

Channov S. E.

**REVIEW OF THE MANUSCRIPT OF KIZILOV V. V. "INSTITUTE OF ADMINISTRATIVE RESPONSIBILITY ON THE PART OF PUBLIC CIVIL SERVANTS IN RUSSIA"
(SARATOV, 2012)**

Channov Sergej Evgen'evich, Head of the Department of Service and Labor Law, P. A. Stolypin Volga Region Institute of Russian Academy of National Economy and Civil Service at the RF President, doctor of law (LLD), Associate Professor

Reviewed scientific work of the author is timely, and the author's invoke to the theme of liability of executive authorities' representatives corresponds to the realities of Russian society. On the pages of the print media, television and other broadcast sources with constant frequency appear materials about various abuses of state bodies' officials, violations by them the rights of citizens and legal entities, illegal actions that are harmful to the civil and the public interest. It would seem that the publications in mass media themselves should be sufficient grounds for the appropriate response of law enforcement and other jurisdictional agencies. However, in fair author's opinion of the reviewed scientific research, this is not happening because of the imperfection of the Russian tort legislation.

The author considers a large army of public civil servants as separate subjects of administrative responsibility, and rightly justifies his position through the system of subjects of administrative law and the subjects of administrative and legal relations.

Disparate norms of the Code on Administrative Offences of the Russian Federation, relating to various elements of administrative responsibility of public civil servants who do not allow in practice to apply the full force of administrative responsibility in respect of delinquents – civil servants. In this connection in his monograph he carries out not only a critical analysis of norms of the current legislation in considered matters, but also offers his own views on the modernization of the Russian legislation to implement the institute of administrative responsibility of civil servants in the legislation of the Russian Federation.

The analysis of used by the author of the monograph literature, normative acts and researches of legal scholars shows that the work of V. V. Kizilov has been

written with taking into account the most recent amendments in the legislation of the Russian Federation and of those new legal scholars beliefs that are relevant to institutions of administrative responsibility and public service.

The greatest interest in the monograph represents the author's proposal of an alternative institution of cases on administrative offences committed by officials of the public civil service enshrined in the legislation. The quite logical conclusion of the author is to institute proceedings on administrative offences of public civil servants in some cases judges without drawing up a protocol on administrative offense and without prosecutor's decisions to institute cases on administrative offences, when the signs of an administrative offense are established in the administrative and legal disputes which are resolved in court.

As we see it, monographic study of V. V. Kizilov is one of the first among studies of legal scholars carried out on this theme during the modern development of the administrative law science, which comprehensively researches administrative responsibility as a measure of government response to the torts of management side of legal relation committed in public law relations.

The monograph is of great practical value in connection with the proposed in it the completed conceptual apparatus of the institute of administrative responsibility of public civil servants, covering definitions of administrative responsibility, administrative offense, administrative misconduct, official, etc. With the definitions of basic concepts which have been proposed as the doctrinal ones you can argue or disagree, criticize, or on their basis to develop other definitions, but it is their interrelation makes available the understanding of the author's scientific position on the issue of administrative responsibility of public civil servants.

The monograph contains a sufficient number of statistical expositions, convincing its readers of the need for the earliest introducing to the Code on Administrative Offences of the RF structures of administrative offences, the subject of responsibility of which is a public civil service official. The author offers his own structures of such offences based on personal experience and analysis of the current administrative and tort legislation of countries of the near abroad. But this does not mean that in a practical application of the results of the author's work legislators cannot form other structures or made clarifications to the proposed by the author structures of administrative offenses. Author's suggestions, in our opinion, will lay the foundation as for a new process of rethinking the place and role of administrative responsibility, and for this institute in applying to public civil servants.

In our opinion, the manuscript "Institute of Administrative Responsibility of Public Civil Servants of the Russian Federation" is a logical continuation of the previous author's work "Unlawful Actions of Tax Authority officials", the transition of the author from the considering sectorial specificity of torts to consideration of general issues of administrative delinquency in the civil service.

If to judge the work as a whole, the manuscript is a result of a serious study of the author, both theoretical and practical aspects of administrative offences of civil service officials in the field of public administration and civil service. We believe it is possible and necessary to use the work of V. V. Kizilov in teaching law students, in applying by higher school teachers, researchers, legal practitioners specializing in the protection of rights of citizens and legal entities, judges of arbitration courts and courts of general jurisdiction, prosecutors, law enforcement bodies' employees as well as by those interested in the issues of administrative responsibility's institute of public civil servants.

Authors' works, like the reviewed manuscript, in our view, should have a resonance in lawmaking, as they bring legislators closer to the practical problems of legal regulation requiring resolving at the legislative level.

General conclusion: the manuscript of Kizilov V. V. "Institute of Administrative Responsibility of Public Civil Servants of the Russian Federation" on its scientific level and practical orientation deserves high appreciation and can be recommended for publication as a monograph.