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INSTITUTION "KRASNOYARSK COOPERATIVE TECHNOLOGY OF ECONOMICS, COMMERCIAL AND LAW"

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 Polevaya Ekaterina Borisovna

 Project leader: teacher highest qualification

 category

 Panasyuk Tatyana Vladimirovna

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**Annotation**

This project talks about information that constitutes state secrets in operational-search activities, which play an important role in ensuring the security of the state.

The concept of state secret, its meaning and significance in operational investigative activities is considered. The main criteria by which the reduction of operational information as state secrets is determined, and also provides specific examples of such information. Particular attention is paid to the issues of classifying information as state secrets, as well as the consequences of disclosing such information. The work allows us to more deeply understand the essence of state secrets in operational investigative activities and its importance for ensuring national security.

**Keywords**

State secret, secrecy, classification of information, ensuring state security, government structures, access, confidentiality.

 INTRODUCTION

**The relevance of the project** is expressed in the lack of knowledge of this issue by third-party authors in the field of political science, sociology and other disciplines. This problem was considered primarily in the sphere of legal regulation, without affecting its social and personal implications. Therefore, one of the reasons for the increasing relevance of this problem is the possibility of considering it from a different point of view. Another reason for its high relevance is the need to modernize the legal regulation of this issue in order to increase the efficiency of protecting information constituting a state secret, in view of the possibility of causing irreparable damage to the Russian Federation in the event of its disclosure.

**Problem:** The main problem that you may encounter is the possibility of unauthorized access to information containing elements of state secrets by third parties, as well as leakage of information containing elements of state secrets from operational structures or bodies, which can lead to serious consequences, including threat to national security.

**Project goal:** to consider the concept of state secrets and the procedure for its protection.

**Project objectives:**

− Consider the concept of state secrets;

− Study the history of the formation of the defense organization state secrets;

− Consider the bodies protecting state secrets;

− Consider state secrets as a function of the state in relation to society and the individual;

− Study modern problems of legal regulation state secrets in Russia;

− Characterize the protection of state secrets in the Russian Federation at the present stage of its development.

**Hypothesis:** I believe that information constituting state secrets in operational investigative activities may be associated with confidential operational methods and techniques, the identification of agents and sources of information, as well as information about the plans and actions of law enforcement agencies to combat crime.

**Method:** Collection and analysis of information, systematization of the text.

**Object of work:** state secret.

**Subject of research:** concept, history of formation, security authorities, clearance, function and protection of state secrets.

 1 Theoretical and methodological foundations of state secrets

* 1. The concept of state secrets.

 Classification of information as a state secret is carried out in accordance with the Law of the Russian Federation of July 21, 1993 N 5485-1 (as amended on August 4, 2023) “On State Secrets”: “State secrets are information protected by the state in the field of its military, foreign policy, economic, intelligence, counterintelligence and operational-search activities, the spread of which may harm the security of the Russian Federation.”

Article 5 of the Law “On State Secrets” sets out information that is classified as a state secret, which is divided into four main groups:

1) information in the military field:

2) information in the field of economics, science and technology:

3) information in the field of foreign policy and economics:

4) information in the field of intelligence, counterintelligence and operational investigative activities.

The main criterion for classifying information as a state secret is the need to ensure the defense of state security and law enforcement activities in the Russian Federation.

According to Article 8 of the Law “On State Secrets”, three degrees of secrecy of information constituting a state secret are established, and the secrecy classifications corresponding to these degrees for carriers of this information: “of special importance”, “top secret” and “secret”.

1.2 Bodies for protecting state secrets.

 Bodies protecting state secrets include:

− interdepartmental commission for the protection of state secrets;

− federal executive authorities (Federal Security Service of the Russian Federation, Ministry of Defense of the Russian Federation, Federal Agency for Government Communications and Information under the President of the Russian Federation), Service (Foreign Intelligence of the Russian Federation, State Technical Commission under the President of the Russian Federation and their local bodies.

Admission of officials and citizens of the Russian Federation to state secrets is carried out on a voluntary basis.

The permit provides for those making such a decision:

− accepting obligations to the state to not disseminate information entrusted to them that constitutes state secrets;

− consent to partial, temporary restrictions on their rights (the right to travel abroad for the period specified in the employment agreement (contract); the right to disseminate information constituting state secrets, to use discoveries and inventions containing such information; the right to privacy in carrying out verification activities during the period of obtaining access to state secrets);

− written consent to conduct in relation to them authorized bodies of inspection activities;

− determination of types, sizes and procedures for providing benefits; familiarization with the norms of the legislation of the Russian Federation on state secrets, providing for liability for its violation;

− making a decision by the head of the public authority of an enterprise, institution or organization on the admission of the person being registered to information constituting a state secret.

When deciding on access to state secrets, verification measures are carried out. The scope of verification activities depends on the degree of secrecy of information to which the person being processed will be allowed.

Protection of state secrets is the most important direction of government bodies. Russia spends a lot of money to ensure and protect the security of the country and its citizens. Behind the concept of “state secret” are huge financial resources and assets, the work of many generations of scientists, research institutes, experimental bases and much more.

1.3 Regulatory legal acts regulating issues in the field of state secrets

The legal basis for the institution of state secrets is the Constitution of the Russian Federation, the Federal Law “On State Secrets”, the Law “On Security”, the Federal Law “On Information, Information Technologies and Information Protection”, decrees and orders of the President of the Russian Federation, decrees and orders of the Government of the Russian Federation, regulatory relations in the field of protection of state secrets [1].

In accordance with Art. 2 of the Law “On State Secrets” state secrets include information protected by the state in the field of its military, foreign policy, economic, intelligence, counterintelligence and operational investigative activities, the dissemination of which may harm security Russian Federation.

Carriers of information labeled “State secret” can be any material objects that display information constituting a state secret.

The list of information containing state secrets includes

– information from the military field,

– information from the field of economics, science and technology;

– information from the field of foreign policy and economics.

2 The situation of state secrets at the present stage in Russian Federation

2.1 Officials with access to state secrets

 The access of officials and citizens of the Russian Federation to state secrets is regulated by the Law of the Russian Federation “On State Secrets” No. 5485-1 of July 21, 1993 (Article 21).

The procedure for access to state secrets is determined by the “Instruction on the procedure for access of officials and citizens of the Russian Federation to state secrets,” approved by Decree of the Government of the Russian Federation of February 6, 2010 No. 63.

Access to state secrets is voluntary.

Access of citizens to state secrets provides for:

− accepting obligations to the state to not disseminate information entrusted to them that constitutes state secrets;

Three forms of access to state secrets for officials and citizens have been established, corresponding to three degrees of secrecy of information constituting a state secret: information of special importance, top secret or secret. The presence of officials and citizens with access to information of a higher degree of secrecy is the basis for their access to information of a lower degree of secrecy.

The decision on access to state secrets is made:

a) in relation to citizens who are in the reserve and subject to conscription for military service upon mobilization or military training - by the military commissar;

b) in relation to the heads of state bodies and state organizations - by those who appointed them to the relevant positions;

c) in relation to the heads of non-governmental organizations - by the head of the organization that ordered the work using information constituting a state secret.

2.2 Modern problems of legal regulation of state secrets in Russia

In Russia, the institution of state secrets has always been more than just a restriction on the right of citizens to access certain information. State secret, perhaps, first of all, was some kind of sacred, incomprehensible entity that inspired fear and awe in those who came into contact with it. Incomprehensible because there was no clear legal regulation of this concept in Soviet times, and there is none today. The main complaint against the current regulatory system of this institution is that a number of regulations included in this system were issued under the heading of secrecy, were not published and remain outside the framework of public or expert control.

The three-level system of regulations defining the procedure for classifying information as state secrets today looks like this:

− the law contains a list of categories of information constituting state secrets;

− the list approved by Decree of the President of the Russian Federation No. 1203 determines the authorized state body for the disposal of each category specified in the Law;

− heads of state bodies defined in Decree of the President of the Russian Federation No. 1203, on the basis of the list of the Law of the Russian Federation “On State Secrets”, draw up and approve by secret orders their detailed lists of information subject to classification, including even more detailed categories of information that are within the competence of these organs.

Each of these normative acts has its own functional significance when resolving the practical issue of classifying certain specific information as state secrets:

Guided by the departmental list, you can understand which categories of information are protected under the state secret regime and what degrees of secrecy they have.

2.3 Protection of state secrets in the Russian Federation at the present stage of its development

 Currently, in the Russian Federation, potential (real) damage from the disclosure of state secrets is determined only qualitatively: existing regulatory and methodological documents do not allow for a quantitative assessment of the amount of damage from the disclosure of information specified in the List of information classified as state secrets. This, in turn, does not allow this damage to be coordinated with the norms of the Criminal Code of the Russian Federation, on the basis of which specific sanctions are imposed.

Among other shortcomings inherent in the current Law of the Russian Federation “On State Secrets”, the presence in its Article 5 of an overly broad definition of various groups (categories) of information that constitutes a state secret stands out. The large scale of these categories makes it possible to quickly determine, even to a first approximation, a specific group of information that constitutes a state secret. However, each such group of information includes or may include a significant amount of private information, so assessing the specific amount of quantitative damage to the defense and security of the entire state from the disclosure of specific private information constituting a state secret is in this case very difficult and, as a rule, impossible.

For example, regulatory and methodological documents approved by the heads of government bodies that are empowered to classify information as state secrets, and agreed upon with the Interdepartmental Commission for the Protection of State Secrets, do not allow (or are unlikely to allow) taking into account the contribution to the detriment of defense and security the entire state from such small categories of information related to state secrets [15, p. 3].

Currently, there are no both a classifier and specific methods for calculating damage caused by criminal attacks in the sphere of protecting state secrets, which in itself leads, firstly, to the insecurity of the state secret itself, and secondly, to the inability to assess the severity of the consequences and properly qualify the act [14, p. 90].

In practice, there is a peculiar contradiction related to the fact that in Russia there is a specialized (not publicly available) approach to assessing the damage that is caused by the disclosure of state secrets, but there are no well-known criteria and methods for assessing this damage, known to the citizens of the country. At the same time, it is necessary to recognize that these methods cannot be publicly available, since in this case the state secret itself is disclosed.

Thus, an analysis of even a small number of shortcomings that exist in the field of protecting state secrets dictates the urgent need to optimize the concept of its legal protection, taking into account the current position of Russia in the modern world.

 CONCLUSION

The system for protecting state secrets in the Russian Federation has been formed, first of all we are talking about its regulatory framework. Laws on state secrets and security have been adopted, based on and in compliance with constitutional norms and norms of ratified international treaties, as well as a number of other by-laws. A number of provisions that have already received an official assessment by the Constitutional Court of Russia, the body of constitutional proceedings, and the highest judicial bodies of general jurisdiction. Those. A mechanism for compliance and compliance of legislation on state secrets with the basic law of the country and international agreements has also been formed.

The fundamental vector of these changes was the Constitution of the Russian Federation, which established and regulates the most important numerous institutions of branches of domestic law. The expansion of various spheres of constitutional regulation contributed to the consolidation of new concepts in the Constitution of the Russian Federation.

In general, we can say that at this time, the time of information technology, information has become one of the most expensive and necessary resources. And for the successful development of the state, if we consider state secrets separately, it is necessary to improve the mechanisms for protecting this information from third parties in order to strengthen and preserve its sovereignty.

Thus, it is necessary to improve criminal legal means of combating encroachments on state and official secrets of internal affairs bodies. It is necessary to strive to ensure that the institution of state secrets does not become a burden for the normal development of society and the economy, does not harm, but helps Dvornikov A.A. Criminal legal aspects of combating crimes that infringe on confidential information.

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