

# ТЕОРИЯ И ИСТОРИЯ ПРАВА И ГОСУДАРСТВА / THEORY AND HISTORY OF LAW AND STATE

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## RISKS: DIAGNOSING AND ELIMINATING

**Objective:** to develop conceptual theoretical and legal provisions and scientific recommendations on the identification, analysis and elimination of risk.

**Methods:** universal dialectic method of cognition, as well as scientific and private research methods based on it.

**Results:** the system was researched of risks diagnostics in the legal sphere and mechanism of influencing the "risk situations" and their consequences (damage to the environment and harm to society). The concept of risk in the legal sphere was formulated; the author's classification of risks in the legal sphere is presented. The rules of analysis, evaluation and prevention of risks and the model risk management framework are elaborated.

**Scientific novelty:** the mechanism for the identification, analysis and elimination of risk has been developed and introduced into scientific circulation; the author has proposed the classification and types of risks, the reasons and the conditions promoting the risk occurrence.

**Practical significance:** the provisions and conclusions of the article can be used in the scientific, law-making and law-enforcement activity, as well as in the educational process of higher educational establishments.

**Keywords:** Theory and history of law and state; Risk; Legal risk; Risk diagnostics; Risk elimination; Classification and types of risk; Causes and consequences of risk

### Introduction

#### Risk is a dangerous phenomenon

Managing the social-economic processes requires making the well-grounded legal decisions and their consistent implementation. However, risk is an inevitable "black comitant" of predictions, programs and legal acts. It is the aberration from the parameters of sustainable development, inflicting harm to nature and society. *In the legal sphere, risk is a probable illegitimate aberration from the legal models and the existing and projected laws and other legal normative acts.* That is why the study of risks is a task for all branches of the legal science, demanding the summarization of the law-making, managerial and economic practices.

Besides, the problem of risks has an enormous international value due to the complex interactions between the national-state processes and the development of the global community. Risks are the main dangers for the world in the nearest future. This is stated in the new report of the World Economic Forum (WEF) "Global risks 2015"<sup>1</sup>. The "Global risks 2015" report was prepared in collaboration with March & McLennan Companies, Swiss Reinsurance Company, Zurich Financial Services, Wharton Risk Management and Decision Processes Center, Oxford Business

<sup>1</sup> Available at: <http://reports.weforum.org/global-risks-2015/> (access date: 26.03.2016).

School and Singapore National University on the basis of consultations with the leading political and social figures, economists and researchers from all over the world.

According to the research, in 2015 the main global challenges are *geopolitical risks*. They rank first in the hierarchy of the most probable threats listed in the report. The researchers state that in the previous years, especially after the global economic crisis, the geopolitical risks were not actually threatening the world order, but 25 years after the end of the Cold War, geopolitics is again in the centre of the global agenda. The most probable risks include *interstate conflicts, destruction of the state institutions and risks of the loss of power by the national governments, up to the complete disintegration of states*.

At the same time, geopolitics acquires a larger impact on the economic processes around the world, as the economic tools are more and more often used to solve geopolitical tasks. On the one hand, the states try to broaden their geopolitical influence through the policy of interregional economic integration, formation of trade alliances or across-the-border investment; on the other hand, they use such tools as protectionism or economic sanctions as the means of influence.

*In perspective such actions may threaten the very principle of global economic cooperation.* That is why the report pays special attention to interrelations between risks, which have systemic consequences demanding advanced flexibility from states and institutions. The main risks are economic and social threats (like the growth of property inequality and unemployment) and ecologic ones (natural disasters and climate change). *Besides the geopolitical risks, the social and ecologic ones are also among the most significant.* They include unemployment and underemployment, climate change, global epidemics, water deficit in the Central Asia, Middle East and Northern Africa.

All this requires large-scale research of the risks problems. The article studies some topical issues of forecasting and preventing risks, especially in legal sphere. However, it is obvious that they, on the one hand, are derived from the political, economic and other risks, and on the other hand, influence them.

## Research results

### Legal regulation of “anti-risk” activity

The complex and contradictory dynamics of risks requires implementation of legal regulators, which allow

to reveal, analyze, estimate, prevent and eliminate them. Without them it is hard to orient the law subjects towards systematic work in that direction and to prevent failures in management and legal regulation. These actions must not be reduced to the “finish line reaction”, when the risks are already implemented in events and phenomena, loss and damages. Systemic approach is essential, as constitutional principles and norms allow to forecast and eliminate the risks in all spheres of law and legislation, and to react to “risk transitions” from one sphere of regulations into another. The intra-systemic links are revealed in situations of legal uncertainty and distinctive chain reaction. The neglected risk in one sphere often causes risks in adjacent spheres.

It is notable that *the Russian Constitution contains the anti-risk norms*, which stipulate the legal actions in collision and conflict situations. Such are, for example, Clause 4 of Article 3, Clause 4 of Article 15, Article 16, Clauses 3, 5, 6 of Article 76, Article 85, Clause 3 of Article 90, Clause 3 of Article 115. To these one should add the mention of the federal collision law (Clause “p” of Article 71). These norms serve as a preventive-orientation means for preventing risks in legal sphere.

One should not underestimate risks arising in constitutional relations, as they are a threat. Unfortunately, the citizens poorly know the norms of the existing Constitution, which is confirmed by sociological research; hence, alienation from the law has not been overcome.

It can be reminded that in the early 90-s the crisis of federalism was clearly felt, and the declaration of the center towards the regions – “take as much sovereignty as you wish” – threatened with separatism and dramatic decrease in the state unity. That was a useful lesson.

Besides, *the threats towards the country’s security, both internal and external, are still in place.* Extremism, terrorism, nationalism, external pressure, global crisis (financial, food, ecological, etc) are acting up.

*Constitutional risk* is sometimes expressed in the sharp opposition of powers, as well as in the trends towards excess centralization, weakening of the institutions of political system and civil society.

Finally, there is drastic violation and even rejection of constitutional principles under sharp conflicts, as in Ukraine in the late 2013 – early 2015.

Apparently, constitutional risks threaten the country’s sustainable development and its political and economic system. They are hard to reveal as they are derived from

the changes in various spheres of social and public life. The changes may seem local or limited to a certain sphere, but their cumulative effect may become negative for the state. The consequences can be very hard. Prevention of constitutional risks at the stage of constitutional decisions' making can be seen as the task not only for political elites and developers, but also the social powers. The constitutional provisions must be fulfilled in all spheres.

Let us view the norms of the Federal Law "On banks and banking activity". Article 11.1-2 "Requirements to the risk and capital management systems, internal control of a credit organization" was introduced by the Federal Law of 02.07.2013 No. 146-ФЗ.

A credit organization (the head organization of a banking group) must observe the requirements of the Bank of Russia to the risk and capital management systems, internal control, including the requirements to the functioning of the head of internal control department and the head of internal audit department of a credit organization, in banking groups.

A person appointed the head of risks management department, the head of internal control department and the head of internal audit department of a credit organization, during all the period of their being in those positions, must comply with the reputation and qualification requirements stipulated by the Bank of Russia and Article 16 of the above mentioned Federal Law.

The credit organization must inform the Bank of Russia in the written form about the appointment of the head of risks management department, the head of internal control department and the head of internal audit department of a credit organization, in a three days period from the date of the above mentioned decision.

Regulation of ecological risks carried out by the Federal Law "On environmental protection", which contains the notion of ecological risk as the probability of an event threatening the environment and caused by the negative influence of economic and other activity, as well as emergencies of natural and anthropogenic character. Article 18 stipulates ecological insurance, and Article 48 lists the requirement to environmental protection when using radioactive substances and nuclear materials.

The Russian Law "On mineral resources" stipulates that the amount of regular payments for the use of mineral resources are defined according to the economic-geographical conditions, the size of the land lot, the type of natural resources, the duration of works, the extent of geological exploration, and the degree of risk.

In the Land Code, the main principles of land laws are stipulated. What are they?

First, *the priority of land protection* as the main component of environment and means of production in agriculture and forestry, compared to using land as real estate. This principle states that the land lots' owners can use them freely, as long as it does not harm the environment.

Second, *the priority of human life and health protection*. It states that the use and protection of lands must be accompanied by such decisions and measures that provide preservation of human lives and prevent the negative (harmful) impact on the human health, even if that demands large expenses.

The Federal Law "On protection of the population and territories against emergencies of natural and anthropogenic character" is also important. Prevention of emergencies is a complex of measures carried out beforehand and aimed at maximal possible reduction of emergency risks, as well as at preserving the people's health, reducing the harm to environment and material loss in case of their occurrence.

Citizens have the right for protection of their lives, health and personal property in case of emergency; in compliance to the emergency elimination plans they may use the means of collective and individual protection and other property of the executive authorities of the Russian Federation subjects, local self-government bodies and organizations, which is designed to protect the population against emergencies; the citizens must be informed about the risk they are subject to in certain places on the country's territory, and about the necessary safety measures.

The Federal Law "On safety of hydro-technical structures" introduces the criteria of the *hydro-technical structures safety* – the limit values of quantitative and qualitative indicators of the hydro-technical structures states and the conditions of its exploitation, which correspond to the acceptable level of risk of the hydro-technical structures' damage, adopted in due order by the federal executive power bodies which supervise the safety of hydro-technical structures. The acceptable level of risk of the hydro-technical structures' damage is the value of the risk of the hydro-technical structures' damage stipulated by the normative documents.

General requirements are stated to providing the safety of hydro-technical structures, ensuring the civil liability for the damage inflicted by the hydro-technical structures' damage, ensuring the civil liability for the damage infliction.

The Federal Law “On the air protection” stipulates the indicators of the harmful impact on the environment and human health: harmful (polluting) chemical and biological substances or the mixtures of such substances, contained in the atmospheric air, which in certain concentrations influence harmfully on the human health and environment; harmful physical impact on the atmospheric air of noise, vibration, ionizing radiation, temperature and other physical factors, changing the temperature, energy, wave, temperature and other physical properties of the atmospheric air and negatively influencing the human health and environment.

The above anti-risk measures should be complemented by such general notion as the need to fully regulate these phenomena by the legislation. Such an approach gives more efficiency to the particular forms of risk dynamics regulation in governmental acts devoted to the issue of industry, agriculture, construction and labor relations development.

Anti-risk measures must be stipulated in strategies and conceptions of social-economic development, in target programs, in the sections on legal provision.

#### **Types of risks: characteristics and prediction**

The diverse activities of business structures, state and municipal bodies and establishments I always connected with the analysis of situations, selection of objectives and making decisions, as well as taking measures for their implementation. Many norms are implemented, violated or distorted, thus one should carefully analyze the phenomenon of risks dangerous for the stability of the state and economic institutions. Further we study the probably types and estimations of risks.

Risks in the law-making activity may arise in the following cases:

- a) violation of systemic links within the legislation (within sectors, between sectors, between the laws) and probability of contradictions and duplication – *the risk of legal collisions*;
- b) wrong selection of the objectives and object of legal regulation and means of legal regulation – *risk of correlation and factual mistakes*;
- c) underestimation of probable deviations in using the public authorities and implementation of the status of business structures and establishments – *functional risk*;
- d) poor accounting or lack of analysis of the behavior of social strata, citizens, and underestimation of social institutions – *risk of social alienation*;

e) underestimation of systemic regulation (procedures, control, etc) and analysis of the defects in legal conscience and behavior of officials and other persons – *corruption risk*;

f) lack of forecasts of the probable law implementation and its consequences (economic, social, political laws, etc);

g) risk of *inefficiency*. It requires the analysis of correlation between the indicators of actual procedures, the corresponding legal acts and the probable changes in the latter due to failures or inclinations in the former;

h) underestimation of the juridical technique and probable mistakes in interpretation and implementation of authorities and links of the law subjects – *technical-juridical risk*.

It is essential to forecast the risks of the external impact – changes in the economy, political sphere, social relations, external policy.

The risk in the process of law implementation can be revealed at the stage of law-making or the practice of law implementation. They include:

a) lack of operative information about the actual socio-economic processes and actual implementation of the legal norms – summarizing the experience and analysis by law monitoring;

b) erroneous actions of public authorities and business structures, connected with deviations from the legal statuses;

c) erroneous adoption of bylaws (authority abuse, misuse of rights, inaction);

d) revealed incompleteness of the resource provision of law (material, financial, personnel, etc.);

e) revealed new economic, social and other phenomena, not regulated by law;

f) risks at various stages of law implementation – initial and further;

g) probable gaps in legislation due to “risk situations” in regulated spheres (production decline, crop failure, financial crisis, etc);

h) risks due to anthropogenic, natural and other disasters and the need to introduce special legal regimes.

In the sphere of state and municipal management, where the norms of constitutional, administrative and financial legislation dominate, the “risk situations” arise very often. The inability and unwillingness to forecast and energetically prevent them result in hard consequences.

They are based on such false imperative of conscience and behavior as “appropriateness is above the law”. However, the law is the reflection of the highest public appropriateness, a kind of a conception of combination of the public and private interests.

Many managerial risks arise due to other reasons – economic, social, psychological. *They can be united into the following groups:*

- a) competence risks (interference into the competence of other bodies, etc.);
- b) corruption risks (action against the interests of state and municipal authorities);
- c) resource risks (deficit of means and desire to “compensate” it);
- d) information risks (incomplete and false information);
- e) erroneous administrative acts;
- f) risks of underestimation and ignoring the interests of other participants of management (business, civil society institutions).

The mentioned risks require serious effort to increase the managerial competence and the level of law conscience in state and municipal officials.

*The Analytical Report contains a section “Risk-oriented approach in implementing the controlling-supervising authorities”.* It states that introduction of risk management in the implementation of the state control (supervision) and municipal control in Russia should follow the two main goals: to increase the efficiency of the controlling-supervising activity and to increase the comfort in doing business.

The increase of the efficiency of the controlling-supervising activity implies the increase of safety, reduction of the number of mandatory requirements’ violation, with preservation or reduction of the state costs for controlling measures. At the same time, the increase of the comfort in doing business (concerning the state and municipal control) implies the reduction of costs of the supervised persons during the controlling measures, and the compliance of these costs with the level of danger incurred by the activity of the supervised subjects.

The legal and organizational tools are needed, which provide:

- 1) estimation of risks, consisting of revealing the danger, defining its characteristics and estimating the impact (probable consequences of damage and its scale);
- 2) risk management, understood as implementing the activities aimed at minimization or exclusion of risks;

3) revealing information about risks and ways of their elimination.

When creating the system of risk estimation, it is recommended to use the 3-level division of the supervised subjects by the risk extent, with an additional category of special risk subjects. Thus, each risk subject (object) will belong to one of the 4 categories: special risk group, high risk group, middle risk group and low risk group. To attribute the supervised subject to a certain category, at the initial stage it is recommended to use the static system of the risk degree estimation, further transiting to the dynamic system.

*Serious damage to economy is inflicted by risks in the business sphere.* Various interests meet here – public, corporate, personal, sectoral and territorial. It is sometimes hard to reveal and forecast risks which can result in the reduction of the level of economic relations. *The most typical risks are:*

- a) non-fulfillment of contract liabilities;
- b) incomplete information about the situation in the stock and labor markets;
- c) unlawful administrative pressure (when registering business, rendering services, etc.);
- d) breaking the law due to “particular reasons”;
- e) sudden changes in economic course or situation;
- f) conservatism in economic and legal thinking;
- g) risks of crisis in the global economy.

It is essential to increase the quality of the local acts.

It is easy to notice that the risks in legislation, managerial and business activity are closely interwoven. They often “castle” and acquire the properties of the cause or consequence.

### **Technique of analysis, estimation and elimination of risks**

The research of the practice of management and economic activity shows the increase of the “risk threat” due to the growing scale of socio-economic development in the country and the processes of globalization in the modern world. The “price” of risks becomes especially high, thus new approaches in this sphere are required.

First of all, one should overcome the obsolete interpretation of risk as an accidental phenomenon in different situations. Subjective estimations should be substituted for realization that risk is a “shadow satellite” of plans, programs, forecasts, decisions and actions. “Anti-risk” measures must become a natural element at all stages of their elaboration, adoption and implementation.

Risk prevention largely depends on the level of professional training of the personnel in all spheres of activity. Introduction of special courses on risk management mechanisms in juridical, economical and other universities is an urgent need. Knowledge of the techniques of risks diagnosing is an essential element of competence of administration and specialists.

The “Classification of risks in the legal sphere”, designed by the author, is sure to be of use.

The risks are classified according to the degree of their predictability and the scale of danger for the decision-making subject.

I level – “Juridical-text risks” expected:

- violation of systemic links in legislation;
- erroneous definition of the objectives and means of regulation (regulators);
- technical-juridical errors;
- erroneous definition of the statute of the legal subject.

II level – “Risks – unexpected actions”:

- actions outside the legal statute of the subject;
- unexpected actions of partners;
- situational actions;
- public dissatisfaction (critique, protests);
- lack of resources (negligence).

III level – “Risks of new situations”:

- contradictory consequences of a new political and economic course;
- disadvantageous consequences of reforms;
- influence of crisis phenomena;
- passiveness and non-fulfillment of the executors.

IV level – “Force majeure risks”:

- alienation of the population from the law;
- destruction of state and other institutions;
- emergencies (anthropogenic catastrophes, ecological, coup d'états, wars).

The carried out analysis allows to propose the following “Rules for analyzing, estimating and preventing risks”.

The objective of the Rules is to increase the level of competence of specialists in the course of anti-risk activity.

1. The risk is a probable aberration of the projected decision, which can take place and inflict harm.
2. The risk and prediction are connected with each other and should be viewed as mutually influencing.
3. The risks should be distinguished:

3.1) by the spheres of occurrence (economical, ecological, anthropogenic);

3.2) by inter-territorial borders – intra-state and international;

3.3) by the time of the probable action (short-term, long-term, etc.);

3.4) by the degree of danger (acceptable, objectionable, critical, etc.);

3.5) by the degree of legal regulation.

4. The causes of risks should be analyzed and revealed:

4.1) errors in calculations;

4.2) ungrounded predictions and their consequences;

4.3) conflict situations: conflict of interests, juridical collisions, disputes on competence;

4.4) global and regional ecological and anthropogenic catastrophes, wars, coup d'états.

5. Analysis and estimation of risks are carried out continuously in the regime of law monitoring.

6. Risk prevention should be provided with a constantly renovated information base (statistical, scientific, thematic, etc.).

7. In the course of risks revelation one should define their causes, conditions and factors of influence, changes in the character of implementation of the projected decisions and actions, probable consequences.

8. Preventive anti-risk actions are also useful qualitative regulation of statutes and interactions of the acting persons, experiment, certifies quality of particular elements, high qualification of elaborators and specialists.

9. Operative-analytical information about the revealed risks should be immediately communicated to the decision-making persons.

10. Minimization and overcoming of risks implies elimination of their causes and revelations, correcting the erroneous or disputable decisions (actions), improving the regimes of activity.

11. Means of compensatory mechanism should be elaborated, provided and applied:

11.1) insurance;

11.2) reserve funds;

11.3) reimbursement of damage (loss);

11.4) changing the terms of activity;

11.5) using additional legal regulators.

During the anti-risk activity one should differentially apply measures of stimulating and inciting as well as measures of liability to the employees responsible for the corresponding actions (non-fulfillment).

### Conclusions

Thus, we consider it useful to elaborate a typical pattern of risk management. Its main constituents are grouped on a systemic basis. *They are the following:*

a) estimation of the typical “failures” in an organization, in management and classification of risks according to the above types;

b) analysis of factors influencing the functioning of structures in the regulated sphere and the probable stages of risk danger;

c) establishing the levels of responsibility for executing actions in the given sphere (bodies, structural divisions, personnel);

d) introduction of the system of “risk-oriented” control and supervision;

e) monitoring the “risk situations” and signals about their threatening dynamics in compliance with the Russian President’s Decree “On monitoring of law implementation”;

f) making decisions and implementing other anti-risk measures to prevent risks and correct projects, resource provision, etc.

Basing on the typical pattern, special risk management systems are approved in sectors, spheres and levels of management. An illustration for this is “Manual for

forming (improving) a system of measures for risk management in registering activity” adopted by the Board of Directors of PARTAD on September 21, 2011, in concordance with the Federal Agency on Financial Markets.

The above elements of the risk management mechanism should not be viewed as an autonomous system, as they should be a constituent of the mechanism of optimal legal regulation. Adopting of the long-awaited Federal Law “On normative acts in the Russian Federation” will open way for bringing order into the system of acts, improving their quality basing on the methodology of regulating impact estimation and the criteria for estimating the efficiency of legal decisions implementation.

### References

1. Tikhomirov, Yu. A., Shakhray, S. M. *Risk and law: scientific edition*, Moscow: Moscow University Publishers, 2012, 64 p. (in Russ.).
2. Aryamov, A. A. *General theory of risk: juridical, economical and psychological analysis*. 2<sup>nd</sup> edition, Moscow: WoltersKluwer, 2010, 208 p. (in Russ.).
3. Tikhomirov, Yu. A. Predictions and risks in the legal sphere, *Journal of the Russian Law*, 2014, No. 3 (in Russ.).
4. Tikhomirov, Yu. A., Lapina, M. A. *Risk in the sphere of public and private law*, Moscow, 2014, 310 p. (in Russ.).

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### РИСКИ: ДИАГНОСТИКА И УСТРАНЕНИЕ

**Цель:** разработка концептуальных теоретико-правовых положений и научных рекомендаций по выявлению, анализу и устранению риска.

**Методы:** всеобщий диалектический метод познания, а также основанные на нем общенаучные и частноправовые методы исследования.

**Результаты:** рассмотрены система диагностики рисков в правовой сфере и механизм воздействия на «рисковые ситуации» и их последствия (ущерб природе и вред обществу). Сформулировано понятие риска в правовой сфере; приведена авторская классификация рисков в правовой сфере. Разработаны правила анализа, оценки и предотвращения рисков, а также типовая схема управления рисками.

**Научная новизна:** разработан и введен в научный оборот механизм выявления, анализа и устранения риска, предложены авторские классификации и виды рисков, обозначены причины и условия, способствующие возникновению риска.

**Практическая значимость:** выводы и положения статьи могут быть использованы в научной, законотворческой и правоприменительной деятельности, учебном процессе учреждений высшего образования.

**Ключевые слова:** теория и история права и государства; риск; правовой риск; диагностика риска; устранение риска; классификации и виды риска; причины и последствия риска

#### Список литературы

1. Тихомиров Ю. А., Шахрай С. М. Риск и право. М.: Изд-во Московского университета, 2012. 64 с.
2. Арямов А. А. Общая теория риска: юридический, экономический и психологический анализ. 2-е изд. М.: Волтерс Клувер, 2010. 208 с.
3. Тихомиров Ю. А. Прогнозы и риски в правовой сфере // Журнал российского права. 2014. № 3.
4. Риск в сфере публичного и частного права / отв. ред. Ю. А. Тихомиров, М. А. Лапина. М.: От и До, 2014. 310 с.

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