

THE CONCEPT, CHARACTERISTICS, AND CLASSIFICATION OF MECHANISMS FOR IMPLEMENTING THE PRINCIPLES OF THE RULE OF LAW


AUTHORSHIP

Gyulnaz Eldarovna Adygezalova 

Kuban State University, Krasnodar, Russia.

ORCID: <https://orcid.org/0000-0003-3682-2121>

E-mail: gyulnaz_2000@mail.ru

Sergey Alekseevich Zhinkin 

Kuban State University, Krasnodar, Russia.

ORCID: <https://orcid.org/0000-0002-0291-4469>

E-mail: kathedra@mail.ru

Irina Mikhailovna Khil 

Kuban State University, Krasnodar, Russia.

ORCID: <https://orcid.org/0000-0001-6927-5529>

E-mail: kathedra@mail.ru

Lyudmila Petrovna Vysotskaya 

Kuban State University, Krasnodar, Russia.

ORCID: <https://orcid.org/0000-0002-1824-1959>

E-mail: kathedra@mail.ru

Tatyana Valerievna Faroi 

Kuban State University, Krasnodar, Russia.

ORCID: <https://orcid.org/0000-0001-8839-5593>

E-mail: kathedra@mail.ru

Received in:
2021-08-10

Approved in:
2021-09-15

DOI: <https://doi.org/10.24115/S2446-6220202173D1684p.8-15>

INTRODUCTION

The problems related to the functioning of civil society and the rule of law in domestic legal science have become the subject of several very interesting studies. The development of the theory of the rule of law was covered in the works of Ganoev (2011); Gridchina (2005); Zorkin (2011); Leonov (2008); Marchenko (2014); Ogneva (2012); Ralko (2011); Rayanov (2010), and several other authors. The specific principles and characteristics of the rule of law, in particular, the principle of mutual responsibility of the state and the individual; the legal status of the individual in a state governed by the rule of law, have also become the subject of scientific attention. The doctrine paid some attention to the principle of limiting state power (GDALEVICH, 2008; MILUSHEVA, 2011; SULTYGOV, 2005; FILIPPOVA, 2006), issues of interaction between state authorities and citizens, their participation in the management of state affairs (YATSENKO, 2007; LIPCHANSKAYA, 2012). The principles of the rule of law and only to a small extent the mechanism of their implementation became

the object of analysis only in the dissertations published by Antonova (1996); Kvacheva (1996) and Dovbush (2005). To a small extent, the relevant issues were also touched upon in connection with the study of the legal impact (ADYGEZALOVA et al., 2019), legal consciousness in various historical periods (MORDOVTSSEV et al., 2017).

Therewith, the issues of complex implementation of these principles and purposeful formation in the context of the formation of a system of normative state and public mechanisms have not been subjected to special research in domestic science. In other words, the issues related to the modern implementation of the principles of the rule of law, including the problems of the formation and operation of appropriate mechanisms, have not become the subject of a separate scientific study. The research methods are determined by their subject and include primarily logical methods (definition, description, classification), as well as a comparative method for comparing the characteristics and actions of the studied mechanisms. It is also assumed that the formal-dogmatic method is used to analyze legislation in the field under study. The study of the mechanisms for implementing the principles of the rule of law, in our opinion, involves the analysis of:

- their basic features;
- their subject composition (subject characteristic);
- their types (species characteristics);
- their structures (structural characteristics);
- their functions, the specifics of the action (functional characteristic);
- their goals (target characteristic);
- their degree of effectiveness, quality, and criteria for their measurement (qualitative characteristics).

METHODOLOGY

Mechanisms for the implementation of the principles of the rule of law should be a set of tools, technologies, and procedures for such implementation, as well as entities implementing this realization, united by common goals. Mechanisms for implementing the principles of the rule of law should have an unambiguous social orientation, be aimed not at the mechanical introduction of certain doctrinal principles into state legal practice, but at their social adaptation, at achieving real social goals with the help of these principles, at meeting the needs of social development. This is due to the premise that the theory of the rule of law itself with a system of certain principles exists for society, and not vice versa – social development should be subordinate to some even very beautiful theoretical idea. The mechanisms for implementing the principles of the rule of law that are to be formed can, as it seems, be classified on several grounds.

First of all, according to the subjects of their implementation, such mechanisms should be divided into state and public ones. State-owned enterprises should be implemented and, although very fragmentary, are already being implemented by authorized state bodies at the federal and regional levels. Public services are carried out by various public associations, public groups, and individual citizens. Therewith, an urgent task today is to determine the role and correlation of these mechanisms in the implementation of specific principles of the rule of law, fixing and practical development of various aspects of their interaction.

Depending on the complexity of means used, organizational, stimulating, informational, educational mechanisms can be distinguished. Unfortunately, such mechanisms are not fixed by law in their detailed and systematic form and have not even been studied in the legal doctrine to date. Such principles will not pass from the category of formal declarations, beautiful ideas to the category of realities of public and legal life and state policy without detailed mechanisms for implementing the principles of legal statehood.

DISCUSSION

A simple formal consolidation of its principles in legislation seems insufficient, although such consolidation is also important for the real implementation of the principles of the rule of law. These principles should be included in the current legislation, as well as in state policy and law enforcement practice, filled with specific socio-historical content that would meet today's realities. In addition, there is a need for a well-thought-out and detailed normative consolidation of the mechanisms and procedures for implementing these principles and their implementation in the daily practical activities of state bodies and civil society institutions.

First of all, we must determine the concept and the main characteristics of the mechanisms for implementing the principles of the rule of law. When formulating the definition of the concept of mechanisms for implementing the principles of the rule of law, it is necessary to take into account two main approaches to the very understanding of the "mechanism" term in legal science. On the one hand, a mechanism is spoken of as a set, a system of bodies (state mechanism, law-making mechanism), on the other hand, as a system, a set of means (for example, a mechanism of legal regulation). It seems that, since both of these approaches are based on their own sufficiently weighty justification, they can be harmonized and combined concerning the subject of this study. By the way, the "mechanism of state-legal coercion" term in modern literature is also used, defined as "a socio-legal system formed by elements of both the legal and organizational, institutional orders" (MAGOMEDRASULOV, 2020, p. 9).

The mechanism of implementation of the principles of the rule of law was defined in the work of Dovbush (2005, p. 7) as "a system of legal means by which the activities of authorized bodies, public organizations, and citizens for the protection of human rights and the control of society over state power are carried out". Therewith, it was pointed out that "the mechanisms for implementing the principles of the rule of law are united in their focus on ensuring the rights and freedoms of the individual and, first of all, the right to a decent life and free human development, which is the goal of the rule of law" (DOVBUSH, 2005, p. 9). It should be noted that the mechanisms for implementing the principles of the rule of law are by no means limited to the use of legal means only. Other tools, technologies, and means can and should be widely

used in the course of such implementation: organizational, informational, educational, etc. Therefore, it is necessary to interpret such mechanisms more broadly.

In our opinion, the mechanisms for implementing the principles of the rule of law are a set of means, tools, measures aimed at implementing the relevant principles, as well as state bodies and public associations that directly implement these principles or monitor this implementation. Today, the mechanisms for implementing the principles of the rule of law should be based on the dependence of the state and its bodies on society, their subordination to society, its interests, and orientation to public needs. Mechanisms for implementing the principles of the rule of law should be based on certain principles of their practical functioning. It is necessary to distinguish the following among such principles:

- the principle of legality. Naturally, the most socially useful and progressive activities should be carried out only within the framework of the system of norms of the current law, cannot be illegal;
- multilevel (mechanisms should include federal, regional, municipal, local levels);
- ensuring the unity of its implementation at different levels and territories;
- social orientation;
- consistency (compliance) with the basic rights and freedoms of man and citizen;
- adaptability to national peculiarities, traditions;
- democracy, including compliance with the mass legal consciousness and legal culture. The implementation of the principles of the rule of law, since it is implemented in the interests of the entire people, should be carried out precisely with the broad participation of the people, public associations, and citizens.

The principles of the rule of law and their implementation should not contradict the historically specific needs of the development of modern society, the peculiarities of its current functioning. This, if the original, classical model of the separation of powers into legislative, executive, and judicial branches leads to conflicts of branches of power and a crisis of power in general, then such a model shall be transformed by allocating other branches or redistributing the powers of the existing branches for their mutual restraint and control. Mechanisms for implementing the principles of the rule of law, based on the definition formulated above, include:

- certain subjects (these are primarily state bodies and officials, public associations and social groups, political leaders, etc.). Therewith, their significance and correlation in the implementation of various principles of the rule of law can often differ significantly;
- a certain set of tools, technologies, means (methods of legal regulation, information, educational tools, etc.);
- certain implementation procedures (in particular, procedures for public discussion of draft laws, protection of rights and freedoms, combating abuse of official powers and other abuses of state bodies to the detriment of citizens, etc.).

An important, but only initial stage of the functioning of the above-mentioned mechanisms is the consolidation of the relevant principles in legislation. The activity of the state apparatus in the country becomes regulated by legal norms of high legal force with the help of the norms of the Constitution. This tool "ensures the consolidation and development of the basic principles of the rule of law, the inviolability, and impossibility of excluding these principles" (GASANOV; STREMOUKHOV, 2004, p. 167). The mechanisms for implementing the principles of the rule of law seem to have the following basic features.

1. They are aimed at achieving a certain goal, namely, the implementation of a particular principle, which is recognized as the principle of the rule of law.
2. They include a set of applied means, procedures of a legal, organizational, educational, informational, and other nature.

3. They are carried out by certain (as a rule, in the legislation) subjects. Such subjects include both specially designated state authorities, as well as associations, civil society institutions, which may not have the implementation of certain principles of the rule of law as the main goal of their activities.

The mechanisms for implementing the principles of the rule of law, as already noted above, can be divided and classified for several reasons. First of all, according to the subjects of their implementation, such mechanisms should be divided into state and public ones. State services are carried out by authorized state bodies of the federal and regional levels. Public services are carried out by various public associations, public groups, and individual citizens. Therewith, an urgent task today is to determine the role and correlation of these mechanisms in the implementation of specific principles of the rule of law, fixing and practical development of various aspects of their interaction.

Depending on the complexity of means used, organizational, stimulating, informational, educational mechanisms can be distinguished. Unfortunately, such mechanisms are not fixed by law in their detailed and systematic form and have not even been studied in the legal doctrine to date. Let us consider this classification in more detail. Thus, the organizational mechanism should be understood as a set, a complex of organizational means and procedures for implementing the principles of legal statehood, as well as bodies and organizations that are engaged in carrying out these means and procedures in life. Such bodies do not necessarily have to be specially created for the implementation of the corresponding goals, however, the goals related to the implementation of the principles of legal statehood should be within their competence, and should, possibly, be enshrined in their constituent documents.

Organizational procedures for public control over the activities of state bodies and officials by society, detailed and "transparent" reports of state bodies on their activities and their thoughtful public discussion, as well as procedures for expressing popular distrust in officials that existed in the Soviet period, are no less important. The information mechanism is primarily associated with the formation of information flows that would be aimed at 1) informing citizens and their associations about the goals and guidelines in the field of the formation of legal statehood; 2) forming a public opinion that proceeds from the need to build a rule of law state and implement its principles; 3) informing members of society about specific topical problems related to the construction of legal statehood, the implementation of certain principles of the rule of law.

The relevant procedures are already to a certain extent enshrined in the legislation. First of all, we should mention the Federal Law "On Information, Information Technologies and Information Protection" of July 27, 2006, No. 149-FZ which enshrines such principles (Article 3) as "freedom of search, receipt, transmission, production and dissemination of information in any legal way; openness of information about the activities of state bodies and local self-government bodies and free access to such information, except in cases established by federal laws" (FEDERAL LAW OF THE RUSSIAN FEDERATION, 2006). Following this, it is possible to formulate some conclusions based on the generalization of the collected information about the degree of compliance of such activities with the implementation of the principles of the rule of law.

It is important to establish legislative guarantees against the threat of restricting the access of citizens of the state to information for the functioning of the information mechanism for the implementation of the principles of the rule of law. Thus, Part 4 of the article stipulates that "access to" normative legal acts affecting the rights, freedoms, and duties of a person and a citizen, as well as establishing the legal status of organizations and the powers of state bodies, local self-government bodies; information on the activities of state bodies and local self-government bodies, as well as on the use of budget funds (except for information constituting a state or official secret)" (FEDERAL LAW OF THE RUSSIAN FEDERATION, 2006) cannot be restricted.

The Federal Law "On ensuring access to information and activities of state bodies and local self-government bodies" dated February 9, 2009, No. 8-FZ establishes several principles for

ensuring access to information about the activities of state bodies and local self-government bodies, which can also be used as a means of information mechanism for implementing the principles of the rule of law, in particular, the limited activities of state authorities, the responsibility of the state to society and the individual, namely: openness and accessibility of information about various types of activities of state bodies and local self-government bodies, except for cases provided for by federal law; reliability of information about the activities of state bodies and local self-government bodies; timeliness of providing such information, etc. (FEDERAL LAW OF THE RUSSIAN FEDERATION, 2009).

Let us now briefly characterize the stimulating mechanism for the implementation of the principles of the rule of law. The incentive mechanism, which is a system of legal and other means, instruments, as well as relevant subjects, should be aimed at stimulating: 1) respect for the law and other elements of the domestic legal system; 2) the formation of an active civic position and active participation of citizens in activities to improve the legal system and its elements; 3) activity that is associated with the implementation of socially useful, socially-oriented activities to meet public needs protected by law, solve public problems; 4) activity related to the knowledge and implementation of the principles of the rule of law in public life.

It seems that this mechanism should also provide for measures to stimulate those civil servants and civil society associations that would actively contribute to the implementation of the principles of the rule of law. Today, it is essential to form an educational mechanism for implementing the principles of the rule of law. Such a mechanism could be implemented by both state bodies and civil society associations while being harmoniously combined with the system of legal education and the provision of free legal assistance. There are already certain models of similar activities in the educational sphere. Thus, patriotic education activities are carried out quite widely in modern Russia, while it covers both the federal and regional levels, including various activities of relevant state and public structures. Such activities could be launched to implement the principles of the rule of law.

Thus, the mechanisms for realization of the principles of the rule of law mean a set of means, tools, measures that are aimed at implementing the relevant principles, as well as state bodies and public associations directly involved in the implementation of these principles. The criterion for the effectiveness of the principles of the rule of law and the mechanisms being formed for their implementation in the current Russian legislation should be the adaptation of these mechanisms to modern Russian realities and the needs of further social development. Today, it becomes relevant not only to designate, doctrinally proclaim certain mechanisms for the needs of social and state-legal development. It is also important to determine the main ways to optimize the operation of these mechanisms. It seems that these ways can be:

- improvement of the legislation in force on these issues both at the federal and regional levels, the normative definition of the complex of applied means, powers and responsibilities of the relevant subjects, primarily state bodies, officials
- improvement of procedures for the use of appropriate tools and technologies, public discussion of this practice with the introduction of relevant adjustments;
- wider involvement of citizens and civil society organizations in the activities on the functioning and optimization of these mechanisms;

Since this refers to the mechanisms for implementing the principles of the rule of law, including state mechanisms, it is quite obvious that they should be equipped with the necessary tools of coercion. Naturally, this correlates in a certain way with a broader problem that is drawn attention to in the literature, namely, the problem of "developing optimal models for combining coercion, persuasion, and self-organization in social regulation" (MAGOMEDRASULOV, 2010, p. 11). If the mechanisms for implementing the principles of the rule of law prove to be ineffective in the conditions of a specific legal system in a certain period, then the following will be advisable in this case:

- 1) Adjust the mechanisms themselves, for example, change their elements, the actors involved in their implementation;

- 2) Adjust, if necessary, the very content of a particular implemented principle to adapt it to social realities and needs.

Today, it is possible to present the main forms of improving the mechanisms for implementing the principles of the rule of law as follows:

- expansion of their social base and general social orientation;
- strengthening of interaction and complementarity of state and public mechanisms;
- improvement of the complex of procedures for public control over the activities of federal and regional state authorities and the functioning of the most important elements of the legal system of society.

Therewith, it is necessary to determine the most relevant and priority principles for the modern development of Russian society and the state among the principles of the rule of law themselves, as well as to give a reasonable assessment of the state of modern implementation of these principles.

CONCLUSION

The initial purpose of the study was achieved, the mechanisms for implementing the principles of the rule of law were defined, their main characteristics and principles of functioning were considered, and the classification of these mechanisms was carried out. Therewith, the prospects for further research are associated with the identification of specific ways to improve the functioning of mechanisms for implementing the principles of the rule of law concerning the conditions of modern Russia, as well as regulatory, cultural, and other restrictions associated with the functioning of such mechanisms.

REFERENCES

ADYGEZALOVA, G.E.; ZHINKIN, S.A.; FAROI, T.V.; ZHBYR, O.N.; KICH, I.S. Implementation of regulatory impact and regulatory function of the law in modern Russia. *Opcion*, 2019, 35 (S19), p. 2836-2846.

ANTONOVA, E.G. *Printsipy postroeniya pravovogo gosudarstva* [Principles of building the rule of law]. Abstract of a thesis of candidate of legal sciences - Russian Academy of Public Administration under the President of the Russian Federation, Moscow, 1996.

DOVBUSH, T.N. *Printsipy pravovogo gosudarstva i mekhanizm ikh realizatsii* [The principles of the rule of law and the mechanism for their implementation]. Abstract of a thesis of candidate of legal sciences - St. Petersburg Humanitarian University of Trade Unions, St. Petersburg, 2005.

FEDERAL LAW OF THE RUSSIAN FEDERATION of February 9, 2009. No. 8-FL "On Ensuring Access to Information and Activities of State Bodies and Local Self-Government Bodies" (as amended on December 28, 2017). *Sobranie Zakonodatel'stva Rossiiskoi Federatsii* [SZ RF] [Collection of Legislation of the RF] 16.02.2009, No. 7, Item 776.

FEDERAL LAW OF THE RUSSIAN FEDERATION of July 27, 2006, No. 149-FZ "On Information, Information Technologies and Information Protection" (as amended on April 3, 2020). *Sobranie Zakonodatel'stva Rossiiskoi Federatsii* [SZ RF] [Collection of Legislation of the RF] 31.06.2006, No. 31 (Part 1), Item 3448.

FILIPPOVA, I.S. *Kontseptsii ogranicheniya gosudarstvennoi vlasti: teoretiko-pravovoe issledovanie* [The concept of limiting state power: theoretical and legal research]. Abstract of a thesis of candidate of legal sciences - Nizhny Novgorod State University named after N.I. Lobachevsky, N. Novgorod, 2006.

GANOEV, O.K. *Ideya pravovogo gosudarstva i problemy gosudarstvenno-pravovoi transformatsii v sovremennoi Rossii* [The idea of the rule of law and the problems of state and legal transformation in modern Russia]. Abstract of a thesis of candidate of legal sciences -

Moscow State Law Academy named after O.E. Kutafin, Moscow, 2011.

GASANOV, K.K.; STREMOUKHOV, A.V. *Absolyutnye prava cheloveka i ogranicheniya prav* [Absolute human rights and restrictions on rights]. *Pravovedenie*, 2004, 1 (252), p. 164-173.

GDALEVICH, I.A. *Politiko-pravovye tekhnologii protivodeistviya zloupotrebleniyam publichnoi vlastyu v Rossii* [Political and Legal Technologies for Counteracting the Abuse of Public Power in Russia]. Abstract of a thesis of candidate of legal sciences - Rostov Law Institute of the Ministry of Internal Affairs of the Russian Federation, Rostov-on-Don, 2008.

GRIDCHINA, N.E. *Razvitie teorii pravovogo gosudarstva v otechestvennoi yuridicheskoi nauke 60kh gg. 20 - nachala 21v* [Development of the theory of the rule of law in the domestic legal science of the 60s of the 20th - early 21st century]. Abstract of a thesis of candidate of legal sciences - Modern Humanitarian Academy, Moscow, 2005.

KVACHEVA, N.E. *Konstitutsionnoe zakreplenie printsipov pravovogo gosudarstva* [Constitutional consolidation of the principles of the rule of law]. Abstract of a thesis of candidate of legal sciences - Moscow State University named after M.V. Lomonosov, Moscow, 1996.

LEONOV, I.V. *Pravovoe sotsialnoe gosudarstvo: trudnosti stanovleniya* [Legal social state: difficulties of formation]. *Pravo i upravlenie: 21 vek*, 1, p. 40-56, 2008.

LIPCHANSKAYA, M.A. *Uchastie grazhdan Rossiiskoi Federatsii v upravlenii delami gosudarstva: konstitutsionno-pravovoe issledovanie* [Participation of citizens of the Russian Federation in the management of state affairs: constitutional and legal research]. Abstract of a thesis of candidate of legal sciences - Saratov State University, Saratov, 2012.

MAGOMEDRASULOV, M.M. *Osobennosti prinuzhdeniya v pravovom gosudarstve* [Features of coercion in a state governed by the rule of law]. Abstract of a thesis of candidate of legal sciences - Moscow University of the Ministry of Internal Affairs of the Russian Federation, Moscow, 2010.

MARCHENKO, M.N. *Pravovoe gosudarstvo i grazhdanskoe obshchestvo (teoretiko-pravovoe issledovanie)* [The rule of law and civil society (theoretical and legal research)]. Moscow: Prospect, 2014.

MILUSHEVA, T.V. *Predely i ogranicheniya gosudarstvennoi vlasti (teoretiko-pravovoe issledovanie)* [Limits and limitations of state power (theoretical and legal research)]. Abstract of a thesis of candidate of legal sciences - Saratov State Law Academy, Saratov, 2011.

MORDOVTSSEV, A.; ZHINKIN, S.; MAMYCHEV, A.; YAKOVYUK, I.; SHESTOPAL, S. Legal mentality in nationalcultural space: characteristics of the era of change (Church schism of the 17th Century). *Man in India*, 2017, 97 (23), p. 295-309.

OGNEVA, M.V. *Zakonomernosti transformatsii pravovogo gosudarstva v teorii i deistvitelnosti* [Laws of transformation of the rule of law in theory and reality]. Abstract of a thesis of candidate of legal sciences - Moscow University of the Ministry of Internal Affairs of the Russian Federation, Moscow, 2012.

RALKO, O.V. *Kontseptsiya pravovogo gosudarstva i ee realizatsiya v Rossii: istoriko-teoreticheskie aspekty* [The concept of the rule of law and its implementation in Russia: historical and theoretical aspects]. Abstract of a thesis of candidate of legal sciences - Russian Academy of Advocacy and Notary, Moscow, 2011.

RAYANOV, F.M. *Teoriya pravovogo gosudarstva. Problemy modernizatsii* [The theory of the rule of law. Modernization problems]. Ufa: Gilem, 2010.

SULTYGOV, M.M. *Konstitutsionno-pravovoi rezhim ogranicheniya gosudarstvennoi vlasti* [Constitutional and legal regime of restriction of state power]. Abstract of a thesis of candidate of legal sciences - St. Petersburg University of the Ministry of Internal Affairs of the

Russian Federation, St. Petersburg, 2005.

YATSENKO, O.V. *Institut gosudarstvenno-pravovoi otvetstvennosti v usloviyakh postsovetsoi modernizatsii* [Institute of State and Legal Responsibility in the Conditions of Post-Soviet Modernization]. Abstract of a thesis of candidate of legal sciences - Rostov Law Institute of the Ministry of Internal Affairs of the Russian Federation, Rostov-on-Don, 2007.

ZORKIN, V.D. *Konstitutsionno-pravovoe razvitie Rossii* [Constitutional and legal development of Russia]. Moscow: Norma: INFRA-M, 2011.

The concept, characteristics, and classification of mechanisms for implementing the principles of the rule of law

O conceito, características e classificação de mecanismos para a implementação dos princípios do Estado de Direito

El concepto, las características y la clasificación de los mecanismos para aplicar los principios del estado de derecho

Resumo

O objetivo deste artigo é considerar as características e classificação dos mecanismos de implementação dos princípios do Estado de Direito. Tais mecanismos devem se tornar objeto de formação proposital. Os princípios do Estado de Direito nas sociedades modernas não podem ser implementados "automaticamente", é necessário delinear os rumos do trabalho sobre a implementação dessa realização precisamente no âmbito de mecanismos unificados como complexos de meios aplicados e das atividades de sujeitos relevantes. Para alcançar esse objetivo, parece necessário definir esses mecanismos como tarefas, considerar as características específicas que os mecanismos de implementação dos princípios do Estado de Direito devem ter, incluindo a Rússia moderna; para dividir esses mecanismos por motivos essenciais. Supõe-se que utiliza vários métodos de pesquisa para resolver as tarefas definidas: lógica (descrição, classificação), formal-dogmática, comparativa. Como resultado do estudo, foi revelado que os mecanismos de implementação dos princípios do Estado de Direito devem ser um conjunto de ferramentas, tecnologias e procedimentos para tal implementação, bem como as entidades que implementam essa realização.

Palavras-chave: O Estado de Direito. Princípios. Mecanismos. Implementação.

Abstract

The purpose of this article is to consider the characteristics and classification of mechanisms for implementing the principles of the rule of law. Such mechanisms should become the object of purposeful formation. The principles of the rule of law in modern societies cannot be implemented "automatically", it is necessary to outline the directions of work on the implementation of such realization precisely within the framework of unified mechanisms as complexes of applied means and the activities of relevant subjects. To achieve this goal, it seems necessary to define these mechanisms as tasks, to consider the specific characteristics that mechanisms for implementing the principles of the rule of law should have, including modern Russia; to divide these mechanisms on essential grounds. It has been assumed to use several research methods to solve the tasks set: logical (description, classification), formal-dogmatic, comparative. As a result of the study, it has been revealed that the mechanisms for implementing the principles of the rule of law should be a set of tools, technologies, and procedures for such implementation, as well as the entities implementing this realization.

Keywords: The rule of law. Principles. Mechanisms. Implementation.

Resumen

El propósito de este artículo es considerar las características y la clasificación de los mecanismos para implementar los principios del estado de derecho. Tales mecanismos deben convertirse en objeto de formación intencional. Los principios del estado de derecho en las sociedades modernas no pueden aplicarse "automáticamente", es necesario esbozar las direcciones de trabajo sobre la aplicación de dicha realización precisamente en el marco de mecanismos unificados como complejos de medios aplicados y las actividades de los sujetos pertinentes. Para lograr este objetivo, parece necesario definir estos mecanismos como tareas, considerar las características específicas que deben tener los mecanismos para implementar los principios del estado de derecho, incluida la Rusia moderna; dividir estos mecanismos por motivos esenciales. Se ha asumido el uso de varios métodos de investigación para resolver las tareas establecidas: lógicas (descripción, clasificación), formales-dogmáticas, comparativas. Como resultado del estudio, se ha revelado que los mecanismos para implementar los principios del estado de derecho deben ser un conjunto de herramientas, tecnologías y procedimientos para dicha implementación, así como las entidades que implementan esta realización.

Palabras-clave: El estado de derecho. Principios. Mecanismos. Implementación.