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## THE ISSUE OF REGULATING HUMAN RIGHTS AND FREEDOMS IN MODERN TRANSFORMING SOCIETY

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*Abstract:* The development of the institute of human rights and civil freedoms in any state indicates the level of its own development, while the proper mechanism for implementing the norms that enshrine human rights and civil freedoms testifies to democracy, law and order, the legality and legal level of this state. The article aims at studying the legal mechanism for implementing and protecting human rights and freedoms in modern conditions. The authors of the article have revealed that the Russian society grows aware of human rights and freedoms, which can be regarded as the beginning of the spiritual revival of the Russian Federation. The ideology of rights is now generally recognized and required by both government and society. From the viewpoint of this ideology, the Soviet and post-Soviet views should be reassessed and projected onto the near and distant future. The authors have proved that the realization of individual rights is a complex and multifaceted phenomenon that includes not only the activities of law enforcement agencies but also the activities of individuals. They have also established that the individual's activity in such implementation depends on the level of legal consciousness, legal culture and legal awareness.

*Keywords:* regulation, limitations, society, institution, order, strategy.

### Introduction

There is no doubt that the institution of human rights and freedoms is an indicator of the development of any state. The proper mechanism for implementing the norms that enshrine human rights and freedoms testifies to democracy, law

and order, legality and the legal level of a given state.

Despite the consolidation of human rights in international acts and the legislation of certain states, such rights are not properly realized. It is obvious that the status of legal norms is not enough to establish some rights in society, there-

fore there should be a special mechanism for their implementation.

At the beginning of the 21<sup>st</sup> century, the realization and protection of human rights and freedoms acquired global significance and became crucial in the international system of criteria for assessing the development of democracy. This process has both objective and subjective foundations. It is conditioned, on the one hand, by the formation and development of the world civilization and its democratic institutions, and, on the other hand, by the will of global leaders aimed at creating a unified world order based on the generally accepted idea of protecting human rights and combating terrorism.

Such an attitude to the above-mentioned issue in the world is rather objective and often has a political aspect. The situation is unlikely to change in the foreseeable future.

The regulation of human rights and freedoms was studied by many scholars. According to Bart Custers (2021), the legal and social mechanism for implementing human rights and civil freedoms are external factors that transform rights and obligations into the behavior of a person, and the socio-psychological mechanism is an internal condition for this implementation. N. van Dijk emphasized that legal forms could not express numerous factors of social life that affected the effective implementation of human rights and civil freedoms. In his opinion, the legal form is designed to secure certain legal means in the form of liability for failure to perform or improper performance of official duties (van Dijk, 2021).

Rabiul Islam (2018) claimed that more efficient realization of people's subjective rights largely depended on the development of forms and methods for their implementation and the consolidation of subjective rights in the current legal system. Alessandro Mantelero, Maria Samantha Esposito (2021) and David Nersessian (2018) argued that the implementation of human rights required to develop stages of implementation for each type and determine the best ways of legal and organizational support for their implementation.

However, the study of their scientific works has revealed the basic contradictions between the necessity and expediency of regulating human rights and freedoms.

This article aims at studying the legal mecha-

nism for implementing and protecting human rights and civil freedoms in modern conditions.

## Methods

In the course of the study, we used general and special methods: the dialectical method (to study the theory and practice of the constitutional consolidation of human rights and civil freedoms); the comparative-legal method (to analyze the constitutional consolidation of human rights and civil freedoms in the Russian Federation and foreign countries); the historical method (to determine the formation and development of human rights and freedoms); the method of system-structural analysis (to reveal the institution of rights and freedoms); the formal-logical method (to define such legal categories as 'human rights', 'the institution of human rights and freedoms', 'the classification of constitutional human rights and freedoms').

To clarify the views of citizens on human rights and freedoms enshrined in the Constitution of the Russian Federation, a quantitative study was conducted using the sociological method. The empirical base is formed by the generalization of surveys among 80 respondents from most regions of the Russian Federation.

The regulatory base of the study comprises the Constitution of the Russian Federation, decisions (legal positions) of the Constitutional Court of the Russian Federation and European bodies that exercise constitutional jurisdiction, constitutions of the European countries, decisions and cases of the European Court of Human Rights, resolutions of the Plenum of the Supreme Court of the Russian Federation, laws of some foreign states, as well as other legal acts regulating constitutional human rights and civil freedoms.

The main research method is formalization used to substantiate the regulation of rights and freedoms (Abdullayev, 2020; Drobysheva et al., 2018; Kazanchian, 2020). Thus, the main provisions of human rights and freedoms were formalized, which allowed to formulate a clear plan and create a foundation for developing full-fledged measures to improve the regulation of human rights and freedoms.

At the first stage, the mechanism for implementing human rights and civil freedoms in the Russian Federation was substantiated. At the se-

cond stage, a system of guarantees of human rights and freedoms was formed, as well as conditions for their realization and protection means.

## Results

The concept of ‘realizing human rights’ is closely related to their protection. The enforcement of human rights is defined as a system of providing such rights by state institutions operating in a legal regime. This system includes such compo-

nents as competence, protection and creation of the necessary conditions for realizing human rights.

The implementation of human rights is a part of their protection since some conditions precede the corresponding implementation. In the Russian Federation, there are several burning issues, including the effective use of the Constitution of the Russian Federation for the state process, the implementation of its principles into real life and the definition of factors that negatively affect the implementation of constitutional norms (Fig. 1).



Figure 1. The Mechanism of Regulating Human Rights and Freedoms in the Russian Federation.

Constitutional norms are realized as principles and generalized norms. These are revealed in the current industry-specific legislation. It is possible to create an effective mechanism for implementing state functions, protecting the relevant human and civil rights. Therefore, human rights and civil freedoms have acquired the highest social value. In our opinion, they require a legal mechanism to ensure their implementation and protection.

Human rights and civil freedoms should not only be conditioned by social needs, be legally enshrined, recognized and protected by government bodies and public officials, but also correspond to the possibilities of their implementation. Hence, the effective provision of the priority of human rights and freedoms depends on econom-

ic, political and socio-cultural factors, the dominant legal culture and subcultures in society, which affects the person’s ability to understand its legal possibilities, realize their freedoms as both common and individual values, learn how to use them.

In the Russian Federation, human rights have been and still are ‘hostages’ of complex state processes or objects of systemic political speculation on the part of practically all political forces, which reduces the value of human rights in public consciousness. Such an impersonal approach forms the social alienation of an individual and a citizen, makes it impossible to introduce an effective state policy, hinders its implementation, creates unfavorable conditions for the development of individuals and society as a

whole.

In this case, a person acts as a means rather than a goal of the state's activity. In the Russian Federation, practically all rights are violated. The number of human rights violations and crimes committed is growing from year to year. Unfortunately, the Russian citizens do not usually protect their rights and freedoms in courts and do not use this measure to the full extent.

This is conditioned by the following factors: firstly, the term for considering cases is not established by law and, therefore, citizens cannot protect their rights for years, which gives rise to distrust and disrespect towards judges and the judicial system as a whole; secondly, the inability of most citizens to use the services of a lawyer; thirdly, a significant number of conflicts in the Russian legislation, instability and frequent legal changes.

The judicial system is influenced by an overload and underfunding, which gives rise to corruption. In this case, the following issues can be identified in the implementation of human rights and civil freedoms: the low level of legal culture and legal consciousness of most citizens; an unsatisfactory level of external educational impact on each person by society and self-education despite a real sense of honor and dignity; non-observance of the rule of law (legality) in the life of society and state, and the unconditional responsibility of each person to themselves and the environment for the process and results of their activities; the inequality of branches and bodies of state power and the improper functioning of local self-government bodies; unprofessionalism in the field of political and state management and its dependence on personal and group (clan) interests; no clear structure of civil society and civil control over the activities of all government bodies; a high level of corruption at all levels and

stages of state and public life and the lack of political will to reduce it; the absence of direct mutual dependence between a person and a citizen and state and society without the responsibility of officials and citizens.

Problems connected with the realization of human rights also include the inaction of government bodies (law enforcement agencies); the disunity of various socio-cultural groups; the lack of effective interaction between government agencies and human rights defenders; no proper expertise of lawmaking and rulemaking regarding the observance of human rights and freedoms; the poverty of the Russians which exposes them to manipulation by capital owners.

The issue of ensuring political rights is challenging. An important condition for citizens to exercise their rights and freedoms is the existence of effective laws in this area. In the Russian Federation, many legislative acts have been adopted and are in force that determine the implementation of political rights and freedoms. However, there is no legislation in the sphere of exercising the right of peaceful assembly and legal positions.

It is still relevant to dwell on the implementation and protection of social rights and freedoms. The corresponding studies show that 37% of respondents believe that social rights are among those basic rights that are most often violated in the Russian Federation. 20% of respondents say that the right to a fair trial as a right is often violated and not implemented at a sufficient level.

The research demonstrates that the Russian Federation is very far from the conditions under which each citizen can exercise their social rights in full. In particular, the system of guarantees of human rights and civil freedoms in the Russian Federation includes socio-economic, legal and political tools (Fig. 2).

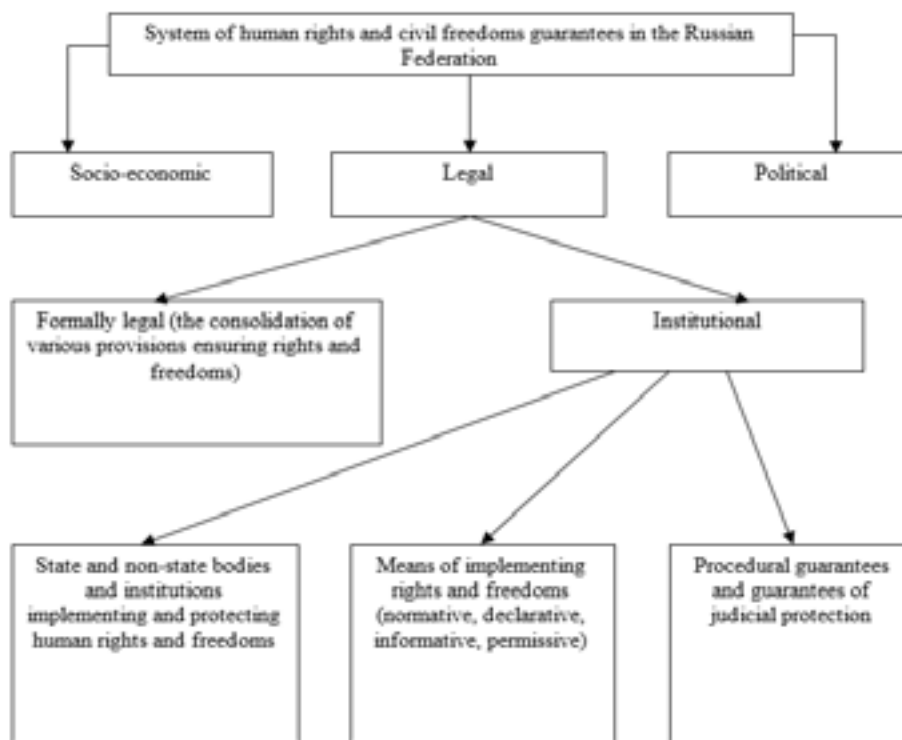


Figure 2. The System of Human Rights and Civil Freedoms Guarantees in the Russian Federation.

The frequent change of statistical indicators reflects the difficulties that the State faces in guaranteeing basic social standards and improving the standard of living of the population. The social security system in the Russian Federation is ineffective due to the lack of sufficient budget funding. Thus, the basic social standards unfortunately often remain declarative.

The Russian government tries to experiment with the issues of social security. This is quite natural for countries with unstable economies. It will be extremely difficult not only to rebuild the economic and legal components of the social protection system but also to change the stereotypical thinking of citizens (Vinogradova et al., 2019).

The observance of cultural rights shows that many problems in this area are insoluble. For example, negative trends of the past years have not been overcome in the educational sphere. In particular, the network of preschool educational institutions decreases, rural schools experience a crisis, the role of education is leveled, the situation in the training of workers remains unsatisfactory, high-quality educational services and

higher education is inaccessible to many citizens from socially unprotected categories.

As a result, not all Russian citizens have the opportunity to fully realize their constitutional right to education and their educational potential. Citizens have the right to receive free higher education in state and municipal educational institutions on a constitutional basis. However, it is very difficult for a particular citizen to get an academic degree free of charge.

The development of education and its reforming is a matter of national importance. This applies to every citizen of the Russian Federation, therefore strategic directions and actions for the real protection of human rights at all educational levels should be laid as the basis for the further changes. In addition, it is necessary to increase the quality of education, which is not only a guarantee of personal well-being but also the basis for the economic development of state and intellectual enrichment.

Ensuring constitutional human rights and civil freedoms in full is a rather difficult process. In particular, there is a significant discrepancy between modern legal regulators, legal means and

the current implementation of human cultural rights and freedoms in the Russian Federation.

According to the Constitution of the Russian Federation, a person, their life, health, honor and dignity, inviolability and security are recognized as the highest social value. This constitutional provision defines one of the most important areas of state activity in modern conditions. Under these conditions, the Russian Federation, being a member of the UN and other international organizations, fulfills its obligations under international treaties, including those that are directly related to human rights and civil freedoms.

The country is improving the current legislation to adjust it to international standards, thereby creating the necessary legal system for democratic society (Vinogradova et al., 2020). In addition, it plans to create a mechanism for organizational support of administrative reforms, which would cover their main components. Such a mechanism is crucial because all civilized countries have gone through economic, social and legal reforms. Their effective implementation was ensured by special state structures.

The legal basis for administrative reforms is the Constitution of the Russian Federation and other laws that determine the status of federal and local executive authorities, the system of administrative-territorial structure and organization of local self-government bodies. At the same time, the processes taking place in the Russian Federation are complex and ambiguous, therefore they need to be reformed in all branches and institutions of the legal system in order to achieve the main goal, i.e. to protect human rights and civil freedoms.

Under these conditions, any injustice committed against one person threatens everyone. Therefore, the significance of protecting human

rights and freedoms is also conditioned by the need to increase the legal culture of the population, as well as changes in the legal consciousness and legal thinking of employees of law-making and law-enforcement bodies in the Russian Federation, the formation of priority positions for ensuring human rights and freedoms by administrative law.

The social, political and legal changes that have taken place in the Russian Federation stipulate the need for new views on ways to protect human rights and freedoms in accordance with the standards, principles and norms that have been developed by the world community. Currently, international legal norms, principles and standards have a greater impact on the formation, improvement and development of the national system of law, including administrative law.

The fundamental rights and freedoms established by the Constitution of the Russian Federation aim at creating and maintaining conditions for the normal life of a person. This document also establishes guarantees for their implementation. However, these rights and freedoms in a regulatory legal act of higher legal force are not indicators of their realization. The reforms conducted in the country should form a democratic, social and legal state, where the dignity of a person, their rights, freedoms and legitimate interests, as well as justice are the main values.

The formation of the legal Constitution of human rights and freedoms, as well as their development are associated, first of all, with the rule of law and determined by the system of economic, political and legal measures. The recognition of protecting human rights and freedoms in state is expressed by forming conditions for their implementation and *protection* (Fig. 3).

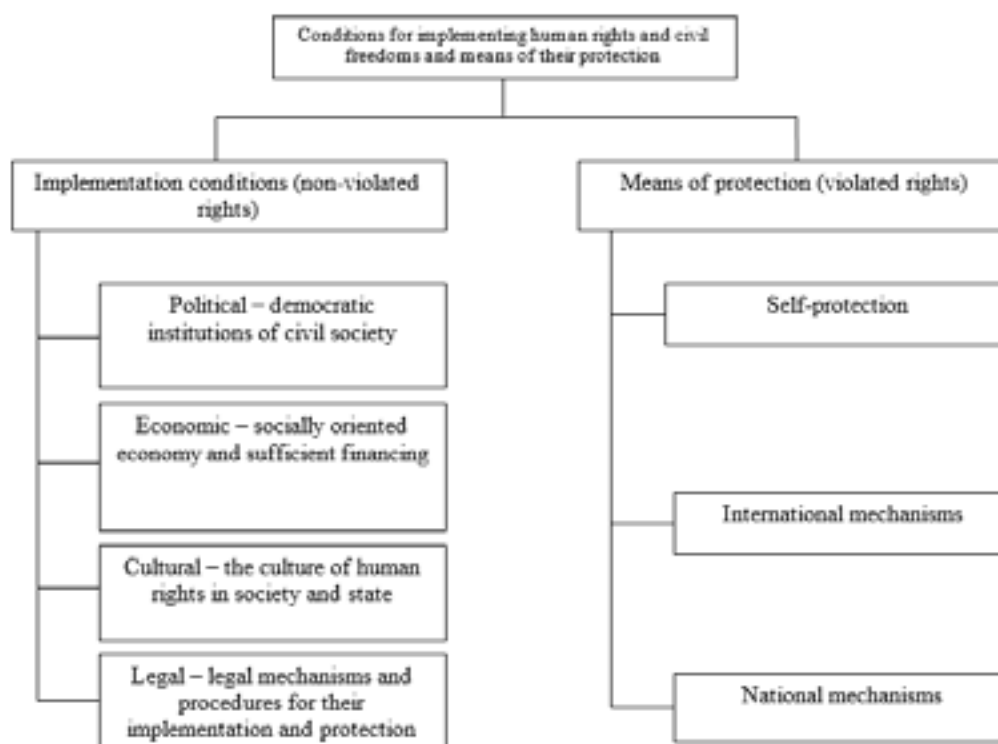


Figure 3. Conditions for Implementing Human Rights and Civil Freedoms and Means of their Protection.

Each type of historical rights development provides its own legal definition of a person as a subject of law. Legislation also formulates the idea of rights, freedoms and duties. Under these conditions, the history of law is the development of ideas about human rights from primitive and imperfect to modern ones. The analysis of legal documents (the Magna Carta (1215), the Petition on the Right (1789-1791) and the Universal Declaration of Human Rights (1948) demonstrates the ways and logic of forming legal structures in the sphere of the rights and freedoms of citizens, the initial approval of norms in the social limited version and their consistent development, content enrichment, gradual spread to other groups of legal norms and recognition of the achievements of civilized countries.

The process of democratic transformations led to the recognition of universal human values, the proclamation of the rule of law and its principles. These include: the priority and inviolability of human freedoms, rights and interests, honor and dignity, their protection and guarantee, a fair distribution of rights and obligations, as well as mutual responsibility between an individual and

state, effective forms of control and supervision over the implementation of laws.

The main measures that ensure these principles are as follows: the sovereignty of people, the widespread development of public self-government, the accountability, efficiency, subordination of actions of state and its officials to society, no excessive concentration of power in one of the branches of government, a real opportunity for citizens and other subjects of law to protect personal rights and legitimate interests in court, the responsibility of all officials for their actions in relation to each citizen.

The constitutional list of human rights and civil freedoms reflects the needs of society, stimulates the development of state-legal relations, the legal culture of citizens. Human rights and civil freedoms should create legal and actual conditions for the life of an individual. Their main functions are as follows: democratic (the participation of individuals in the management of society); protective (prohibited interference in personal life); integration (the creation of conditions for the integration of society, mutual understanding of all its members); social (the determi-



nation of the rights of state bodies in relation to the rights of citizens); axiological (proclaiming a system of values that are important for a person in society).

While analyzing the functions of human rights, freedoms and duties, we have concluded that they are optimal for providing a balance of interests of an individual in society and resolving possible conflicts of such interests. If human rights and freedoms, as well as possibilities for ensuring them, actively interact with social development and do not differ from the ideas dominant in society, they act as objective conditions for realizing the interests of an individual.

Only in this case, a citizen, using the rights and freedoms granted, might not feel their boundaries established for public interests and perceive the assigned duties as not separating a person from society. Under these conditions, duties become a natural addition to individual rights.

Studies show that a constitutional obligation is a kind of legal obligation that determines the measure of necessary human behavior provided for by law. In this regard, a legal obligation is an important element of the legal status of a person and an essential part of legal relations. The rights of a person without obligations remain unprotected.

Under these conditions, constitutional obligations are legal obligations that determine the mandatory behavior for all members of society in the territory of state. The acceptance of law as equality, an equal measure of people's freedom, includes an understanding of justice, which reveals the relationship between the concepts of 'right' and 'law'. The understanding of law and right comprises the concept of justice, which is an internal feature of law, i.e. law is the bearer of justice in the social environment.

The rights and freedoms established by state are designed to ensure, first of all, the participation of individuals in public life by providing them with legal opportunities. The classification of these rights and freedoms according to their application reveals the relationship between society and state, as well as the nature of a political regime in a given country. Rights and freedoms also determine the content of state activity. If the Constitution defines the rights and freedoms of citizens as the most important benefits, these are features of a right-wing state.

In this case, the principle of separation of

powers guarantees the stable functioning of public authorities. Legal culture is the highest spiritual indicator of the rule of law. The legal culture of society is a method of human existence in the legal sphere: ways of the legal regulation of public relations, forms of interaction between subjects of public relations, their attitude to the rule of law.

The lack of a developed legal culture does not allow society to effectively solve socio-economic issues to ensure decent living conditions for a person, their rights and freedoms (Kellman, 2021; Novikova, 2020). Being a social phenomenon, legal culture includes numerous elements of legal life. These include: legal relations; legality; law and order; legal behavior; legal awareness. One of the most important components of human culture is law that arises at the appropriate stage in the development of the social system.

At the same time, the formation of law is a mandatory stage in the development of culture. An integral component of legal culture is the rights and freedoms of citizens enshrined in the norms of law. These are patterns and models of behavior in accordance with which a person evaluates their actions. If the legal culture of society reflects the way people act, then human rights and freedoms act as a regulatory reflection of the way people interact with each other and with society.

One of the main elements of legal culture is subjective-psychological attitude to legal rights and obligations, their practical implementation in legal activities. The attitude of citizens to rights and obligations is the main point in assessing their legal life.

Respect for law is the main component of the legal culture of a person. The elements of this category are as follows: the legal awareness of an individual, a group of individuals or the whole society; the assessment of laws and legal regulations; the combination of personal interests with universal ones; the attitude of citizens to the activities of legal institutions, law and order in the territory of a city, district or state; the prestige of the legal profession.

The essential quality of human rights and freedoms is their reality. This means that a person should have real access to the values defined by constitutional norms, if so desired. The reality of human rights and civil freedoms is connected with their borders, i.e. the freedom of one person

should not mean affect the freedom of the other. It can be considered fair that the restriction of rights and freedoms is possible only within absolutely necessary limits. It is also important to ensure that those who are subject to restrictions know and understand their reasons.

Based on the nature of social relations, human rights and freedoms can be classified into the following groups: a) civil rights and freedoms; b) political rights and freedoms; c) social rights and freedoms; d) economic rights and freedoms; e) cultural rights and freedoms. These groups cover all aspects of economic, political, social and cultural life, and corresponds to their generally recognized list in international laws, which reveals their democratic orientation and traces the dynamics of their development.

In this case, the administrative-legal status of human rights and freedoms plays an important role, which is an independent set of elements enshrined in administrative law. Such elements are administrative legal capacity as the ability determined by state to have the rights provided for by administrative and legal norms, and administrative legal capacity as the ability of citizens to exercise constitutional rights and obligations through their actions.

The administrative-legal status of citizens is based on the principles inherent in it, i.e. the fundamental ideas and governing principles that lay the basis of the administrative-legal regulation of social relations. These include: the comprehensiveness and completeness of human rights and civil freedoms; the priority of rights and freedoms; the combination of individual interests with state and public ones; publicity and awareness; the dynamism of rights and freedoms; the equality of citizens before the law; the right to protection and legal assistance; the impossibility of abolishing and narrowing the rights and freedoms of citizens. Therefore, the administrative-legal status of human rights and freedoms can be divided into general, special and individual, which are connected with the constitutional status.

Practice has shown that the provision and protection of human rights and freedoms is the basis of the rule of law. The administrative and legal methods of protecting human rights and freedoms in terms of content and object cover social relations in various spheres of state. Their specifics are that they arise in the process of executive

and administrative activities conducted by state bodies. In our opinion, these include: 1) the constitutional right to appeal; 2) judicial control and supervision for the protection of human rights and civil freedoms; 3) general supervision of the prosecutor's office, representation by the prosecutor of the interests of citizens in administrative proceedings.

Citizens are mandatory parties to administrative-legal relations aimed at the implementation of their constitutional rights to appeal in the process of judicial control and supervision for the protection of human rights and civil freedoms, as well as the representation of the interests of citizens by the prosecutor in administrative proceedings (Vinogradova et al., 2021). We believe that the role of constitutional rights to appeal, as subjective rights, lies precisely in the fact that they provide every citizen with social benefits and allow to satisfy the relevant interests.

It seems that the constitutional right to appeal, as an administrative and legal way to protect human rights and civil freedoms, includes social and legal elements. Its social component expresses a possible behavior of citizens in order to satisfy their subjective and social interests. This combination of interests is guaranteed by various democratic processes taking place in state.

The legal component of the constitutional right to appeal is determined by its objectivity. The Constitution indicates the general scope of such a right. This universal approach implies stability and creates rules for a long-time use. The constitutional possibility of appeal is specified in the current legislation but it does not affect the right of citizens of the Russian Federation to appeal. This specification proves its significance and value for citizens.

The right of citizens to appeal cannot remain the same and is constantly changing. To characterize its content, it is necessary to consider the directions of its development. If the right to appeal is regarded as a constitutional right, then we need to emphasize that there is plenty of behavioral patterns. In the process of developing public relations in the Russian Federation, new opportunities will arise for citizens to exercise their right to appeal against the actions and decisions of government bodies, institutions and their officials. High hopes are placed on the introduction and development of the institution of administrative justice.

The study allows to conclude that the constitutional right to appeal fulfills the following functions: law enforcement; social control, participation of citizens in the management of state activities. In our opinion, the presence and actual implementation of these functions help to understand the role and importance of the constitutional right to appeal.

The law enforcement function means that, guided by the current legislation, a citizen files a complaint and notifies public authorities or their officials of a violation of the law establishing human rights and civil freedoms, as well as the conditions and circumstances of these violations. The function of social control shows how citizens influence the improvement of enterprises, institutions and organizations to which they apply. While implementing this function, citizens also realize one more function, closely related to the previous one. They freely express their opinions and communicate their needs and interests.

If the right of citizens to appeal acts as a means of social control, regardless of a type of the citizen's complaint (justified or unjustified), this right also serves as a means of eliminating shortcomings in the work of government bodies and their officials in relation to justified complaints. Therefore, the citizen's participation in the management of state processes is manifested through an opportunity and with the help of a complaint to eliminate shortcomings in the activities of enterprises, institutions and organizations.

If this right is considered political, there is a public interest in its content combined with the personal interest of a citizen to participate in managing the affairs of state and society. A democratic rule of law should be interested in the participation of citizens in such management since this is an incentive in the development of democratic social relations and a way to protect human rights and freedoms.

While ensuring the personal interest of an individual in protecting a violated right or legitimate interest, the constitutional right of citizens to appeal allows them to participate in management. Each realized complaint does not only protect a violated right and legitimate interest but also eliminates shortcomings, prevents violations of law, considers different viewpoints of individuals, and ensures the citizen's participation in the management of enterprises, institutions and organizations.

## Discussion

The reliability of the above-mentioned approaches is confirmed by the fact that in the process of exercising the right to appeal, the citizen's interest in protecting this right can be satisfied only if the citizen's complaint is justified. In other words, if it indicates real and not fictional facts of the violation of rights and legitimate interests. If the citizen's complaint is not substantiated, then the interest in its protection cannot be objectively satisfied. In such a situation, the citizen's interest in management participation also cannot be satisfied.

Under these conditions, it is not enough to indicate only interests in the process of implementation. It is also important to answer the question of how this right is exercised. Based on the nature and content of people's right to appeal enshrined legislation, this right is exercised directly through general constitutional legal relations and certain criminal proceedings, civil procedural and administrative procedural norms.

The possibility of direct implementation of the human right to appeal as a constitutional right is conditioned by the fact that the Constitution of the Russian Federation is, to a certain extent, an independent legal regulator of social relations. In this regard, many opportunities of appeal, which are the content of the constitutional right to appeal, suggests that a person can file a complaint in order to exercise this right not to one subject but to a wide range of enterprises, institutions, organizations and officials. Consequently, it is necessary to consider the number of specific legal relations in which a person participates.

Being an actor in the process of exercising the constitutional right to appeal, a person is opposed not by one body but by state as a system of government bodies, i.e., this right is realized in general legal relations. The specification of the constitutional right to appeal in administrative law is the definition of its status through legal relations with legal entities and individuals, starting with filing a complaint and satisfying the claims submitted by a person.

In addition, administrative justice can be regarded as a form of judicial control and supervision or as an administrative-legal means of protecting human rights and freedoms (Vinogradova et al., 2022). The objective condition for its existence is the verticality of substantive adminis-

trative relations, which are based on the method of power-subordination.

Therefore, administrative-legal relations arise in a special sphere of public life in connection with the implementation of executive and administrative activities by government bodies and officials. Under these conditions, the main features of administrative-legal relations that distinguish them from other public relations are as follows: firstly, the administrative powers of administrative bodies and administrative officials; secondly, an imperative method that assumes the inequality of participants in social relations.

Considering these circumstances, the content and form of the court's activities in cases arising from administrative-legal relations should be administrative justice, and its legal regulation is determined by administrative-legal norms. The scope of administrative justice is a public law dispute in the field of public administration regarding the legality of any action (inaction) or legal act of managerial activity. Its purpose is to stop illegal actions within a legal act.

This research is consistent with the studies conducted by Kyle Puetz, Andrew Davis and Alexander Kinney (2021) who identified the principles of organizing administrative law: German, Anglo-Saxon and French. Based on their viewpoints, it can be concluded that models of the organization of administrative justice are rather conditional and represent an attempt to classify various forms of administrative justice.

The common thing to various models is that a public law dispute on the protection and restoration of violated human rights and freedoms is based on the principle of equality of parties before the court, openness and publicity of the trial, competitiveness of the parties and the impartiality of the court, a body independent of state structures specifically appointed to consider this dispute (Rodrigues, 2020; Wong et al., 2020).

Due to historical and legal reasons, there are different models of administrative justice since each country has its own system of control over the legality of administrative activities, which corresponds to its legal criteria and state structure. In parallel with courts of general jurisdiction or administrative courts, public law disputes can be considered by quasi-judicial bodies (Jafarov, 2021).

They can also be regarded as real judicial bodies because they can consider not only ques-

tions of law but also questions of fact, i.e. violations of a simple interest not defined by law. They are created by a special act under the governing bodies to resolve certain types of disputes within specific departments. The procedure for resolving disputes often coincides with general legal proceedings and, as a rule, is established by an act of the governing body rather than by law. The procedural form of resolving public law disputes depends on the national specifics of the state mechanism and its legal system.

We agree with Polina Vinogradova and Andrey Tulaev (2021), who referred to the main differences between administrative proceedings and civil (action) proceedings: cases on applications for actions of administrative bodies consider the issues of administrative law arising from administrative-legal relations; the consequences of resolving administrative-legal issues affect the rights and obligations of parties to managerial relations; the court does not resolve disputes about law but checks the legality and validity of actions and acts of the governing bodies on the observance of rights and freedoms granted to citizens by the Constitution of the Russian Federation.

## Conclusion

As a result, we can assert that the Russian society grows aware of human rights and freedoms, which can be regarded as the beginning of the spiritual revival of the Russian Federation. The ideology of rights is now generally recognized and required by both government and society. From the viewpoint of this ideology, the Soviet and post-Soviet views should be reassessed and projected onto the near and distant future.

Unfortunately, the Russian Federation has no special achievements in the field of human rights. The realization of individual rights is a complex and multifaceted phenomenon that includes not only the activities of law enforcement agencies but also the activities of individuals. While defining the model for implementing a legal norm that enshrines human rights, the legislator focuses on the possibility of their direct use by an individual.

The individual's activity in such implementation depends on the level of legal consciousness, legal culture and legal awareness. It is necessary

to improve the procedural regulation of rights.

To ensure the observance of human rights and civil freedoms in any state, every citizen should understand the importance of this process. It is important that the draft legal acts submitted to the State Duma of the Russian Federation, as well as the changes proposed to the current legislation, should not narrow the content and scope of the existing rights and freedoms.

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