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Some relevant aspects of the food security legal regulation in the system of the Ministry of Internal Affairs of Russian Federation

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Abstract. in this article, the authors associate the actual purchase of food for the internal affairs bodies with a rather complicated situation that affects the activities of agricultural producers in the context of self-isolation of citizens and the introduction of “food” sanctions and retaliatory sanctions on the part of Russia. The scientific analysis of the basic legal categories “state contract” and “state order” is carried out. Among scholars in the modern scientific legal and economic doctrine there is no consensus on the content of the above terms. The authors’ interpretation of the concept of “state order” is given as a proposal for discussion of the scientific community. The study focuses on the issue of concluding and executing government contracts for the purchase of food by a separate federal state institution of the system of internal affairs bodies.

1. Introduction

One of the strategic objectives of the Russian economic security system is the security of the real sector of the economy, which no doubt should include a food segment. However, as a result of implementation of measures on isolation of the population, the representatives of agribusiness suffer losses due to the reduction in consumer demand for food products because of the fact that many citizens in the conditions of pandemic do not have the capabilities to earn and forced to stay at home. Since the entry into force on 1 January 2014 Federal law dated 5 April 2013 No. 44-FZ "On contract system in procurement of goods, works, services for state and municipal needs" (further - the Federal law dated 5 April 2013 No. 44-FZ) reforming of the public procurement system, its transition to the contract system and integration into the life of citizens, society and the state began. Due to the fact that at the moment the contract system is going through a stage of formation, the process of public procurement, including the needs of Internal Affairs bodies requires adequate scientific support, that determines the relevance of the present study and indicates its practical significance. The authors attempted to explore the legal regulation of the relations arising at the formation of the Internal Affairs body through Federal state institution "Siberian regional department of material-technical supply of the Ministry of Internal Affairs of the Russian Federation" (hereinafter – Siberian RDMTS MIA) of state contracts for the purchase of food on behalf of public institution.



2. The purpose and object of research

The purpose of the study is on the basis of a systematic and integrated approach to show the regulatory legal framework, theoretical sources, as well as some problematic aspects of food relations with the participation of internal affairs bodies. The object of the study is the activity on the formation and execution of state contracts for the food products supply to employees of internal affairs bodies of the Siberian RDMTS of the Ministry of Internal Affairs of Russia.

3. Methodology of research

As a methodological basis, the following methods of scientific analysis were used: dialectic, abstract-logical, methods of systemic, structural and comparative analysis, induction and deduction.

4. Results and discussion

Currently, through state procurements, the Russian state annually sends significant financial resources to the country's economy. For example, over the three quarters of 2019, 2.2 million public procurement notices were posted in the Unified Information System (UIS), which is 2% less than the same indicator in 2018. At the same time, the volume of all these purchases amounted to 6.7 trillion rubles. A year earlier, this figure was 5.5 trillion rubles (+ 22%). Accordingly, the average purchase price rose to 3 million from 2.5 million rubles [1]. Under market conditions, the solution to the question of improving the economic and legal mechanisms for the budgetary funds efficient spending is of great theoretical and practical importance, including the food products turnover area.

Adequate food supply for the population acts as a strategic objective of public authorities and their officials. Ensuring food security and protecting the food interests of present and future generations are among the strategic priorities of both the domestic and foreign policies of the Russian state [2]. The recently adopted Decree of the President of the Russian Federation № 20 “On Approving the Doctrine of Food Security of the Russian Federation” dated 01.21.2020 stipulates that the strategic goal of ensuring food security is to provide the country's population with safe, high-quality and affordable agricultural products, raw materials and food in quantities that ensure rational food consumption standards. In legal science, experts have repeatedly pointed out certain problematic issues of food security on a global scale [3], engineering [4], and the effectiveness of the state agrarian legal policy [5].

Legal order in the Russian Federation is ensured by law enforcement agencies, including internal affairs bodies (hereinafter - the IAB). Minister of Internal Affairs of the Russian Federation V.A. Kolokoltsev at an extended meeting of the Ministry of Internal Affairs of Russia board, speaking on February 26, 2020, in his report, drew attention to the fact that serious changes are taking place in the Ministry of Internal Affairs of the Russian Federation, which affect the implementation of certain functions of the state, such as: law enforcement and food. In general, the competence of the IAB finds its normative consolidation in the current legislation of the Russian Federation and sub-legislative normative legal acts establishing their powers, including in the field of contractual arrangements.

The Ministry of Internal Affairs of Russia is a federal executive body, the main manager of budget funds, whose competence includes the authority to procure goods, work, services for state needs. The Ministry of Internal Affairs of Russia carries out its activities directly or through internal affairs bodies. In the modern period of time, the system of internal affairs bodies consists of: the central apparatus of the Ministry of Internal Affairs of Russia, territorial bodies of the Ministry of Internal Affairs of Russia, educational, scientific, medical (including sanatorium and resort) organizations of the system of the Ministry of Internal Affairs of Russia, district departments of material and technical supply of the system of the Ministry of Internal Affairs of Russia, and other organizations and units created to carry out tasks and exercise the powers assigned to internal affairs bodies. The Department of Logistics and Medical Support of the Ministry of Internal Affairs of the Russian Federation (hereinafter referred to as the DT of the Ministry of Internal Affairs of Russia) is an independent structural unit whose activities are primarily aimed at the food procurement and supply for police needs.

The system of territorial bodies of internal affairs constitute the territorial internal affairs bodies at the division, interregional, regional and district level. Decentralized logistics of the MIA of Russia are included in the Ministry of Internal Affairs of Russia DT structure and are directly subordinated to the Management organization of logistics. In the present research study, the authors review the procedure for the conclusion of an internal affairs body in the face of Siberian RDMTS MIA state contracts for the purchase of food on behalf of public institution, which are formed in the organisational legal form of state institution, to which the current budget and civil legislation of the Russian Federation provides the right to the adoption and execution of budgetary obligations on behalf of a public legal entity funded from the appropriate budget. Therefore, it is assigned to the category of entities that can participate in the legal relationship for the procurement of goods, works and services for state needs, as a public customer, including purchasing food. However, there are a number of features, for example, in case of insufficiency of budgetary obligations limits, subsidiary liability for obligations arising from the state contract is borne by the state authority - the Ministry of Internal Affairs of Russia, which is entrusted with the powers of the main manager of budget funds on behalf of the public entity - the Russian Federation. The procedure of participation of public institution provided in article 125 of the civil code, according to which, the public authorities can participate in civil turnover, on behalf of public institution within the competence established by the regulatory legal acts that determine their legal status.

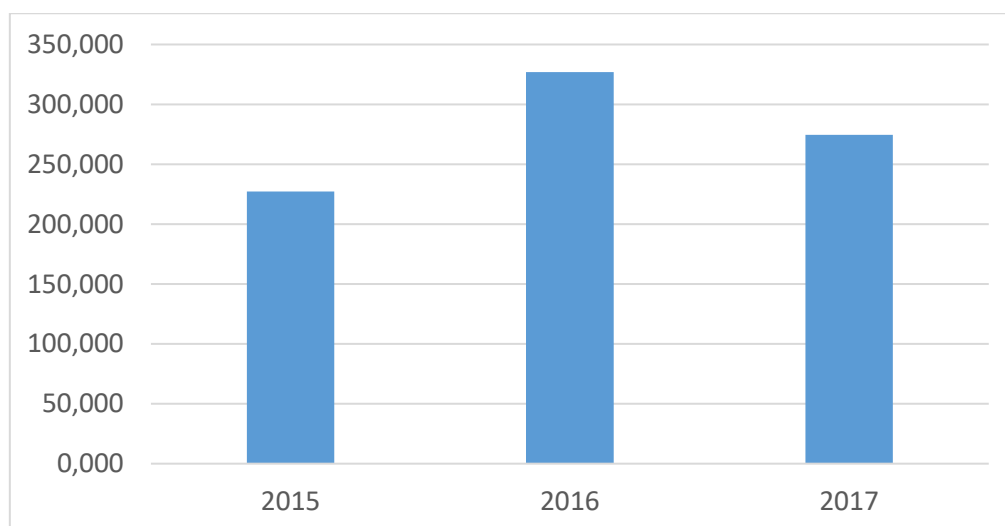
The central categories in relation to the topic under study are the “state contract” and “state order”. In domestic legal science, the phenomenon of “state order” is not only one of the most complex, but also one of the most popular legal categories. At the same time, there is no generally accepted point of view on its legal nature in the Russian legal doctrine. This is due to various factors: there is no legal concept of “state order” in the legislation; constantly numerous changes and additions are made to the legislation, which does not contribute to the stability of legal relations in this area; the legal phenomena under consideration are complex, since they are regulated by the legal norms of various branches of the legislation of the Russian Federation, etc. The above factors do not contribute to an adequate and timely solution to the legal problems existing in the studied area, and to the development and adoption of effective legal norms aimed at improving the current legislation [6]. Consider the individual proposals of scientists on this issue. So, L.V. Gorbunova examined the state order as an order from the corresponding public law institution for the state customer to ensure the goods supply for state needs [7]. V. N.Vasin, V.I. Kazantsev understood by a state order the totality of state contracts for the goods supply for state needs [8], A. E. Zuev determined the state order from a purely economic standpoint of supply and demand; he saw the state paradigm in “the formation and official consolidation of state demand” [9]. One of the authors of this study already proposed the following definition of the phenomenon under consideration. A state order is a legal act (normative legal act of a state authority of the Russian Federation, normative legal act of a state authority of a constituent entity of the Russian Federation or an act of law application) aimed at satisfying the state needs of the Russian Federation, state needs of a constituent entity of the Russian Federation financed from federal funds budget, budget of a constituent entity of the Russian Federation or extra-budgetary sources, fixing specific state needs of the Russian Federation, specific state needs of the constituent entity of the Russian Federation for certain goods, works, services by placing a state order in the manner and on the conditions provided for by applicable law and concluding a state contract or other civil-legal agreement [10].

In table 1, the authors analysed the total value of contracts concluded by the Siberian RDMTS of the Ministry of Internal Affairs of Russia for the purchase of food in million rubles for 2015-2017 as a percentage, depending on the name of the food products.

Table 1. The total value of contracts concluded by the Siberian OUMTS Ministry of Internal Affairs of Russia for the purchase of food.

№	Description of goods	The total value of contracts, million rubles					
		2015	%	2016	%	2017	%
1.	Meat and meat products	66.325	29.20	116.927	35.77	82.765	30.14
2.	Individual rations					14.995	5.46
3.	Fruit and vegetables	57.464	25.29	61.581	18.84	47.051	17.13
4.	Milk and dairy products	30.149	13.27	42.671	13.05	47.422	17.27
5.	Grain products	30.348	13.36	59.097	18.08	27.859	10.14
6.	Fish and fish products	26.161	11.52	19.303	5.91	17.484	6.37
7.	Starch, sugar, honey, and confectionery	0.249	0.11	0.301	0.09	6.500	2.37
8.	Eggs and egg products	9.489	4.18	6.823	2.09	7.572	2.76
9.	Flavourings	2.644	1.16	13.655	4.18	22.280	8.11
10.	Edible fats	4.348	1.91	6.498	1.99	0.681	0.25
Total		227.177	100	326.856	100	274.609	100

In figure 1 the authors show the dynamics of the contracts value concluded by the Siberian RDMTS of the Ministry of Internal Affairs of Russia for the purchase of food in million rubles for 2015-2017, from which it can be concluded that the value of contracts in 2016 amounted to more than 300 000 million rubles, in 2017 amounted to over 250 000 million rubles, and in 2015 amounted to over 200 000 million rubles.

**Figure 1.** Dynamics of the cost of contracts concluded by the Siberian RDMTS of the Ministry of Internal Affairs of Russia for the purchase of food.

In figure 2 the authors indicate the structure of food purchases by the Siberian RDMTS of the Ministry of Internal Affairs of Russia by type of food (% of the total amount of contracts) in 2017.

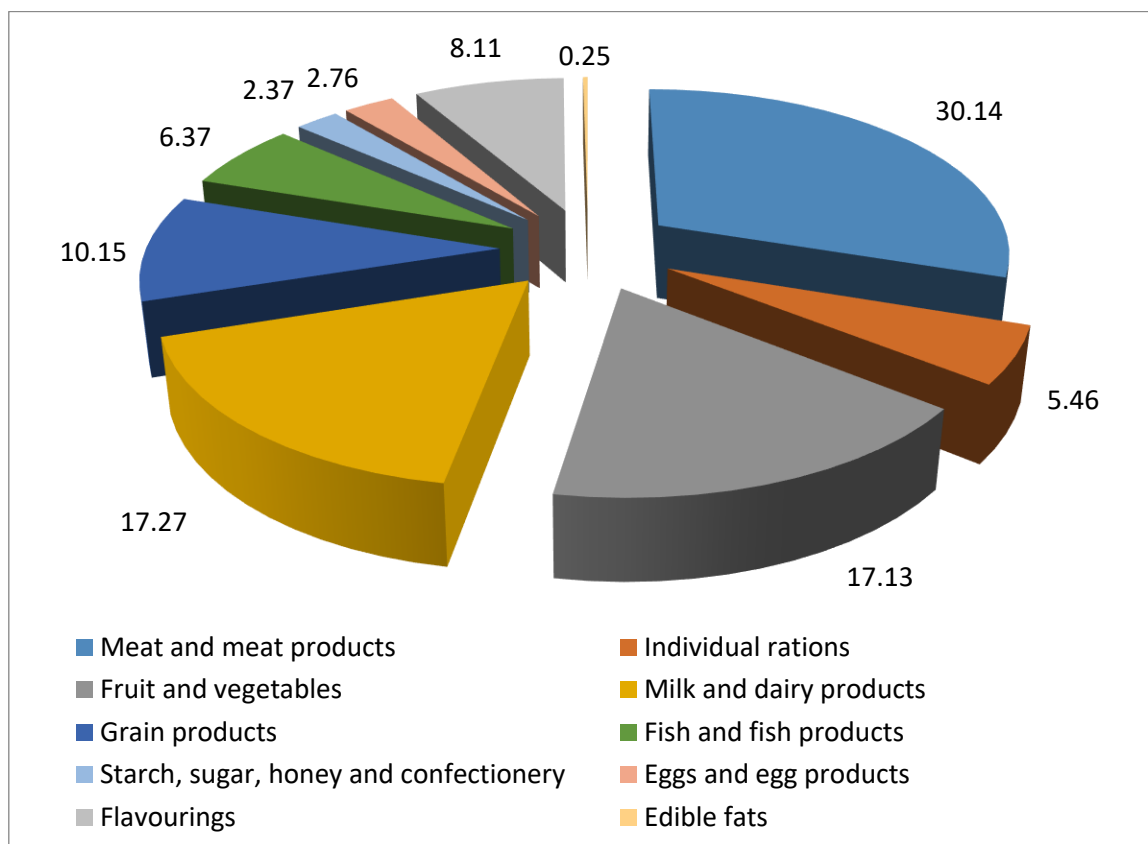


Figure 2. The structure of food purchases by the Siberian RDMTS Ministry of Internal Affairs of Russia by type of food (% of the total amount of contracts).

One more problem point must be paid attention to. Despite the constant changes and additions made by the legislator, there is a corruption component, since quite large amounts are allocated from budgets of various levels to meet public needs, a separate part of which goes to the so-called “kickbacks” [11]. In relation to the indicated negative phenomenon in the Russian economy, A. Zenkin by “kickbacks” from a state or municipal contract means the form of embezzlement of budgetary funds by paying by the organization where the official works, the goods, work or services at artificially inflated cost, part of which is returned to the official in the form of material compensation for facilitating the conclusion of the said contract [12]. A. Yu. Tuganov also notes that: “The purchase of goods and the provision of services for the needs of state organizations is a sphere of social relations with an increased risk of corruption” [13].

5. Conclusion

As a result, summarizing all of the above, it is possible to draw a reasonable conclusion that at present, objective laws on the establishment and execution of state contracts for the supply of food products in the IAB system are poorly understood and require further scientific research.

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