

## On the issue of organizational problems of state fire supervision in connection with the entering into force of the federal law on state control (supervision) and municipal control in the Russian Federation

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*Introduction.* Due to the updating of the legislative framework, the possibility of introducing the so-called "seamless" interdepartmental processes in the field of fire control and supervision is considered. The paper shows how insufficiently well-regulated actions of departments can become a factor that reduces the efficiency of work in this area and hinders its development. The importance of Federal Law No. 248-FZ of July 31, 2020 "On State Control (Supervision) and Municipal Control in the Russian Federation" was noted. At the same time, significant difficulties of its practical application are recognized. With references to the sources, it is shown that, addressing this problem, scientists demonstrate either a global, enlarged approach, or, conversely, study particular cases within the borders of one region, in relation to a specific group of objects of fire control and supervision. The relevance of the presented work lies in the fact that the authors offer an adequate solution to universal organizational problems.

*Problem Statement.* The starting point in solving the tasks of this scientific work is the study of the text of Federal Law No. 248-FZ of July 31, 2020 "On State Control (Supervision) and Municipal Control in the Russian Federation". From the point of view of law enforcement practice, the authors had to evaluate innovations in the activities of the state fire supervision bodies of the Ministry of Emergency Situations of Russia, identify weaknesses if possible, make arguments in favor of organizational and, in particular, communication processes, identify ways to solve the problems.

*Theoretical Part.* The new document is considered as an element of the evolutionary process of state policy in the field of monitoring the compliance with mandatory requirements, including in the field of fire safety. The main imbalances that can potentially reduce the efficiency of the relevant departments of the Ministry of Emergency Situations have been identified. Thus, the Regulation on Fire Safety provides for the collection, clarification and annual updating of accounting information about the objects of supervision. At the same time, only the names of procedures are given in the document. There is no scheme of actions that links the object of supervision with such features of the subject (official) as: knowledge, experience, workload, Internet skills, computer or digital technology, technical and organizational availability of information resources. According to the statistics, the urgent need for appropriate adequate solutions is dictated by objective reasons. Constructive and relatively easy-to-implement measures to overcome the identified imbalances are indicated.

*Conclusions.* The results of scientific work presented in this article demonstrate the direction of further improvement of the professional activities of specialists in fire control and supervision, as well as the department as a whole. The results of the research suggest that at the present stage in Russia (and, in particular, in the Rostov region) the information base is sufficient to improve departmental processes. Two factors should be recognized as the main weaknesses of the system. This is clearly insufficient digitalization of departments and the lack of high-quality communications between departments of various levels and profiles.

**Keywords:** state fire supervision, state control, risk-oriented approach.

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**Introduction.** Until a certain time, coordination of state and municipal control and supervision was a significant theoretical and applied difficulty [1–3]. Imbalances caused by the inability to build so-called "seamless" processes in the field of fire control and supervision were considered as a special case of the designated problem. Insufficiently well-regulated actions of departments at various levels could be a factor that reduces the efficiency of work in this area and hinders its development [4]. The necessary amendments to the current legislation were discussed in the scientific, professional and legislative environment [5, 6]. The result should have been a new regulation. This turned out to be the law defining the tasks of state and municipal control. It came into force in the summer of 2020 and marked a new stage in the development of the field of supervision (including firefighting), which can now focus on a single basic legislative act. At the same time, it is necessary to recognize significant practical difficulties that can become an obstacle to the growth of the effectiveness of the activity under consideration. It should be noted that, addressing this problem, scientists demonstrate either a global, enlarged approach, or, conversely, study particular cases within the borders of one region, in relation to a specific group of the controlled objects [7]. The relevance of the presented work lies in the fact that it offers a solution to universal organizational problems. On the one hand, they are faced by arbitrarily small fire and supervision departments. On the other hand, the processes under study are scaled and can be implemented at the federal level.

**Problem Statement.** The objectives of this scientific work are related to the study of the text of Federal Law No. 248-FZ of July 31, 2020 "On State Control (Supervision) and Municipal Control in the Russian Federation". In this document, the authors of the presented article are primarily interested in innovations in the activities of the state fire supervision bodies of the Ministry of Civil Defense, Emergencies and Elimination of Consequences of Natural Disasters (EMERCOM) of the Russian Federation. Scientific research in this direction allowed us to solve the difficulties of applying some provisions and identify possible solutions.

**Theoretical Part.** On July 31, 2020, Federal Law No. 248-FZ "On State Control (Supervision) and Municipal Control in the Russian Federation"<sup>1</sup> came into force. The document should be considered as an element of the evolution of state policy in the field of monitoring the compliance with mandatory requirements. In particular, the legislative act under consideration develops the provisions of federal laws on the protection of the rights of legal entities and individual entrepreneurs in the course of state control (supervision) and municipal control No. 134-FZ of 08.08.2001 and No. 294-FZ of 26.12.2008.

As legislatively proposed innovations, the following should be noted:

- new supervisory procedures;
- emphasizing the importance of conscientious compliance with the requirements;
- orientation towards the introduction of modern information technologies, that is, digitalization of control (supervisory) activities.

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<sup>1</sup> Federal Law No. 248-FZ of July 31, 2020 "On State Control (Supervision) and Municipal Control in the Russian Federation". State Duma; Federation Council. Collection of Legislative Acts of the Russian Federation of August 3, 2020 No. 31. Part I. Art. 5007.

Within the framework of the document under study, the Regulation on Federal state fire supervision has been updated<sup>2</sup>. One of the conditions for the effectiveness of such activities is timely and complete accounting of objects supervised by the Ministry of Emergency Situations of Russia.

For these purposes, the Regulation provides for the collection, clarification and annual updating of accounting information about the objects of supervision. It should be clarified that in this case, the names of procedures are established. We are not talking about a scheme of actions that links the object of supervision with such features of the subject (official) as:

- professional knowledge,
- work experience in public authorities or local self-government,
- official workload,
- skills in working on the Internet, with a computer or digital equipment,
- technical and organizational availability of all necessary information resources.

In other words, an ordinary employee of the territorial department should have a working scheme of operational and high-quality information interactions at his disposal. Let us give an example. The specialist must know exactly where and how to send a request for information on the accounting of objects of supervision. Moreover, the communication system should exclude any ambiguity, which can subsequently be interpreted as the withdrawal of objects from accounting and supervision. In this case, it is unacceptable to offer the contractor an indefinite or unclosed list of sources of information.

The current version of the Regulation has not been finalized in this sense.

Let us mention another obvious weak point of the current version of the document. Its authors assume that a person will process and analyze incoming data, the volume of which is enormous.

An example may be one of the aspects of applying a risk-based approach. Thus, even those land plots without any buildings and structures should be classified as risk categories. Therefore, these objects should to be taken into account and monitored— including planned control (supervisory) measures. In accordance with the current procedure, such sites should certainly be assigned a moderate risk category<sup>3</sup>.

According to the Federal Service for State Registration, Cadastre and Cartography, in November 2021, 149,936 land plots were registered on the territory of Rostov-on-Don, excluding land on which surveying work was not carried out. On the scale of the Rostov region, we are talking about 2,124,923 plots and 3,011,596 capital construction objects<sup>4</sup>.

At the same time, the staff size of the department of supervision and preventive work in Rostov-on-Don is 45 people. It is obvious that they cannot analyze the simultaneously received data of such volume and compare them with the already available information. Or they will have to do only this and stop all the other core activities of the organization. Conditionally, we will take 1 minute for the average processing time of information about one land plot. This means that 6.94 working days of continuous work of the entire department will be required to process all the data.

Thus, the total state supervision provided for by law is negated by the lack of human, time and other resources.

The situation is similar with the control (supervisory) measures with such a number of objects of supervision. Let us consider an example with a site classified as a moderate risk, due to which planned control (supervisory) measures are carried out on it no more than once every 6 years. How in this case will it be necessary to treat the

<sup>2</sup> Regulation on Federal State Fire Supervision No. 290 of April 12, 2012. Government of the Russian Federation. Collection of Legislative Acts of the Russian Federation No. 17 of April 23, 2012. Part III. Art. 1964.

<sup>3</sup> Regulation on Federal State Fire Supervision No. 290 dated April 12, 2012. Government of the Russian Federation. Collection of Legislative Acts of the Russian Federation of April 23, 2012 No. 17. No. 27. Part III. Art. 5403.

<sup>4</sup> Public cadastral map. Federal Service of State Registration, Cadastre and Cartography. Available from: <https://pkk.rosreestr.ru/> (accessed: 03.10.2021)

situation if violations of fire safety requirements in this area will cause harm to human health or his death? It is quite obvious that in order to assess the completeness of the implementation of state supervision, supervisory or investigative authorities can use conditional reasonable periods of events. Negative examples in this case will be clearly inadequate upper limits of terms (for example, decades). We should also note: the performers, of course, should be disciplined by the idea that in the ranks of the fire supervision authorities the guilty person will always be found.

The most effective solution is to optimize the number of objects of supervisory activity by unconditionally assigning land plots of the considered type to a low risk category and eliminating the need to carry out planned control (supervisory) measures in relation to them.

Another way to solve the problem is to increase the risk category if there are confirmed data on violations of fire safety requirements on undeveloped (empty) land plots and (or) in connection with fires that occurred on them.

In addition, it is necessary to legislatively approve the annual provision of accounting information about objects of protection from the Federal Service for State Registration, Cadastre and Cartography, which records and registers land plots and capital buildings. In this case, the data must be received in the "no request" mode. That is, the supervisory authority should not initiate the transfer of information; it will be guaranteed to receive them in any case at a set time.

**Conclusions.** Prompt resolution of the theoretical and law enforcement ambiguity of the described innovative legislation will avoid discrediting the control and supervision bodies, as well as the Ministry of Emergency Situations of Russia. In addition, such an approach will improve the organizational and psychological conditions of the professional activity of officials, provide them with the opportunity to perform their duties in a timely manner and in full.

The results of scientific work presented in this article demonstrate the direction of further improvement of the work of specialists in fire control and supervision, as well as the department as a whole. The results of the research suggest that at the present stage in Russia (and, in particular, in the Rostov region) there is an information base sufficient to increase the effectiveness of fire control and supervision. Two factors should be recognized as the main weaknesses of the system. The first is the level of digitalization of departments and the so-called digital competencies of a number of specialists. The second is the lack of direct, clear and unambiguous communications between departments of various levels and profiles.

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