

## LAW ENFORCEMENT IN THE SPHERE OF PUBLIC SERVICES: PROSPECTS OF ADAPTATION OF FOREIGN EXPERIENCE IN RUSSIA

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The subject of the study of this article is the foreign experience of legal regulation in the provision of public services to applicants, especially the organization of government activities in terms of the quality of public services in foreign countries; laws and other legal acts, as well as the practice of their application; scientific papers on this issue.

The purpose of the article is to identify the main approaches to the development of public services in foreign countries with a view to further analyzing the prospects for their use in the Russian Federation and identifying areas of public service reform that are relevant for the Russian Federation.

The theoretical basis of this article was the scientific theories of the theory of state and law, constitutional and municipal law, as well as administrative law. The methodological basis of the study consists of general scientific methods and techniques: analysis and synthesis, comparison and forecasting, classification.

The main scientific results of the research. Russian legislation has borrowed a number of institutions from European practice. For example, multifunctional centers for the provision of state and municipal services have been established; the activities of the e-Government were realized in Russia. Much attention is being paid to this sphere in Russia, information technology tools are being developed in order to increase the availability of public services. Conclusions. We identified and formulated the relevant for modern Russia directions of reforming the public services system on the basis of foreign experience in legal regulation in the provision of public services, including:

- improvement of the regulatory and legal framework for the provision of public services, which should consist in focusing the standards of service provision primarily on the interests of the applicant; development of public-private partnership in the provision of public services while maintaining the controlling role of the state;
- decentralization of the provision of the main part of public services;
- development of an e-government system in order to ensure the provision of high-quality public services to all categories of applicants;
- legal regulation of public control in the provision of public services;
- translation of public services into all languages of peoples inhabiting the territory of the Russian Federation.

## 1. Introduction

The search for the most optimal solutions in the field of public administration determines the appeal to foreign experience in order to further use the most successful practices in the domestic system of public administration.

Public services in foreign countries are constantly in the process of development. According to the French researcher in the field of administrative law R. Drago, "the administration is in a state of constant reform, which is a sign of its health" [1, p. 72].

The concept of "public services" in Russia began to be widely used during the period of administrative reform, while in many foreign countries, public service is one of the already familiar forms of relations between a citizen and the state, where the state is understood as a "service provider" [2, p. 210]. In developing the administrative reform, the experience of many foreign countries was analyzed, and the most successful one was tried to be applied in the Russian Federation. The study was based on the experience of such countries as England, France, USA, Germany, Canada, Kazakhstan, etc.

## 2. Main approaches to the development of public services in foreign countries

The analysis of foreign experience allowed to reveal the main approaches used in the world practice in the sphere of rendering public services. It should be noted that many of them are implemented in the Russian legislation and practice of providing public services to varying degrees, some, on the contrary, have not previously been applied to legal relations in the field of public services in the Russian Federation.

Consider the main approaches to the development of public services in foreign countries:

1) Transfer of public services to private structures and implementation of market laws and principles in the sphere of public services.

This approach is implemented in many foreign countries, especially in France, Germany,

England and the United States.

The term "public service" is a key category of French administrative law and is interpreted from two positions: material and formal. From the material point of view, it is a "public service", which is understood as any activity aimed at meeting the needs of the public interest. The state in this case provides execution and control of the specified process. From the point of view of formal it is understood as "public service" representing set of material and human resources applied by the state and other public organizations for the purpose of performance of their tasks [3, p. 64]. The term "public services" in France has a broad interpretation, as it refers to many entities that provide these services: the police, the judiciary, educational institutions, health care institutions, energy enterprises and even prisons, with the possibility of their creation on a private basis. Thus, the understanding of the nature of public services as services provided not only by public authorities, but also by private organizations, is laid down in the terminology of French administrative law.

The term "public service" in Germany, characterized by a high degree of bureaucratization, was used mainly from the point of view of positive management [4, p. 29]. The peculiarity of German administration has historically been the high professionalism of employees and strict regulation of their rights and duties. But, despite this, excessive regulation and the presence of bureaucratic obstacles began to lead to stagnation in the German economy. Germany ceased to be a model of dynamic development and took a place in the list of countries with high administrative barriers. In order to overcome the crisis, it was necessary to bring the management mechanism into full compliance with the level of development of public relations.

For a long time, the provision of public services in Germany was engaged in various structures, but in the process of reform, some public services were transferred to private structures. Currently, in Germany, it is recognized that the subject of public administration in the provision of public services has the right to create a legal entity in both public and private legal organizational form [3, p. 73].

Since the 80-ies of the twentieth century in England was also tasked with the introduction of market laws and principles in the sphere of public administration [5]. In order to reduce budget spending, an analysis of departmental spending was carried out. In accordance with the concept of "financial management Initiative" approved in 1982, public authorities were required to distribute the authority to provide public services through tenders.

In the United States, one of the ways to improve the quality of public services was to create competition between public authorities and private organizations with a common interest in the provision of public services. In this regard, regulations were developed and adopted, the basis of which was the Law on the order of administrative procedures, adopted in 1946. In 1998, the law "on the inventory of functions of Federal authorities" was adopted, according to which state bodies had to analyze all their functions and delegate some of them to private structures. Later, in 2003, a "Guide to public and private competition" was developed, which determined the procedure and frequency of tenders [4. p. 30]. Due to the high level of development of self-organization of enterprises in the United States, the process of transferring part of the functions of the state to the private sector took place without difficulty.

Also, the practice of delegating more public services to private organizations has been quite successful in the development of Canadian administrative law.

The essence of the modern privatization trend, which is also called the neoliberal paradigm of socio-economic development, is the involvement of the state of the private sector in the provision of public services. Previously, this area was considered exclusively the competence of the state. Thus, the state began to enter into partnership with the private sector, forming the institution of public-private partnership [6, p. 202].

Despite the fact that the process of "privatization" of public services is the main trend of public administration in foreign countries, the prospects for its adaptation in the Russian Federation in a similar volume to foreign countries

do not seem real. This is due to the level of development of the market economy of Russia, in which the freedom of private enterprise is possible only in a narrow strictly established by the state framework. However, some steps in this direction are noted. In particular, it is a question of transfer of providing part of public services to the multipurpose centers of providing the state and municipal services – the organizations created in the organizational and legal form of the state or municipal institution (including being Autonomous institution).

2) Extensive use of modern information technologies in the provision of public services, including the provision of services in electronic form.

This approach is one of the main approaches to the development of public services in foreign countries.

So, in 1997 in England the concept "the Modernized government" [4] was accepted. This legal program proposed the development of information and communication systems and the popularization of the Internet. Thus, the next stage was the improvement of public administration through access to public services in electronic form. This task is being implemented and improved to date.

In Canada, a "Government On-Line" program was developed in 2000 to translate the provision of services into an electronic version. The concept of this program is to ensure access of service recipients to comprehensive services at any convenient time and place. Thus, the activities of the state authorities have become more accessible and focused on meeting the interests of its citizens. The main measure that has a positive impact on the quality of services provided in Canada is the transfer of the activities of public authorities in electronic form [7, p. 18].

One of the stages of administrative reform Germany has also become the development of information technology communication in management and delivery of public services: in 2005, approved a program of e-government "Bund Online", according to which all 180 public services were transferred into electronic form, in addition, simplified procedures for obtaining public services by the applicants – representatives of business.

Singapore has the widest experience of using

modern information technologies in the provision of public services, where the main emphasis in the development of public services is placed on the introduction of electronic services [8]. Access of applicants is carried out through the portal of electronic services. The section for citizens and residents of Singapore presents more than 450 electronic services (for comparison: 260 services are provided in electronic form in Moscow). Of the features of the portal it is necessary to note the following functions:

- unified feedback channel with applicants, service rating system: each authorized user of the portal can evaluate the clarity of presentation and quality of electronic services;
- services in electronic form are provided online through a personal account with a single password. It is also possible through a special one-stop service to download any form to fill out.
- the portal provides access to various payment services, as well as payment calculation;
- the portal presents an online GIS map with a significant number of information layers (city master plan, map of land boundaries, register of decisions on the planned use of land, housing plan, public transport routes, maps of bird watching sites, etc.).

4) Creation of new centralized state bodies regulating legal relations in the sphere of public services.

This approach has been implemented during the administrative reform in France. In the process of implementing the reform, a number of completely new entities for French society were organized: the Supreme Council for ethics in national policy; the Central anti-corruption service; the Office for the modernization of the state as the main body for monitoring the process of administrative reform. The creation of new centralized bodies is the main approach in French law.

Currently, there are no such bodies in Russia. The activity of providing public services is referred to the competence of state Executive bodies and local self-government bodies with regulation corresponding to the structure of Executive power by the Supreme Executive bodies of state power, in particular, by the Government of

the Russian Federation. At the same time, there is no body specifically authorized to regulate the legal relations in question in the Russian Federation. However, the establishment and functioning of such a body in Russia will lead to the risk of duplicate functions, the exclusion of which was carried out in the framework of administrative reform in Russia.

5) Changing the legal status of civil servants with simultaneous moral and cultural re-education, in order to raise their authority in society.

One of the approaches to the development of public services, which can be traced in foreign countries, is to change the legal status of civil servants in order to form a subjective opinion of applicants about the effectiveness of the state [11].

For example, in France, in order to radically transform the culture of interaction between civil servants and applicants, the state program "Marianne's Charter" was adopted in 2005, which fixed the General rules of conduct of civil servants in contact with applicants, as well as the criteria for the selection of candidates for public service [12, p. 52].

In England, one of the stages of administrative reform was the adoption of the program to improve the quality of public services "Charter of citizens", which developed the basic standards, principles and approaches for organizations providing public services, as well as quality assessment criteria. The main purpose of the "Charter of citizens" was to form a positive view of the applicants about the work of any Agency.

In addition, within the framework of the developed program "Charter of citizens", the national award "sign of the Charter" was established, which in 2008 was replaced by the standard "Unsurpassed quality of customer service". This quality certificate can now be obtained by public organizations with more than 10% of state funding, as well as private organizations under government contracts. Organizations are motivated to obtain the mark "Unsurpassed quality of customer service", because the possession of it is prestigious and credible among the population.

Measures aimed at changing the legal status of public servants, while at the same time providing moral and cultural re-education in order to raise their profile in the eyes of applicants, were also an area of reform in the public administration of

Canada. In order to improve the performance of public servants providing public services, a Code of ethics for heads of departments was adopted in 1985 and for other employees in 2003. These legal acts are aimed at eliminating corruption-related factors (prevention of conflicts of interest, restrictions on the acceptance of gifts by public servants, restrictions in the field of property, etc.), which negatively affect the quality of management and, consequently, the provision of public services.

The study of the main reference models of the Institute of public service in foreign countries in General allows us to note that in all States, without exception, the historical experience of the formation and development of the Institute of public service is used, while the main attention in the process of state-legal transformations is focused on effective technologies and principles of organization and activity of officials [13, p. 158].

This approach is used to develop the system of public services in Russia. Its foundations are laid by the Federal law of July 27, 2004 No. 79-FZ "On the state civil service of the Russian Federation". In 2010, the model code of ethics and official conduct of civil servants of the Russian Federation and municipal employees was adopted, establishing a set of General principles of professional service ethics and basic rules of official conduct, which should guide state (municipal) employees regardless of their position. Thus, in General, this approach is implemented in the Russian Federation.

6) Public control of the quality of public services, involvement of public associations in the process of providing public services.

Public control in the sphere of public services serves to solve many problems affecting both the issues of ensuring the rights and freedoms of citizens and the efficiency of the state apparatus, in connection with which this institution is used in the sphere of public services in most foreign countries. Moreover, the interaction of public organizations and authorities is important, as it allows these areas to develop and find new models of interaction [14, p. 145].

In connection with the General historical development after the collapse of the USSR, the experience of providing public services by the CIS

countries, in particular the Republic of Kazakhstan, which made the most successful steps in this direction, is interesting [12, p. 168]. Taking into account that the quality of normative legal acts regulating the process of rendering public services in Kazakhstan was quite contradictory and did not have a single basis, in 2013 the law "On public services" was adopted. This law establishes the concept of "public quality control of public services". In addition, the initiative to involve public associations in the process of providing public services has become very interesting, given the fact that the main purpose of these organizations is to protect the rights and freedoms of citizens in interaction with civil servants [2, p. 198].

With regard to the application of the Institute of public control in the sphere of public services in the Russian Federation, it should be noted that the current Federal laws of July 27, 2010 No. 210-FZ "on the organization of public and municipal services" and of June 21, 2014 No. 212-FZ "on the basis of public control in the Russian Federation" do not contain provisions directly indicating the implementation of public control in the sphere of public services. However, these relationships functioning of public authorities, in need of such control based on such objectives as: increasing the level of trust of citizens to the state parties; promote the prevention and resolution of social conflicts; implement civic initiatives aimed at protecting the rights and freedoms of man and citizen; transparency and openness of activities of government bodies and state (municipal) organizations; the formation of public intolerance towards corruption behavior; increase of efficiency of activity of authorities, the state (municipal) organizations. It seems necessary to differentiate the subject, scope and degree of public control in the provision of public services to the population [15, p. 84].

7) Translation of public services into all languages of the peoples inhabiting the territory of the state.

This approach in the provision of public services is relevant in multinational countries, as well as States where there is a high level of migration.

For example, Canada's public services have been translated into 56 languages of the peoples

inhabiting its territory. In addition, Canada has established the 1-800 Canada centers, where applicants can seek clarification on any service, while choosing the language of receipt of this explanation [16].

Migrant adaptation centers, such as those in New York (USA) and Amsterdam (Netherlands), can also be an interesting experience. The service of such centers deals with the issues of consulting, information and legal support of foreign citizens and migrants. It provides (and places on the site) detailed information about various life situations of foreign citizens (education, family creation, employment, citizenship or residence permits). It is important to focus the service not on administrative issues, but on the adaptation of immigrants, both in General household issues and in business in order to transition foreign citizens into the legal field, reduce inter-ethnic tensions.

Given the multinational nature of the Russian Federation, the translation of public services into all languages of the peoples inhabiting its territory is relevant.

### 3. Conclusion

Having considered the experience of the most successful countries in reforming public administration in terms of providing public services, it can be concluded that Russian legislation has borrowed a number of institutions.

For example, multifunctional centers for the provision of state and municipal services have been established; the activities of the Government of the Russian Federation are being translated into electronic form. Much attention is being paid to this sphere in Russia, information technology tools are being developed in order to increase the availability of public services. Thus, public administration in the sphere of public services in Russia is carried out in a progressive direction.

The study of foreign experience allows us to determine what trends in the development of the system of public services are used in domestic practice, as well as to identify the main directions of reforming the system of public services in modern Russia:

- improvement of the regulatory framework

for the provision of public services, which should consist in focusing the standards of service provision primarily on the interests of the applicant;

- development of the system of public-private partnership in the provision of public services with the preservation of the controlling role of the state;

- decentralization of the main part of public services;

- development of the e-government system to ensure the provision of high-quality public services to all categories of applicants;

- increasing the motivation of employees of public institutions to provide quality services, the introduction of a popular system in foreign practice of certification and public promotion of organizations, the most customer-oriented and the most high-quality public services;

- regulatory and legal regulation of public control in the sphere of public services;

- translation of public services into all languages of the peoples inhabiting the territory of the Russian Federation.

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