


RUSSIAN LEGISLATION ON PUBLIC CONTROL: CONSTITUTIONAL AND LEGAL ANALYSIS OF THE INTERNATIONAL LEGAL FRAMEWORK

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ABSTRACT

This article is devoted to constitutional legal analysis of international legal bases of the legislation of the Russian Federation on public control. The work substantiates the position that to understand the constitutional legal mechanism of public control in Russia it is necessary to study the international legal framework of control of civil society over public authority in connection with the implementation of generally recognized principles and norms of international law in the legal system of the Russian Federation as a priority the rules of the legal regulation under Part 4 of Article 15 of the Constitution.

Keywords: Institute of public control. Constitutional and legal aspects. Civil society. Russian Federation.

LEGISLAÇÃO RUSSA SOBRE CONTROLE PÚBLICO: ANÁLISE CONSTITUCIONAL E JURÍDICA DO MARCO LEGAL INTERNACIONAL

LEGISLACIÓN RUSA SOBRE CONTROL PÚBLICO: ANÁLISIS CONSTITUCIONAL Y JURÍDICO DEL MARCO JURÍDICO INTERNACIONAL

RESUMO

Este artigo é dedicado à análise jurídica constitucional das bases jurídicas internacionais da legislação da Federação Russa sobre controle público. O trabalho comprova a posição de que, para compreender o mecanismo legal constitucional de controle público na Rússia, é necessário estudar o marco legal internacional do controle da sociedade civil sobre a autoridade pública em relação à implementação de princípios e normas geralmente reconhecidos do direito internacional no sistema jurídico da Federação Russa como prioridade as regras do regulamento legal nos termos da Parte 4 do artigo 15 da Constituição.

Palavras-chave: Instituto de controle público. Aspectos constitucionais e legais. Sociedade civil. Federação Russa

RESUMEN

Este artículo se dedica al análisis jurídico constitucional de las bases jurídicas internacionales de la legislación de la Federación de Rusia sobre el control público. La labor corrobora la posición de que para comprender el mecanismo jurídico constitucional de control público en Rusia es necesario estudiar como prioridad el marco jurídico internacional de control de la sociedad civil sobre la autoridad pública en relación con la aplicación de principios y normas de derecho internacional generalmente reconocidos en el ordenamiento jurídico de la Federación de Rusia como prioridad las normas del reglamento jurídico en virtud de la parte 4 del artículo 15 de la Constitución.

Palabras-clave: Instituto de Control Público. Aspectos constitucionales y jurídicos. Sociedad civil. Federación Rusa.

INTRODUCTION

Public control as one of the most important civil society institutions in the Russian Federation is widely analyzed in the scientific works of E.V. Berdnikova (BERDNIKOVA, 2018, p.6-9), L.Yu. Grudtsyna (2014, p.19-29), O.V. Orlova (2015, p.76-81), V.E. Chirkin (2016, p.30), G.A. Vasilevich (2016, p.39-47), as well as several other authors. These works provide the basis for analysis of the theoretical content of the institution of public control in relation to its social essence. However, the share of researches devoted to the constitutional and legal analysis of the international legal basis of the legislation of the Russian Federation on public control is extremely small.

In this regard, the main purpose of this research is a comprehensive research of the international legal framework for the organization and functioning of the institution of public control in the Russian Federation, in order to expand and clarify the conceptual and categorical apparatus of the science of constitutional law in the sphere of public control, forming an integral concept of public control, and the subject of research is the regulatory framework of public control, as well as scientific views on the role and place of international legal foundations of the Russian Federation legislation on public control in the mechanism of ensuring the implementation of the constitutional principle of democracy.

METHODOLOGY

This article in the process of cognition of state-legal phenomena were used: a) General scientific methods (formal-logical, systemic, structural-functional, concrete-historical); b) General logical methods of theoretical analysis (analysis, synthesis, generalization, comparison, abstraction, analogy, modeling, etc.); c) private scientific methods (technical and legal analysis, specification, interpretation, etc.) (ZALESNY, GONCHAROV, 2019, p.129-142; ZALESNY, GONCHAROV, SAVCHENKO, 2019, p.51-61).

RESULTS

At present, the system of legal regulation of public control of power in Russia is represented by several groups of regulatory legal acts of international and national legislation. This circumstance is due to the fact that according to Part 4 of Article 15 of the Constitution of the country “universally recognized principles and norms of international law and international treaties of the Russian Federation are an integral part of its legal system. If other rules are established by an international treaty of the Russian Federation than stipulated by law, the rules of the international treaty shall apply” (CONSTITUTION, 1993). Thus, the norms of international law are not only implemented in the national legal system of Russia, but also have a priority in the regulation of public relations.

This provides the society (people), which is the highest value of a democratic civil society (ORLOVA, 2015, p.76-81), with additional international legal guarantees, on the one hand, for the realization of their rights, freedoms and legitimate interests, as well as their protection against violations by any government bodies and local self-government, their officials, other institutions, organizations, enterprises of any organizational and legal forms and forms of ownership, and on the other hand, to control public authorities in order to avoid usurpation in of power in the hands of individuals, their capture and illegal detention.

The international legal regulation of issues of public control of power is characterized by the fact that the norms of international law, on the one hand, recognize state sovereignty, without denying the right of national states to independently regulate the formation and functioning of state authorities and local self-government, and on the other hand, consolidate the rights, freedoms and legitimate interests of man and citizen as the highest value. But, due to the fact that the UN member states have committed themselves to comply with international law adopted within the UN, there is a violation of the rights, freedoms and legitimate interests of a person and a citizen at the level of national states, including political rights for citizens to participate in the management of state affairs (the right to democracy), entail adverse consequences from international law (within the obligations undertaken by states).

In the event that violations of these rights constitute a crime stipulated by international law (for example, genocide), the international community has the right to apply sanctions to violators under the UN Charter and international law. The group of international legal acts that laid the legal basis for public control of power in the Russian Federation includes, in particular: 1) the Charter of the United Nations (CHARTER, 2020a); 2) The Universal Declaration of Human Rights (UNIVERSAL, 2020); 3) International Covenant on Civil and Political Rights (INTERNATIONAL, 1966); 4) International Covenant on Economic, Social and Cultural Rights (INTERNATIONAL, 1989); 5) UN conventions and other normative legal acts (for example, the United Nations Convention against Corruption, the Declaration on the Rights and Duties of Individuals, Groups and Bodies of Society to Promote and

Protect Universally Recognized Human Rights and Fundamental Freedoms) (UNITED, 2020; DECLARATION, 2020); 6) acts issued by bodies that monitor and enforce human rights at the international level and are created in accordance with the provisions of relevant conventions under the auspices of the United Nations (for example, the United Nations International Court of Justice, the United Nations High Commissioner for Human Rights, the Human Rights Committee, etc.) (THE UN REPORT ON HUMAN RIGHTS 2020); 7) acts issued by other interstate bodies (for example, the European Commission of Human Rights and the European Court of Human Rights), in which Russia is a party to the creation and activities of (DECISION, 2020); 8) The Charter of the Commonwealth of Independent States from 22.01.1993 (CHARTER, 2020b); 9) conventions and other normative legal acts of the Commonwealth of Independent States (for example, the Convention of the Commonwealth of Independent States on human rights and fundamental freedoms) (Convention, 2020); 10) other international (interstate) treaties of the Russian Federation.

The Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, adopted at the United Nations Conference and the plenary meeting of the UN General Assembly, have been ratified by almost all existing de facto national states of our time. The UN Charter does not contain a direct definition of public control of power; however, Article 1 enshrined the principle of equal rights and self-determination of peoples, and in a number of other articles (for example, 55) defined the promotion of universal respect for and observance of human rights and fundamental freedoms as the main goals and objectives of UN activities (CHARTER, 2020a).

Thus, the UN Charter emphasized the primacy of the right of peoples in determining the political fate and development priorities of national states. In addition, it is the people who are defined in the UN Charter as the bearer of state sovereignty, in the interests of which there is a state mechanism whose activities should be subordinate to the implementation and protection of human and civil rights and freedoms. A similar status of the people was enshrined in the constituent documents of the UN, despite the fact that a number of states at the time of the creation of the UN (including a permanent member of the UN Security Council - Great Britain) were monarchies. It seems that this was thoroughly determined by the role of the USSR, which played a major role in the defeat of the Hitler coalition in World War II and proposed consolidating the democratic foundations in the proactive documents of the created United Nations. This circumstance, in the future, influenced the demolition of the colonial system in the world, the declaration of independence by states (former colonies), the holding of elections of state bodies and local self-government on the basis of universal equal suffrage.

In addition to the development of the provisions of the UN Charter, a number of international covenants were adopted detailing human rights and freedoms that are directly related to the place and role of a person and citizen in the organization and activities of state authorities and local self-government, as well as the exercise of public control over the public authorities in nation states. This allowed, according to some scientists, the use of universal human rights standards as the basis for the constitutionalization of international law (VARLAMOVA, 2016, p.34-43), connecting international law to the sphere of human rights regulation, providing this regulation with some means of international control over compliance with international covenants that have the force of international laws (CHIRKIN, 2016, p.30). These international legal acts created the legal basis for the final destruction of the consequences of colonialism in the world, securing the right of peoples to self-determination, including through the creation and functioning of independent sovereign states. In addition, these documents created legal guarantees on the one hand, for an equal dialogue between the newly formed states with the countries that were their metropolises (in the past), and, on the other hand, for the international community, represented by the UN, to protect human rights, freedoms and legitimate interests a person and citizen in these states.

The International Covenant on Civil and Political Rights does not contain a direct definition of the concept of public control of power, but in a number of its Articles (1, 5, 25, etc.) it establishes the basic requirements for its implementation: the right of peoples to self-determination; the prohibition on public activities aimed at the destruction of human or civil rights or freedoms, as well as their restriction or derogation; the citizen's right to participate in the conduct of public affairs, both directly and through representatives freely chosen by the people, as well as control over their activities (INTERNATIONAL, 1966). Thus, this international legal act establishes the basic principles of the organization and functioning of public authority (democracy; the election of government bodies; their responsibility to both the law and society; the legality of the activities of public authorities; the participation of citizens in the management of state affairs), and also the place of society (people) in the control its implementation.

Such institutionalization of guarantees of the people at the international legal level, on the one hand, on the exercise of their right to democracy, and on the other hand, on the control of authority delegated to state and local government bodies and their officials, has largely influenced the implementation of national constitutions (basic laws) of democratic procedures related to the organization and activities of the state apparatus and municipal authorities, as well as public control over state bodies government and local government. The International Covenant on Economic, Social and Cultural Rights, in turn, in Article 4, in effect, enshrined the prohibition of state authorities to restrict the rights of citizens (including the control of public authority), arguing that the state can only establish such restrictions of these rights, which are determined by law, and only insofar as it is compatible with the nature of these rights, and solely for the purpose of promoting general welfare in a democratic society (INTERNATIONAL, 1989, p. 90-101).

Thus, this international legal act, on the one hand, limited the legal capacity of public authorities to influence civil society institutions created to control the organization and activities of government, and on the other hand, confirmed the absence of limits on the implementation of public law (people) to the public control of power. This circumstance makes it possible to form a system of bodies (subjects) of public control of power in national states that are independent of the state apparatus, capable of control any government bodies. Moreover, this international legal act in Article 8 secured a system of civil institutions through which citizens can defend their rights, freedoms and legitimate interests: the right of everyone to create trade unions to exercise and protect their interests; the right to strike (INTERNATIONAL, 1989, p. 90-101). These civil society institutions form a complex mechanism, thanks to which in the modern world it is possible to exercise control both over the public authority system and over numerous non-state legal entities that delegate authority by the state and local authorities.

The complication of the structure of public relations in modern states, as well as an increase in the number of public authorities and local self-government (the number of officials), requires constant improvement of civil society institutions, on which the system of public control of power in national societies and states is based. This circumstance requires constant improvement and the international legal framework that forms the guarantee of compliance, implementation and protection of human and civil rights and freedoms at the national and international levels. In this regard, the UN regularly adopts and improves UN conventions and other normative legal acts on the rights and obligations of individuals, groups and bodies of society to promote and protect universally recognized human rights and fundamental freedoms (including political rights of citizens to participate in governance government affairs and public control of power), supporting society in its fight against corruption, as well as any forms of misappropriation of power, usurping power, which poses a threat to the full annoy realization of the rights, freedoms and legitimate interests of man and citizen.

So, in particular, the Declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms from 09.12.1998 secured: the right individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels (Article 1); the obligation of state authorities to protect, promote and implement all human rights and fundamental freedoms, to promote their legislative and administrative support, as well as their responsibility for not taking action, as may be necessary to create all necessary conditions and legal guarantees in the social, economic and political spheres in this matter (Article 2); the right of citizens to the creation of institutions of civil society (Article 5); to obtain information from bodies of state management and dissemination of information about the state of Affairs in the state regarding respect and protect the rights and freedoms of citizens (Article 6); the right to seek from the state the recognition of human rights (Article 7); right to participate in the governance of their country and the conduct of public Affairs, including the right to submit to governmental bodies and agencies, and in organizations dealing with public Affairs, criticism and proposals for improving their activities and to draw attention to any aspect of their work that may hinder or constrain the promotion, protection and enjoyment of human rights and fundamental freedoms (Article 8) (DECLARATION, 2020).

Moreover, this declaration at the international level enshrined the right of citizens of national states to seek protection of their rights, freedoms and legitimate interests, including the right to democracy, participation in the management of public affairs and control of state authorities and local self-government, by any effective means of legal protection, including appeals to the judiciary, as well as to international bodies with general or special competence. As the American political scientist Robert Dahl rightly notes in this connection: "In order to get informed knowledge about all the actions undertaken by the government in order to understand what its political course will be, freedom of expression is necessary" (DAL, 2000, p.96).

In turn, the United Nations Convention against Corruption enshrined the right of society to prevent and combat corruption, as well as the threats it poses (UNITED, 2020). This Convention among the manifestations of corruption includes not only the activities of state authorities and local self-government (their officials), as well as organizations that exercise public authority delegated by the state, but also the corrupt activities of any other legal entities, if it is associated with interaction with public authorities, or violates the rights, freedoms and legitimate interests of a person and citizen. Moreover, the misappropriation of state power, their usurpation, carried out for mercenary purposes by officials of government bodies, is considered by this Convention as corruption activity.

In this regard, as a number of authors rightly notes, the company has a whole system of anti-corruption rights, ranging from the right to receive information from state authorities and local self-government (GRUDTSYNA, LAGUTKIN, 2014, p. 19-29) to any legal means of combating corruption (Vasilevich, 2016: 39-47). At the same time, public control bodies in the anti-corruption procedure at the national level have been assigned a leading place, since their activity allows not only to deal with the consequences of corruption in the government, but also to prevent its occurrence at the stage of formation of government bodies and local self-government. In the development of international legal acts adopted at the level of the United Nations, a significant number of international legal acts have been adopted by international bodies that monitor and enforce human rights at the international level, acting on the basis of the provisions of the UN Charter, international conventions and declarations under the auspices of the United Nations.

A special role among this category of international bodies is played by the UN Human Rights Committee, the UN High Commissioner for Human Rights, the UN International Court of Justice, etc. In particular, the UN Human Rights Committee (established in accordance with the International Covenant on Civil and Political Rights of 1966 and in force since 1976) monitors and controls compliance by member countries with the Covenant on Civil and Political Rights and its optional protocols. It analyzes the observance, implementation and protection of human and civil rights at the level of national states, including the right of the population to participate in the formation of state and municipal governments, as well as monitoring the legality of their organization and activities. UN member states are required to submit reports on compliance with international law at the level of that nation state to the UN Human Rights Committee.

According to a number of researchers, hearing a report is not a formal report on the situation in the country and its assessment. The practiced format is a constructive dialogue between members of the Committee and representatives of the delegation of the country being heard. Comments include the results of such a dialogue, conclusions from the report and its discussion, an assessment of the human rights situation in the country (positive and negative points) and recommendations (UN, 2017). At the same time, the UN International Committee on Human Rights has the authority to consider individual complaints and interstate appeals for violation of human rights (for example, political rights of citizens to participate in the management of public affairs, or to public control of the activities of state authorities and local self-government). If the state is recognized as a violator, then it is proposed to eliminate the revealed violations, including by paying compensation, and in case of refusal, the procedure for establishing contact and interaction between the parties is initiated.

In some cases, if violations of human and citizen rights are widespread, especially when power at the level of the national state is usurped illegally by a group of people, the intervention of the international community is possible to protect the rights, freedoms and legitimate interests of citizens. At the interstate level (for example, within the framework of the European Union), a system of legal acts has also been developed and adopted on the implementation and protection of the political rights of individuals and citizens, including the public control of government bodies. An important role is played by acts issued by the European Commission of Human Rights and the European Court of Human Rights.

Thus, the subject of consideration by the European Court of Human Rights has repeatedly been cases initiated on complaints of citizens of the Russian Federation in connection with a violation of their political rights (for example, suffrage). In particular, according to the complaints of S. B. Anchugov and V.M. Gladkov was issued a decision dated 04.07.2013, which stated a violation by state authorities of the Russian Federation of the Convention for the Protection of Human Rights and Fundamental Freedoms ETS N° 005 (Rome, November 4, 1950) in relation to the deprivation of applicants of voting rights and the inability to vote in parliamentary elections (that is, the right of these citizens to participate in the management of public affairs and the right to democracy were violated).

At the same time, the applicants were denied compensation for non-pecuniary damage, since the European Court of Human Rights considered the finding of a violation of the Convention in this case in itself to be sufficient just satisfaction for any non-pecuniary damage that was inflicted on the applicants (DECISION, 2020). Due to the fact that the Russian Federation is a member of the Commonwealth of Independent States, the CIS Charter of 01.22.1993, as well as conventions and other regulatory legal acts of the CIS regulating the political rights of citizens play a great role in regulating issues of public control of power. In particular, Article 33 of the CIS Charter provided for the possibility of creating the CIS Human Rights Commission, which is an advisory body to the CIS and oversees the implementation of human rights obligations undertaken by member states within the CIS (CHARTER, 2020b).

In turn, the Convention of the Commonwealth of Independent States on Human Rights and Fundamental Freedoms, ratified by Federal Law of 04.11.1995 № 163-FL, enshrined, in particular, the following political rights of citizens: to freely express their opinion, which includes freedom to hold opinions, receive and disseminate information and ideas in any legal way without interference from state authorities (Article 11); to unite in associations to protect their rights, freedoms and legitimate interests, including the right to participate in the management of public affairs and public control of power (while this right is not subject to restriction by state authorities and local self-government, except as otherwise provided by law (Article 12); on the effective restoration of rights and freedoms in accordance with national legislation (Article 19); take part in the management and conduct of public affairs, both directly and through at the same time as elected representatives, to vote and be elected in elections held on the basis of universal and equal suffrage by secret ballot and ensuring the free expression of the will of voters, shall be admitted in the country on general terms of equality to public service (Article 29) (CONVENTION, 2020).

At the same time, as the intergovernmental body supervising the compliance with the above rights, freedoms and legitimate interests of citizens, defined by the Commission on human rights Commonwealth of Independent States (hereinafter - HRC CIS), the Position of which had been approved in the framework of the Convention of the Commonwealth of Independent States on the rights and fundamental human freedoms. At the same time, the CIS HR Committee is authorized to consider individual and collective appeals of any persons and non-governmental organizations on issues related to human rights violations within the CIS. The Russian Federation, being party to numerous international organizations, e.g. the Union of Belarus and Russia, BRICS, etc., have signed a number of international (interstate) agreements enshrining their commitment to democratic principles of government, and the rights, freedoms and legitimate interests of man and citizen, including the rights to democracy and citizen participation in the management of public Affairs, the most important guarantee of which is the public control of the authorities. At the same time, Russian citizens have the opportunity, on the one hand, to further protect their political rights at the international level, and on the other hand, to draw the attention of the international community to the issues of respect for rights, freedoms and legitimate interests on the territory of the country.

Thus, the considered system of international legal acts acts as a guarantee of compliance, implementation and protection of the rights of citizens of the Russian Federation to exercise public control of power. As rightly noted in the draft concept for improving the forms and methods of public control in the Russian Federation, developed by a working group of the Government Commission to coordinate the activities of the open government to improve public control in the Russian Federation: “successful international practice of public control ... indicates that the whole society should act as a state controller represented by its diverse ramified institutions: nationwide and locally established unions, trade union and business, consumer and human rights, youth and veteran, confessional and secular. However, this requires that each typical citizen not only formally belong to these structures, occasionally recalling their existence, as is often the case with us, but daily and actively participate in their work. But these diverse structures themselves must closely cooperate with each other, forming a dense network” (DRAFT, 2020).

At the same time, international legislation, on the one hand, establishes international standards in the legal regulation of issues of public control of power at the national level, and on the other hand, allows citizens of national States and their associations to appeal to international organizations whose activities are dedicated to ensuring, preserving and protecting human rights and freedoms. As rightly notes in this regard, E.V. Berdnikova, in the Russian Federation it is impossible to build an effective and efficient system of public control of power without implementing international legal standards in the field of public control in the Russian legal system (BERDNIKOVA, 2018, p. 6-9).

Moreover, international legislation sets certain standards for the development of national legislation (including the Russian Federation) in the field of public control of power, allows the use of international and foreign positive experience in legal regulation of the participation of subjects of public control over the processes of formation and functioning of government bodies and local self-government, and also any individuals and legal entities endowed with authority, which may affect the process implementation, enforcement and protection of the rights, freedoms and legitimate interests of a person and citizen. It seems that an effective and multi-level system of public control of power in our country acts as the main socio-economic condition for the preservation and development of Russian statehood in the era of the global economic crisis (ZALESNY, GONCHAROV, 2020, p.1-6).

CONCLUSIONS

The international legal foundations of public control are a set of legal norms and principles enshrined in international law that institutionalize the basic starting points in regulating the formation and functioning of this institution of civil society control over the public authority mechanism. At the same time, the international legal foundations of public control act as an additional international legal guarantee in ensuring the observance, implementation and protection of the rights of citizens of the Russian Federation to its implementation, on the one hand, fixing international standards in the legal regulation of issues of public control of power at the national level, and on the other hand, allowing citizens of national states and their associations to appeal to international organizations whose activities are dedicated to ensuring protection and protection of human and civil rights and freedoms. Moreover, international law sets certain standards for the development of Russian national legislation in the field of public control, which can affect the process of implementation, observance and protection of the rights, freedoms and legitimate interests of a person and a citizen in the Russian Federation, allowing the use of international and foreign positive experience in the formation and the functioning of this institution of civil society.

REFERENCES

- BERDNIKOVA, E.V. (2018). International legal standards in the field of public control. *Public and private international law*, 2018 (4), 6-9. (in Russian). Available at: <https://www.elibrary.ru>. Access: 31 March 2021.
- CHARTER OF THE COMMONWEALTH OF INDEPENDENT STATES of 22.01.1993 (2020b). [Electronic resource]. Available at: <http://docs.cntd.ru/document/1903017>. Access: 01 Jun. 2020. (in Russian)
- CHARTER OF THE UNITED NATIONS (2020a). [Electronic resource]. Available at: <http://www.un.org/ru/charter-united-nations/index.html>. Access: 01 Jun. 2020. (in Russian)
- CHIRKIN, V.E. International Covenant on economic, social and cultural rights of 1966 and constitutional law. In *International covenants on human rights: value characteristics: proceedings of the international scientific and practical conference*. Moscow: Publishing house of Moscow university for the humanities, 30, 2016. (in Russian). Available at: <http://base.garant.ru/57233738>. Access: 01 Jun. 2020.
- CONSTITUTION OF THE RUSSIAN FEDERATION (adopted by popular vote on 12.12.1993), 1993. Russian newspaper, 273. (in Russian). Available at: <http://duma.gov.ru/news/48953>. Access: 01 Jun. 2020.
- CONVENTION OF THE COMMONWEALTH OF INDEPENDENT STATES ON HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (ratified by Federal law № 163-FL of 04.11.1995). (2020). [Electronic resource]. Available at: <http://docs.cntd.ru/document/1900703>. Access: 01 Jun. 2020. (in Russian)
- DAL, R. *About democracy*. Moscow, 2000. (in Russian). Available at: <https://www.elibrary.ru>. Access: 01 Jun. 2020.
- DECISION OF THE EUROPEAN COURT OF HUMAN RIGHTS of 04.07.2013. The case of Anchugov and Gladkov V. the Russian Federation (complaint no. 11157/04 and 15162/05) (first section). (2020). [Electronic resource]. Available at: <http://base.garant.ru/70639826>. Access: 01 Jun. 2020. (in Russian).
- DECLARATION ON THE RIGHT AND RESPONSIBILITY OF INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (adopted by General Assembly resolution 53/144 of 09.12.1998). (2020). [Electronic resource]. Available at: http://www.un.org/ru/documents/decl_conv/declarations/defender.shtml. Access: 01 Jun. 2020. (in Russian).

DRAFT CONCEPT FOR IMPROVING FORMS AND METHODS OF PUBLIC CONTROL IN THE RUSSIAN FEDERATION, 2020. [Electronic resource]. Available at: http://www.opso66.ru/upload_files/3kontseptsiya-sovershenstvovaniya-form-i-metodov-obshchestvennogo-kontrolya-v-rf.pdf. Access: 01 Jun. 2020. (in Russian)

GRUDTSYNA, L.YU.; LAGUTKIN, A.V. Information and civil society. *Problem Statement*, 2014 (9) 19-29. Available at: <http://gospravo-journal.ru/s1026-94520000617-6-1-ru-192>. Access: 31 March 2021.

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (adopted on 16.12.1966 by Resolution 2200 (XXI) at the 1496 th plenary session of the UN General Assembly), 1966. *Vedomosti of the Supreme Soviet of the USSR*, 17, 291, 1966. Available at: https://www.un.org/ru/documents/decl_conv/conventions/pactpol.shtml. Access: 31 March 2021. (in Russian).

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (adopted on 16.12.1966 by Resolution 2200 (XXI) at the 1496 th plenary session of the UN General Assembly). In Collection of international treaties. United Nations. New York, 1989, 90-101. Available at: Available at: https://www.un.org/ru/documents/decl_conv/conventions/pactecon.shtml. Access: 01 Jun. 2020. (in Russian).

ORLOVA, O.V. Personality is the main value of civil society. *State and law*, 2015 (6) 76-81. Available at: <http://gospravo-journal.ru>. Access: 31 March 2021. (in Russian).

THE UN REPORT ON HUMAN RIGHTS IN 2017. (2020). [Electronic resource]. Available at: <https://www2.ohchr.org/english/OHCHRreport2017/index.html>. Access: 01 Jun. 2020. (in Russian).

UN human rights Committee: status, structure, competence. (2020). [Electronic resource]. Available at: <https://www2.ohchr.org/english/OHCHRreport2017/index.html>. Access: 01 Jun. 2020. (in Russian).

UNITED NATIONS CONVENTION AGAINST CORRUPTION (ADOPTED BY GENERAL ASSEMBLY RESOLUTION 58/4 of 31.10.2003). (2020). [Electronic resource]. Available at: http://www.un.org/ru/documents/decl_conv/conventions/corruption.shtml. Access: 01 Jun. 2020. (in Russian).

UNIVERSAL DECLARATION OF HUMAN RIGHTS (ADOPTED AT THE THIRD SESSION OF THE UN GENERAL ASSEMBLY RESOLUTION 217 A (III) of 10.12.1948). (2020). [Electronic resource]. Available at: <http://constitution.garant.ru/act/right/megdunar/10135532>. Access: 01 Jun. 2020. (in Russian).

VARLAMOVA, N.V. *Universal human rights standards as the basis for the constitutionalization of international law. In International covenants on human rights: value characteristics*. Proceedings of the international scientific and practical conference. Moscow: Publishing house of Moscow university for the humanities, 2016, 34-43. Available at: <https://www.elibrary.ru>. Access: 31 March 2021. (in Russian).

VASILEVICH, G.A. *The combination of legal and public impact measures is the most important factor in countering corruption*. In the collection of materials of the International scientific and practical conference "Problems of implementation of public control at the level of local self-government". Yoshkar-Ola, 2016, 39-47. <https://www.elibrary.ru>. Access: 31 March 2021. (in Russian).

ZALESNY, J.; GONCHAROV, V. Ontological Core of the Social Concept of Global Constitutionalism: a Socio-Philosophical Analysis of Content and Evolution. *Future Human Image*, 2019 (12), 129-142. Available at: http://www.fhijournal.org/wp-content/uploads/2019/12/FHI_12_ZalesnyGoncharov.pdf. Access: 01 Jun. 2020. (in Russian).

ZALESNY, J.; GONCHAROV, V. View of the Social Concept of Global Constitutionalism on the Legal System. *Journal of Legal, Ethical and Regulatory Issues*, 2020, 23 (2), 1-6. Available at: <https://www.wisdomperiodical.com/index.php/wisdom/article/view/277>. Access: 01 Jun. 2020. (in Russian).

ZALESNY, J.; GONCHAROV, V.; SAVCHENKO, M. Model of the Evolution of Social Development in the Philosophy of Global Constitutionalism. *Wisdom*, 2019, 2 (13), 51-61. Available at: <https://www.abacademies.org/articles/view-of-the-social-concept-of-global-constitutionalism-on-the-legal-system-9129.html>. Access: 31 March 2021. (in Russian).

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