

Problems of ensuring conditions for the formation of legality in the field of agro-industrial complex and their impact on ensuring food security in Russia

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Abstract. Purpose: The purpose of the work is to study the problems of legal regulation of issues related to providing the population with high-quality and safe products, sustainable development and modernization of agriculture and fisheries and the infrastructure of the domestic market. Design/methodology/approach: The methodological basis of the study was made up of general scientific and private scientific methods (comparative legal, statistical and expert assessment method). Findings: In recent years, fundamental documents have been adopted and are being implemented, providing for a set of tools to counter internal and external threats in the food sector. At the same time, according to the results of inspections, there is a negative trend of an increase in the number of violations detected at food facilities, including those related to expired products, non-compliance with storage conditions, falsification. At the regulatory level, in order to minimize low-quality products, a system of risk indicators has been introduced. Originality/value: The conducted research allowed us to draw the following conclusions: 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. We consider it timely and necessary to adopt the Concept of Ensuring the Rule of Law, ensuring the principle of universality of compliance with legal regulations, excluding the framework nature of such an important area of activity of state bodies as providing the population with high-quality and safe products.

1 Introduction

Experts note that 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 [1]. In particular, the analysis of the provisions of the Foundations of State Policy aimed at solving issues of the formation of a positive type of legal consciousness shows that today problems in law enforcement have an extremely negative impact on the state of legality. It should be noted that in this strategic planning document, the level of legal culture is considered in close relationship with ensuring the

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rule of law, the rule of law in the field of compliance with legal standards for the provision of services to the population and the sale of goods, the legitimate activities of law enforcement agencies.

The actualization of issues related to the state of legality in the activities of state authorities was noted by the Chairman of the Constitutional Court V.D. Zorkin, who put the trends of systemic non-enforcement of court decisions among a number of factors undermining the foundations of the constitutional system of Russia. This legal phenomenon cannot but affect the level of legal awareness of citizens, whose defects 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 frustration, fear and indignation of citizens.

In June 2022, in the course of the study, the problem became a topic for discussion at a meeting of the regional commission on combating illicit trafficking in products. In particular, the Governor of the Rostov region instructed to monitor the decision-making on the investigation of multiple violations detected at the sites of the Don dairy plants. So, for several years in a row, the supervisory authorities have been detecting violations in the production of dairy products of the Kagalniksky Dairy Plant, which annually produces about 6 million liters of dairy products. On the territory of the enterprise there are six firms for the production and sale of dairy products, and two of them are called "Kagalniksky dairy plant" with different forms of organization. At the same time, products that are produced from the sites of this enterprise regularly have complaints from the Rosselkhoz nadzor and Rospotrebnadzor. these milk producers supplied their products to social institutions of the Rostov region: kindergartens, schools and hospitals.

Today it is premature to talk about the economic growth of the agricultural sector, moreover, there are a number of systemic problems that have not been solved: issues of low investment attractiveness of the agricultural sector and attracting human capital. The problems of ensuring the progressive economic development of the agro-industrial complex remain, the competitiveness of domestic agricultural products is insufficient [3].

The transformation of the economic system of the agricultural complex and the formation of appropriate organizational and economic mechanisms necessitate the development of a new legal paradigm of legality in the field of legal regulation of the agro-industrial complex.

2 Materials and methods of research

During the application of comparative legal, statistical and sociological methods, the method of expert assessments, the study of public opinion on the perception and reproduction of normative attitudes in modern conditions, the synthesis of data on the processes of law-making and law enforcement in the Russian Federation was carried out.

3 Results

In modern conditions, almost no country can develop without having an economically strong agriculture, due to which the population is mainly supplied with domestic food. In this respect, Russia, which has a huge agricultural potential, is no exception. However, for many years it has remained the world's largest net importer of food products and agricultural raw materials, mainly due to the inability of the agricultural sector of the economy and especially its basic branch - agriculture - to ensure the country's food independence.

Without the development of a new national agrarian policy and without giving it an official state status, disparate, uncoordinated and uncoordinated among themselves numerous federal and regional concepts, programs of socio-economic development of the agrarian sector of the economy, not legally supported by the necessary state funding, have a relatively low probability of practical implementation of the markets [4-6].

In order to comprehend the essence of these problems and minimize their consequences, the author proposed for scientific discussion to investigate the phenomenon within the concept of legal dementia, the essential side of which consists in the inability, due to a low level of competence and professionalism, to respond to factors that weaken the implementation of legal guarantees [2].

Of course, the issue of forecasting trends in expanding the boundaries of criminalization of the sphere of state power 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 head of the Investigative Committee A. Bastrykin, speaking at the St. Petersburg International Legal Forum, noted the state of abuses in the implementation of a number of important state tasks [3]. The analysis of the consideration of numerous facts of violation of the law, including those that caused a great public outcry against I. Golunov, P. Ustinov, allowed us to come to the conclusion that antisocial phenomena are interconnected with both internal and external contradictions of society. The definition 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 caused by 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. It should be noted that the legal benefits of 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 the rights and obligations [4].

Belittling the importance of such principles as justice and the inevitability of punishment has an extremely negative impact on the state of legality. Thus, in September 2019, the Chairman of the Supreme Court of the Russian Federation, V.M. Lebedev, analyzing the legitimate force of judicial legal positions, identified the search for legal means to ensure uniformity of judicial practice as a priority task of the supreme judicial body. At the same time, it is the uniform application of legal provisions that is an integral sign of legality.

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 [6]. At the same time, when among the main requirements of legality is dominated by an imperative attitude to the performance of duties under the threat of state coercion, and not the guarantee of rights and freedoms, 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 the statist legal understanding as not recognizing the right outside of normative consolidation, turning the right into an instrument of the state, justification arbitrariness of the state.

Scientific understanding of the role of legality in the mechanism of public administration shows that although the state, performing the functions of law-making and law enforcement, participates in the realization of the right, it, as a subject of legal relations acting in the legal field, is subject to all the requirements established by law in the framework of ensuring the following guarantees of legality: law-making and law enforcement activities; systematization of law; official clarification of the law; interpretation of the law [7].

Examining 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. At the same time, 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 forestry industry. According to the famous scientist G.V. Maltsev, who studied the patterns of the influence of lobbying on the legal system, "as for the law, then, apparently, lobbying is destined to have the last word in debunking the famous myth – the myth of the law as an expression of the general will of citizens" [4].

Also, the state of ensuring the rule of law is negatively affected by legal atavism. The need for a legal update lies in the fact that only in 2020 more than 4 thousand normative legal acts of the RSFSR and the USSR were canceled. The analysis of the historical and legal aspects of this phenomenon shows that in various 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 were updated Sets of laws [8].

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 Roskachestvo bodies, established by the Russian Government in 2015, regularly publish about mass egregious 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 permissiveness to violate legal requirements not only by-laws, but also legislation without serious consequences.

Table 1. Information in the field of consumer protection and human well-being

	2016	2015	2014
Samples of food products that do not comply with regulatory requirements	5,1%	4,3%	4,6%
Samples of dairy products that do not comply with regulatory requirements	7,8%	6,4%	6,1%
Based on the results of inspections, cases of administrative offenses	47684	41150	27627
Initiated within the framework of supervision of compliance with food safety requirements, prescriptions were issued	21752	18876	5104

Anti-Russian sanctions have increased economic risks in the agricultural sector of the economy and caused additional difficulties in reliably providing the population with domestic food, which include:

- an increase in the risk of reducing state support primarily for agriculture and the implementation of new investment projects due to the inability to attract the necessary investments in the industry due to a significant reduction and at the same time the rise in the cost of loans, which is significant a brake in ensuring the normal reproduction process in the industry [16-17];

- the high dependence of certain sub-sectors of agriculture, food and processing industry on imported supplies of seeds, genetic material, new technologies, technological equipment, plant protection chemicals, feed additives, veterinary drugs and the inability to establish their production in the country in a relatively short time, which in the conditions of the devaluation of the ruble and high inflation requires more expensive investments for accelerated import substitution [18-21];
- low rates of structural and technological modernization of agriculture, renewal of its main production assets and reproduction of natural and economic potential in conditions of maintaining an unfavorable socio-economic situation for the functioning of the industry, significant depletion of the demographic potential of the village and the inability to stop this negative process in a short time, especially in many regions of the European part of the country and the Far East at an alarming rate reduction of the rural population.

4 Conclusion

It is necessary to agree with the position of a number of scientists that the provisions of strategic planning documents that do not have consistency and are not focused on the target quintessence, the dominant role of which belongs to legality, without their procedural enforcement implementation with a certain amount of competence, can acquire a formal character.

The transformation of the system of legal regulation of public relations in the field of agro-industrial complex should be aimed at solving the following tasks:

- restoration of production capacities in agriculture;
- solving the problem of land ownership and land use, based on the real possibilities and needs of agriculture, as well as in the interests of rural residents;
- recognition and implementation of the principles of social and economic diversity of agriculture, the main of which is the creation of equal economic conditions for the functioning and development of agricultural producers, regardless of the organizational and legal forms of management and ownership;
- availability and targeting of state support for agricultural producers;
- rural development and reduction of the gap in the level and quality of life of the urban and rural population.

The unbalanced nature of control over the quality of agricultural products affects not only the state of legality in modern Russian society, but can also have a negative impact on the health of the population. It is necessary to strengthen the criminal responsibility of food producers and officials for violating the mandatory requirements for food products established in the acts of the Eurasian Economic Union. In order to improve the quality of food products, it is necessary to improve laboratory facilities, equipment for conducting examinations of agricultural products, and the development of standardization mechanisms.

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