

Bailiff's Social Portrait

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Abstract: The article represents the results of the author's social research on the public opinion about the activity of bailiffs in the city of Tyumen. To solve the set task, at the beginning of 2013 the author hold an opinion poll of respondents, experts and focus group with bailiffs. The author developed and evaluated the pooling tools and guide focus groups for the first time. The results of opinions of inhabitants of the regional center, experts of judicial proceeding bodies and bailiffs represent the bailiff's portrait. The focus groups were formed on the basis of the research goal. The establishment of the bailiffs' institute in the Russian Federation and formation of the evaluative complex of the bailiffs' activity as a novation of the new Russian reality caused the urgency of this work. In his article the author endeavored to show the evaluation articulation in the Russian provincial society, its dynamics towards the bailiffs' institute singling out mythologizing and reality of their activity perception. The author emphasizes the necessity to develop a purposeful image-building strategy in the area of the executive judicial proceeding in the context of forming new civil positions in the Russian society. Herewith, the author specifies specific universals in image-building characteristics of the executive judicial proceeding in the combination with the definite Russian specificity stipulated by the constants of the Russian traditional society. "The fuzziness" of the Russian territory, the lack of accurate strategies in the formation of the executive judicial proceeding image makes this institute a mythologized constructor kit in the public consciousness of the Russian provincial society. Continuous sampling method applied by the author gives ground to state that we have a rather accurate cross-section of sentiments of the Russian provincial society towards the bailiffs' institute.

Key words: Bailiff • Execution proceeding • Social protection • Financial stimulation • Moral stimulation

INTRODUCTION

In the Russian Federation and in its separate subjects the Federal Bailiff Service takes active actions on providing the established courts activity procedure and executing court acts and acts of other bodies. Today more and more often willful evasion from paying funds for children care and disabled parents, alimony enforcement from the debtors who are on the territory of foreign states are investigated. We have to agree with P. Bourdieu that social space is a constructor kit that thinks logically, it is a sort of environment where social relations take place. Social space is not a physical space, but it strives for more or less full and accurate realization [1]. Violation of the current legislation while executing court decisions about providing orphans and children without parents' custody are of special danger for the Russian society. In other

words, panic sentiments start increasing in the society [2]. They may or may not have basis for worrisome sentiments. The number of court decisions about collecting housing and utility payments increases. Cases of terrorism and extremism, corruption and organized crime are dangerous for the Russian society. The society separation into classes inevitably leads to the evaluation strengthening and directly opposite courses [3]. For example, F. Evans shows a clear example of the bailiffs' job in Great Britain in October 2011 [4]. Comparing his characteristics with the evaluation in Tyumen, we can say about global negative attitude to bailiffs. It requires the creation of special tools in changing the image characteristics of the representatives of this profession. In connection with this, I.S. Karabulatova specified that "today's society of Tyumen is imbued by xenophobia spirits" of various directions [5: 65]. This aggressive

perception characterizes migrant phobia, xenophobia and, in general, non-acceptance of everything that is new [6: 7]. Consequently, bailiffs have to realize their authority on searching and contributing to internal affairs agencies in searching and arresting persons who are hiding from investigating or inquiry authorities, or court. It shatters the calm of citizens, brings low the health of Russians and resists the country development. However, it generally characterizes the culture level in the country [8]. Herewith, we have to mention that the bailiff's image is not distinct in the contemporary culture and basic evaluation has a tendency to be negative. Globalization processes that produce specific stereotypes of the professional behavior played a great role in forming negative image of the bailiff [9].

In spite of improving legal and regulatory framework (adoption), extending bailiffs' authorities to perform professional activity, social protection determined for bailiffs by the law, existing forms of financial and moral stimulation among bailiffs, there is a high turnover of staff that causes general worsening of this profession image [10].

MATERIALS AND METHODS

To get information about the attitude of inhabitants of the regional center towards the bailiffs' activity, opinions of experts and population of the region about defining the bailiffs' legal status in January and February 2013, questionnaire and expert survey, focus grouping with bailiffs have been hold.

Main Part: Let's regard some results of the researches. Only one of five (18.2%) natives of Tyumen being polled answered positively to the question "Do you know that in Russia *On Executive Proceeding* Federal law has been adopted and used since 2007?" Herewith, more than half of the respondents confessed that they did not know about the adoption and use of the *On Executive Proceeding* Federal law in Russia and it was the first time they heard about it (36.8 and 32.9% respectively).

Analyzing the answers we learned that a little more than one third of the questionnaire survey participants were aware that the tasks of the executive proceeding included correct and timely execution of court documents to protect the violated rights, freedom and legal interests of citizens and organizations. Herewith, each fifth respondent (21.5%) did not know anything about it and 13.6% of the natives of Tyumen heard about it for the first

time. Each tenth resident of the regional center has never thought about it and 6.1% said they were not interests in it.

For the last six months three fourth of the respondents (76.6%) have never faced the bailiffs' activity. Herewith, 17.3% often or seldom faced the bailiffs' activity (5.4 and 11.9% respectively). 6.1% of the questionnaire survey participants had difficulties in giving an answer.

For the last six months the majority of the questionnaire survey participants (82.4%) have never faced the bailiffs' illegal actions while officiating to provide public order. Only 7.2% of the respondents answered this question positively ("I faced it often or seldom"). Herewith, each tenth had difficulties in answering this question.

For purposes of the research it was important to learn about the attitude of natives of Tyumen towards the bailiffs' activity. The answers analysis showed that each third resident of the regional center (32.6%) approved the bailiffs' activity. Each tenth (11.8%) expressed the opposite opinion - "I do not approve it". For about half of the respondents (42.7%) have never thought about it. Herewith, 12.5% of natives of Tyumen had difficulties in answering the question asked [11].

The next question "Are you satisfied with the bailiffs' activity" got more positive answers than negative (23.2 and 13.8% respectively). Each third confessed that it did not matter for him/her. Herewith, one third of the respondents had difficulties in answering this question.

We have received the following answers of the natives of Tyumen on the specifically set question "Are you ready to work as a bailiff?"

- Yes, of course, I am - 6.2%,
- Strongly not - 19.8%,
- Most likely not - 33.7%,
- I have never thought of it - 35.5%,
- It is difficult to answer - 4.8%.

The next question allowed us to discover a list of professional features the bailiff must have. The following professional features were mentioned most often: incorruptibility, competence, promptness, politeness, professionalism, honesty, decency, the knowledge of and obeying laws, stress resistance, communicative skills, tolerance, accomplishment, responsibility, industriousness, equability, resistance to psycho-physical overwork, physical fitness.

Further respondents were offered to call personal features the bailiff must have, namely: politeness, human decency, good manners, humanity, care, sympathy, cleanliness, moderation, openness, psychological stability, humanness, firmness, empathy, honesty.

Being aware of the difficulties the bailiff faces in his everyday life, it was interesting for us to learn from the participants of the questionnaire survey whether this profession is for men or women. According to 39.1% of the respondents, the bailiff is a male profession. Six times less respondents displayed the opposing opinion. To their mind, it is a female profession. At the same time each second respondent thinks that the gender does not matter and 7.2% of the respondents had difficulties in answering this question. Communicating with the bailiffs in the process of focus grouping we found out that today there is a greater number of women than men who work as bailiffs.

Now we will analyze the experts' answers. All experts evaluated the bailiffs' role as leading, main, basic and primal, as they are main executors of the courts decisions and enforcement of courts decisions and state authority depend on their actions.

The majority of experts defined the bailiff's legal status as that of a civil agent. One expert defined it as a procedural person executing the court and authorized authorities' decisions. The experts' opinions separated in the question "Do the bailiff's rights and obligations correspond to his status?" So, each fifth expert thinks that the bailiff's rights and obligations correspond to his status. The rest of the four fifth participants of the expert survey have an opposing opinion (they do not correspond).

All experts expressed dissatisfaction with the social protection specified by the law for bailiffs. Herewith, 20.0% of them are not fully satisfied. All participants of the expert survey are sure that bailiffs must be provided with additional social protection. The experts' answers show the main solution of the existing bailiffs' problems. It includes the provision of law enforcement officers with social protection.

At the end of the article we will represent the opinions of bailiffs being the participants of the focus group. During the meeting the moderator defined the bailiffs' attitude towards public order, the problems related to their activity, abiding *On Executive Proceeding* and *On State Civil Service in the Russian Federation* Federal laws [12], as well as issues related to the bailiff's image. However, researchers have rightly stressed the

need to take into account regional and ethnic identity in their work [13]. Really, «In the conditions of globalization and the development of independent states on the former Soviet space, it is apparent that the views on numerous processes and phenomena in the socio-political, cultural and economic sectors have significantly changed». [14: 791].

Resume. Focus groups showed that bailiffs constantly go through legal and special trainings and rights and warranties specified in Federal laws are kept. However, specific problems related to technical, financial and administrative support of the comprehensive bailiffs' activity have been found. In addition to that, bailiffs are dissatisfied with the existing forms of financial and moral stimulation. Above all, it is related to the salary.

Bailiffs are aware of the formed negative attitude of the society towards their activity. The following relation has been determined: plaintiffs have a positive attitude towards the bailiffs while debtors have a negative one.

As a whole, bailiffs would like to improve the image of their profession. Mass media must popularize positive moments related to the bailiffs' activity. They must show positive examples when the property, real estate, etc. that belonged to the state or citizens are returned to them again.

CONCLUSION

Thus, we have found a low prestige of the bailiffs' profession related to the negative evaluation of their activity. This profession is underpaid. It requires frequent and continuous presence at the work place. Functional obligations require strong psychological and legal skills. It is not promising in terms of career growth and self-development. Bailiffs have to collect the people's property regardless of the situation they have got into.

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