LAW ENFORCEMENT AND SOCIAL SECURITY OF PUBLIC EVENTS: ORGANIZATIONAL AND LEGAL SOLUTIONS

1Nikolai Pauzin
2Vitalii Vasyukov
3Sergey Krasheninnikov
4Elena Yudina

ABSTRACT

Background: Article analyzes various national and international aspects of the state of the system of legal support of public order and social security related to mass events.

Objective: to develop organizational and legal solutions aimed at creating an effective approach to solving issues of law enforcement and social security during the preparation and holding of mass public events.

Methods: dialectical method was chosen as the main research method.

Results: The article highlights the administrative-legal and organizational-tactical measures used by the internal affairs bodies and the resource enforcement of the law and social security during the preparation and holding of public events of various kinds. The authors highlight the legal and organizational bases for law enforcement and social security during the preparation and holding of public events in foreign countries. Conclusions: New approaches to ensuring social security have been proposed for both internal affairs units and sanitary and epidemiological services in connection with the spread of the COVID-19 pandemic.

Keywords: Law enforcement. Violations of public order. Sanitary and epidemic well-being.

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1 Moscow Aviation Institute - National Research University, (Russia). Email: nikolai.pauzin@mail.ru Orcid: https://orcid.org/0000-0003-4708-2421
2 Moscow State Institute of International Relations (Russia). Email: vvvl0109@yandex.ru Orcid: https://orcid.org/0000-0003-0743-5616
3 Financial University under the Government of the Russian Federation (Russia). Email: crash_000@mail.ru Orcid: https://orcid.org/0000-0002-0883-550X
4 Russian State University of Tourism and Service (Russia). Email: itbrmat@mail.ru Orcid: https://orcid.org/0000-0001-6006-7678
APLICAÇÃO DA LEI E SEGURANÇA SOCIAL DE EVENTOS PÚBLICOS: 
SOLUÇÕES ORGANIZACIONAIS E JURÍDICAS

RESUMO

Antecedentes: O artigo analisa diversos aspectos nacionais e internacionais do estado do sistema de amparo legal da ordem pública e da previdência social relacionados aos eventos de massa. Objetivo: desenvolver soluções organizacionais e jurídicas destinadas a criar uma abordagem eficaz para a resolução de questões de aplicação da lei e de segurança social durante a preparação e realização de eventos públicos de massa. Método: o método dialético foi escolhido como principal método de pesquisa. Resultados: O artigo destaca as medidas administrativo-jurídicas e organizacionais-táticas utilizadas pelos órgãos da corregedoria e a aplicação de recursos da lei e da previdência social durante a preparação e realização de eventos públicos de diversas naturezas. Os autores destacam as bases legais e organizacionais para a aplicação da lei e da seguridade social durante a preparação e realização de eventos públicos em países estrangeiros. Conclusões: Novas abordagens para garantir a segurança social foram propostas tanto para as corregedorias quanto para os serviços sanitários e epidemiológicos em conexão com a propagação da pandemia de COVID-19.


1 INTRODUCTION

The protection of public order, which is necessary for the life of modern society, is carried out both in everyday social conditions of interaction between citizens, and special ones, such as holding mass events, which impose additional difficulties in ensuring social security and law enforcement. In addition, mass events are events that can directly endanger the health of the population, increase the level of anxiety in society and cause disruption of economic ties at the local, regional or global level (World Health Organization, 2011). Today, mass events with international participation are associated with the formation of conditions for the emergence of an epidemiological risk due to the increasing burden on the sanitary and hygienic infrastructure of their venues (Anyushina et al., 2021; Leonov et al. 2021), including a short-term increase in population density in a limited area (Abubakar, 2012; Al-Tawfiq; Memish, 2012). The history of mass events has many examples of infectious diseases: the influenza outbreak during World Youth Day 2008 in Sydney, the measles in South Africa during the 2010 FIFA World Cup, etc. (Blyth et al., 2010). Therewith, the spread of the epidemic on a global scale can occur within a few weeks (Colizza et al., 2006; Khan et al., 2009). It is not yet known for certain, but there is a high probability that the spread of the COVID-19 pandemic was facilitated by holding mass events with a large number of participants (rock festivals, football matches, etc.) and non-observance of the social distance between spectators and fans for various reasons. Mass events as a possible source of infectious diseases, taking into account the threats of the COVID-19 pandemic, should be given the main attention today (Steffen 2013). Cases of such occurrence cause a great resonance in the media and can seriously undermine the reputation of the host country.
Ensuring the safety of mass events requires appropriate legal support and its corresponding consolidation in the legislation of the Russian Federation, aimed at achieving the set goals. Ensuring the security of the organization and holding of mass events is associated, first of all, with ensuring public order and social security, the individual safety.

Therefore, problematic issues of public order protection have been of very urgent importance over the past few years, and studies devoted to the search for an optimal system for ensuring public order and social security attract a large number of scholars. Studies of various problems of ensuring security and public order associated with the holding of public events are carried out in such main areas as the organizational and tactical activities of the police and the National Guard (Nosov, 2020; Makhaleva, 2019), legal regulation and organization of the conduct (Khodyrev, 2020; Kabzhanov, 2020), ensuring sanitary and medical well-being and medical support (Patyashina, 2015; Kaliev, 2019). Therewith, comprehensive works covering the issues of ensuring social security during mass events complicated by the influence of COVID-19 are not yet widely available, so research in this direction seems to be very relevant and in demand. Research hypothesis. Currently, ensuring social security during mass events should be carried out taking into account the threats to the sanitary and epidemic well-being and health of the population, which will require significant changes in the current regulatory and legal regulation.

2 METHODS

The main research method used in this article was the dialectical method of cognition of reality. In combination with it, the historical method was used, which allowed seeing the development of the organizational and legal foundations for ensuring the safety of mass events, the statistical method and the questionnaire, which allowed showing the seriousness and depth of the existing problems, their relevance. The comparative analysis used in the study, in particular, allowed studying organizational and legal approaches to ensuring security at mass events on an international scale, evaluating the rich experience of several countries, and considering the possibility of using it in the Russian Federation. The formal legal method allowed identifying the concepts that need to be included in the improved legal regulation. The information basis for proving the research hypothesis was the documents of legal regulation, the works of Russian and foreign scholars devoted to the problems of ensuring law and order and security at mass events, statistical data presented in free access on Internet resources.

3 RESULTS

The concept of "public event" was normalized in Federal Law No. 541-FL of June 19, 2004 "On Meetings, Rallies, Demonstrations, Processions, and Picketing" (2004), according to which "a public event is an open, peaceful, accessible to everyone, held in the form of a meeting, rally, demonstration,
procession or picketing or in various combinations of these forms, an action carried out on the initiative of citizens of the Russian Federation, political parties, other public associations, and religious associations, including with the use of vehicles”, while the concept of "mass event" is currently absent in the legislation. Considering other normative legal acts, it should be noted that the Federal Constitutional Law No. 5 FCL of June 28, 2004 "On the Referendum of the Russian Federation" (2004), Federal Constitutional Law No. 1 FCL of January 30, 2002 "On Martial Law" (2002) classify all public events as mass events.

A necessary and main condition for ensuring the safety of citizens and public order during mass events is a clear legal regulation of the organization of their preparation and conduct, as well as the actions of state authorities and local self-government aimed at preventing and suppressing violations of this order, bringing the perpetrators to justice.

One of the main requirements for holding a mass event in the Law on Assemblies is to ensure the observance of public order and social security. These terms are used in the named law in many of its norms, for example, Articles 4, 6, 8, 12, etc. However, it does not disclose in detail how their proper execution will be ensured.

The task of protecting public order and ensuring social security, including during public and mass events, is entrusted to the police by Federal Law No. 3 FL of February 7, 2011 "On the Police" (2011) as well as for the troops of the National Guard by the Federal Law No. 226-FL of July 3, 2016 "On the troops of the National Guard of the Russian Federation" (2016).

To ensure public order and social security of mass events, the employees of the above-mentioned structures are authorized to apply certain measures of state coercion, such as: to address groups of people, whose presence in public places is not connected with legal ongoing public and mass events, with the demand to break up or relocate, if the gathering threatens the life or health of its participants, or the life and health of other people or property (Clause 7, Part 1, Article 13 of the Federal Law "On the Police"); in order to maintain the public safety and order, in cooperation with the organizers of a public and a mass event to conduct personal searches and examine personal property of visitors entering the facility, ground, or public place where the event is to take place, including, where necessary, with the use of technical equipment; upon the receipt of an objection to a personal search to deny the objector’s access to the respective facility, ground, or public place (clause 18, p. 1 Article 13 of the Federal Law "On the Police"); to temporarily restrict or bar traffic, modify the traffic scheme in a particular road section during a mass or public event (clause 20, part 1 of Article 13 of the Federal Law "On the Police"), etc.

The absence of the concept of a mass event, the lack of uniform requirements for holding peaceful assemblies in the regions of the country are a disadvantage of the current legislation of the Russian Federation and, as it seems, have a negative impact on ensuring security and law and order at mass events.
The international experience of such activities is certainly important in ensuring security and law and order at mass events. It seems appropriate to consider the experience of legal regulation of mass events in some EU countries (Germany and France). The main source of law in the field of mass events in the EU countries is the European Convention for the Protection of Human Rights and Fundamental Freedoms (2021), in particular, Article 11 on freedom of assembly and association: everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his/her interests. These human rights are not subject to restriction, except in cases provided for by the laws of a democratic society in the interests of national security and public order. The article does not prevent the creation of legal restrictions for certain categories of citizens with authority (police officers, military personnel, or civil servants). Another source of law in the field of regulating mass events is the internal laws of the EU countries, which may differ significantly from each other. One of the most stringent laws is in force today in France (Khodyrev, 2020). This is due to the historically established political culture of holding mass events, which often escalate into mass riots with damage and a threat to national security (in the recent history of France, these are the events of 1968, as well as mass riots that began in November 2018 and had been lasting in different cities over the next few months) (Khodyrev, 2020). The main legislative act regulating the procedure for holding demonstrations in France is a Decree-Law containing a set of rules related to strengthening measures to ensure public order. Article I of the law requires: "Prior notification must be made without fail about every meeting, procession, demonstration, etc. in a public place", which, following Art. 2 must be submitted to the municipality of the commune, where the demonstration will take place, at least three full days and no more than 15 days before the start of the mass event. Although this document is of a notification nature, the state representative in the department or the prefect of police in Paris may prohibit it during the day preceding the meeting, if there are sufficient grounds to believe that the current circumstances are capable of causing riots and a serious violation of public peace (Patyashina; Balabanova, 2015). Despite the strict legislation, the French authorities try not to use force methods even to uncoordinated mass events. Thus, the Russie-Libertés association organized an uncoordinated rally (the notification was submitted in violation of the deadline for submitting documents) near the Elysee Palace during the visit of the President of the Russian Federation to France on June 1, 2012. Therewith, the police officers who arrived at the scene did not disperse it, since there was no threat of violating public order (Khodyrev, 2020).

A fairly tolerant attitude to unauthorized events takes place in German legislation. It allows for spontaneous public speeches of citizens that are unplanned. The competent authority has the right to prohibit the holding of an event if there are clear signs that there will be an immediate threat to security or the established procedure as a result of its holding. The tasks of the police officers include ensuring public order and protecting the rights of citizens to hold a demonstration. The police are instructed to support the organizer in every possible way during the event. The organizer of the event is responsible
for the timely termination of the demonstration and the dispersion of people. If this does not happen, the authorities have the right to forcibly disperse the demonstration (Patyashina; Balabanova, 2015).

The decree of the Council of Ministers of July 2, 2002, establishes the requirements for training and equipping, as well as the conditions and procedure for the use of German law enforcement forces. It contains: – requirements that must be fulfilled by law enforcement forces in the field of training and equipment, – detailed conditions and procedure for the use of these law enforcement forces in the field of rechecking the right of people to participate in a mass event, – the procedure for identifying people, – the procedure for searching luggage and clothing, – the procedure for removing people from the event that interfere with its conduct (Hans-Georg, 2021).

A significant role in the protection of public order is played by measures taken in advance by the police on transport routes, due to which possible sources of danger are eliminated. The prerequisite for the success of the events is the information and tasks received in advance. The main actions are planned and organized directly on the spot in justified cases. The German police strategy for the protection of mass events is characterized by technical standards for registering the course of the event, assessing the danger and correctly calculating the police forces, information storage and processing of information, monitoring the flow of people, as well as the effectiveness of monitoring groups from individual police stations (Zemlyakov, Zemlyakova, 2018).

The regulation of events in the United States is attributed to the jurisdiction of state and local authorities. In some cities and states of the United States, the requirements of municipalities also include such mandatory conditions as the prohibition of holding public events near "zones of silence" established by the authorities, government quarters, administrative buildings, etc., which, first of all, is aimed at ensuring the maximum level of law and order and security in crowded places. In the absence of a permit or violation of one of the provisions of the requirements, local authorities have the right to stop the event, up to the use of special means for this purpose and detain its participants. The legality of the actions of the police in such cases can be challenged following a clear procedure by observers from the National Guild of Lawyers, who can be invited by the organizers of the action (Mugaleva, 2021).

Today, in the context of the ongoing COVID-19 pandemic, the preparation and holding of mass events, especially at the international level, require coordination of various law enforcement agencies and sanitary, epidemiological, and medical departments of the host country, as well as interaction with other countries and international organizations, such as WHO and the European Center for Disease Prevention and Control. The urgency of the problem of ensuring biological safety in the organization and conduct of mass events was emphasized at the 65th session of the World Health Assembly in 2012.

The main directions of activities to ensure the sanitary and epidemiological well-being of the population during mass events were determined for the first time in preparation for the Olympic Games in Los Angeles (1984). The existing system of epidemiological surveillance was strengthened to prevent epidemic complications during the Olympic Games-1984, aimed at actively detecting isolated cases of infectious diseases, and a set of measures was developed in case of outbreaks of infectious diseases. The
assessment of the epidemiological situation during the games was carried out with the participation of specialists from the Center for Disease Control and Prevention. Mechanisms for attracting specialized response teams consisting of doctors, epidemiologists, and junior medical personnel were worked out in case of emergencies of a sanitary and epidemiological nature. An automated surveillance system (Real-time outbreak and disease surveillance) was developed in preparation for the Olympic Games in Salt Lake City (2002). A systematic approach was integrated into the traditional epidemiological surveillance system, which contributed to the early detection of cases of infectious diseases, including those caused by the deliberate use of pathogenic biological agents. Due to the introduction of information technologies, data on infectious morbidity were received in real-time, which ensured the timely implementation of the necessary measures in the event of an emergency of a sanitary and epidemiological nature (Polkinghorne et al. 2013). Another example of strengthening measures to ensure the security of participants of mass events from “terrorist threats” is the use of the BASIS biological intelligence system. The BASIS system detected and indicated five pathogenic biological agents during the Olympic Games-2002 (pathogens of plague, smallpox, anthrax, tularemia, and botulinum toxin) in environmental objects. Thus, ensuring the sanitary and epidemiological well-being of the population during mass events in the world was carried out by integrating modern technologies into traditional systems of epidemiological surveillance, improving monitoring of environmental objects, strengthening laboratory services, including with the help of mobile formations (Patyashina, Balabanova, 2015).

Currently, the issue of ensuring the biological safety of the population during mass events with international participation is a priority area of international cooperation. International health regulations were developed at the 58th session of the World Health Assembly in 2005, which specified three types of events for which notification of WHO is required, and the “quarantine infections” concept is excluded. In 2008, WHO published the materials "Notification and response measures against infectious diseases during mass events", in 2009 – "Temporary recommendations for planning and organizing mass events during the 2009 influenza (H1N1) pandemic”. A year later, a Lancet conference was organized under the auspices of WHO, dedicated to the medical aspects of MMM, during which the Jeddah declaration on mass gatherings health was developed (Patyashina, Balabanova, 2015).

The table below shows the differences in the legislative regulation of social security at mass events in different countries.

Table 1. Differences in the legislative regulation of social security at mass events in different countries

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<th>Country</th>
<th>The main features of the legislative regulation of ensuring social security and protecting public order during mass events</th>
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SDG JOURNAL OF LAW AND SUSTAINABLE DEVELOPMENT
The existence of a single law on the safety of mass events

A clear reflection in the legislation of the procedure for the activities of responsible bodies and officials (police strategy)

Standardization of safety requirements at the national level

Systematization of sanitary and epidemiological requirements

<table>
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<th>France</th>
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<th>USA</th>
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4 DISCUSSION

Today, the quality of the realization of the right of citizens to peaceful assembly should be recognized as the main criterion that allows classifying the state as democratic and legal (Anyushina et al., 2021). The State is obliged to guarantee reasonable and balanced coordination of the interests of the whole society, as well as to establish an appropriate procedure and conditions for their implementation in a normative form, during which the rights and legitimate interests of a wide range of persons (both participants in public and mass events, and persons not directly involved in them) can be affected. The relevant legal regulation should ensure the achievement of the goals of such events and at the same time their correlation with such constitutionally significant values as the maintenance of civil peace and harmony, the inadmissibility of the exercise of human and civil rights and freedoms to the detriment of the rights and freedoms of others, the prohibition of activities aimed at inciting social, racial, national or religious hatred and enmity. To carry out activities to protect public order and ensure security during the production of public actions, the internal affairs bodies use various forms and methods that are also used in the daily official activities of various public order protection units, with a certain adaptation to public events.

A survey of more than 500 police and National Guard of Russia officers from 11 regions of the Russian Federation who protect public order and ensure social security, including during mass events, showed that more than 50% of respondents often conduct various inspection activities, while 24.8% noted low legal protection of both participants of a mass event and law enforcement officers when applying state coercion measures (Sergeev, 2020; Pushkarev et al., 2021). One of the reasons for such uncertainty of law enforcement officers is, among other things, the above-mentioned problems in the legal regulation of the grounds and procedure for the application of certain measures of state coercion.
Therewith, it should be noted that the complex of such forms and methods used by police units has already been sufficiently tested over the long years of the implementation of the activity under consideration, as evidenced by the examples of Germany and France. An important role in the choice of tactics for ensuring law and order and security is also played by the competent leadership of the internal affairs body and its structural divisions, since it is a well-thought-out and meaningful management activity that comes to the fore when developing a plan and allows correctly responding to a sudden change in the situation during the necessary actions. For example, when developing a plan for the protection of public order in connection with public action and determining the alignment of forces of a single deployment, the heads of departments take into account both the numerical capabilities of the units and their equipment, the ability to solve tasks, and the operational situation that is currently developing in the service area (Yastrebova et al., 2020; Balova et al., 2021).

In the context of the ongoing COVID-19 pandemic, the safety of participants and guests of mass events in the current conditions will increasingly depend on the degree of implementation of international health regulations in the host country and its level of readiness for emergency prevention and control in terms of methodological, technological, material and technical support, the state of human resources and the adaptability of stationary network structures and mobile formations of medical and preventive and sanitary-epidemiological profile to the requirements of international health regulations, harmonization with them of the national legal, regulatory and methodological framework in the field of sanitary protection of the territory (Federal Law of June 19, 2004 No. 541-FZ "On meetings, rallies, demonstrations, processions and picketing", 2020). When conducting mass international events, it is advisable to reflect safety factors in the documents regulating sanitary and anti-epidemic provision. It is necessary to take into account the territorial and seasonal factors and, for risk analysis (assessment and management), the qualitative and quantitative geography of the event participants. It also seems necessary, based on the WHO documents discussed above, to develop a national standard containing the basic requirements for the sanitary regime during events and personal hygiene of event participants and staff, features of access modes to facilities and venues of events, catering, sanitary treatment of premises, provision of protective equipment and other necessary measures.

5 CONCLUSIONS

In modern, rapidly changing conditions, it is necessary to make the same rapid organizational and legal decisions in the field of law enforcement, allowing the state to ensure the necessary level of social security and law enforcement, including at mass events. The modern concept of security at mass events is impossible to imagine without appropriate measures of a sanitary and epidemiological nature that can effectively prevent the spread of infections dangerous to health and life, which will require coordination of the actions of authorized law enforcement agencies, sanitary and epidemiological and medical services, determining their functions and tasks, both in general and for a specific situation.
Therefore, the most important element of the formation of a system of public order protection, including in relation to mass events, is to combine the efforts of the law enforcement apparatus and sanitary-epidemiological and medical services into an effective and all-encompassing tool for maintaining security. This circumstance will require significant changes to the current legislation. The practical implementation of the ideas of improving the security system is seen in the systematical implementation at all levels of state activity, including, and primarily in the field of ensuring the legislative framework, the development of a separate, open regulatory act on the security of mass events, where the regulatory requirements for the relevant services for its provision would be elaborated in detail, tasks are specified, as well as measures, tactics, and methods used to solve them. Thus, the hypothesis of the study appears to be proven. It was not possible to answer all the questions of ensuring social security and law enforcement at mass events within the framework of this article. A possible direction for continuing the presented research is seen in the analysis of the specifics of ensuring social security at mass events.

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