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**GOVERNMENT CONTROL IN THE FIELD OF PROTECTION IN
EMERGENCIES: CONDITIONS, PROBLEMS, PERSPECTIVES**Petr P. Sergun (a)*, Aleskey S. Evdokimov (b), Vladimir V. Arzhanov (c),
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Abstract

The article deals with the administrative and legal aspects of the organization of the functioning of the system for the emergencies prevention and elimination of it in the Russian Federation. The purpose of the study is the review of organizational and legal problems of the above-mentioned system and structural deficiency identification. Scientific novelty lies in the global approach to the problem under study. There are many legal studies devoted to different aspects of civil and territorial protection in emergencies; however, legal approaches to functional patterns of the whole system are not well studied. The study examines administrative legal problems of functioning the system of emergency prevention and control, its relations with other systems, emergency response organization, preventive measures and control in the area under study. As a result, the study found the deficiencies in the organizational and legal functioning of the system, which do not allow one to fully control and prevent emergency situations in a short time. These deficiencies have the impact on state administration effectiveness. The main conclusion drawn from the results of the study is that in order to optimize activities in the field of protecting the population and territories from natural and man-caused emergencies, it is necessary to radically change and revise the basic approaches to the functioning of the entire management system. The reasons are given for the need to develop legislation in the area under study.

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1. Introduction

Natural and man-caused emergencies greatly influence the social and economic environment of every state. The developing technological potential goes along with the risk of increasing victims and extent of damage. About 250–270 emergencies occur on the territory of the Russian Federation annually. Being small in amount, emergencies raise concern about their consequences.

State policy and civil protection in emergencies department determine the way of solving the security problems. The study of these problems seems to be relevant, as effective administration leads to a decrease in the risk of emergencies.

2. Problem Statement

In 2019, 266 emergencies occurred on the territory of the Russian Federation, resulting in 532 people's deaths and 120 911 injuries (EMERCOM of Russia, 2020). Legal relations in this area are regulated by the relevant federal law (On protection the population and territories..., 1994).

Unfortunately, at the moment there are a number of organizational and legal problems that impede the mechanism for improving public administration in the studied area.

3. Research Questions

The subject of the research is the mechanism of state administration in the sphere of emergencies prevention, Russian state system for emergency situations (hereinafter referred to as RSChS), issues of prevention and response to emergencies.

4. Purpose of the Study

The purpose of the study is the analysis of administrative legal system of state administration in the sphere of civil and land protection in emergencies, identification of organizational and legal problems in this sphere and creating the solutions for improving the activity under study.

5. Research Methods

The authors used analytical, logical, statistical, structural functional, comparative legal methods. With the help of analytical and logical methods, the features of the functioning of the response system to natural and man-made emergencies, supervisory mechanisms for preventing emergencies were studied, and the shortcomings of public administration in the area under consideration were identified. The statistical method was used to analyze the main indicators characterizing the activities of the RSChS. The structural functional method made it possible to study the regulation of the RSChS elements work, as well as their powers, which were studied using the comparative legal method, which was also used in the study of foreign experience.

6. Findings

Russian state system for emergency situations is the mechanism of state administration of the studied activity. It is functioning on federal, interregional, regional and municipal levels, and is represented by administrative bodies, governmental agencies and organization which have the power to deal with the issues civil protection in emergencies. RSChS is entrusted with the full range of tasks for the prevention and elimination of emergencies (On the unified state system..., 2003).

It should be noted that the construction of the Unified System is carried out through a rather complex intersectoral mechanism of interaction between administrative bodies of different subordination, departmental affiliation. This is due to the fact that emergency situations are characterized by different sources and types of hazards (man-caused, biological-social, natural), thus, the structure of response organizations and bodies is mixed. The above-mentioned factors determine the mechanism of RSChS bodies' construction. There are three main groups in RSChS: coordination bodies, permanent administrative bodies, day-to-day administrative bodies.

RSChS coordinating bodies are commissions formed to ensure the coordination of actions of public authorities and organizations. These are the Government Commission for the Prevention and Elimination of Emergencies and Ensuring Fire Safety, commissions of executive authorities at the regional level, local government bodies and organizations.

The permanent governing bodies of the RSChS are functioning bodies, such as the Ministry of the Russian Federation for Civil Defense, Emergencies and Elimination of the Consequences of Natural Disasters (hereinafter – EMERCOM of Russia), including the Main Directorates of the EMERCOM of Russia for the constituent entities of the Russian Federation, as well as specialized subdivisions of the public authorities bodies, organizations (institutions, offices, departments, individual specialists), formed to solve problems in the field of protection from emergencies.

RSChS day-to-day governing bodies are created in order to control the operational situation, ensure emergency response, and exchange information between the elements of the system. These are bodies that work 24/7: The National Crisis Management Center of the Ministry of Emergencies of Russia, regional control centers, similar subdivisions of other public authorities, unified dispatch services of municipalities, dispatch services of organizations (objects) (On the unified state system..., 2003).

The activity of RSChS coordination bodies is the most controversial in organizational and legal sense. Most of them are the commissions for emergency prevention and control as well as fire protection (hereinafter referred to as the Commission). These commissions are created on different governmental levels, and consist of a large amount of bodies, that, being independent, have different duties. At the same time, an independence factor is controversial concerning the effectiveness and timing of emergencies response.

In real terms, the best example is the Commission of regional level, headed by the head of the constituent entity of the Russian Federation. The Commission includes the representatives of territorial bodies of federal authority, local government bodies that are not in the jurisdiction of head of the constituent entity of the Russian Federation in organizational terms. It is necessary to control the emergency situation from the single source of power in order to save people's lives. Commission decision

for unsubordinated organs is of recommendatory nature and their non-compliance does not result in any legal consequences.

The question about the Commission decisions, its jurisdiction under unsubordinated organs is controversial. It is necessary to find the balance between governmental agencies independence in the context of their powers and people's security. In our opinion, in case of emergency, it is not only logical, but also legal to give the Commission chairperson the authority to take binding decisions.

In general, the Unified System is an organizationally complex structure without a pronounced central subject of management. EMERCOM of Russia, definitely, plays the role of coordinator; however, taking into account emergencies consequences, it is important to remember about a big number of governmental agencies that have the power to prevent these consequences.

The complexity of the organizational structure of the RSChS is complemented by another problem. This is a duplication of functions with a similar system in the field of civil defense – the civil defense management system (hereinafter – RSGO) (On Civil Defence., 1998). These systems have very similar principles of construction and functioning, goals and objectives, the range of authorized subjects. The defining criterion of distinction is the focus on the prevention and elimination of emergencies in peacetime for RSChS, and in wartime – for RSGO.

Taking into account the similarity of the functioning principles, subjects of management, goals and objectives, we can definitely speak of a systemic organizational and legal problem in the area under consideration, which is proposed to be solved by combining the two systems into a single civil protection system. Discussions on this topic have long been conducted in the scientific community (Sulima, 2010), attempts have also been made to resolve the issue by developing an appropriate Concept (EMERCOM of Russia, 2010), but the issue has not yet been solved – RSChS and RSGO remain two independently functioning management models.

An important problem of the RSChS is the issue of responding to emergencies. Russia has no single system of bodies that respond to emergencies. On the federal level, rescue units are represented by EMERCOM rescue centres only in several large regions. Regional and municipal levels solve this problem only fragmentarily. For example, each regional centre has the fire units, but does not have rescue groups. In a case of emergency or an accident RSChS bodies start searching for the rescue unit, which should be involved in its liquidation. Frequently such search is connected with units' redeployment, resulting in response time.

In our opinion, there is a solution of the problem, typical of foreign countries: combining fire control and emergency prevention functions (Departmental Overview Home Office 2019, 2020). In many countries, fire and rescue units perform first aid function (Brushlinsky et al., 2020).

Outstanding issues of supervising activity of preventing emergencies are the systemic and open issue. The current system in the sphere of civil and territorial protection in emergencies (hereinafter referred to as emergency supervision), which power is exercised by EMERCOM officers, does not affect the primal cause of emergency.

The statutory emergency supervision requirement system regulates primarily legal relations, connected with bodies and RSChS management. It is related to the development of organizational and

planning documentation, material inventories formation. In other words, statutory requirements regulate legal relations, connected with emergency response.

There are very few requirements for preventive orientation; the mechanism for preventing the primal causes of emergencies is actually not regulated by legal norms (Evdokimov, 2019). In addition, a sufficiently large number of supervision bodies that do not directly supervise the emergencies act on the primal cause of emergencies. For example, State Traffic Safety Inspectorate of Ministry of Internal Affairs of Russia, Federal Agency for Transport Supervision prevent the risks of car accidents by carrying out of supervision measures (Federal Transportation Inspection Service).

There are several problems during the process of risk-oriented approach implementation in emergency supervision. There are no prerequisites for the introduction of a dynamic model for managing risk categories, despite the fact that the international practice of implementing this approach is quite extensive (Financial action task force (FATF, 2014; HM Treasury, 2004). With an extensive international use, the direction associated with the qualification of risk identifiers, connected with the violation of mandatory requirements in the field of emergencies prevention seems to be undeveloped (Institute of Operational Risk, 2010).

In our opinion, emergency prevention should be the core system of civil and territorial protection in emergencies, because the mechanism of negative events prevention predetermines the effectiveness of the functioning system.

In this connection, it seems necessary to carry out certain work on the systematization of supervisory activities in the field of emergency prevention, the development of a really functioning preventive mechanism for influencing the root causes of crisis situations, the introduction of a risk management system, including risk factors based on their indicators.

7. Conclusion

Summarizing, it is possible to state that the process of government control in the field of civil and territorial protection in emergencies has rather big amount of unsolved organizational legal problems.

Public administration in the field of protection against emergencies is not systematic and has a fairly large set of unresolved organizational and legal issues. RSChS mechanisms are not completely regulated by legal acts. Thus, the state policy objectives in this sphere are uncertain.

In the field of public administration of security systems, there is a control system similar in goals, objectives, functions – the Russian civil defense system. However, the order of correlation and interaction with this system is not defined, the issues of their integration are not regulated in the legal field, despite the opinions of scientists and law enforcers in this area.

There is a problem with the functioning of the emergency response system (covering territories by rescue teams). Management bodies and subdivisions responding to the elimination of natural and man-made emergencies are not united into a single sectoral structure, have different degrees of subordination to government bodies, local governments, and organizations. In this regard, difficulties arise in prompt response to emergencies and incidents that precede them. However, in our opinion, the most important problem of public administration in the field of protecting the population from emergencies is the mechanism of their prevention in general, as well as the implementation of supervision in this area in

particular. This area of activity is actually not focused on the prevention of emergency situations, but is aimed only at overseeing the verification of readiness for their elimination. The system of mandatory requirements is built in such a way that it does not actually regulate the procedure for supervisory impact on the root cause of emergencies.

In order to improve state administration efficiency in this area, it is necessary to conceptually rethink administrative approaches based on identifying the root causes of hazards and preventive action on them, as well as developing optimal response mechanisms with the maximum use of the governmental agencies on the basis of clear separation of powers. This will require amending a number of fundamental regulatory legal acts, based on the need for comprehensive security.

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