

LEGAL FOUNDATIONS OF STATE STRATEGIC ADMINISTRATION IN THE RUSSIAN FEDERATION

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ABSTRACT

Relevance of a research of this problem is caused by the fact that now improvement of legal regulation of strategic management in Russia is the priority direction of legislation development. Strategic management includes generally programs of strategic planning (development) which represent ideal models of further development in various spheres of social life. In this regard, article is directed to a research of legal bases of the public strategic administration in the Russian Federation. The leading methods to a research of this problem were the general and specific scientific methods, including formal and logical methods. Special methods have allowed to draw conclusions on understanding of strategy as forecasting of various, including crisis situations in various fields of activity in the states and on a global scale. Use of the specified methods has allowed to generalize the main theories of strategic management and to allocate the public strategic administration as the direction of scientific knowledge. In article the concept of strategic management is opened, application of methods of strategic management at a research of the state and legal phenomena is proved, the normative legal acts adopted at the federal level which have strategic character are revealed. Materials of article are of value for law-making and improvement of standards of the domestic legislation. Separate provisions can be apprehended by jurisprudence by consideration and permission of affairs.

Keywords: *strategic management, strategic planning, state, strategy, strategic management.*

INTRODUCTION

The system of strategic public administration is the most important factor of ensuring competitiveness of economy and national security of the country. Strategic management provides formation of long-term priorities of activity of the state, transparency and coherence of plans of the federal and regional authority, realization of large-scale tasks.

In modern conditions studying of legal bases of strategic management in the Russian Federation is represented urgent. At a present stage of development of the country in public administration to the forefront there is a strategic planning as a basis for creation of ideal model to which it is necessary to aspire when carrying out state policy in this or that sphere of social life. Fixing in normative legal acts of strategic plans allows to speak about need of consideration of questions of formation of the budget, and implementation of priority national projects. In this regard the research of documents of program character and budget planning, and also the procedure of their acceptance is represented urgent.

METHODS

The scientific contents of the concept of legal bases of the public strategic administration in Russia can't be investigated without use of classical approaches within a dialectic method. It is planned to define a concept and theories of strategic management, structure and the practical importance of legal regulation of strategic management by the analysis, synthesis and analogy. By means of structural and system approach it is possible to give the characteristic of evidence-based theories of strategic management at the state level within which the existing normative legal acts will be studied and recommendations about her improvement will be provided. Besides, it is necessary to use legallistic approach which allows to analyze the existing regulations.

The method of a research is focused on studying of the legislation and law-enforcement practice. In work the general and specific scientific, including formal and logical methods (a hypothesis, the analysis, synthesis, deduction, induction) were used. From special methods also other methods of scientific knowledge were applied historical, law-technical, inter-industry, comparative and legal, system.

Feature of the used method is transition from text analysis of strategic programs to practical aspects of their realization (document flow, interaction with federal and municipal bodies, information and human resources, public opinion of public servants and businessmen on questions implementation of programs.)

Use of a comparative and legal method allows to study foreign experience, to compare him to the Russian practice, to define ideal models which can be recognized as positive experience for the Russian legal system. Besides, also other methods of knowledge acquisition about the analyzed phenomenon are used, and all these methods have (in total) allowed to study the declared subject comprehensively and deeply.

RESEARCH

SOURCE REVIEW

Social management has multilevel structure. Her highest level can be called strategic management. The term "strategy" originates from the theory of military science: so, "art of the general" means definition of the general plan of a campaign or battle, forming of consecutive main actions, allocation of the directions of the main blow, distribution of the main forces on the front, development of possible options of the course of battles. "Art of the lieutenant" is in how in the best way to execute the received order and to provide the solution of the tasks set by the top management.

Initially "strategic management" knew economic value and has widely entered practice of the western management in the 60th years of the 20th century. Allocation of a strategic component in management has demanded creation of the theory, separate branch of administrative knowledge which has received the name "strategic management". If to consider schools of sciences of strategic management, then it is necessary to allocate several groups. Followers of the first group (A. Chandler (Chandler, Alfred D., Jr., 1962) [1], K. Andrews (Andrews, K., 1986) [2] generally consider strategy formation. Second group of research schools (G. Simon (Simon, Herbert A., 1976) [3], J. Quinn (Quinn J.B., 1980) [4]) are interested in descriptions of real processes of development of strategy. Third group of schools (P. Khandavalla (Khandwalla, Pradip N., 1985) [5], D. Miller (Miller, D., 1986) [6]) unites approaches, collecting the content of strategy, process of her formation, organizational structure and its environment in the consecutive stages making life cycle of the organization.

The research of strategic management demands consideration of definitions of a concept "management". In a general view, management is the activity directed to achievement of definite purposes. Let's note that the term "management" is wider, than "management", and is applied in different spheres of human activity: for example, government, army, the car, the enterprise, management in technical systems, in computers, etc. B. A. Rayzberg (Rayzberg B. A., 1999) notes that the English word "management"

meaning "management" in translation into Russian is less universal in comparison with Russian and treats only administrative management, the management (administration, direction) Government in English is characterized by the term "government", the control of different technical means sounds as "control", "steering", "driving", "piloting". Therefore the word management (management) should be interpreted in Russian not as management in the broadest sense and as the management, administration, the organization has put" (Rayzberg B. A., 1999) [7].

Strategic management is a continuous process of the choice and realization is more whole also than the strategy of the organization. Efficiency of strategic management depends on three strategic macroinstallations of the organization: on growth, protection and development (Efremov V. S., 2001) [8].

A. R. Khayrullin (Khayrullin A. R., 2006) considers that strategic management has to be understood widely; he can't be reduced neither to management of the economic sphere, nor to management of the organization (Khayrullin A. R., 2006) [9]. L. I. Abalkin (Abalkin L. I., 1998) notes that an essence of required social and economic strategy and a core of reforming – in the gradual, stage-by-stage movement to the Russian model of civil society of post-industrial type. Modern characteristics of quality of the life of people and the environment of his dwelling on the basis of formation of a new technological way of production and multistructure, socially oriented market economy at an active role of the state in her regulation are inherent in her (Abalkin L. I., 1998) [10]. The heritage and potential of administrative knowledge have wide borders, and many theoretical provisions of strategic management find the application in the sphere of strategic government .

Expansion of understanding of strategy as forecasting of various, including crisis situations in various fields of activity in the states and on a global scale allows to allocate the public strategic administration. The strategy of public administration can't be postponed from historical experience of the country, and also historical experience of other countries because various countries and the people have sometimes the differentiated combinations of historical, social, demographic, political, cultural and other conditions. In literature it is noted that the strategy of public administration is directed to definition of the most effective method of application of forces of the state in a crisis situation. The exact evidence-based forecast allowing to estimate the crisis reason, his character which are available and future strategic resources, to choose adequate mechanisms and ways of the public strategic administration as behavior and interaction of people counting upon the future is necessary for her realization.

For understanding of strategic management the theoretical provisions formulated at school of sciences of dependence on resources have fundamental value. J. Pfeffer, J. Sulancik (Pfeffer J., Sulancik G., 1978) specify that the external environment carries not so much real how many symbolical character therefore strategic management has to proceed in a symbolical form and to be aimed at creation of symbols in the external environment (Pfeffer J., Sulancik G., 1978) [11]. In the theory of dependence on resources it is staked on the strategy of adaptation, according to it allocate two main adaptation strategy: change in system or transformation of an external environment. As supporters of this theory consider, in management the principle according to which "the structure follows resources" (The development strategy of municipality, 2003) dominates. [12.]

Thus, the strategy of adaptation becomes the main strategy. The specified authors respectively allocate two options of adaptation strategy: or change in system, or transformation of an external environment. For long-term existence management of the external environment is more important, than management of organizational structure. For effective functioning strategic management of system has to consider not only factors of the external environment which seem objective, but also those interpretations of the external environment with which it is necessary to deal.

The theory of "the training school" of H. Mintzberg is of interest in relation to strategic management (Mintzberg H., 1998). In the concept he points to natural strategy which grows from the life, from experience. Many strategy are created artificially out of vital realities and from that are impractical (Mintzberg H., 1998) [13].

Let's note that, in our opinion, strategic planning nevertheless provides a basis of all administrative decisions. In this regard many subjects are focused on development of programs of development. Strategic planning is capable to provide formation of long-term priorities of activity of the state, transparency and coherence of plans federal and regional branches of the power, realization of large-scale tasks, coordination of the decisions made in the course of the public strategic administration with the budgetary restrictions defined both on medium-term and for a long-term outlook (Smirnova O. O., 2010) [14.]

RESULTS:

Problems of legal regulation

It should be noted that in the Russian Federation strategic control is generally exercised by means of strategic planning that is represented disputable. The plans developed at the federal level often limit and connect including activity of regions. Really, any developments in the field of strategic planning have to lean on system of forecasts. However the specified forecasting directly assumes development of evidence-based ideas of risks of social and economic development, about threats of national security, about the directions, results and indicators of social and economic development of Russia, her subjects and municipalities.

Until recently standard and legal base of the public strategic administration (including planning) wasn't extensive. In particular the specified question was regulated by the Federal law "About the State Forecasting and Programs of Social and Economic Development of the Russian Federation", the Decree of the Russian President "About Bases of strategic planning in the Russian Federation", etc. In fact, this Decree of the President was the only official methodological document for the organization of work of federal executive authorities and public authorities of territorial subjects of the Russian Federation for realization of strategic national priorities at the federal, regional and branch levels.

Now the Federal law "About Strategic Planning in the Russian Federation" establishes legal bases of strategic planning in the Russian Federation, coordination of the public and municipal strategic administration and the budgetary policy, power of federal public authorities, public authorities of territorial subjects of the Russian Federation, local governments and an order of their interaction with public, scientific and other organizations in the sphere of strategic planning.

The accurate system of strategic normative documents constructed proceeding from a concept of strategic planning is presented in the considered law. The documents of strategic planning developed within a goal-setting belong to the documents of strategic planning developed at the federal level in particular (the annual message of the Russian President to Federal Assembly of the Russian Federation; strategy of social and economic development of the Russian Federation; the strategy of national security of the Russian Federation and other federal documents in the sphere of ensuring national security of the Russian Federation); the documents of strategic planning developed within a goal-setting by the branch and territorial principle; the documents of strategic planning developed within forecasting; the documents of strategic planning developed within planning and programming.

Strategic management as process can be presented in the form of the sequence of several stages (Shekhovtseva L. S., 2000) [15]. One of classical approaches to strategic management provides the

following stages (phases) of this process: 1) definition of a mission of the organization in system of higher level; 2) strategic analysis of external and internal environment of the organization; 3) forecasting of parameters of development; 4) development is more whole; 5) formation and choice of strategy; 6) realization of strategy; 7) control, correcting and regulation.

Let's note that each phase (function) of strategic management comes to an end with a certain result: the strategic analysis of the environment — assessment of the current situation of the organization, her competitiveness; forecasting — the forecast of her future state; the choice of a mission, the purposes and strategy — the planned and adaptive strategy, the strategic plan, the program; realization of strategy, control and a correcting are connected with development of programs, mechanisms of functioning, motivation, financing, organizational and investment design, control, regulation.

Thus, the main results of strategic management can be presented in the form of a logical chain of strategic results: the diagnosis (assessment) — the forecast — strategy — the strategic plan — the program — the project — assessment of results (the last result closes a chain with the first result).

The research of standards of the Federal law "About Strategic Planning in the Russian Federation" shows that in the statutory act there are some defects. So, in particular, we will consider in detail process of realization of strategy of social and economic development. Proceeding from item 3 of Art. 16 of the law, the Russian President defines the main directions and the purposes of social and economic policy of the Russian Federation (for example, in the annual message to Federal Assembly of the Russian Federation). Strategy of social and economic development is developed and corrected taking into account the forecast of social and economic development of the Russian Federation for the long-term period and the budgetary forecast of the Russian Federation for the long-term period. The specified Strategy for six years is developed and approved by the Government of the Russian Federation. The Ministry of Economic Development of the Russian Federation provides coordination and methodical ensuring development and correction of this strategy.

Further industry documents of strategic planning to which branch strategy belong are developed; strategy of certain spheres of social and economic development; other documents of strategic planning. In this case the main thing is that they shouldn't contradict the strategic objectives formulated in basic documents. However, it is worth noticing that the purposes on branches have to promote achievement of the objectives of higher level – the level of the state. Besides the purposes of branches can concern many regions of the country. Thus, the strategy of branch sets the purposes on branch in general in the territory of all state, or his certain territories.

Further the executive body forms the list of programs for realization of long-term strategy for the main directions designated in basic documents and responsibility for development and implementation of programs is defined. They in turn develop programs for the activities. Let's note that at the level of the state program the combination of interindustry and interterritorial approaches can take place. Therefore, the area of influence of the state program can extend both to several branches, and to different territories. According to each program the budget determining the size of the means necessary for implementation of the program which can be specified further has to be created.

At the level of regional approach the strategy of social and economic development of federal districts and certain territories are created. Territorial subjects of the Russian Federation create the strategy of social and economic development and the scheme of territorial planning of regions on the basis of federal basic documents (the forecast and the strategy of social and economic development, the strategy of national security), state programs, branch strategy, strategies of development for federal districts and certain territories, that is on the basis of those documents which have already been lowered from above.

Thus, at the level of subjects the issue of division of federal and regional powers regarding strategic questions is resolved: responsibility for realization, financing, etc. That is regions stand on a side of the solution of questions in the ratio with the interests: on the one hand the strategy of development for the region has to promote achievement of the objectives, designated in basic documents, and on the other hand – to promote achievement of the objectives of state programs and branch strategy within the region.

Summing up told it should be noted the following. In ideal representation initial creation of strategy has to happen on the top level in the most general view, that is by definition of the directions, responsible bodies for realization, the main ways of achievement, questions of approximate financing. Direct specification, it is represented, have to carry out the lower levels of management, branch and regions. Here the accurate purposes, tasks, persons, plans, the budget have to be studied. At the following stage the detailed strategies of development for the region, state programs, development strategies of branches with more detailed budget have to go to the coordinating body which will carry out comparison with the plan of the top level, if necessary will make corrections to the purposes, indicators, initiates adjustment of the budget, will check consistency of strategic plans and programs for all directions with documents of the top level and among themselves. Further the coordinating body lowers the corrected planned documents on the lower levels of hierarchy of management for new planning and establishment of balance of interests taking into account opportunities of the budgetary financing and priorities again development is more whole.

CONCLUSIONS

Thus, the research of legal bases of strategic management in Russia allows to draw the following conclusions:

1. The analysis of the existing definitions of the concept "strategy" shows that she represents the detailed comprehensive comprehensive plan intended to provide implementation of a mission of the organization and achievement of the objectives. Expansion of understanding of strategy as forecasting of various, including crisis situations in various fields of activity (economic, political, world outlook, etc.) in the states and on a global scale allows to allocate the public strategic administration.
2. Consideration of the main theories in the field of a research of strategic management allows to draw a conclusion that experience forms strategy, and strategy is implemented through experience. Therefore the traditional way when strategy is born at top of management hierarchy, and goes down then in local links for execution, it is represented very doubtful as the practical experience of the lower levels depreciates. It is more correct to form strategy from below, and then to lift it upward .
3. Studying of the theory of adaptation shows that accurate dependence is traced: the Wednesday in which the organization functions is more difficult, the role of administration is more important. On the administrator loading on implementation of strategic management, on overcoming dependence on these or those resources, and many other of the above-mentioned lays down. However expansion of administrative responsibility and powers shouldn't be confused to strengthening of administrative control. If the first promotes change and development of system, then the last, on the contrary, only brakes it and promotes not adaptation, but disadaptation.
4. The main results of strategic management can be presented in the form of a logical chain of strategic results: the diagnosis (assessment) — the forecast — strategy — the strategic plan — the program — the project — assessment of results (the last result closes a chain with the first result).

5. The research of strategic management in the Russian Federation leads to a conclusion that strategic control is generally exercised by means of strategic planning that is represented disputable. The plans developed at the federal level often limit and connect including activity of regions.

SUMMARY

The practical importance of the conducted research is that results can be used for law-making for improvement of standards of the Russian legislation. Separate provisions can be apprehended by jurisprudence by consideration and permission of affairs. Scientific offers can find application also by preparation of training programs, grants and when teaching the courses "Theory of the State and law""Problem of the theory of the state and the law" in higher educational institutions.

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