



Self-Government Bodies in Russia: Formation and Development Policies*

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Abstract

The article aims at studying the legal nature and essence of local self-government bodies in the Russian Federation as exemplified by the theoretical and legal comprehension of the historical aspects of forming local self-government bodies. The article uses the methods of induction and systemic scientific analysis, as well as comparative-legal and historical methods. The authors of the article proved that the implementation of the principles of local self-government in the Russian state apparatus became effective since it is based on objective economic, political and social prerequisites and conditions. As a result, all cities and rural settlements became municipalities.

Keywords: Local self-government; Constitution; Municipal authority; Municipal structure; Human rights.

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Badan Pemerintahan Lokal di Rusia: Kebijakan Pembentukan dan Pengembangan

Abstrak

Artikel ini bertujuan untuk mempelajari sifat hukum dan esensi dari badan-badan Pemerintahan Lokal di Federasi Rusia, sebagaimana yang dicontohkan oleh pemahaman teoretis dan hukum dari aspek-aspek sejarah pembentukan badan-badan pemerintahan lokal sendiri. Artikel ini menggunakan metode induksi dan analisis ilmiah sistemik, serta metode komparatif-hukum dan historis. Penulis artikel membuktikan bahwa penerapan prinsip-prinsip pemerintahan lokal sendiri di aparaturnegara Rusia menjadi efektif karena didasarkan pada prasyarat dan kondisi ekonomi, politik dan sosial yang objektif. Akibatnya, semua kota dan pemukiman pedesaan menjadi kotamadya.

Kata Kunci: Pemerintahan Daerah Lokal; Konstitusi; Otoritas Kota; Struktur Kota; Hak Asasi Manusia.

Органы местного самоуправления в России: Политика формирования и развития

Аннотация

Статья направлена на изучение правовой природы и сущности органов местного самоуправления в Российской Федерации на примере теоретико-правового осмысления исторических аспектов формирования органов местного самоуправления. В статье используются методы индукции и системного научного анализа, а также сравнительно-правовой и исторический методы. Автор статьи доказал, что реализация принципов местного самоуправления в российском государственном аппарате стала эффективной, поскольку основывается на объективных экономических, политических и социальных предпосылках и условиях. В результате все города и сельские поселения стали муниципалитетами.

Ключевые слова: Местное самоуправление; Конституция; Муниципальная власть; Муниципальное устройство; Права человека.

A. INTRODUCTION

Local self-government bodies are the research object of various social sciences, including jurisprudence. Historical-theoretical and branch legal sciences have developed various approaches to defining the concept of local self-government, its essence, system, and functions. Local self-government is a unique public institution that functions in both the political (public) and private spheres of society. Within the system of public relations that make up local self-government, personal needs for housing, consumer services, primary and general education, medical care, leisure and recreation, etc. are realized. Their satisfaction determines the quality of life, ensures the development and self-realization of an individual in society. The local community embracing family, neighbors, friends, kindergarten, school, institutions of additional education, etc. shapes a personality, influences the choice of a future profession, determines worldviews, lifestyle, and role of a citizen in society. Providing a favorable environment for personal development, local self-government is one of the most important conditions for the functioning of a humane state.

An important feature of any local community is a certain territory as a limited space where social ties are established and reproduced. According to M. Weber's sociology, social action has two features: 1) "it is rational and realized consciously; 2) it is focused on the behavior of other people in order to make an impact or a change" ([Weber, 1996, p. 456](#)). Social connections are a set of dependencies between people realized through social actions and their mutual relations that unite people in social communities. Individuals living in one territory are mutually dependent not only on each other but also on its infrastructure. Since they belong to different classes, their dependence on each other might weaken. For example, residents of elite urban districts are less influenced by many situations that might be challenges or concerns to less prosperous citizens. Most local communities in Russia experience the weakening of social ties. In modern society, life is often determined by a larger number of weakened ties than in the previous stages of development. Due to urbanization, homogeneous and stable rural and urban communities with strong links were replaced with larger urban communities with weakened links. Later rural communities degraded due to population outflow. If kinship, family, and friendship ties weaken, neighboring social ties also wither. Strong social relations require a lot of time and energy, as well as motivation, which modern people lack.

B. METHODS

Local self-government is the research subject of various social sciences. Within the framework of jurisprudence, scholars consider the concept, essence,

features and functions, laws on local self-government as a legal phenomenon, its interaction with the state, role in the legal regulation of modern states, and the current regulation in the Russian Federation.

Modern jurisprudence is a system of historical, theoretical, industrial, and applied sciences exploring legal phenomena. The specifics of local self-government as the research subject of jurisprudence lies in the fact that it is studied by all historical and theoretical legal sciences. In different states, the industry related to the regulation of its implementation belongs to different spheres (state-legal or administrative) but all of them are complex. In the Russian jurisprudence, local self-government is studied by the theory of law and state, the history of Russia and its legislation, the foreign history of state and law, the constitutional law of Russia, and the municipal law of Russia. Almost all branches of the Russian law in one way or another regulate local self-government, ensuring its implementation in specific areas of society and protecting its foundations.

Within the framework of this article, we studied the theoretical issues of local self-government, its model enshrined in the Constitution of the Russian Federation, and its implementation in municipal legislation. We aim at studying and describing the concept of local self-government in the Russian Federation from the viewpoint of its theoretical substantiation and consolidation as a legal phenomenon. To achieve this objective, the following tasks should be solved:

- To consider and generalize theoretical views on local government, its role in society and the management system;
- To analyze modern international standards of local self-government;
- To describe various systems of local self-government in foreign countries;
- To reveal theoretical approaches to regulating local self-government bodies in the Russian Federation;
- To characterize the constitutional model of local self-government in the Russian Federation and its implementation in branch legislation.

The article uses the methods of induction and systemic scientific analysis, as well comparative-legal and historical methods. To solve the research tasks, it is necessary to study the legal foundations and features of implementing the powers of local self-government bodies in Russia, with due regard to the amendments introduced to the Constitution of the Russian Federation on July 1, 2020 (local self-government were included into the system of public authorities; from the adoption of the Constitution of Russia on [December 12, 1993](#) and until July 1, 2020, they had not been part of the system of government bodies) (The Constitution of the Russian Federation, 1993).

The methodology for studying the social and legal objective of local self-government consists in organizing the life of people in a particular settlement or constituent entity, which means that in one form or another local self-government exists in most modern countries. In addition, local self-government is the environment in which a person develops and the quality of their life depends on the organization of such environment. Thus, local self-government can act as a subject of legal regulation of international law. However, there is no international legal act of a universal character signed by most states. This is due to the specifics of local self-government as a social phenomenon.

C. RESULTS

The implementation of the principles of local self-government in the Russian state apparatus became effective since it is based on objective economic, political and social prerequisites and conditions, as well as the requirements of modernization. As a result, all cities and rural settlements became municipalities. A two-tier territorial system has been formed in settlements and municipal districts with the assignment of powers to each level and type of municipalities to resolve local issues. Local self-government bodies are close to the population, performing an important function of providing municipal services to people and serving as a link between citizens and public authorities.

The first group of laws aims at regulating the municipal territorial structure and includes laws of the constituent entities of the Russian Federation that establish the boundaries and status of municipalities. These laws were adopted in accordance with Article 85 of Federal Law No. 131 ([October 6, 2003](#)). The group of laws regulating the municipal territorial structure also comprises laws of the constituent entities of the Russian Federation on the transformation of municipalities in this region. Any changes in the boundaries of municipalities should be made due to objective economic, social, infrastructural, demographic, and similar prerequisites. Since the Russian federal legislator does not have a definite position on enlarging the territory of municipalities, which can be conditioned by economic, political, or administrative expediency and pursue tasks that differ in nature and scale (to ensure the viability of territories by reducing administrative costs or build a new model for managing the economy and developing the territory), we cannot conclude whether the enlargement of municipalities at the regional level will increase the efficiency of local self-government from managerial, financial and economic perspectives, and what mechanisms stimulate the need for enlarging territories.

From the sociological perspective, a local community satisfies one of the most significant social needs, i.e. the need to affiliate with the connections and

relationships that developed between people. It is natural for a person to build a system of guidelines, correlating with some groups and separating from the others, including in the territorial aspect.

In a traditional (pre-industrial) society, the local community was characterized by relative homogeneity, absolute interdependence, high social control, limited knowledge of geography, and the dominance of personal ties. Urbanization, industrialization, and the development of technology could not but affect the closed nature of local communities and their social ties. Major changes take place in a post-industrial society. The person's place of residence (the community of place) and the circle of interests (the community of interests) no longer coincide. On the one hand, the development of communication technology establishes strong contacts even between people not personally acquainted, living in different localities and countries, but having similar hobbies. On the other hand, the dependence of different social strata and groups on each other decreases in local communities. Although they live in the same territory, they can go to different stores, have different levels of consumption, and be guided by different values. It is very difficult to call all these people a community as their awareness of community and unity is rather conditional.

Therefore, it is logical to use the stratification approach to analyze local communities. Residents of various settlements (especially medium- and large-sized cities) are separate communities within one territory. In addition, the growth of material well-being often pushes citizens not only towards economic and cultural isolation but also towards territorial isolation, i.e. they move from one area of residence to cottage settlements, new neighborhoods, etc. Wealthy citizens tend to distance themselves as much as possible from other strata even in terms of infrastructure, by switching to autonomous systems. This is most evident in Latin America, where slums might exist side by side with prosperous areas but the living standards of their residents are so different that they cannot form a single local community. In Russia, stratification and differentiation can aggravate (and has already aggravated) a distance between residents within local communities, especially urban ones. This conditions the need to study the social structure and stratification of any large territorial community and the conventionality of the "local community" term ([Smelser, 1994, p. 131-132](#)).

The institutional approach. Sociology usually considers local government as a social or socio-political institution. A social institution is defined as "a group of roles and statuses aimed at satisfying a specific social need". Local self-government determines the very existence and behavior of any local community. The local community is characterized by a set of constantly repeating and

reproducing social relations and social practices. Members of local communities are integrated into the territory of their residence by their interests, can realize common interests, have their own rules, social values, and behavioral patterns. The local community has been existing for a long time and is relatively well-organized in terms of social, cultural, political, and economic relations. The local community can maintain institutional boundaries through the processes of organization and self-organization.

The resource-based approach. Within the framework of this approach, the local community is regarded as a resource for the development of its local territory and local self-government bodies. Local resources usually mean any material objects, including land, minerals, infrastructure, and manufacturing facilities.

D. DISCUSSION

The versatility and unconditional social importance of local self-government give rise to an active scientific discussion about the nature of this legal phenomenon. Within the framework of such debates, various and even directly opposite theories and models of organizing municipal authority are put forward and substantiated but all the scholars agree that local self-government is authentic and related to social, national, economic, political, geographic characteristics and features of territory development.

Such Russian scholars as [I.I. Babichev \(2007\)](#), [E.V. Belousova \(2016\)](#), [L.Yu. Grudtsyna \(2016, 2017\)](#), [A.A. Mishin \(2008\)](#), [V.E. Chirkin \(2014\)](#), and [V.A. Schepachev \(2013\)](#) considered the issues of local self-government. There are also fundamental scientific studies conducted by foreign scholars ([Schoenberg, 1979](#)).

Currently, local self-government functions and develops in almost all countries, changing in accordance with the main trends and maintaining their characteristics. However, the effective functioning of local self-government largely depends on the vital needs of people and the timely support of the population in specific territories. Thus, it is relevant to study local self-government in its various manifestations.

Local self-government in different states is built over different foundations: the institutions of property and entrepreneurship, family, religion, national traditions, etc. Therefore, not all states consider local self-government as an element of the public-legal system. In addition, the formation of local self-government is far from complete and it is too early to define its concept and features at the international level. Thus, the world community does not face the issue of consolidating the standards of local self-government; the organization of

local self-government is mostly an internal affair of a sovereign state. The lack of a universal act does not exclude the possibility of concluding regional agreements and bilateral treaties.

The unification of theoretical provisions and practices of local self-government in Europe resulted in the "European Charter of Local Self-Government" adopted in Strasbourg ([October 15, 1985](#)). There is always a need for managing local territories, regardless of a system of political organization (a unitary or federal state). Most countries resolve the issues of direct support for the population of certain territories, therefore there are public authorities (state or local self-government) which can be called local self-government bodies.

According to the Charter, the emphasis is placed not on the independence of the population and, as a consequence, forms of direct democracy in the exercise of local powers but a separate system of local self-government bodies acting in the interests of their local population. Thus, the legislative consolidation of local self-government in the Russian Federation corresponds to international standards, while it is a phenomenon of a higher order than the standards provide ([Federal law No. 55-FZ, April 11, 1998](#)).

Summing up the general study of international legal foundations of local self-government, we should conclude that the minimum essential international standard is the legislative consolidation and implementation of the principle of local self-government through a separate system of local authorities. International standards do not require the separation of local self-government from public authorities, the mandatory and direct delimitation of subjects of jurisdiction and powers between the state and local self-government. In general, international standards of local self-government are implemented in the legislation of all member states of the Council of Europe, except for those that have no local self-government due to their specifics (for example, Morocco), and in the laws of the Russian Federation.

Local government, which differs from central government, is common to most modern states but not all of them regard local self-government as a separate political and legal phenomenon. To narrow the research subject and study local self-government as an independent phenomenon, we need to exclude a large number of states, for example, France (with only local government) and Latin America (where collegial local government bodies are elected by the population, and the heads of executive bodies are appointed by the state and the employees of these bodies are civil servants, etc.). In our opinion, it is necessary to allocate and describe local authorities in foreign states in all their manifestations.

Modern Russian jurisprudence is a system of historical-theoretical, industrial, and applied sciences with different research subjects within a common object. Thus, local self-government is studied from different viewpoints by the theory of law and state, the history of Russia and its legislation, the foreign history of state and law, the constitutional law of Russia, and the municipal law of Russia. In addition, other sectoral disciplines (civil, environmental, tax, budget, etc. law) actively use the conceptual apparatus of local self-government.

There are about a dozen principles in the basic constitutional system of the Russian Federation. Some of them are completely new, for example, the principle of functional separation of state power, ideological diversity, and equality of ownership. Local self-government also belongs to the new principles. The constitutional foundations are not an exhaustive list but rather a system of principles. All of them are interconnected and united, therefore they form a special framework and lay the basis of modern Russian society.

To describe the constitutional model of local self-government, it is necessary to systematically interpret the above-mentioned provisions of the Constitution of the Russian Federation and Chapter 1 "The Basis of the Constitutional System" based on the theory of local self-government.

Local self-government in the Russian Federation is an element of the political system and a phenomenon of public law, which follows from Article 3 of the Constitution of the Russian Federation. It describes the system of political power. In a nutshell, the constitutional model of local self-government in the Russian Federation is as follows:

- The bearer of sovereignty and the sole source of power in the Russian Federation shall be its multinational people. The people shall exercise its power directly and in unity (after the inclusion of local self-government in the system of public authorities on July 1, 2020), as well as through state government bodies and local self-government bodies. Until July 1, 2020, the Russian political power had been divided into two branches: state government and local self-government bodies.

- The state is sovereign and has absolute power, including by coercion. Local self-government is sovereign but based on the state and guaranteed by the state;

- Local self-government can contribute to the implementation of social protection measures but this is not the main responsibility of such bodies;

- No ideology can be established as compulsory in the territory of some municipality;
- Political pluralism should be recognized in the activities of local self-government;
- No religion can be established as compulsory in the territory of any municipality;
- Local self-government bodies are obliged to comply with the Constitution of the Russian Federation.

The constitutional model of local self-government can be assessed from several viewpoints. The main provisions of this model correspond to the theory of a free community that is supplemented by the theory of natural human rights, the theory of separation of powers, the federal structure of state territories, the market economy, and other principles of the Russian society enshrined in the Constitution of the Russian Federation.

Today society is understood as a system of social relations, into which individuals, social groups, and communities enter to meet various needs. All social relations are regulated by social norms: morality, etiquette, religion, rites, customs, and traditions. On the contrary, legal norms are perceived in the process of personality formation and socialization.

Considering a wide range of rules and norms, only laws developed or approved by the state are generally binding and are provided with the possibility of compulsory execution and punishment for their violation, while the other social norms are not generally binding. These features are considered by the fact that such norms govern social relations subject to legal regulation, i.e. organization by the state. However, not all social relations can be regulated by law: friendship, love, family, faith, political convictions, the choice of profession and hobbies, business, etc. These relations cannot be adjusted according to the same models, not to mention the compulsory implementation of these models. At the same time, the satisfaction of needs in the above-mentioned spheres of life is crucial for an individual and society as a whole. The satisfaction of these needs and the establishment of social relations occur in a local community, which is the responsibility of local self-government.

By virtue of non-legal nature, historical and other local traditions are not generally binding but allow people to comfortably exist at their place of residence. If people living in a settlement observe such traditions, they turn into a local community.

The definition of local self-government enshrined in the relevant federal law is a unified standard for the constituent entities of the Russian Federation. Thus, its fundamentalism serves as the basis of the constitutional system. Due to the legal regulation of the constituent entities of the Russian Federation and the recommendation of taking into account historical and other local traditions, local self-government in settlements, villages, stanitsas, farms, kishlaks, auls, cities, small towns, and districts has its specifics and seeks to create favorable living conditions for a local community.

The local self-government in Russia first established by the Constitution of the Russian Federation in 1993 has undergone many changes over a historically short period, managed to implement its main function (to organize the life of local communities), and demonstrated sustainable development indicators.

E. CONCLUSION

The main objective of this article was to conduct a legal analysis of Federal Law of October 6, 2003 No. 131-FZ "On the General Principles of the Organization of Local Self-Government in the Russian Federation" from the viewpoint of complete legal regulation and its implementation by state authorities of the constituent entities of the Russian Federation and local self-government bodies.

Being real and stable social groups, local communities are not homogeneous but they have common features that allow to highlight them in a wide range of social communities. Based on these features, one can form a clear idea of local communities and the specifics of their research and sociological analysis. People living in a city identify themselves as residents of this city and members of a local community within it (district, micro-district, quarter, etc.). Multi-story buildings are inhabited by people from different districts, they do not know each other and often do not want to. They simply do not need new social ties because they have no common interests with their neighbors.

To become more than a crowd of people, the population should develop common interests. The inhabitants and citizens of a country are not identical concepts. In urban local communities, complex structures of connections and relations are inevitably formed between people but they are mostly anonymous and functional. In rural local communities, relationships are built over personal communication, less isolation, and proximity. Due to the decrease in state patronage over the countryside, the outflow of socially active population to cities continues, which undermines the social structure of rural local communities.

After the collapse of the USSR, social ties began to deteriorate and interactions became more limited in terms of interests (people considered only their interests and the interests of their family). The disunity of local communities began to occur not only in large cities but also in small towns, villages, and rural settlements. The migration of the able-bodied population to larger regions also played a significant role.

Does the person who is burdened with life in some settlement and dreaming of migration care about their neighbors and local problems? Of course, no. Any local community is socially heterogeneous, has both a hierarchy and horizontally interacting interests of its different groups. What is the commonality of interests of the local community as a whole? Local communities differ from each other in the expression of certain interests and the manifestation of activities of their respective groups. The reasons for such differences include historical, cultural, economic, and many other factors that determine interests in a particular local community.

F. RECOMMENDATIONS

The budgetary process in municipalities is regulated by the corresponding provisions approved by decisions of their representative bodies and is carried out within the legal framework established by federal and regional laws. The formation and execution of municipal budgets and inter-budgetary legal relations are characterized by the inequality of economic and budgetary potentials of different types of municipalities. About 50% of local revenues are kept in the treasury of urban districts. Most regional and settlement budgets are formed in isolation from their financial and economic base. For example, over 40% of the expenditures of the regional budget of Vologda Oblast are directed to equalize the budgetary provisions of its municipalities.

A comparative analysis of the charters of municipal districts on the regulation of the status, powers, and organization of activities of their representative bodies has demonstrated that such charters comply with federal and regional laws. The name of such representative bodies is identical to the representative assembly of a particular region.

The status of a municipal employee prescribes certain rules for their behavior, introduces changes in their personal and social life, and regulates their professional activities. Service activities imply the recruitment of highly qualified personnel. In this regard, special qualification requirements are imposed on the selection of personnel for local self-government bodies. In the theory of "social

services", a focus is placed on the organization of public services by local governments and offering various services to their residents. According to this theory, the main goal of local self-government bodies is to improve the welfare of a commune. The main provisions of the theory of "social services" have become widespread in Western Europe. For example, the Statute on Communities of Baden-Württemberg (FRG) defines a community as a base and a member of a democratic state that functions within the framework of civil self-government and is called upon to improve the well-being of people living in its territory. Under this regulation, the community is entitled to deal with all the issues and problems that arise and that contribute to the increase and improvement of the well-being of its inhabitants. This means that the community of the Federal Republic of Germany focuses on a more substantial and significant constant improvement of living standards for each resident ([Sorokin, 1992, p. 302](#)).

Based on the foregoing, the Russian traditions of self-government as a whole develop in conformity with the European Charter of Local Self-Government, where the independence of municipal authorities from public authorities is guaranteed by law. Many current problems are conditioned by the fact that the idea of local self-government in Russia is theoretically non-developed.

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