STATE-LEGAL REGULATION IN RUSSIA. HOW CAN IT BE EVALUATED?•

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Abstract

Actual problem of quality increasing and performance of state-legal regulation of socio-economic and social relations and processes for science and practice of legislative activity is reviewed in this article. The author position is that state-legal regulators (SLR) pay double influence to social development: facilitating or constraining (limiting) socio-economic and social development. SLR of the 1st level is suggested to evaluate as "economic" and/or "social" benefit. The second – as "benefit in harm" of socio-economic and/or social development. The requirement of SLR science reasonableness, their social (public) discussing and strict accordance to the Constitution of the Russian Federation is showed in this article.

Keywords: State-legal regulators (SLR), socio-economic regulation, quality and performance of SLR, the Constitution of the Russian federation.

JEL Classification Codes: K2, L51

"This fear is not that there is deviation
from the norm, but there is the norm with the need giving birth to
these deviations"
A. Zinoviev

The problem of quality increasing of the state management and state-legal regulation of socio-economic and social processes was most subjectively analyzed and shown at Gaidar forum (Moscow, 2013), that is the most important event in the economic sphere. In this year the slogan of the forum was «Russia and the World – integration challenges». The main questions were the

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integration of Russian economy into the global trade system, improvement of business and entrepreneurial climate and perspectives of Russian companies in the world globalized market, the role of the state and its regulators in the solving these questions and " output" to global standards of state-legal regulation of sustainable development of the country.

There was huge quantity of participators on the Forum – more than 3500 visitors and more than 250 experts from 38 countries. The main participators were the Prime Minister of the Russian Federation D.A. Medvedev and Finance Minister A. Siluanov, Vice Premier I. Shuvalov, A. Kudrin, A. Ulukaev, P. Aven, winner of the Nobel Prize in Economics (1999), Robert Mundell, a professor of economics of Harvard University, Neil Ferguson, vice-president of the World Bank Otaviano Canuto, the finance ministers of Bulgaria, India and Belarus, representatives of other international organizations. It was repeatedly emphasized at the plenary meetings that the Russian Federation has all necessary presupposition and conditions for sustainable development. And Russia has some higher indicators than developing and even industrial countries. All performances showed that Russia has successful advance on "thorny road" of market reforms, has seven challenges that must be solved by the Russian Government (D.A. Medvedev), also Russia must improve control of financial institutes (A.Siluanov), increase the investment reputation (A.Ulukaev), search new solving and ideas for coordination of macroeconomic politics (A.Kudrin), seriously learn and use international standards of WTO to become a competitive country in the globalized world space (G. Gref).

The general director of WTO Pascal Lamy told about sureness of WTO members that Russian joining to the model of global economic development allows saving development potential. As concerns to the opinion of professor of G.Meison University (Washington) Jack Goldstoun, real global economic and technological development models are exhausted and now they need to find new, more universal and effective models. The general referent of the Organization of economic cooperation and development Anhel Gurria considers that we are waiting for new opportunities in technology, organization, geo-economic and geo-political spheres, configuration of global currency.

The main idea of the Forum was requirement of the Russian Federation and world community in increasing and improvement state regulation performance of socio-economic development is the interest of the whole community and its every member. Opening the Forum, the rector of the Russian presidential academy of national economy and public administration V.A. Mau said: "New models of economic regulation arise after every great crisis, nation and

international role of the state changes…Now we are in the search - what will reserve currency be, what will management model be… And that who find such decision, will make great spurt" [Lisitsina I. 2013 p.15].

D.A.Medvedev was sure that development of state programs which allow concentrating recourses to priority development directions is close to the end. Purposefully redundant investment barriers are removed, the efficiency of public governance structures, which in recent months, according to the Premier was acquired quite stable dynamics is increased. G. Gref called for the rapid development and using state regulators that would face world standards and lay down appropriate rules for market agents. And he suggested to begin to establish "rules of the game" from "improvement of governance quality". A. Siluanov called for strengthening of financial regulation at the global level and control of financial institutions in the country. His view is "to improve the competitiveness of our economy by optimizing the budget fiscal policy".

A. Chubaise called for necessary increasing quality of state regulation of innovative development of the country and "creating new, not raw mechanisms of development". P. Lamu considers: "Russia is a country with rich natural recourses, human and financial capitals. The spectrum of opportunities for developing new economic model is in combination of these three elements" [Lisitsina I. 2013 p.14]. There were opinions of new economic regulation model formation of sub-national character (Anhel Gurria).

The role of state-legal regulators in socio-economic development was analyzed and evaluated at the Moscow economic forum (20-21.03.2013), organized by Moscow state university, named by M.V.Lomonosov. Famous economic experts from Russia, the USA, The European Union and Latin America, China and CIS countries faced the problems in which most of citizens of Russia, CIS and other countries are interested in: why are taxes in Russia high but budget means are so scantly? Why is professor's salary less than bank clerk's salary? Also why do our Russian billionaires make their capital in Russia, but save it in countries of West Europe? The answers were and now are stayed as different, but they can be separate into two big groups.

The first group, as concerns to Forum's participators, includes problems of denying of the "brutality of market fundamentalism, not returning to the directive-bureaucratic planning and not repeating mistakes of socio-democrats of the middle of XX century" [Grinberg R., Buzgalin A. 2013 p.7]. Solution of the issue is proposed by the representatives of China, Latin America, the CIS and other countries and is reduced to the rejection of the "mythological" exaggeration of the

market role in harmonically moral (according to Adam Smith) development. Without denying the progressive mission of capitalism, participators of the Forum paid attention to the rapid creation and development of innovative "human qualities of all the members of society: and employment, and ordinary intellectuals and peasants, and still or already disabled . On their development economy should be focused". And, we add, - the efforts of state authorities.

The second group of answers is for problems of increasing social direction and social performance of state-legal regulators (SLR). There is no reason, for example, to doubt the wisdom of the Forum's recommendations on the need to streamline state regulation of many socially important processes for social development. For their stability and effectiveness "creative manager and an enterprising entrepreneur are essential. It's obvious. But it is not clear that these people can realize their potential only if they spend on their particular needs not in ten (which is normal), but in a thousand or a million (as it is now in the United States or Russia) times more than the average teacher, doctor, worker, farmer, environmentalist and social worker" [Grinberg R., Buzgalin A. 2013 p.7].

In tune with the above recommendations, and other estimates that are not individual to enhance the role of SLR in the modernization upgrade of the Russian Federation, its foreign and domestic politics - macroeconomic, structural, regional, spatial; improvement of the quality and relevance of public administration at all levels, major revision social status and its role in social development. "The role of the state - rightly V.N. Belkin and N.A. Belkina note - does not consist in the fact that due to budgetary funds to modernize the economy, realizing the next projects like "Skolkovo". The main task is to unite the political will of the leadership, to create a social-ideological and state-legal regulators for regions and territories, business and labor motivation to upgrade the spatial development of the Russian Federation" [Bagdasarian V.E., Sulakshin S.S. 2011 p.239]. Without political renewal and using of new political controls "no one project of this level, as a change of the state development model, cannot be realized. Appropriate "political technological base is necessary for the implementation of the reconstruction problem , or true , in its national interest, Russian modernization" [Bagdasarian V.E., Sulakshin S.S. 2011 p.6].

Such process of equal opinions is an image of searching by the global community economic and strategically important ways of output to the direction of sustainable development of countries. In these conditions the attention increases to the State, its SLR of socio-economic and public development by influence of different and diametrically contradictory processes and conditions which affect to state decision-making.

Under the state-legal regulators we understand ***legislation or other regulatory document of state or other authority authorized by its adoption, establishing or changing conditions (rules, regulations, procedures) of relations between participants of socio-economic and social processes.*** It may be asked whether to complicate the notion of "regulator" by its interpretation as a state-legal. In our view there are two explanations of this. The first - the presence of a combination of "state-legal regulator" of legal form (laws, decrees, regulations) characterizes regulator as the State and required to be done . Second - this legal aspect allows, in our opinion, to separate political power, as responsible power to people, from political power, which is able to offer people options and models of social development and to persuade it to their progressiveness.

The list of state-legal regulators the main (basic) is the Constitution of the Russian Federation, the laws and regulations of legislative decrees and other legal acts of the President of Russia, resolutions and other normative acts of the Government of the Russian Federation (standards, regulations, tariffs, etc.) and also the normative acts of the Federation subject government, municipal authorities and market actors [The Constitution of the Russian Federation: the 15th anniversary of the adoption of the Basic Law: Texts. Comments. 2009 p.89-97; Yakovlev V.F. 2003 p.332-344; Tatarkin A.I. 2012 p.20-29; Mamutov V.K. 2008 p.17-96, 227-249; Belyh V.S. 2011p.166-218].

The assessment of social importance of state-legal regulations

The current processes of globalization inevitably gave rise to the need for individual countries to improve the competitiveness of the national economy through its restructuring and modernization on the basis of advance innovative solutions. Even under the conditions of the most liberal notions of self-regulation of market relations, the role of the state as a "generator " and "conductor" inside the country and world transformation changes is naturally increased. And it was increased by the development and implementation of SLR that are ensured the most favorable conditions for business and competition at the national and international markets. State-legal regulators are known to be a threefold impact on socio-economic and social development. They are able to contribute to their development, minimizing organizational and institutional barriers and "congestion" on their way, becoming an economic benefit (EB) for all social progress.

They are able to restrain their development shortcomings of existing regulators and timely updating them . Finally, SLR can put some barriers on the thorny path of socio- economic and social development of weak scientific drafting, particularly in the achievement of socially significant result. Figuratively, this property of SLR was identified by V. Chernomyrdin expression: "We wanted the

best, but it turned out as always!" Recent example - a hasty and unprepared decision of increasing the rate of social tax from 17 thousand rubles till 35.6 thousand rubles, was prompted more than 350 million individual entrepreneurs to close their businesses for three months of this year [Ivanov M. 2013 p.1]. Analysts have estimated that the total average tax rate on business in Russia is more than 54.1 %. In the EU it is equal to 42.6 % and in the world economy as a whole - 44.7 %. What can I add? It is not so "sweet" for business in the Russian Federation, however!

One of the main ethics of officials and representatives of the science involved in preparing or approving SLR, should be comprehensive understanding of the situation in the country and reliance on public opinion in the determination and evaluation of the final result of regulatory impact.

Traditionally, it is believed that government regulation is more effective and more sensitive by society, that it meets in more times national and international requirements and standards. First, and most importantly - SLR is inherently designed to conform to the Constitution and to develop the constitutional guarantees for specific (internal and external) conditions of social-economic, and social development. Any deviation, and the more contradiction of Constitutional foundations of society, should be regarded as attempt at constitutional stability and recognition of the "void" SLR, or the need to revise the Constitutional norm. Unfortunately, the evaluation of SLR in terms of their compliance with the Constitution of the Russian Federation is in sphere of the Constitutional Court of the Russian Federation on the applications of individual and judicial persons, or on its own initiative, that it happens very rarely.

Second, it is designed to facilitate the needs of sustainable socio-economic development without limits of legitimate interests of the individual layers of the population. This requirement can be achieved, provided that the development of SLR is handled by professionals of high level, who deeply and comprehensively know current level of the economy, represent the possible options for its renovation and is keenly aware of the consequences of the actions of state regulators in space (for the regions and municipalities, the median and the outlying areas) and time (present and future).

Third, the SLR are designed to concentrate a positive experience of other countries, the results of scientific research in this field and build on the positive public opinion. The prolonged neglect of the Russian leadership of the requirements of a permanent, non-systematic and therefore often dropping result of reforms of the education system, health care, pensions, domestic science and other areas of the budget is nothing other than "anger" and regrets about

the past. It is no coincidence in the press critical publications began to appear such as: “The reform of the school is as an obsession . Government officials, let’s leave teachers and kids alone!” [Moskovsky Komsomolets. 20137 p.7] . Or : “How to calculate your future retirement?” “MK” learned a new formula to save Russians” [Moskovsky Komsomolets. 20137 p. 6].

Fourth, a fundamental precept of not only a doctor but also an officials, scientist, teacher , educator , businessman , worker and every citizen in the modern conditions must be biblical commandment – “Do not to harm” Do not to harm neighbor, do not to harm far. Do not to harm, finally, the collective, the country, the world community ... Opportunities of “harming” in the modern and quickly updated world are many and often it is very difficult under the guise of originality and tempting promises of “rapid” and “effective” (project of “Petrick – Gryzlov” for example, to provide all the Russians to have the cleanest water) solutions, the ideas and solutions of dubious and even extremely harmful content are “jammed throw” and “are thrown” into the public consciousness. Unfortunately, for this purpose in the Russian Federation an appropriate atmosphere in the form of an extremely low level of professional managers at all levels, and are at their officials has created. The favored “on the bones” of professionals vertical power with a persistence worthy of a more useful application, filled all “niche” of power-management structure and obliging and “close” people who very often is not only able to voice their opinion to manager, but not having any opinion. That is a permanent “carousel” of reforms, transforming society into members of pointless experiments and the object of ridicule of the civilized world community with their high level of professionalism to distinguish between obsequiousness of Russian official and elementary incompetence.

The economic substance of SLR is differently shown in the literature. Some authors see the essence of their creation using SLR “Values” for people and market agents [A. Molchanov. 2011 p.9 -10]. Other (V.A. Tambovtsev, in particular) see them as “economic benefit” that can meet the specific human need for certainty [Tambovtsev V.L. 2013 p. 161]. According to O. Tarhanov [Tarkhanov O. 2012 p.24], SLR serve “the common benefit” (CB) or an economic benefit (EB) in the condition that they, on the one hand, satisfy a human, collective or society in general need, and on the other - to minimize the social (political, social, economic, environmental, international and other) risks of sustainable and socially responsible development of the society in accordance with the fundamental principles of the Constitution of the Russian Federation.

What special needs of society members does state regulators make to be economic benefit?

According to this view in the literature there are two positions.

V.L. Tambovtsev brings need of EB to certainty [Tambovtsev V.L. 2013 p.160-168], which is regarded by him as one of the basic needs in a sustainable and socially-oriented development. In certainty , and in addition to the stability of the macro-economic and other conditions of functioning regions and municipalities, large and small businesses, investors and innovators, workers in the real sector and the social sector need. And if the macroeconomic conditions for the functioning of market agents often and without sufficient justification are changed and revised, limiting their opportunities certainty disappears, giving way to uncertainty. Once there is no certainty, also there is no stability, and stability goes into trends, constantly accompanied by failures. There are first signs of instability and failure of legislation and treaty obligations. This is followed by reduction of the social attitude towards sustainable development, a drop of efficiency and limit innovation.

The need for certainty, in our opinion, is the most important property of each subject, especially under the rule of market relations and the inherent properties of spontaneity, and the pursuit of monopoly and profits. That certainty is guaranteed by the stability of the political-ideological, macroeconomic and state-legal regulators that establish the public rules and standards of conduct in relations between members of socio-economic relations. But along with certainty as the "unifying" concept, there is a need, in our view, to highlight the needs of participants and other market relations , assistance in implementation of which allows to estimate the SLR as economic (EB) and/or the public benefit (PB), individualizing individual "slices" of certainty. Emphasize the most significant:

- the need for a civilized, - appropriate social norms, traditions, rules and standards , - selection of manner (types, norms) behavior and actions do not infringe upon the law rights and freedoms of other members of society. This "slice" of human needs satisfied "intermediate" need for the formation of a definite plan of action and behavior of the subjects of relations. Otherwise, the behavior and actions take on the character of routine, instinctive, emotional, and usually produce regret and even self-condemnation. According to V.L. Tambovtsev such behavior and action "usually account for only some of them, and only in a relatively stable environment" [Tambovtsev V.L. 2013 p.161].

- the need for state protection of constitutional rights and freedoms of every member of socio-economic relations. If government regulators satisfy this need, the population and market agents perceive the SLR as "value" in the form of economic (EB) or public benefit (PB). If the

state regulator does not have this assessment, it is not perceived by the population as a benefit. The consequence of this situation is “lost profits” and “lost result”, not to achieve that result on which authors calculated SLR .

- the need for the formation of political-economic, macro-economic, financial, credit and other conditions to ensure optimum standards of behavior of participants in the relevant circumstances. As a member of the WTO, for example, the Russian Federation had to agree a set of conditions with each of the 155 countries participating in the organization. After the entry , it is necessary to update and change laws, the conditions and mechanisms of state relations with the national and international business in the field of insurance and bank lending. Finally, the government has to limit help to agriculture and some other industries in accordance with the regulatory recommendations of the WTO.

- the need to compensate for market agents and the public costs and limitations by the implementation of SLR. The forms and mechanisms of compensation may be different in size and in duration, and the procedure for their implementation. A typical example of this need is a problem to improve the existing legislation of the Russian Federation in the sphere of federal relations and budgetary basis for the development of regions and municipalities.

The need for a “just legal regulation” of federal and intergovernmental relations is a long process and lively discussed at all levels of the power vertical. But the measures are limited in a whole by compensation of chronic shortage of budgets, grants, subsidies and transfers to fund socially relevant articles to regions and municipalities. Not accidentally, the budgetary arrears of regions and municipalities is growing fast and at 2, or even more times is more than the annual budget in some regions [Ilyin V.A., Povarova A.I. 2013.p.8-15].

Experts offer different models of modernization and renovation of federal budget relations between the participators. In this case, it is understood that it is necessary for social development not to increase the number of laws, but a serious increasing the quality of SLR. These suggestions and models with a certain degree of conditionality can be grouped in two ways. On the one hand, the proposals address the conformity of SLR standards and requirements of the Constitution of the Russian Federation. State regulators are not intended to expand and deepen the contradictions of the Constitution of the Russian Federation, and to ensure consistent implementation of its socio-political and socio-economic basis for action by all levels of government , market structures and population. On the other hand – SLR are designed to

objectively reflect transformational change in society and promote the formation of new (updated) and the more progressive institutions and mechanisms of socio-economic, and social development. And if in the preparation of SLR, it would be turned out that the possible changes are important and progressive development for the public, they can be the basis for the beginning of the procedure to revise or clarify the constitutional norm.

Transformation processes taking place in the global community and the globalization of the economy significantly increased the role of the state and its regulatory functions for integration of national political and economic systems in the world processes. The latter fact has given rise to the demand for formal methods and criteria for assessing the quality and efficiency of state-legal regulation complicated the process of socio-economic and socio-political development of the country. Not only scientists and representatives of international consulting groups, but the state administrative structure with increased interest began to assess the totality of the quality characteristics of the state and effectiveness of its regulatory impact on events in the country and world processes. Since the 80s of the last century in developed market countries an administrative reform was done under the slogan of forming a new government (New public management), the purpose of which was to improve the "quality" of the government in the implementation of regulatory functions and the provision of public services and market agents . In parallel, the performance of criteria of state institutions for sustainable and people-centered development was revitalized [Ahremenko A.S., Yureskul E.A. 2013. p.77-78].

The first recommendation of SLR evaluation were offered by developers of the World Bank, prepared on the basis of summarizing the results of expert and public opinion polls. Analyzing the existing methodology for assessing the quality of governance and the effectiveness of its regulators, A.S. Ahremenko and E.A. Yureskul offered their approach based on the method of DEA, - as the ratio of "output" to " input" and they developed "methods of evaluating of effectiveness, clearly describing the workings of the "black box" of state organization" [Ahremenko A.S., Yureskul E.A. 2013 p.88]. Some studies have evaluated the effectiveness of public authorities in some regions over existing methods of processing the results of opinion polls population [Kondratovich D.L. 2012. p.3-8], the discrepancies in the accelerated training of managers and workers of one specialty to the detriment of other popular specialties [Novikov A.V. 2013. p.139]. Other approaches to assessing the quality of state regulators are exist.

Sociological polls of 362 members of the 11th Russian Economic Congress (REC), and it is leading scientific elite of Russia, shows a serious concern of the scientific community for the state of the economy and the possibility of correcting the current level of management. The situation in the Russian economy is evaluated by 14% of respondents as satisfactory as a whole, 51 % - as tense, and almost a third (32%) - as a crisis or catastrophic [Bogorov V. 2013 p.9-10]. With the notable preference for members of Congress pointed out the danger of risks related to corruption (73%) and the incompetence of the authorities (62 %). Serious concerns members of Congress have expressed the weak protection of property rights (40%), the course of economic reforms in Russia (38%), while 55% of respondents negatively assessed the ongoing transformation of the economy.

These facts are to some extent affected the estimates of the economic policy of the Government of the Russian Federation as a whole. Only 3 % of respondents rated it highly, 38 % - not high enough, and 49% gave it a negative rating . Most critically evaluated industrial and scientific-technical policy (66%), the policy of innovative development (59%), agricultural policy (56%), investment policy (53%). Monetary policy, fiscal policy, monetary policy management, foreign policy, defense policy is less critically evaluated [Bogorov V. 2013. p.10].

Using generic indicators for the objective evaluation of the quality of SLR and their effective impact on regulated relations and processes depends, in our opinion, on the internal structure of SLR and procedures of their impact on the regulated entity. Consideration of these issues is proposed by optimizing the structural and logical model of state-legal regulation of social, economic, and social relations and processes.

Structural and logical model of social relation regulation

In the jurisprudence is that, as a “cell” of rights, each individual legal norm as SLR has a complex internal structure. First of all, every legal rule is intended to regulate the relationship between people in the interests of “coordinated development” of society and each of its members. Traditionally, every legal norm controller consists of three elements: a hypothesis, dispositions and sanctions. The hypothesis in the short form characterizes society's need to improve the regulatory effect on the object in the interest of sustainability of development. The specific life circumstances (conditions), the presence or absence of which triggers the mechanism of SLR are described. Depending on the amount circumstances prescribed normal, simple and complex hypothesis are identified. An alternative hypothesis is that connects the regulator action with one of more of the circumstances.

The disposition contains a summary of the main expected or prescribed rules of conduct, under which all involved participates have to act. According to the method of presentation disposition may be a direct alternative or a blanket. Alternative disposition allows participants to modify their conduct in relations within the limits established legal norm. Blanket disposition does not provide detailed rules of behavior of participants, and sends them to other regulators.

The sanction involves consequences that may occur in relation to the participants in the result of the legal provisions of the disposing of the regulator. According to the degree of certainty sanctions are divided into absolutely certain (just indicated, for example, the amount of the fine), relatively certain (amount of the fine varies depending on the damage) or alternative under which the form of sanctions may be different in compensation for damage, for example, replacement of faulty goods or a fine [V.M. Korelskogo and V.D. Perevalova 2000 p.288-289].

Along with the internal structure , SLR have a subject-object structure. And if a part of the internal structure of their particular disagreements almost non-existent, in respect of the subject-object structure of disagreement is a subjective and objective orientation of the regulatory impact of the state. Any regulatory effect occurs between subject and object. Subject of legal regulation under the Constitution of the Russian Federation may be the state in the face of its top legislative and executive bodies, as well as authorized by the industry, functional and regional (municipal) authorities within their competence. The subject of regulatory impact may make public organizations and the Association, the state endowed with the right to exercise a regulating effect on the participants of the socio-economic and social relations within its competence. The subject of regulation is heads of enterprises, firms and companies within optimize the performance of its powers and groups of companies.

The object of the regulatory impact are the socio-economic and social relations and processes that regulate social development in the right direction and is intended to state or authorized by the state agency.

Some researchers on the selection and analysis of the characteristics of the subject and object of the regulatory impact of the state finish the construction of the subject-object structure of SLR. In recent years, researches paid more attention to the forms, mechanisms and institutions, with which the government impact on the controlled system. Most often authors have begun to pay attention to the decreasing effectiveness of state-legal regulation of certain socio-economic processes [Scholar and authority: a roundtable November 12, 2009 p.13-27].

All of the above suggests that, along with the subject and object, the state legal regulator has two internal structural elements: *a set of tools and mechanisms of action of the subject to the object (subject activity) and the impact of exposure of the subject to the object in order to obtain the desired result (performance object).*

As the object of managerial influence A.A. Zarnadze offers, for example, to consider the triad of "nature - society - economy" and the mechanisms and forms of influence on the subject of the proposed facility limits by the use of "organizational and economic mechanisms for an integrated management system" [Livshits V.N., Nikonova A.A. 2012 p.25, 27]. V. Kudrov as the object of SLR examines national socio-economic systems in the organic unity of their territorial, sectoral and functional subsystems [Kudrov B. 2012 p.25-34]. V.L. Tambovtsev by the object, in particular, of management solutions considers "economic benefit" stipulating, however, that "the characteristics of object is a "management decision" ... given property ("economic benefit" – A.T.) is not limited" [Tambovtsev V.L. 2013 p.161].

Representatives of the "Freiburg School" and the German neo-liberalism by the object SLR considered "economic order" in society by keeping standards and norms set by the government , its agencies and authorized non-governmental associations (trade unions , industry and territorial unions , etc.) by the population and all market agents in the interests of sustainable development and "the welfare of all" [" Freiburg School" and the German neo-liberalism 2013 p.5-8].

Other definitions of parts of an object SLR are shown. In particular, the author team led by D. Moskvin considers social justice, the development and use of which in their opinion , "there are still many unsolved questions and discussion" [Binshtok F.I., Ermakova L.I., Konovalov N.N., etc. 2002 p.3]. As SLR is proposed to use the law, local management decisions, recommendations public unions and associations in the development and implementation of social policies at all levels, the democratization of the budget and the financial and credit policies, property relations, the promotion of the establishment and functioning of the national enterprises, cooperatives and other forms of democratic, limit corruption and the shadow economy, the principle of "payment for labor", etc.

The object of SLR is also "public opinion", the manipulation and use in the interests of different social groups and representatives of the ruling elite has become a major priority of the state-power and the ideological and political transformation of society using various state-legal and social impact on the population and its separate groups [Bagdasarian V.E., Sulakshin S.S. 2011 p.6-9, 21-40; M.K. Gorshkov, R. Ktumma, N.E. Tikhonovoj 2013 p.5-8].

Even a brief overview of the object representations of specialists state legal regulation gives reason to believe that, as such, it can be considered the diverse relationships and processes, systems and different levels of functionality, and also management decisions - SLR, which V.L. Tambovtsev prescribes properties “Economic benefits”.

In the list of tools and mechanisms of action of the subject to the object can legitimately be called organizational and economic mechanisms (A.A. Zarnadze), management solutions (V.L. Tambovtsev), the standards and norms of international, national and local levels, the laws and regulations of the higher authorities and management (D.D. Moskvin), decisions and orders of the territorial authorities, judicial decisions and to determine the orders and instructions managers and corporations (V.F. Yakovlev, V.K. Mamutov, V.S.Belyh). In recent years, particularly acute is the problem of improving the quality of SLR at all levels of government. This is a lot of talk in official speeches of leaders of the country .There are a lot of different literature of this problem, both foreign and domestic. Much has already been done in this direction. The European Union, as already noted, has initiated in Europe in line with the administrative reforms of the Concept of the new government (New public management). Much is being done in this field in China, India and other countries.

Expert assessments of the business community and legal experts suggest that this sector of the Russian economy, positive changes are slow and inconsistent. Having taken in 2013, the 42th place in the ranking of the competitiveness of the economies of 60 countries (in 2012 it was the 48th), Russia continues to lag behind in such parameters as the ratings of the quality of government regulation, infrastructure and low efficiency of the business. Only one parameter of the four, the Russian economy has shown a marked improvement from 45th place rose to 34th as macroeconomic indicators. The main reasons for the improvement of the parameter Swiss research center IMD considered record rise in employment, lower inflation, improving the structure of the state budget and the stability of the exchange rate [Edovina T. 2013 p. 6] .

Low efficiency of the business (53rd place as last year) is due to low productivity, quality of management, low corporate culture and lack of trained professionals. Negative contribution to the rating of the Russian Federation was made by a condition of health, protection of information and low innovation potential infrastructure. On the effectiveness of public administration of the Russian Federation is still among the outsiders rankings (43rd place) because of the poor quality of the legal regulation of business and public order, limited institutional environment for sustainable socio-economic development.

It is difficult to understand the author's estimate, “Management decision” of the Government of the Russian Federation approved the Strategy-2020, provides for an annual increase in prices and tariffs of natural monopolies and state-owned corporations in the 8-31 % as an “economic benefit” for the Russian people!!! If it is benefit, it is not for everyone! Population, small and medium business, agribusiness and industry, that is, all who are not part of the “inner circle to the authors of this “economic benefit” , regard this as “benefit in harm” to the detriment of the entire social development. Similarly management solution of Russian Government is estimated to improve the social tax rate on individual and small business up to 35%! If it's benefit, then why is it met by failure of small and medium-sized businesses, entrepreneurs from their business, and why did all the entrepreneurial community condemn this benefit? Public opinion has not yet been able to recognize the economic benefit solutions for “monetization” constant and often “trumped-up” reform of education, science, health, experiments on “relief purses” population increasing boards for utility services .

Obviously, this fact only confirms the thesis put forward by V.L. Tambovtsev , administrative decision or other SLR becomes as economic or public benefit only on condition that, through its actions the social need of the majority of the population is satisfied, but not limited to its part of the power elite or business , seeking to satisfy their appetites at the expense of increasing the total population. State regulation is designed to use the power and authority of the state, its institutions, mechanisms and other forms of influence on regulation object for the sustained development economy and improve the quality of life for all population. And if this is not done or is being done to a limited circle of persons under the influence of lobbyists, or the lack of professional knowledge among decision-makers or performing , the very fact already constitutes a violation of the Constitution , in Article 82 which states the oath of the President of the Russian Federation: “I swear by in the exercise of powers of the President of the Russian Federation to respect and protect the rights and freedoms of man and citizen, to observe and protect the Constitution of the Russian Federation, to protect the sovereignty and independence, security and integrity of the state, to serve people” [The Constitution of the Russian Federation: the 15th anniversary of the adoption of the Basic Law: Texts. Comments. 2009 p.54-55]. It is for people, not its individual groups.

State-legal regulator can and should be considered and evaluated as “economic benefit” only on the condition that its regulatory effect on the object, first, releases the socio-economic

development of all “unnecessary” and a deterrent. Second, it promotes and creates the most favorable conditions for sustainable and balanced development of the controlled object in the right direction to society. Third, it connects to the process of regulator selecting a majority of the population and market agents capable of “collective intelligence” to maximize the output result of SLR in the interests of the majority, but not separate “groups”.

Condition of any society is always and under all circumstances a product of state-legal power decisions. The level of political culture and the existence of political and economic institutions, the quality of federal relations and economic development, the production of goods and services, the development of entrepreneurship and initiative, science, education and the entire social sphere, many other problems of social development is entirely depended on the power elite and its current needs in a progressive and harmonious development of society. And any subjective or restrictions due to the needs of society priorities imposed social development SLR can distort and limit the holding of Russian society on the sidelines of the world of social progress. To illustrate the discussion, we refer to the most directly related to the topic of our study of the effectiveness of federal relations in Russia's social development. How can its SLR in the past 20 with plus years be possible to evaluate both “economic” and “public benefit”? And what can we do for functioning of federative form of Russia “For the benefit”, but not “For harm” to the “community development”?

Answers to this question quite a lot, as well as recommendations to remedy the situation, the process of market reforms in the social and economic and social development , improve the quality and standard of living of the entire population of the Russian Federation. All of them undoubtedly are important and require serious discussion and project development as they become available. But there is an undeniable problem with that, we believe, should begin converting up modernization and upgrade not only federal, but also all other areas and activities. The problem of the respect of each and every citizen of the Russian Federation to the Constitution and the full execution of all its bodies and officials, regardless of their position or status. It is respect for the Constitution as the basic state-legal regulator of our lives, allows eliminating many conflicts and significantly improving the quality and effectiveness of SLR in the interests of the Russian population.

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