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History of Law

LEGAL FRAMEWORK OF LOCAL SELF-GOVERNMENT IN RUSSIA

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Abstract:

The article deals with the features of the development of local self-government system in the territory of the subjects of the Russian Federation. The analysis of activity of local governments is carried out, terms of powers of this local government are designated, the normative legal acts regulating activity of these bodies are analyzed. It is known that local self-government is the object of research of many social Sciences, which together can analyze all sides, facets and features of local self-government, i.e. comprehend it as an object of scientific knowledge.

The subject of research in this article is municipal law as a branch of legislation, local self-government as a public authority, the system and structure of its organization, the competence of local self-government, the problems of municipal property management. The main purpose of this study is to substantiate local self-government as a form of organization of public power in various types of settlements, which by its constitutional nature is identical to the state-organized public.

Keywords: local governments, the Constitution of the Russian Federation, local Finance, the Charter of the municipality.

I. INTRODUCTION

The Russian Federation is a democratic Federal legal state with a Republican form of government. Local self - government-is "the organization of local government, involving the independent decision of the population of local issues." Real and effective local self-government is possible only in the presence of certain prerequisites and conditions, which together constitute the basis of local self-government. One of the most important foundations is the legal basis of local self-government.

The organization of activities of local self-government bodies in the constituent entities of the Russian Federation is based on the principles enshrined in the Supreme legislative document-the Constitution of the Russian Federation and Federal legislation.

According to the current legislation, the duties of public authorities of the Russian Federation, providing for the obligation to create all necessary conditions for the development of local self-government, as well as these bodies are obliged to provide him with the necessary assistance in the implementation and implementation of their functions and powers.

Local self-government is exercised on the territory of the constituent entities of the Russian Federation in urban and rural settlements, urban districts and municipal districts.

The economic basis of local self-government is municipal property, local Finance, state-owned property and transferred to the management of local self-government bodies, as well as other property that serves to meet the needs of the population of the municipality. The financial base of local government consists of the local budget, credit and other financial resources.

For the purpose of introduction and implementation of process of external municipal financial control by the legislation of the Russian Federation for representative body of municipality the right to create control and accounting bodies of the relevant municipality.

II. METHODOLOGY

The methodological basis of the article served the method of materialistic dialectics. This universal method of scientific knowledge is manifested in the approach to the phenomenon under study as an objectively existing institution of public authority, requiring a comprehensive and complete study of all its manifestations in this social reality, continuity and a specific historical approach to the Institute under study, these methods are adjacent: analysis and synthesis, analogies and comparisons, logical conclusions, which are, in fact, conclusions and proposals for a legal solution to the problem under study.

The main objectives of this study is to study the legal basis of local self - government in Russia and the subject of the study-social relations related to the definition of the legal basis of local self-government. Local self - government in the Russian Federation has a relatively short period of its existence, but it is already very intensively studied in various aspects of its manifestation-political, economic, legal, etc. These studies are usually conducted with a historical analysis of the theoretical problems of local self-government in General, and in Russia in particular.

III. MAIN STAGES AND FUNCTIONS OF LOCAL SELF-GOVERNMENT

Main stages connected with the organization and activity of the created control and accounting body of municipality are fixed according to the Federal law of February 7, 2011. 6-FZ "on the General principles of the organization and activities of the control and accounting bodies of the Russian Federation and municipalities", in addition to this Federal law, the procedure for the activities of this body is also defined and fixed in the budget legislation of the Russian Federation, other Federal laws and other regulatory legal acts of the Russian Federation, municipal regulatory legal acts. Representative bodies of local self-government have the right to set local taxes and fees in accordance with Federal legislation. Subjects of local self-government are determined by Federal laws.

The functions of local authorities in the constituent entities of the Russian Federation within its competence is independent from bodies of state power of constituent entities. State bodies are not entitled to consider within their competence the issues referred to the competence of local self-government bodies. Besides, public authorities of subjects of the Russian Federation have no legislative right to interfere with local government in the course of independent implementation of the powers.

Local governments may be vested with separate state powers, but only if this is expressly provided for by the laws of the relevant constituent entity of the Russian Federation and the material and financial means necessary for their implementation are simultaneously transferred.

Today, the so-called two-level system of municipal government in rural areas and one-level system in the city is being formed and operates in Russia. All territory of the subject of the Russian Federation has differences within the corresponding settlements. At the legislative level, it is fixed that settlements as such are divided into rural and urban, this provision reinforces the fact that the organization of local self-government is characterized by administrative and territorial nature.

However, today there is quite a large variety in the choice of the possibility of organizing municipalities. For example, not the last role is given to the opinion of the population in the decision-making process on the fate of their resettlement.

The legal basis of local self-government is a system of normative legal acts providing effective regulation of the organization and activities of local self-government in the Russian Federation. The legal basis of local self-government in the Russian Federation is European Charter of local self-government; Constitution of the Russian Federation.

Federal laws, acts of the President and the Government of the Russian Federation; constitutions, charters, laws of subjects of the Russian Federation; charters and other regulatory legal acts of municipalities governing the organization and activities of local self-government.

Unfortunately, the action of the Federal bodies of state power cannot be fully implemented without the development of the legal system of governance and self-government at the local level, because Russian society consists of a huge number of local communities, and local self-government in the system of government is the level of public power, which in turn has independence in solving internal problems.

We must not forget that the modern legal system of local self-government in Russia is quite complex. Local self-government requires further development and improvement.

The complete separation of state power and local self-government in the Russian Federation at the constitutional level was formalized under the constitutional reform on April 21, 1992.

In accordance with the Decrees of the President of the Russian Federation of 9 October 1993. "On the reform of representative bodies of power and local self-government in the Russian Federation" and dated 26 October 1993. "On the reform of local self-government in the Russian Federation", where their activities were terminated, and their functions were transferred to the relevant administrations, as they could not cope with their duties, which led to distrust and hopes for local self-government.

The legal basis of modern local self-government in Russia was laid down by the Constitution of the Russian Federation, adopted on December 12, 1993. Self-government was one of the foundations of the constitutional system of Russia.

After adoption in 1995. The Federal law "on General principles of local self-government in the Russian Federation" began the revival of local self-government in Russia.

Local self-government is one of the most important elements of the state structure of Russia, provided by the Constitution of the Russian Federation, adopted in 1993. First of all, these provisions include constitutional norms that establish:

- the possibility of granting local self-government bodies separate state powers, subject to the transfer of material and financial means necessary for the exercise of the transferred powers
- the exercise of local self-government in accordance with historical and other local traditions (art. 131);
- organizational isolation of local self-government from the system of public authorities (article 12);
- independence of local self-government within the limits of its powers (articles 12, 130, 131, 132);
- guarantee of local self-government by the state (articles 12, 133).

The Constitution of the Russian Federation is the basic law of society and the state, which established a system of norms on local self-government.

Local self-government, like the entire Russian political system, accumulates both positive and negative experience, therefore requires further development and improvement.

Local self-government is one of the foundations of the constitutional system and is one of the most important forms of democracy in Russia. According to the Constitution of the Russian Federation, local self-government is not included in the system of public authorities and is the primary level of public power, acting independently from state organizations within the powers established by law.

Local self-government as an organization of local government involves the independent decision of the population of local issues. Real and effective local self-government is possible only in the presence of certain prerequisites and conditions, which together constitute the basis of local self-government. One of the most important foundations is the legal basis of local self-government.

The legal basis of local self-government is generally recognized principles and norms of international law, international treaties of the Russian Federation, the Constitution of the Russian Federation, Federal constitutional laws, Federal laws on General principles of local self-government, other Federal laws, as well as normative legal acts of the Russian Federation adopted in accordance with them (decrees and orders of the President of the Russian Federation, resolutions and orders of the Government of the Russian Federation), constitutions (statutes), laws and other normative legal acts of the subjects of the Federation, charters of municipalities, decisions, adopted at the gatherings of citizens and local referendums, other municipal legal acts.

Today, there are two contradictory trends: on the one hand, the degree of pressure of various state structures on municipalities is extremely high, on the other - the forms of state control in some cases are not prescribed (i.e., are absent and, in principle, legally impossible), in others - are not regulated (which causes arbitrariness of the controlling bodies).

Local self-government in Russia at this stage is at the stage of development, as it has many problems with its implementation on the ground. An example of this is the law "on General principles of local self-government in the Russian Federation", which came into force only in 2009.

Analyzing the modern Russian legislation, we see that it is possible to interpret the concept of "municipal formation" as a relatively integrated socio - economic system, which covers such concepts as "population", "territory", "municipal economy", as well as a very important, but rather difficult to formalize the concept of "collective interest" or "collective needs".

Thus, settlements, both urban and rural, form the first stage of municipal administration, which is characterized by the presence of a significant list of issues, the consideration of which is within the competence of local government, covering all spheres of life of the population living in the territory of the settlement.

The next level of organization of local self-government within the boundaries of rural municipal areas. The very idea of organization in the districts can not be considered new, so even in the days of Soviet power was the district government. However, as a rule, they consisted of state and party bodies. The city also was the district.

To date, it is considered to be a municipal district, as a set of several settlements or settlements and inter-settlement territories, within the boundaries of which local self-government is carried out in order to address issues of local importance.

Local issues of inter-settlement nature are being implemented in the district. In other words, its main purpose is to provide services to human settlements through the exercise of certain state powers, which are transferred to local authorities by Federal laws and laws of the Russian Federation.

IV. CONCLUSION

Thus, the main difference between municipal districts and the first level is that they can exercise certain state powers. The peculiarity of establishing the boundaries of the municipal district is that they are established taking into account the transport accessibility of the administrative center and back during the working day for the inhabitants of all the settlements that make up it.

The specified requirements according to laws of subjects of the Russian Federation are not obligatory to application in territories for which low density of rural population, and also in the remote and hard-to-reach areas is characteristic.

The role of the highest official of municipality is assigned to the head of municipality therefore, according to the current Charter of the relevant municipality of the subject of the Russian Federation, it is allocated with own powers on the solution of questions of local value.

It should be noted that the structure of local self-government bodies consists of a representative body of the municipality, the head of the municipality, local administration (Executive and administrative body of the municipality), control and accounting of the municipality, other bodies and elected officials of local self-government, which are provided by the Charter of the municipality and have their own powers in the framework of solving local issues. Local self-government in the Russian Federation is an important part of the management mechanism that allows to optimally combine human rights and local, regional, national interests that require further development and improvement. Thus, summing up, it should be noted that the structure of local self-government bodies is represented by the representative body of the municipality, the head of the municipality, the local administration (the Executive and administrative body of the municipality), the control and accounting body of the municipality, other bodies and elected officials of local self-government, which are provided by the Charter of the municipality and have their own powers in the framework of solving issues of local importance.

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