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LAW ENFORCEMENT ACTIVITY: THEORY ISSUES [1]

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The article carries out a review of the legal literature regarding law enforcement activity, the author notes that there are certain disagreements regarding the goals, objectives, scope, objects, subjects, means, methods and forms of law enforcement activity provided for by the current legislation. It is suggested that the goal of law enforcement activity should not be limited only to prevention tasks. The author notes a multifunctional nature of law enforcement activity of internal affairs bodies.

Keywords: law enforcement activity, regulation and protection of public relations, protective function of law, law enforcement, law enforcement authorities.

The problem of research of the concept and content of law enforcement activity is rooted in the days when emerged a need for law as a regulator, when, thanks to the division of labor, protection of colliding with each other interests of individuals was transferred into the hands of the few, that is, the state, and thus the barbaric way of implementation of law disappeared [35, 336-337]. Speaking of the primitive communal system, F. Engels emphasized that "from the very beginning in community exist common interests, protection of which is entrusted to separate persons, albeit under the supervision of the whole society", that "such posts are found in primitive communities at all times", and that "they are entrusted with known

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powers and represent the rudiments of public authority" [36, 183-184]. Hence the issue of research of law enforcement activity goes back to the issues of the functions of law, functions of the State and its bodies, as well as the form of their implementation, law enforcement system, legal activity, exercising of law.

If to leave aside the known differences in views on the *function of law* in its narrow normative sense (as a rule, functions of law are understood as the most significant directions and aspects of its impact on social relations [2, 12]), then this issue in the legal literature, in principle, appears solved. Law is designed to regulate and *protect* public relations (individual scientists, along with regulatory and protective functions of law, distinguish economic, educational, political functions [46, 60]). Along with laws positively regulating social relations, there are whole branches and sub-branches of law and legislation, legal institutes, which are mostly of protective significance.

Protective function of law – is a direction of legal impact conditioned by social purpose, aimed at protection of generally significant, the most important public relations and their inviolability [49, 277]. The content of protective function of law includes: 1) establishment of sanctions for encroachment on protected public relations; 2) establishment of prohibitions to commit acts contrary to the interests of society, the State and an individual; 3) formulation of legal facts, the emergence of which (if they are the result of illegal actions), according to the law, is connected with the emergence of grounds for bringing offenders to juridical responsibility; 4) establishment of a particular legal connection between the subjects of law, the objective of which is the exercising of juridical responsibility (protective legal relation) [47, 11].

This, however, does not mean complete unity of views on the protective function of law. As V. V. Borisov believes, there is no adequate clarity in the material. "What is protected: public relations, rights and freedoms of a citizen, interests of the subjects of law, political and economic system, laws, State power? All these phenomena are different in nature. Absolute precision is required in initial positions" [9, 308-309]. Indeed, for example, according to N. A. Bobrova, law protects against violations not public relations, but someone's interests that are realized in legal relations. In other words, the law regulates public relations so as to promote the emergence and development of the first, restrain the dynamic of the second, eliminate the cause of the third relations that are harmful to the state interest, and if they do arise, to resolve the conflict of interest solely on a legal basis, on the basis of the legal regulation of state coercion application, the making of state-negative assessment as a reaction to an offence [7, 144-145]. In our view, in the architecture

of all (or most) of the classifications in the general theory of law, public relations are all-encompassing fundamental substance similar to moving, eternally developing matter. All the rest is an add-on, derivative, secondary. The protective function of law is in the passive impact on these relations. The latter have already emerged and are developing according to their own laws. The law is assigned the role of a caretaker of current relations from encroachments on their integrity and inviolability [51, 15].

Strictly speaking, there is no contradiction in the fact that some scientists cite different objects protected by law. However, such an approach impoverishes the understanding of protective function of law. Law actually protects the rights and freedoms of a citizen, the interests of the subjects of law, political and economic system, laws, State power, etc. But, first, all of these interests, institutes and values are concluded and implemented only in public relations. Second, the path of enumeration of legally protected objects is a very useless path, because this list is quite variable, dynamic, in a certain sense it is inexhaustible and at the highest level of abstraction is covered by a single concept – "public relations". Third, law itself is an impartial. It is just a tool in the hands of the State. Law, in general, is nothing without state coercion able to compel to abide legal norms, and to refrain from the violating of legal order. The State has priority over the law in the sense that it establishes and maintains legal order, changes and repeals laws, promotes or inhibits their implementation. But, on the other hand, laws are adopted by people's representatives, and law in a constitutional state should be not only a regulator of social relations, but also a means of subordination of the State to law, means of protecting the rights and freedoms of an individual. The main thing in determination of the State is linked to the law. The state of the economy brings to life the law, and in order to enable it to be a regulator of public relations we need the State. In other words, the State also exists due to and for the sake of law [44, 24, 27]. In addition, the protective function of law should not to be understood only as a reaction to offence. Its main purpose is the prevention of violations of legal norms. Therefore, we emphasize once again: law protects public relations and thus creates a legal basis for law enforcement activity [33, 27]. The essence of this basis is that it is strictly of normative, overall and binding nature [59, 203].

Protective function of law is implemented by *protective (law enforcement)* activity of the State. If protective function of law is associated with the protection of existing public relations, then the protective activity of the State is aimed at the protection of law itself, without which the latter cannot function effectively. The issue on referring protective (law enforcement) function to the functions of the State has

also not yet received a clear resolving in science (under the state functions understand directions (and aspects) of its activity, which express its essence, service role, objectives and goals, patterns of development [4, 190-191]). For some scientists, it is an obvious, not causing doubts fact (Yu. E. Avrutin, A. G. Bratko, G. A. Tumanov, I. N. Zubov, I. I. Mushket, E. B. Khokhlov, N. V. Chernogolovkin). Other researchers do not separate protective function as an independent function of the State, and "split" it into stand-alone functions or "distribute" protective tasks among other functions. So, I. K. Yusupova attributes ensuring of protection of the current form of government and public order protection to the internal functions of the State [68, 41]. V. S. Afanas'ev, highlighting economic, political, social and ideological functions of the state, provides for protective tasks in the first three: protection of the existing forms of property, maintenance of state and public security, protection of the rights and freedoms of the population or part of it [57, 285]. The third group of scientists, highlighting one function of protective orientation, avoids calling it protective, preferring to denote in it specific protected objects. For example, L. A. Nikolaeva calls among the functions of the State the function of protection of citizens' rights and freedoms, all forms of property, legal order [40, 3]. M. I. Baitin, I. A. Kuznetsov distinguish the function of protection of legal order, property, rights and freedoms of citizens [4, 199; 29], V. B. Kozhenevskii – the function of protection of property, rights, freedoms and lawful interests of citizens, the whole legal order [27, 8]. N. T. Shestaev calls the protective function as the function of state protection from internal disorganizational processes [66, 18]. The next group of researchers further specifies objects of law enforcement activity of the State in the composition of the function. As a result, attempts to find more specific characteristics of protective function lead to confusion of the functions of the state with the functions or private tasks of its bodies.

Dominant in the literature and, in our view, correct, seems to be the first point of view that considers protective activity of the State as its single and indivisible basic function. In the theory of State and law long ago has been proved that, along with the other functions, the State also exercises *protection of legal order* [11, 41; 48; 55, 26; 39, 31]. This term, in our view, may be used as a synonym of the concept of "law-enforcement function of the State". Legal order is homogeneous in all spheres of social life, and the State equally protects the rights and legitimate interests of all subjects, as well as all objects of law, including property, form of government, etc. Of course, it is possible to give a more detailed description of protective function of the State, enumerating the elements of its content. However, as in the analysis of the functions of law, it will not cover many important aspects and objects of

protective activity of the State. This function can be briefly designated, and it will not be a mistake to call it a function of legal order protection that includes protection of property, rights and freedoms of citizens, etc. [61, 114]. We also associate ourselves with the position of T. N. Rad'ko. According to him, if the concept of "legal order" is given a wide meaning, why there are specified such activities as protection of property, rights, freedoms and legitimate interests of citizens, because in this case the first concept covers the rest. And if legal order is interpreted in its narrow sense, then why there are not mentioned such important directions of state-legal protection as state and social system, natural resources and the natural environment, cultural and spiritual heritage of the people, etc. [48, 8].

From time to time there are calls in legal science for renewal and replacement of the leading paradigms. For example, I. I. Sydoruk rightly, in our view, suggests that the typical for administrative law reduction of ensuring legal order just to its protection in public places through highly specialized oversight of state administration and police over the conduct of participants to public relations and application of administrative-legal coercion measures significantly impoverishes administrative-legal science and narrows its potential in part of developing constructive recommendations for organization of legal order in the country, an effective counteraction to crime and offence [56, 12]. S. M. Zabelov, in order to avoid confusion between the concepts of public order in the wide and the narrow sense, proposes introducing of the concept of State order instead of the concept of public order in the wide sense [18, 8].

It is believed that legal order protection can be considered as an independent state function neither in whole nor even more in part. The argument is the fact that the legal order, on the one hand, is a result of legislative activity of the State, and on the other, is the most important tool for exercising all (though to varying degrees) the functions of the State [26, 45].

The argumentation itself raises no objection. At the same time, it cannot be used to deny the law enforcement function of the State. Among scholars, who criticize the expressed point of view, the argumentation of I. N. Zubov seems to be the most persuasive, "This is not about *what* is created by legal order and what is its *social purpose*, but about *the protection* of the current legal order. It is clear, when we talk about the *source* of legal order and the *purpose* of its existence, thus we do not put forward arguments *for* or *against* the recognition of the protection of that legal order as one of the most important activities of the State, i.e., its *function*" [19, 43]. Legal order, in fact, is a condition for the existence of social institute of the State, so it (legal order) is the aim of the State as such, that is why its activity on legal order

protection should also be considered exactly as a State function attributively inherent to any type of State acting in any historical era [19, 42].

The State and its bodies exercise their functions in certain *forms*. Most researchers combine the understanding of the latter as a specific activity (its kinds) of state mechanism. Forms of exercising the functions of the State are divided into legal and non-legal (institutional, for example). The legal forms of exercising the functions of the State are understood as a homogenous in its external features (nature and legal consequences) activity of states bodies on the organization of public relations through committing of legal acts [52, 86]. The main functions of the State, including law enforcement, are exercised through legal forms (any state activity associated with the implementation of its core functions, – whether we'll call it actual or organizational, – is not free and cannot be free from legal regulation. However, public authorities may exercise their functions both through legal and organizational forms. Legal forms are unthinkable without purely factual, substantive organizational work. Legal forms are always organizational, while not all organizational forms are legal [3, 46]).

In the typology of juridical activity law enforcement activity is often distinguished either as a standalone legal form of implementation protective function of the State [52, 85-86; 41, 41-42; 61, 114; 4, 229; 12, 26; 29, 44; 27, 47], or as an integral part, a form of enforcement (law ensuring, law implementing, law exercising) activity [15, 36; 1, 58; 32, 17; 28, 26; 6, 58]. In some literary sources law enforcement activity at the same time is called jurisdictional activity, is identified with it [25, 87; 67, 29-36; 38, 10-11]. This seems not justified, because the jurisdiction is just a part of law enforcement activity. Identification of jurisdiction with law enforcement activity leads to a confusion of different kinds of the last and is not conducive to a clear delimitation of the competences of the participating in it bodies [63, 16].

The term of "*law enforcement activity*", whose appearance in the legal literature is associated with the name of I. S. Samoshchenko [54], now has firmly entrenched in the thesaurus of Russian legislation and legal science. At present, in the theory of state and law and sectorial legal sciences can be noted two equally acting trends. The first of them is connected with the fact that for almost 60 years, the term of "law enforcement activity" has been adapted by different branches of domestic law. Many scholars and practitioners believe that the concept of law enforcement activity is deeply researched and find it possible to use it without repeating words spoken. Often the mentioned concept is used without any reasoning, including in works on the theory and practice of public administration, in which this term is the key one [31; 43]. There is no precision in the use of the researched concept in

official sources, especially in departmental normative legal acts. Often the terms of "protection", "ensuring", etc. are used ambiguously, without indicating the specific value in a particular context.

The second, opposite, trend is related to the expansion of the researched issue and reflects a growing interest in the issues of law enforcement activity, active search for its new features. Today the theory of State and law, sectorial legal sciences possess a considerable knowledge about this form of State practice, its carriers, which include internal affairs bodies. However, the results of our analysis of literary sources lead to the conclusion that knowledge about law enforcement activity of the State still does not meet the increased needs of law enforcement practice. Here we support the view expressed by A. G. Bratko, that "law enforcement activity issues have practically not been studied yet, and this negatively impacts on resolving of sectorial, specific problems of the legal protection of public relations. Study of this problem is directly related to the strengthening of protection the rights and legitimate interests of citizens, to the strengthening of the rule of law and legal order" [11, 29].

In short, it is still too early "to discard into archive" this issue. This also touches upon the terminology, which is the basis of any professional information [23, 3]. Only the certainty of semantic meaning of the terms used allows us to avoid ambiguity of thesis that is being proved and its replacement during discussion [5, 257]. The main sources of disagreements in approaches to the concept of law enforcement activity lay, in our view, firstly, in different understanding of its content. Attempts to give definition of the concept of law enforcement activity by enumeration of its structural elements do not receive general acceptance and lead to lively discussions. Second, scientific disputes are caused by different interpretations of one and the same terms. Third, studies, in which the concept of law enforcement activity is considered without reference to its meaning and sense (wide, narrow or otherwise), do not add clarity. Fourth, there are some disagreements concerning the goals, objectives, subject matter, subjects, objects, means, techniques and required by law forms of law enforcement activity.

Of course, within the framework of this article it is impossible "to reach an agreement" with opponents concerning unambiguous understanding of law enforcement activity, the corresponding definitions and their place in the conceptual apparatus of the theory of law and practice of public administration. We only try to understand the critical issues. Not being able to go deep into the controversy, we have to fix some of the findings as if they are in shot form, in "solid residue" reflecting the author's position.

Law enforcement activity should be considered as: 1) a specific type of social activity; 2) special state-legal type of social management. This approach allows us to analyze law enforcement activity in the broad and narrow sense, to explore its main structural elements and on this basis to find out the value of each of them in law enforcement activity.

Calling law enforcement activity "by the method of ensuring inviolability of legality regime", "method (form) of ensuring the functions of the State", "specific form of special subjects' activity", "special form of state-imperious activity", "specific type of professional activity", "extremely important function of society", "totality of interrelated measures", the researchers thus emphasize its social, objective, active, operative, imperious, creative, sublegislative, comprehensive, specific, professional, polysubjective, strictly regulated by law nature. Analysis of the literature sources leads us to conclusion that the concepts of "law enforcement form of state functions exercising", "law enforcement activity", "law enforcement", "legal order protection", "protection of law against violations" in the functional (and not objective) sense are identical (it should be noted that a number of authors, speaking of law enforcement, have in mind a protective function of law, and not the activity of the state for the protection of legal norms from violations). They mean nothing else than *activity on protection of legal norms against violations*. Perhaps this conclusion limits the matching of views in the studied issue, although different views exist even here [29, 47].

In our opinion, the *direct object* of law enforcement activity is legal norms, the *mediated object* – public relations (economic, political, ideological, etc.), in which implement subjective rights and freedoms of man and citizen, perform legal duties. Ultimately, the object of law enforcement activity is always a man, its conduct in society. Protection of rights in the objective sense cannot be an end in itself, since the human personality with its interests always acts as a center of "gravitation" of legal regulations [13, 135]. According to V. P. Fedorov, man in general is subject to human rights activity (law enforcement activity in the broad sense of the term), and a citizen of State, whose rights and freedoms are defined not by the nature and essence of man, but by specific national legislation, is an object of law enforcement activity (in the narrow sense) [60, 16-18].

The aim (purpose) of law enforcement activity is considered by many authors as *control* (not in the sense of a function, but in the sense of object of desire) over the compliance of activity of the subjects of law with the legal regulations, over its legality, and, in the case of detection of offences – *taking of appropriate measures* to restore the disturbed legal order, apply measures of state coercion to offenders,

ensure the enforcement of penalties [12, 31]. In some cases, this aim is complemented by an indication of the *creation of conditions* for the exact implementation of legal regulations [63, 7]; conditions that prevent offenses [16, 30] and facilitate the unhampered implementation of rights and freedoms by citizens [69, 23]; conditions, under which public and state values are reliably guaranteed, practically realizable and are a real wealth of each person [30, 130]. Some authors limit the purpose of law enforcement activity to elimination of violations of legality, application of legal sanctions against persons responsible for violation of the requirements of law [27, 50]. According to A. H. Mindagulov, meaning and purpose of law enforcement activity lay in searching, detection and developing measures to eliminate (or neutralize) the factors leading to crime and other offenses [37, 6]. In our view, this position is not well founded. First, the aim of law enforcement activity should not be limited only to prevention tasks. Second, the mentioned statement talks not about legal norms that make up the object of law enforcement activity, but about the factors that give rise to offences, which also can be not legal. These factors may relate to the closest to the law not legal, material base. We do not deny the need for knowledge of the nature of social relations in the area of legal order ensuring, but cannot recognize their exceptional role in law enforcement activity.

The conclusion of S. S. Samykin is based on outmoded traditional theoretical views that the purpose of law enforcement activity is prevention of possible violations of law [51, 30]. It used to be that the crime rate, its fluctuations largely or even mainly depend on how effectively criminal justice agencies cope with their tasks. The fight against crime was seen as the purpose of law enforcement activity. It inevitable reduced law enforcement activity of state bodies authorities to combat [11, 47].

The defects of the paradigm of "combat against crime" have been long noted by legal scholars. So, S. S. Boskholov writes: "Calls to war against crime, strengthening the combat against it, in fact, pose purposeless goals before criminal justice authorities, the State and society. They not only mislead, but also disorganize their efforts to ensure security and legal order, as a rule, entail mass violations of law, the rights and freedoms of citizens. The sooner such goal set is found unfit, the sooner the country will begin to move towards the constitutional state [10, 39]. L. O. Ivanov and G. M. Reznik make a fair conclusion that law enforcement bodies cannot be required elimination and reduction of crime. Their work is only one of the factors, neutralizing many aspects of crime and offences in general. The role of criminal justice in the life of society best corresponds to the term of "protection"

[21, 57]. The fight against crime is a task of the whole society, all its institutes. Law enforcement activity can reduce the crime threshold, to a certain extent reining or even reducing it, but it cannot itself eliminate this phenomenon. Moreover, it is not able to eliminate the huge array of administrative offences. Law enforcement bodies should be directed not to fight, but to protect. Fight is a method of protection. The fight should be implemented against specific offences, but not against crime in general [11, 49, 206].

Protection of law from violations is exercised by *all bodies of the State*. But not in the same level. If for some bodies this function is optional, supplementary, then in the activity of other law enforcement bodies it dominates or is the only. Constitution of the Russian Federation (articles 2, 8, 10, 45, paragraph "c" article 71, paragraph "b" article 72, etc.), defines the general conceptual approaches to law enforcement, establishes basic protected values (rights and freedoms of man and citizen, the separation of power into branches, recognition and protection of all forms of property, etc.). In most general form it designates *tasks* and *subjects* of law enforcement activity. In accordance with paragraph "f" article 114, the Government of the Russian Federation is obliged to implement measures to ensure the legality, rights and freedoms of citizens, protect property and public order, to combat crime. Important role in the implementation of these measures is given, first of all, to internal affairs bodies (the specific tasks of internal affairs bodies in the field of law enforcement activity are contained in the federal laws, decrees of the President of the Russian Federation and other normative legal acts). Many authors consider the law enforcement function in the activities of internal affairs bodies as the defining, main, leading, dominant [64, 8; 24]. These bodies carry out law enforcement in a professional manner, as if by a "contract" with the State and society. The literature emphasizes the dual nature of their activity to ensure legal order: managerial and law enforcement one [32, 13; 6, 58]. On the one hand, the internal affairs bodies are included in the system of public administration and as the holders of powers of authority and organizing foundations exercise managerial impact on public relations in the sphere of internal affairs of the State, as well as manage their own forces and means. On the other hand, internal affairs bodies are an active link of law enforcement system, law enforcement bodies, and implement in this role the protection of legal norms from violations. Some authors even believe that the system of the Russian Ministry of Internal Affairs is a central link of the state system of legal order ensuring [20, 3], argue that such a variety of tasks and functions is not presented at another law enforcement body [11, 92].

There is a widespread approach in jurisprudence, according to which the *content* of law enforcement activity is disclosed in broad and narrow sense. According to A. G. Bratko, the content of law enforcement activity in the broad sense is the protection of law norms from violations. In this sense, every body of the State in one way or another is engaged in law enforcement activity within the limits of its competence. We are talking about the protection of legal norms in the management system itself. Such law enforcement activity has a kind of internal nature [11, 31-32]. In addition, law enforcement activity goes beyond the realization of law, since it also covers the creation of legal (protective) norms aimed at protecting of public relations [11, 29]. Law enforcement activity in the narrow sense of the word is nothing but a specialized work on the legal protection of public relations. Specifically established for this law enforcement bodies of the State are engaged in this activity. Thus, as A. G. Bratko believes, we can talk about general and specialized law enforcement activity, which are inextricably interrelated [11, 32].

I. A. Rebane understands law enforcement in the broad sense as various guarantees of legality: institutional, educational and other activities, supervision, control, and so on. As law enforcement in the narrower sense – the prevention and suppression of infringements of the legal order, as well as direct combat against already committed offences [50, 13-14].

T. M. Shamba understands law enforcement activity in a broad sense as a branched functional system of socio-legal means of ensuring the protection of legal order; in the narrow sense – as a direct protection of established by law order of social relations, that is, combating against offenses through bringing the perpetrators to justice, consideration of criminal and civil cases, application of sanctions [62, 124-126]. He also suggests considering law enforcement activity in the broad sense as one consisting of legal-educational, preventive and law enforcement (in the narrow sense) activity [62, 124-125]. This provision T. M. Shamba has put forward concerning law enforcement activity carried out by all state bodies and public organizations. Here we agree with N. T. Shestaev, who believes that such a delimitation of law enforcement activity in the types may well be extrapolated to the law enforcement activity of internal affairs bodies. After all, the tasks of the last are not limited to the fight against offences through their detection, suppression and bringing guilty persons to responsibility [66, 118].

S. S. Samykin believes that law enforcement activity in the broad sense encompasses the legislative activity of the State. In his view, the legislative process and the laws themselves are directed at protecting of law by all means of the State. Law enforcement gets narrower sense when it is associated with the activity

of the State to provide justice and order, enshrined by law. This will include all the sub-legislative activity of state bodies. Law enforcement gets an even more narrow sense if it's understood as activity of special (law enforcement) bodies of the State [51, 28-29].

From the point of view of S. M. Kuznetsov, law enforcement activity in the broadest sense is a specific activity, which is characteristic for a democratic and constitutional state and its bodies (legislative, executive, judicial), consisting of the protection of rights and freedoms of man and citizen, as well as the legitimate rights and interests of legal persons. Law enforcement activity in the broad sense is a purposeful activity, which has as its aim, task and function the creation of conditions, in which public and state values are reliably guaranteed, practically realizable and are a real wealth for everyone [30, 21, 130].

As we can see, there is no impassable brink between these points of view. But they do not resolve all the contentious issues in the approaches to the understanding of law enforcement activity content. In some of them the essence of law enforcement activity seems to be too integrated and included in more general concepts, the other on the contrary provide for its four members gradation (narrower, narrow, wide, the widest). Therefore, further, it is appropriate to focus on the content of law enforcement activity in the narrow sense, specialized law enforcement activity (through the example of internal affairs bodies), which lays in prevention and suppression of encroachments on legal order, as well as the direct combat with already committed offences (this, however, does not mean that law enforcement activity issues in intrabranch management do not have a value. Just in this case they are of secondary importance). At that, the focus will be on the functional characteristic of law enforcement activity, since its objective content and specific tasks of law enforcement bodies are laid down in the relevant normative legal acts.

I. S. Samoshchenko, one of the pioneers of the studied issue, includes in the content of law enforcement activity: a) supervision over the compliance with the requirements of law; b) studying of the circumstances of deeds, which contain the signs of wrongfulness; c) resolution on the merits of cases on violations of legality, implementation of decisions taken and adoption of special measures to prevent violations in the future [53, 94-94]. Often the components of law enforcement activity content are named in the legal literature as its kinds, varieties, organizational-legal forms, subsystems or directions. With some refinements, not generally touching the foundation of the concept proposed by I. S. Samoshchenko, the mentioned provisions are repeated L. S. Yavich [69, 30], V. M. Gorshenev [15, 182], M. I. Baitin [4, 230], N. N. Voplenko [13, 144], I. L. Petrukhin [42, 36]

and other scientists. It is noteworthy that this concept remains valid even today, being enriched by the constructive additions and refinements of modern legal scholars. Thus, disclosing the content of law enforcement activity, some authors distinguish in it the main, central link. According to A. P. Shergin, law enforcement activity performs corrective function in the system of legal regulation, and its core link is jurisdiction, the essence of which consists of the consideration of case on violation, on legal dispute and taking decision thereon. Other types of law enforcement activity basically "cater" jurisdiction [63, 9-16]. While supporting this point of view, we note that with respect to the activity of internal affairs bodies as this central link it is advisable to consider active monitoring over the compliance with legal norms of the real conduct of participants of protected public relations with subsequent correction where necessary. Surveillance covers all forms of monitoring over compliance with normative legal acts, including supervision, inspection, audits, checks, control in the strict sense of the word, etc. It is inherent to both external and corporate activity of internal affairs bodies. Monitoring over the performance of requirements of law by participants of social relations compels to refrain from violations of legality. This is its social function and its significant preventive potential. There is a number of authors, who support the given statement. For example, S. M. Kuznetsov writes that "the main thing in law enforcement activity is not the registration of offences and imposition of penalties for them, but an active preventative, preventive impact, prevention of offences" [30, 130-131]. To a similar conclusion comes E. V. Bolotina, who considers implementation of private and public prevention as the basic direction of activity of internal affairs bodies [8, 18]. After all, the more effective the internal affairs bodies will carry out monitoring and oversight functions, the smaller will be the volume of jurisdiction. Repressive, punitive component in the content of the law enforcement activity of the State that has declared itself constitutional should, in our view, decrease. Pretty symptomatic that among the researchers involved in this issue the number of scientists considering enforcement of laws only as punishment for failure to comply with normative requirements is getting fewer. According to A. P. Shergin, "Constitutional state is inconceivable without humane administrative policy. The transition from the repressive-prohibitive nature of administrative policy to democratic relations with the population includes audit and reduction of administrative-legal prohibitions restricting the exercising of legitimate human rights" [65, 58]. I. I. Sydoruk is also right, saying that while maintaining a natural for administrative law mandatory nature of norms, the itself "prohibitive-punitive" element of the branch loses its importance, the role of

competency and discretionary rules and as a consequence – the role of state regulation, legalization, control and surveillance increase [56, 29]. You also cannot but agree with the view of S. V. Kalashnikov that "serious threat to the formation of constitutional state and civil society is represented by the current lack of efficient supervision over legality, respect for the rights and freedoms of individuals in different spheres of public life" [22, 23, 24]. On the other hand, the systematic introducing of monitoring, representing a vigorous activity, along with preventive function ensures the maximum possible detection of offences and inevitability of punishment for them.

Law enforcement activity of internal affairs bodies is poly-functional and consists of the following types: 1) operational-investigative activity; 2) criminal-procedural activity (preliminary investigation and inquiry); 3) administrative activity (in their activity internal affairs bodies deal with other institutes of law (civil, labor, etc.), but because of the small volume of these contacts, there is no need to give them a value of separate directions). Each of these types of law enforcement activity has its own functions, specificity defined by specific purpose; normative regulation and system of units constituting internal affairs bodies. The legislator attributes a considerable part of cases on offences to the jurisdiction of internal affairs bodies. Detection, prevention, exposure and investigation of the last is exercised in the form of operational-investigative and criminal-procedural activity. But the law enforcement activity of internal affairs bodies is not limited to their participation in the fight against crimes. Special attention should be paid to the combating administrative offences, the number of which greatly exceeds the number of criminal deeds.

The main field of activities of internal affairs bodies is public relations. Exactly this circumstance determines the special role of administrative law in the functioning of internal affairs bodies [64, 8]. According to apt expression of Yu. A. Tikhomirov, administrative law is the backbone of the entire family of public law and in the role of basic primary regulators interacts with nearly all branches of law. Institutes and norms of administrative law, existing by themselves, as if penetrate in other branches, at that, more fully in other branches of public law or mixed branches of legislation [58, 7]. How exactly is the role of administrative law manifested in the activity of internal affairs bodies?

1. Internal affairs bodies are part of the executive branch, the regulator of which is administrative-legal norms. Legal status and competence of internal affairs bodies, including in external activity and in management of subordinate units, are defined by the norms of administrative law contained in federal laws,

presidential, governmental and departmental normative legal acts, provisions (statutes), administrative and service regulations.

2. Administrative-legal norms govern relations that arise in the field of protection of public order, ensuring of public safety and in organization of law enforcement itself, define the basic forms of the legal activity of internal affairs bodies (monitoring, supervision, administrative jurisdiction, etc.).

3. The mentioned norms form the compositions of administrative offences and establish responsibility for their commission, define the powers of bodies (officials) concerning consideration of cases on administrative offences, the procedure for the proceedings and execution of decisions on these cases [34, 14; 33, 26-27].

4. Administrative-legal activity – one of the most voluminous, multifaceted, polysubjective directions of internal affairs bodies' work. The latter have a significant arsenal of administrative-legal means of protecting public order and public safety, the impact of which is addressed to virtually the entire population. Amplifying in this sense the role of administrative law, I. I. Sydoruk writes, that it has a powerful arsenal of protective methods, not only to maintain order in the streets, stadiums, etc., but also to ensure the legal order of implementation public relations, for example, in economic sphere, directly or indirectly participating in the implementation of protective mechanisms of budgetary, tax, customs, civil legislation [56, 23-24].

5. Administrative law norm not only regulate the activity of internal affairs bodies in the sphere of public relations. In the process of their implementation, they pass their social approbation, effectiveness testing. Then, taking into account the administrative practice of the internal affairs bodies, the mechanism of administrative-legal regulation is improved, that is, there is a feedback of norms and law-enforcement practice [64, 8].

6. Norms of administrative law help to establish administrative-legal regimes (licensing and permitting, Passports and Visas systems, etc.), in maintaining of which the important role belongs to internal affairs bodies.

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