the presence of mitigating circumstances and the absence of
aggravating circumstances, and in the presence of only aggravating circumstances, showed
the absence of gradation when assigning a term of imprisonment to the defendant,
indicating that the criteria for the principle of uniformity of judicial practice, the general
idea of ensuring the principle of fairness in legal proceedings, were ignored. At the same
time, the principle of legal justice lies in the legal registration of a decision in a case that
corresponds to moral principles. The regime of legality cannot but contain a fair regulation
of social relations, the parameters of which are related to law-making and law enforcement
activities.

Thus, the lack of a unified approach to the implementation of the principles of justice
and the inevitability of punishment leads to double standards in law enforcement, which
ultimately undermines the authority and power of the law and contributes to the spread of legal disorientation in society.

The Chairman of the Constitutional Court V.D. Zorkin, who put the tendencies of systemic non-execution of court decisions among the factors that undermine the foundations of the constitutional order of Russia. This legal phenomenon cannot but affect the level of legal consciousness of citizens, the defects of which over the past decades have been associated with legal nihilism. However, today the frightening fact of reality is that the Achilles' heel of legality is the professional disorientation of the state mechanism, which contributes to social disappointment, fear and indignation of citizens [9-12].

It should be noted that if in 2011 a strategic document was adopted as part of minimizing the consequences of legal nihilism and raising the legal awareness of the population, today there is a need to develop a concept for ensuring the rule of law, due to the lack of a real opportunity for citizens to defend their rights due to legal, technical, semantic shortcomings and widespread declarativeness of normative establishments. This means the development of a rather complex negative process – legal dementia, when there is a weakening of such forms of state influence on law as law-making, guarantees, control and supervision, designed to develop models of the main criteria of justice in industries, institutions and norms of legislation through the state mechanism.

Legal dementia is such a state of compliance by subjects of law with the provisions of the law, which is characterized by a failure to some extent by state bodies not only to fulfill their functions, but also inability to respond due to a low level of competence and professionalism to factors that weaken the effectiveness of legal guarantees.

Experts note that the real state of legality is achieved only under the condition of a fixed system of guarantees and the presence of control mechanisms for the protection of fundamental human rights and freedoms. Such mechanisms should exist regardless of whether fundamental rights and freedoms are guaranteed by the current Constitution [13-15]. At the same time, when among the main requirements of legality, the imperative attitude to the performance of duties under the threat of state coercion, and not the guarantee of rights and freedoms, dominates, the idea of the rule of law does not determine the prerequisites for lawful behavior, but contributes to the rooting of such negative ideas of etatist legal thinking as not recognizing law outside normative consolidation, the transformation of law into an instrument of the state, the justification of the arbitrariness of the state (Table 1).

**Table 1.** Information about published in mass media facts of detection of food products that do not meet safety requirements

<table>
<thead>
<tr>
<th>№ p/p</th>
<th>Information content</th>
<th>Publication date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Producers of illegal &quot;milk&quot; will be checked in the Rostov region</td>
<td>28.06.2022</td>
</tr>
<tr>
<td>2.</td>
<td>A large batch of dangerous bread was seized after a check in the Rostov region on</td>
<td>16.04.2022</td>
</tr>
<tr>
<td>3.</td>
<td>Sausages pumped up with dangerous antibiotics were found at an enterprise in the Rostov region on</td>
<td>13.04.2022</td>
</tr>
<tr>
<td>4.</td>
<td>In Rostov, a meat shop was closed that produced products for kindergartens and schools in unsanitary conditions</td>
<td>06.04.2022</td>
</tr>
<tr>
<td>5.</td>
<td>E. coli pathogens were found in dairy products in the Rostov region</td>
<td>09.12.2021</td>
</tr>
<tr>
<td>6.</td>
<td>All salads in Rostov supermarkets turned out to be hazardous to health</td>
<td>08.12.2021</td>
</tr>
<tr>
<td>7.</td>
<td>Hospitals and kindergartens in the Rostov region were fed with hazardous foods</td>
<td>01.12.2021</td>
</tr>
<tr>
<td>8.</td>
<td>A number of companies in the Rostov region are suspected of spreading the causative agent of African plague</td>
<td>21.10.2021</td>
</tr>
<tr>
<td>9.</td>
<td>A substance hazardous to health was found in rabbit meat in the Rostov region</td>
<td>01.07.2021</td>
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<tr>
<td>10.</td>
<td>African swine fever was found in sausage produced in the Rostov region</td>
<td>26.02.2021</td>
</tr>
<tr>
<td>11.</td>
<td>A third of the products supplied to social facilities in the Rostov region turned out to be counterfeit</td>
<td>27.12.2020</td>
</tr>
<tr>
<td>12.</td>
<td>The consumer market department of the Rostov region named food products that are not worth buying</td>
<td>09.12.2020</td>
</tr>
<tr>
<td>13.</td>
<td>Roskachestvo found five trademarks of Listeria and E. coli in salmon</td>
<td>14.11.2020</td>
</tr>
<tr>
<td>14.</td>
<td>Roskachestvo found E. coli in dumplings of seven brands</td>
<td>15.05.2020</td>
</tr>
</tbody>
</table>
Scientific understanding of the role of legality in the mechanism of public administration shows that although the state, performing the functions of lawmaking and law enforcement, participates in the implementation of the law, it, as a subject of legal relations operating in the legal field, is subject to all the requirements established by law in the framework of ensuring the following guarantees of ensuring the rule of law: lawmaking and law enforcement activities; systematization of law; official clarification of the law; interpretation of law [16-17].

Exploring law-making activities in line with the rule of law, it should be noted that this factor is a serious barometer of the effectiveness of future law enforcement. Along with this, already at the initial stage of the emergence of regulatory guidelines, the law-making process is negatively affected, while, according to the speaker of the upper house of the Legislative Assembly of Russia V.I. Matvienko, the adopted Forest Code was lobbied by a criminal organization in charge of the forest industry. According to the famous scientist G.V. Maltsev, who studied the regularities of the influence of lobbying on the system of law, "as far as law is concerned, it seems that lobbying is destined to have the last word in debunking the famous myth – the myth of law as an expression of the general will of citizens" [18].

Also, legal atavism negatively affects the state of ensuring the rule of law. The need for legal renewal lies in the fact that in 2020 alone, more than 4 thousand regulatory legal acts of the RSFSR and the USSR were canceled. An analysis of the historical and legal aspects of this phenomenon shows that at different periods of the historical development of society, naturally, due to evolutionary changes, it was necessary to take measures to systematize and codify law, while special commissions were created, the result of which was the updated Codes of Laws [19].

Unfortunately, today the effectiveness of the domestic system of legislation is compared with a "car without wheels" due to bureaucratic red tape in the adoption of by-laws. The speaker of the upper house of the Legislative Assembly of Russia, V. Matvienko, assessed the unacceptable situation with domestic regulatory support, noting that the dates for the entry into force of certain laws are postponed from year to year, and, as a result, lose their relevance.

Modern law enforcement also suffers from systemic shortcomings. According to S.V. Stepashin, the process of establishing the legal regime of legality is seriously negatively affected by the hypertrophied representation of certain officials of state bodies of the pseudo-traditional use of official position to resolve personal issues through influence on law enforcement agencies; irrational circulation of state property under the guise of privatization and corporatization in the interests of limited groups of the population, in order to enrich the corrupt state apparatus; the formation of the authoritarian power of the apparatus in the absence of an effective system of control over it and the growth of organized crime [20].

The study found that the recognition of systematic violations in a particular area negatively affects the overall assessment of the work of state bodies. Thus, the authorities of Roskachestvo, established by the Government of Russia in 2015, regularly publish about massive flagrant violations revealed as a result of inspections of meat, dairy and other products, thereby stating the inability of the regulatory authorities to correct the situation. This practice leads to the spread of stereotypes of permissibility to violate the legal requirements of not only by-laws, but also legislation without serious consequences.

When asked whether doing business in Russia can be considered safe, more than 74% of respondents answered in the negative. At the same time, about 94% of entrepreneurs consider doing business in Russia unsafe. Under such conditions, citizens form a general idea of the law enforcement system guided by the criminological and psychological portrait
of corrupt officials in the highest echelons of power. Thus, according to the survey data, 72% of respondents noted the uselessness of applying to law enforcement agencies in the event of a criminal encroachment and their readiness to independently take actions to restore justice. However, the boundaries of arbitrariness are associated with the escalation of illegal behavior, this is especially evident against the background of the spread of criminal practices in resolving economic disputes, domestic conflicts, and sorting out relations with political opponents. It is argued that the dominance of informal relations over formal regulators is the main feature that distinguishes Russia from European countries.

4 Conclusions

Thus, the study showed that ignoring and underestimating the principle of legality at the doctrinal level is closely related to the negative phenomena of law-making and law enforcement activities. The study made it possible to come to qualitatively new conclusions substantiating the dominance of legal dementia in the impact on the state of law in modern society. The authors propose to introduce this term in the doctrine of the theory of law and state along with legal nihilism. In order to increase the effectiveness of guarantees of legality, it is proposed:

- create a State Commission for the codification of legislation under the State Duma of the Russian Federation;
- to amend the Fundamentals of the State Policy of the Russian Federation in the field of development of legal literacy and legal awareness of citizens, supplementing the inclusion of legal dementia in the factors affecting the state of legal literacy and legal awareness of citizens;
- develop and implement the Concept for Ensuring the Rule of Law in the Russian Federation, which provides for a set of measures aimed at uniformity of judicial practice, the conduct of mandatory checks by the Prosecutor General's Office of the Russian Federation on all facts of violation of the law by top officials covered in the media.

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