





Prospects of the Public Order Protection Organization at the Municipal Level in Russia

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Keywords: Protection of Public Order, Municipal Police, Prevention of Offenses, Security of Citizens, Local Self-Government, Issues of Local Importance, Municipal Guard.

Abstract: In accordance with the current legislation, the functions of protecting public order are a priority for the State. The creation of a municipal police or police at the municipal level is also complicated by the fact that so far no normative legal acts regulating the legal status of the municipal police have been adopted. The article analyzes the current legislation in the field of public order protection by local self-government bodies. The article considers the foreign experience of the organization and functioning of the municipal police in terms of the protection of public order and the solution of local issues. Both the positive aspects of the creation of the municipal police service and the emerging difficulties in regulating public relations associated with its creation are revealed. At the same time, there is already a positive experience of the municipal police in the recent history of Russia. From a practical point of view, the experience of the city of Belgorod is interesting, where the local authorities have created and successfully operate the Municipal State Institution “Municipal Guard”.

1 INTRODUCTION

Among the objects of social management, the protection of public order is very important, without which the normal existence of civil society, as well as the functioning of its social, economic, political, cultural and other components, is impossible. Undoubtedly, an insufficient level of ensuring public order will have a negative impact on the sense of security of both the individual citizen and the entire society as a whole.


The reform process and repeated layoffs of police officers in recent years have led to a massive shortage of employees on the “ground”, that is, in the lowest divisions of the territorial bodies of the Ministry of Internal Affairs of Russia.


Currently, there is a rather large shortage of personnel in the units involved in the protection of


public order: district police commissioners, patrol and post police service.


At the same time, the grassroots units, especially the departments of the district police commissioners, are constantly burdened with non-core tasks, such as supporting criminal cases, preparing decisions to refuse to initiate criminal proceedings, patrolling the streets during public events.

It should be noted that the municipal police is the basis of the entire police system in a number of foreign countries. Considering the foreign experience in the formation of the police system, we see that similar structures exist in such countries as Germany, the United States, France and in a number of other countries (Wolf, 2008; Feltes 2013; Walby, Lippert, 2012). The activities of these structures in these countries are financed from the local budget and, accordingly, they are managed by local authorities (Donnelly, 2013; Guillamón, 2011). I would like to

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note that the funding of local authorities in these countries is much higher than in the Russian Federation.

In France, in communes where the population is less than 10 thousand people, the municipal police operates, which maintains public order and public safety, ensures the peace of citizens in a strictly defined framework established by law. In this State, the municipal police is the reserve of the National Gendarmerie of France and the National Police in the context of the implementation of the functions of the criminal police, reports to the mayor and is accordingly funded from the local budget. This experience of the municipal police of the V Republic could be used in the implementation of law enforcement activities of the internal affairs bodies of the Russian Federation, this is, first of all, a competitive procedure for the formation of the personnel component and detailed regulation of the powers of officials performing the relevant functions (Bolotina, 2006).

The main powers of the municipal police officers are: prevention of offenses, identification of citizens, video surveillance, inspection of citizens and inspection of various objects. In the course of their activities, they also have the right to apply a number of coercive measures, such as physical force, special means (Khusyainov, 2016; Kešetović, 2013).

In the experience of the development of the US law enforcement system, you can find an example when the local government itself “serves and protects” by creating a special service of US sheriffs. Sheriff – an official elected by the population of the district for 2-4 years, whose main responsibility is to maintain law and order in the district entrusted to him. As the head of the county police, the American sheriff has fairly broad powers in the field of public order protection: he arrests, brings offenders to court, and is authorized to use weapons against them (Golovanova, 2016; Wilson, 2003; Payne, 2004).

2 METHODOLOGIES

The creation of the municipal police in the Russian Federation should lead to a further increase in the active participation of citizens in the protection of public order and ensuring public safety, as well as in the provision of assistance to law enforcement agencies in ensuring public order and public safety, in the prevention and suppression of offenses.

In 2016, also by the deputies of the Duma faction of the political party “Fair Russia” was re-attempt to create a municipal police force in the Russian

Federation by introducing a new bill number 385-7 “On the municipal police in the Russian Federation”, as a result of this bill will be enacted from January 1, 2018 has proposed the creation of the standards with

The creation of the municipal police was proposed to include in its composition such services as part of the duty, patrol units for the execution of administrative law, commissioners of municipal police, as well as a number of other units that were to perform the functions conferred upon a municipal police Department in the proposed bill.

The adoption of this bill should have to be subjected to significant changes, but rather to abolish a number of units of the Ministry of internal Affairs of the Russian Federation, in particular police unit that performs the functions of protection of public order and functionally performs the powers that were supposed to be passed the municipal police (Golubykh, 2017).

The adoption of a decision on the reorganization of a number of divisions of the internal affairs bodies and the transfer of their powers to the municipal police is essentially a very serious step and should have a significant argument, so it is not surprising that this bill has not received support.

Undoubtedly, when developing this legislative project, the authors did not take into account all the difficulties that were expressed in the shortcomings of this draft law, related to the sources and procedure of funding, as well as in the technical support of the activities of the municipal police, and the issues of determining the service in this structure.

A number of Russian scientists in their scientific publications have considered issues related to the creation, organization and functioning of the municipal police.

In his article on the draft law on municipal police, R. A. Zhuravlev believes that for the creation of a municipal police, first of all, a transition period of 2-3 years is necessary, in which the legal, material, technical, financial and organizational bases for the functioning of the municipal police would be created (Zhuravlev, 2017).

At the same time, at present, the need to create a municipal police in Russia among scientists is considered a fairly controversial topic.

In his research, I. V. Ivanko says that due to the lack of material and legal prerequisites at the necessary level, as well as due to the low development of civil society, it is premature to talk about the process of forming a workable, meeting all the requirements of modern society, municipal police (police) on the territory of the Russian Federation (Ivanko, 2011).

A number of authors believe that currently there are not even the most necessary conditions for the formation of municipal police in municipalities, local self-government bodies cannot have the authority to apply coercive measures – this should remain the prerogative of federal law enforcement agencies. However, local authorities should not stay away from the protection of public order, since this function is characterized by local government, full of self-government is impossible without the ability to meet the needs of the population in the proper social order (Uporov, 2016).

M. Yu. Agrafov believes that local self-government bodies cannot manage the activities of the municipal police for several reasons: the activities of the municipal police will be underfunded, due to the weak financial security of the local self-government bodies themselves; local self-government bodies are entrusted with a large number of tasks related to the social sphere of society, and therefore they are already heavily overloaded; local self-government bodies are not essentially a structure of state administration, and therefore they are not able to control the activities of the new structure (Agrafov, 2015).

The opposite view has a M. A. Limonov, who believes that the members of the municipal police will assist the Ministry of internal Affairs of Russia of great help in the protection of public order and ensuring public safety on the streets and other public places (Limonov, 2014).

Many problems of inter-confessional, inter-territorial and extremist nature, according to D. M. Gadzhiev, can be neutralized by using the potential of the municipal police. In the course of its activities to protect public order, the new structure will be able to neutralize many criminal manifestations. Regional criminological policy, as a tool for combating crime, should be developed and improved (Gadzhiev, 2015).

There is a position that the functioning of the municipal police with the provision of appropriate administrative and legal powers will help to solve a number of so-called “orphan” norms of administrative responsibility at the municipal level, which in turn will help to stabilize the process of applying administrative legislation (Avdeiko, Kononov, 2017).

Issues related to the creation and organization of the municipal police were discussed in a number of doctoral studies. In particular, A. M. Kononov comes to the conclusion that the need for municipal bodies to protect public order is due to the requirements of the law and the need of society in such law enforcement agencies. In his work, he proposes a

draft Federal law “On the basics of organizing municipal public order protection bodies (Municipal Guards) in the Russian Federation” (Kononov, 2000).

Exploring the implementation of the function of protecting public order by the municipal police (police) of foreign countries, P. N. Astapenko emphasizes that the organization of municipal police in foreign countries has a number of features that are traditional and have developed as a result of a long historical process of forming political and civil institutions of society within the framework of state and legal evolution. At the legislative level, local authorities and their officials are entrusted with the functions of ensuring public order and public security, which are enshrined, including in the constitution of the country (Astapenko, 2009).

In her scientific work, L. V. Gustova comes to the conclusion that at the present stage of development of Russia, the decentralization of police activity is optimal, taking into account the following fundamental provisions:

- the municipal police must have an independent status as a local government body;
- there should be no duplication of powers between the municipal police and the federal executive authorities in the field of internal affairs, their activities should complement each other;
- the financing of the activities of the municipal police should be carried out at the expense of the local budget, with possible partial compensation of the costs from the federal budget (Gustova, 2016).

Very interesting experience, Belgorod (Belgorod region), where the local authorities created state institution “Municipal guard” (hereinafter – “Municipal guard”), which is a non-profit organization specifically authorized for the solution of problems in the field of safety, disorderly conduct, in cooperation with law enforcement authorities in the city of Belgorod.

The founder of the “Municipal Guard” is the municipal formation “City District” City of Belgorod. In accordance with the approved charter, the institution carries out its activities in the following main areas:

- together with other law enforcement agencies, participates in measures to prevent terrorism and extremism, as well as to minimize and eliminate their consequences within the borders of the city of Belgorod;
- in the implementation of favorable conditions for the creation and functioning of voluntary public formations on the territory of the city,

whose activities are aimed at protecting public order;

- in measures to monitor citizens' compliance with the rules of conduct in public places;
- assistance to law enforcement officers in the prevention and suppression of administrative offenses, in matters of public order protection, as well as the implementation of legal propaganda for the residents of the city;
- providing assistance, if necessary, to citizens who are in a helpless state or in a state that is dangerous to their life and health;
- coordination of the activities of public formations of citizens of law enforcement orientation, providing them with methodological assistance.

On the right of operational management, the administration of the city of Belgorod was provided with the necessary office premises of the "Municipal Guard". The maintenance of these premises, including the payment of all operating costs and utilities, is also carried out by the city administration.

The full-time number of employees of the "Municipal Guard" is 196 people, of which 173 are in the position of inspector for the protection of public order.

The structure of the institution has six structural divisions: the operational response headquarters, the department for interaction with the Councils of territories, three departments for work with law enforcement agencies and the department for interaction with the Belgorod Cossack Society.

The daily number of employees of the institution involved in the protection of public order in the territory of the regional center is from 70 to 90 people, and in some cases during mass events in the territory of the regional center exceeds 100 people.

The municipal guard assists military enlistment offices in the registration of draft dodgers. In addition, employees of the institution work with the land department of the city administration to identify unrecorded land, illegal development of land plots, cooperate with the consumer market department – jointly check the places of illegal trade. When identifying offenses, they contact the Department of Internal Affairs on duty for territoriality and take measures to prevent crimes (Polyakova, 2017).

Employees of the Municipal Guard take part in the protection of public order together with police officers in almost all mass events taking place on the territory of the city of Belgorod. In addition to working with the Ministry of Internal Affairs of Russia in the city of Belgorod, the "Municipal Guard" on the basis of concluded contracts carries out the

protection of objects belonging to enterprises and organizations of various forms of ownership. The squads of the "Municipal Guard", consisting of the number of inspectors, are included in the plan for the integrated use of forces and means on the territory of the city. This allows for extremely coordinated interaction in the implementation of the protection of public order and ensuring public safety on the territory of the city of Belgorod.

3 RESULTS

In 2020, with the participation of employees of the institution of the "Municipal Guard", a total of 1,609 administrative offenses were detected. The most common among them were: 281 – disorderly conduct, 220 – violation of the anti-alcohol legislation, the 85 – evasion from execution of administrative punishment, 84 – unauthorized occupation of the land, 56 – disturbances in the field of traffic, 50 – failure to comply with administrative limitations and failure to comply with obligations imposed under administrative supervision.

Special attention is paid by the staff of the "Municipal Guard" to the suppression of administrative offenses provided for by the Law of the Belgorod region of 04.07.2002 No. 35 "On Administrative offenses in the territory of the Belgorod region".

In 2020 – 552 of such offense, including 276 violations of trade rules, 158 rules of landscaping, gardening, maintenance of cleanliness and order on the territory of urban and rural settlements, 81 – statutory restrictions of Smoking tobacco, 31 – rules of the maintenance of non-residential premises, 6 cases of violations of citizens peace and quiet at night were detected.

More than 600 preventive interviews were conducted with citizens engaged in illegal trade. Together with the inspectors of the "Belgorod Parking Space", in the reporting period of this year, work was carried out to identify violations of the rules in paid parking lots of the city, 212,782 photo-recordings of cars were made.

4 DISCUSSIONS

Using the example of the activity of the Municipal Guard in the city of Belgorod, it is possible to clearly demonstrate the possibility of participation of local self-government bodies in the protection of public

order and the implementation of public security on the territory of the municipality.

The creation and operation of the Municipal Guard in Belgorod is a typical example of the direct participation of local self-government bodies in the implementation of the rights assigned to local self-government that meets the constitutional ideals of civil society. Moreover, the analysis of the activity of this structure on the example of the city of Belgorod, allows us to evaluate it as quite effective.

The study of problems related to the protection of public order, which are faced in municipalities, is important for the functioning and development of the rule of law. The legal consolidation of the list of powers of the municipal police, forms of interaction with state and municipal bodies largely depends on a particular model of the system of municipal law enforcement agencies, as well as on national characteristics, local traditions, political, socio-economic and territorial characteristics. However, at the same time, we can say that the creation of a municipal police will solve such age-old problems as alienation from the served population, information vacuum and social control.

5 CONCLUSIONS

The general problems of local initiatives to organize the protection of public order at the municipal level include the following:

1. The instability of these organizations, the main reason for which is the lack of a legal framework. Initiators are forced to develop their own regulatory decisions on the ground, legitimizing the activities of employees of such structures, the competence of their control, supervision and preventive work.

2. Responding to changes in the course of federal and regional authorities. This can explain the transfer of tasks to municipal structures that were not initially set: the coordination of people's squads, strengthening work in the field of anti-terrorist activities.

3. The main interest of the municipal authorities is to monitor compliance with the regional administrative legislation and the rules of improvement.

4. Overburdened tasks and the growth of statistical reporting, creating the risk of growth of the management apparatus.

5. The management and the main staff are made up of former employees of the internal affairs bodies. On the one hand, these structures attract people who understand and know what public order protection

and crime prevention are. At the same time, it also brings risks, the main of which is the reproduction of the "stick system" and the dominance of the repressive understanding of prevention, the lack of desire for a comprehensive view of the prevention of offenses.

Based on the above, it can be concluded that the municipal bodies of public order protection created by local self-government bodies are understood as law enforcement units created and financed by them, whose main task is to protect the interests of citizens living in the territory of municipalities, as well as society and the state from criminal and other encroachments within their competence.

To achieve a positive effect as a result of the creation of municipal police units on the territory of the Russian Federation, in our opinion, it will be possible if:

- the powers of the employees of the municipal police to ensure the protection of public order, including those related to the prevention of offenses committed by minors and against minors, will be clearly defined;
- defined procedural powers in the proceedings in cases of administrative offenses, the responsibility for which is provided for by the legislation of the subjects of the Russian Federation on administrative offenses;
- defined at the legislative level, the full-time number of employees, depending on the number of people living in the territory of the municipality and the state.

Among the difficulties in regulating public relations associated with the creation of a municipal police, one can distinguish:

- lack of a legal framework in the form of a federal law on the establishment of a municipal police;
- lack of a single algorithm for creating a municipal police;
- the process of financing the municipal police in the context of foreign economic instability and the sanctions imposed on the Russian Federation;
- ensuring the personal safety of the municipal employee in the course of ensuring the protection of public order.

Thus, the process of creating a municipal police on the territory of the Russian Federation remains controversial, and the issue of transferring law enforcement functions from other law enforcement agencies to the municipal police remains open, since detailed study is needed related to the delineation of

powers between state authorities and local self-government bodies.

However, we still believe that the issue of creating a municipal police in the Russian Federation has a positive trend for its solution and we hope that in the near future the employees of these bodies will take part in the protection of public order throughout the country. This will be possible only after the adoption at the federal level of the relevant law, which will regulate the current aspects of the activities and organization of the municipal police service. As a successful example of the functioning of the municipal police, we can use the positive practical experience of the administration of Belgorod on the creation of the “Municipal Guard”.

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