

LAW ENFORCEMENT POLICY: NOTION, CONTENT, PURPOSE

Alexander V. Malko¹, Victor A. Rudkovsky²

¹ *Institute of State and Law of the Russian Academy of Sciences (Saratov Branch), Saratov, Russia*

² *Volgograd State University, Volgograd, Russia*

The subject of research is law enforcement policy as an integral part and form of the realization of complex system phenomenon of legal policy.

The purpose. The study of optimization of law enforcement policy as a vital task of legal science and practice.

The results and scope of its application. Law enforcement policy creates the strategy and tactics of law enforcement and significantly defines its social efficiency.

The content of law enforcement policy is diverse. It comprises such questions as: definition of main state priorities in the sphere of law realization; working out major goals and principles of law enforcement activity; coordination and general law enforcement management; stimulation of scientific and other activities aimed at the improvement of forms and methods of individual powerful actions; definition of scientifically proved criteria of its efficiency; provision of the legal regime in the country, the regime of exact abidance of the constitution and other laws by all legal subjects; creation of necessary political and organizational guarantees of realization of laws and personal freedom; working out basic principles of cooperation between state, society and person in sphere of law realization; development of legal communications, provision of transparency, availability of the information concerning the changes made in law realization sphere, their goals, achieved results etc.

Conclusions. Law enforcement policy is the field of interdisciplinary investigations. That is why both law theorists and representatives of specific juridical sciences should study it. The enforcement policy is an important factor for the optimization of law enforcement and the practice of realization of law in general.

Key words: policy, state policy, legal policy, law enforcement policy, content of law enforcement policy, purpose of law enforcement policy.

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1. Introduction. Modern domestic legal experts (academics and practitioners) are nearly unanimous in their opinion that the main set of problems relating to the functioning and development of the Russian legal system today is in law enforcement [1, p. 6]. Yu.A. Tikhomirov, in particular, reasonably believes that it is important to ensure the transition from episodic enforcement to target performance [2, p. 55-62]. But the question arises: how to do it, which theoretical and practical resources should be deployed to ensure that law enforcement has become more effective in nature?

The enforcement policy appears to be such a resource.

2. The ratio of enforcement policy and legal policy. The enforcement policy is an integral component and a form of manifestation of legal policy. This circumstance should be

emphasized in connection with the fact that some lawyers see law enforcement policy as a purely negative phenomenon of modern legal life [3, p. 42]. Law enforcement is interpreted as a sort of antipode to the legal policy of the state: legal policy is good and law enforcement policy is bad. But what then remains of legal policy?

Law enforcement policy is not an antipode, but an integral part of the legal policy of the modern state. In short, this is a legal policy in the sphere of the realization of law. Clarification of the essence and content of legal policy, therefore, cannot be complete and reliable, if one ignores its law enforcement component.

Legal literature has been for a long time supporting the conclusion that the legal policy not only mediates the processes of creation of legal norms, but also of their implementation [4, p. 126]. Nevertheless, the question of the need to allocate enforcement policies as an independent type of legal policy was raised only in the early 90s. According to N.N. Voplenko, who was one of the first to raise this issue, legal policy as an integral part of the policy at all, as a complex social phenomenon, has as its object the legal society and expresses the basic directions of strategy and tactics of creation and realization of law, focusing a major trend of the theory and practice of law enforcement [5, p. 96].

At present, this approach is well-established and essentially universally recognized. It should only be kept in mind that the content of legal policy is not confined only to law-making and law enforcement components. To legal policy could exert effective influence on the functioning of processes and development of the law, it must pay constant attention to all elements of the legal system [6, p. 69].

3. Specific features of law enforcement policy. As a kind of legal policy, the enforcement policy, of course, "inherits" all the basic characteristics of the latter [8, p. 321; 9, p. 7-22]. However, it has its inherent and specific features that reflect its special place in the development and implementation of enforcement strategies and tactics.

First, the enforcement policy is a form of specifying the general political and legal strategies in connection to the realization of the right. This term integrates the properties, features, patterns, etc., that are inherent legal policy at the stage of implementation of legal regulations.

Secondly, the object of political and administrative influence enforcement policy are public relations emerging in the field of law and the immediate object of this influence acts enforcement activities, goals, objectives, principles, methods, priorities, etc. The enforcement policy - is the ideological and theoretical foundation, organizes and directs the power factor of the competent entities in the field of law.

Third, the enforcement policy is characterized by specific forms of development and implementation of its content.

Fourth, the enforcement policy is in regular connection with other areas of the state and legal policy, especially the policy of the law-making [10]. The content and the overall thrust of policy enforcement is defined by existing legal provisions. It should be noted that when developing problems of legal policy in recent decades, there has been a clear "skewed" in the direction of lawmaking. There was even a certain tendency of identifying legal policy and lawmaking policy [11, p. 180].

This trend has gradually been overcome in recent years. Although the issues of improving and developing of existing legislation constitute one of the most important aspects of modern legal policy one cannot combine contents of this category only to the decision of law-making aims. The experience of recent decades has convincingly shown that the activation of law-

making does little in terms of the interests of society and the individual if the state does not take coordinated action by the proper implementation of the adopted legal provisions. Therefore, there is large scientific interest to the formation of the enforcement policy problems [12], [13, pp 99-105].

Fifth, the enforcement policy is an important factor in improving the legislation and the whole system of legal regulation in the country. Thus, lawmaking and law enforcement strategies should be synchronized as much as possible.

Sixthly, scientifically grounded and humane enforcement policy is the necessary guarantee to ensure practical rights and personal freedoms, strengthening the rule of law and legal order, solving other vital tasks. Questions of guarantees of rights of the individual, the inevitability of the legal liability and other topical problems of the modern Russian state is moving from the category of visually appealing formulas to its implementation.

4. Content of enforcement policy. The enforcement policy mediates processes of realization of norms of all branches of existing law (constitutional, criminal, labor, etc.). It can be studied both at general theoretical and at the sector level. We regret, however, that such studies are extremely rare. This suggests that the possibility of this phenomenon is underestimated.

The content of the law enforcement policy is multifaceted. It covers, in particular, such issues as: the definition of the main state priorities in the field of the implementation of law; development of basic goals and principles of enforcement activities; coordination and general management of law enforcement; stimulation of research and other activities aimed at improving the forms and methods of individual activity; the definition of scientific criteria for its effectiveness; the rule of law regime in the country, strict observance of the Constitution and other laws by all entities etc.; creation of the necessary political and organizational guarantees for the exercise of individual rights and freedoms; development of the basic principles of the interaction of state, society and the individual; development of legal communications, ensuring transparency, availability of information about the ongoing reforms, objectives, results achieved and a number of others.

As a general strategy and tactics the enforcement policy is embodied in the relevant provisions of the conceptual, policy directives, forms, methods and trends in law enforcement [14], [15, pp 263-288].

The conceptual part of the enforcement policy includes scientific and ideological justification and legislative strengthening enforcement framework, its objectives and principles, the role and place in the system means to provide interests of state, society and individual; definition of legal grounds, forms and methods of law enforcement activities; identification of subjects with a mandate to exercise governmental activities in the implementation of law, their tasks, the competence, interaction principles, and so on.

The general concept of enforcement is a form of expression and concretization of their official political and legal ideology.

In a democratic society, the general concept of an enforcement policy produces the highest organ of state power with the involvement of the scientific community and representatives of social and political forces. It should embody a progressive legal ideology and the most important requirements of morality, to take into account the state and prospects of socio-economic, political and spiritual development, to target implementation and protection of the most important legal values (equality, justice, ensuring the rights and freedoms of the individual etc.).

The program component is formed on the basis and within the general concept of law enforcement, but it retains considerable independence. It is represented by appropriate strategies, doctrines, messages, reviews, briefs, reminders, etc. Means of program-directive nature. One can note the increased flexibility and dynamism of this component of the law enforcement policy. It allows to quickly respond to emerging challenges and adjust law enforcement activities in the right direction.

Organizational and management component of enforcement policy is instantiated in the main directions and forms of political and organizational maintenance and management of enforcement activities.

Enforcement policy is formed and implemented by rather certain bodies, institutions and officials. These are the president, the parliament, the courts, the executive authorities, the prosecutor's office, educational and other institutions. As a rule, the implementation of enforcement policy (for example, in the fight against corruption), requires forming appropriate organizational structure, responsible authorities, adjustment tasks and functions. Lack of appropriate constituents of institutional mechanisms or their improper functioning leads to failures in the implementation of the corresponding political problems and dooms enforcement policy on declarativity.

The organizational component of an enforcement policy covers staff issues, enhancing professionalism and culture of law enforcement; effective forms of control and coordination of relevant structures; information and methodical support of enforcement activity; logistics; mobilization of civil society institutions on the implementation of the most important tasks etc.

Almost all these aspects require serious improvement in current conditions. Thus, the staff of judges, prosecutors, investigators and some other enforcers in many cases does not meet professional and ethical requirements that would enable these bodies to deal with their tasks effectively. This concern was expressed by representatives of the judicial authorities in a number of sessions of the Plenum of the Supreme Court. Lack of staff, and in some cases lack of professionalism, are reasons of ineffective work of the courts. And this is just one of the tasks to be pursued by the enforcement policy.

But the real measure of the quality and effectiveness of the enforcement policy are actually developing trends of law enforcement practices and implementation of law in general. This is, for example, the trend of tightening or easing of responsibility for certain offenses; increase or decrease of the socio-legal activity of citizens in certain areas of legal regulation; growth or decline of public trust to the court, the prosecutor's office and other law enforcement agencies, etc. It is these trends are *effective* element of enforcement policy.

The enforcement policy is a special synthesis of ideas and actions, of political ideas and their implementation. In the theoretical dimension enforcement policy is a specific idea (objectives, principles, priorities and so on.) which expresses state enforcement ideology. But in practice it is the actual practice of public management processes of the power of the right and its results. These aspects, of course, should not be opposed. They are interrelated.

5. The functions of enforcement policy. Scholars offer different grounds of classification of enforcement policy functions [16]. We believe that the purpose of law enforcement policy is to optimize the enforcement mechanism and enforcement practices in general. The functions of enforcement policy, therefore, are main directions of its deliberate action on the processes of implementation of legal norms, as well as other aspects of legal regulation, which show its essence, social purpose, creative and transformative role in the mechanism of sustained legal the development of state and society [17, p. 8].

The essence of *value-orientation function* of enforcement policy is to determine the basic value orientation of law enforcement. It is a question of moral, political and legal ideals of human dignity, rights and individual freedom, fairness, justice, responsibility and others [18, p. 3].

It is essential, in particular, to provide a stable orientation of enforcement mechanisms to right of a person as a main component and a criterion for its performance. The experience of recent decades shows that despite the seeming obviousness of this approach, its implementation is one of the most difficult tasks. Measures taken in the direction indicated in particular, in relevant decisions of the Plenum of the Supreme Court are ineffective. Law enforcement is still guided by purely external indicators (the number of prosecutions and so forth.) The underlying reason for this, apparently, is a serious deformity of professional sense of justice at the level of mental facilities [19, p. 101]. This means that the gain values of enforcement activities should be more clearly linked to the problems of formation of professional legal culture and consciousness, improvement of the legal education system.

Another important function of the enforcement policy is *forecasting function*. It consists in determining trends of enforcement development processes in order to develop appropriate preventive measures of management impact.

The possibility of reasonable forecasts form the basis of any policy. The enforcement policy is no exception. Moreover, it cannot effectively perform its tasks if law enforcement practice goes ahead. Such a state enforcement policy is possible only in cases where its subjects carry out targeted efforts to identify emerging trends in law enforcement, the study of their properties, the factors that influence their development and prediction of their future state.

With predictive function it is closely related to *the planning and organizing*. Its content is to develop a realistic program of action for the implementation of the subjects of law enforcement tasks and creating e of the necessary institutional conditions and prerequisites.

In the area of enforcement policy planning and organizing function is carried out by the legislative, executive and judicial authorities in their inherent forms and using appropriate methods. This activity is reflected in the development and adoption of appropriate national plans (eg, the National Anti-Corruption Plan), concepts (eg concept of legal reform in the Russian Federation, the Concept of administrative reform in the Russian Federation, etc.), In setting up the necessary administrative structures (for example, the Council of the President of the Russian Federation on combating corruption), etc.

Functions plans perform some acts of executive and administrative authorities, decisions of higher courts; instructions, orders of the Prosecutor General of the Russian Federation and subordinate prosecutors; solutions coordination meetings on the fight against crime; Bench decision the prosecutor's office, the Interior Ministry and other law enforcement agencies about the main activities of the relevant authorities to address the most pressing problems. The function in question covers not only the scope of the immediate implementation of the law, but also the areas of activity that make up the necessary organizational "rear" of law enforcement: the security personnel, financial and material resources, and the like.

A separate area of the enforcement policy is the *control and coordination function*. The content of this function is to define the main objectives (tasks), principles, tools, methods, forms of control and coordination of activities in the field of law enforcement, creation (reorganization, improvement, etc.) of necessary organizational structures, information resources, in the establishment of productive interaction with civil society institutions.

This function is carried out in three main directions which can be called subfunctions: providing consistency and controllability of enforcement processes; coordination of efforts of law enforcement and law-making entities; improvement cooperation between state bodies and civil society institutions on the implementation of law.

A special role in the implementation of control and coordination functions belongs to the highest judicial authorities, prosecutors, the Ministry of Justice of the Russian Federation and a number of other instances. The Prosecutor General of the Russian Federation and subordinate prosecutors, in particular, are coordinating actions of the Ministry of Interior Affairs, the Federal Security Service, Customs Service and other law enforcement agencies.

Effective organizational form of control and coordination function is the creation of specialized structures responsible for specific areas of law enforcement policy. As an example, reference is made to the Presidential Council for Countering Corruption (established by Presidential Decree № 815). The main objectives of the Council are preparation of proposals relating to the development and implementation of state policy in the field of combating corruption; coordination of activities of executive power bodies of the Russian Federation and subjects of local governments to implement the state policy in the field of combating corruption; monitor the implementation of measures envisaged by the National Anti-Corruption Plan.

Important political prerequisite for improving efficiency enforcement processes in the country is to strengthen the coordination of activities started in the law-making and law enforcement officials of the Russian state. It must be carried out in several interrelated ways: first, through the improvement of the regulatory framework and the legal procedures for the participation of law enforcement entities in the legislative process (it is, in particular, the advisability of granting the Prosecutor General of the Russian Federation the right of legislative initiative). Secondly, through the strengthening of executive power responsible for the quality of policies in the field of human rights and freedoms, implementation of judicial and other reforms. An important step in this direction is, for example, the RF President's proposal to expand the control functions of the Russian parliament in relation to the executive. Third, in the direction of co-operation efforts of lawmaking and law enforcement agencies at the stage of implementation of the adopted legislation, promptly address the identified gaps, contradictions, etc.

In such circumstances, it is difficult to achieve the level of civil initiative and consciousness, which are necessary to ensure the full and responsible functioning of all parts of the state machinery to implement the provisions of the Constitution and the law. Therefore, the establishment of a constructive dialogue between the state and civil society is another very important area of the function.

6. Conclusions. The enforcement policy of modern Russia to a great extent in its formative stages. The so-called political rationality often prevails over scientific rationality [20, p. 16]. But this should not be cause for pessimism. Jurisprudence should systematically deal with the enforcement policy at the level of the theory of law and sector disciplines.

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<p>Информация об авторах Малько Александр Васильевич доктор юридических наук, профессор, Заслуженный деятель науки Российской Федерации, директор, Саратовский филиал Института государства и права РАН, 410028, Россия, г. Саратов, ул. Чернышевского, д. 135 e-mail: i_gp@ssla.ru SPIN-код: 5306-7069, AuthorID: 106349</p> <p>Рудковский Виктор Анатольевич</p>	<p>Information about the author Alexander V. Malko - Doctor of Law, Professor, Honored scientist of the Russian Federation, Director, Institute of State and Law of RAS (Saratov branch) 135, Chernyshevskogo St. 135, Saratov, 410028 e-mail: i_gp@ssla.ru SPIN-code: 5306-7069, AuthorID: 106349</p> <p>Victor A. Rudkovsky - Doctor of Law, Professor, Department of</p>
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<p>доктор юридических наук, профессор, кафедра теории и истории права и государства Волгоградский государственный университет 400062, Россия, г. Волгоград, пр. Университетский, 100. e-mail: rudkovskiy@volsu.ru SPIN-код: 8213-8246, AuthorID: 423372</p>	<p>Theory and History of Law and State Volgograd State University 100, Universitetsky pr., Volgograd, Russia e-mail: rudkovskiy@volsu.ru SPIN-code: 8213-8246, AuthorID: 423372</p>
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