

LOCAL SELF-GOVERNMENT IN RUSSIA: DIALECTICS OF THE HIERARCHY OF GOALS AND GOAL-SETTING PERSPECTIVES IN THE CONTEXT OF MUNICIPAL CONSTITUTIONAL REFORMS

AUTOGOVERNO LOCAL NA RÚSSIA: DIALÉTICA DA HIERARQUIA DE METAS E PERSPECTIVAS DE DEFINIÇÃO DE METAS NO CONTEXTO DAS REFORMAS CONSTITUCIONAIS MUNICIPAIS

Sergey Solovev

Doctor of Juridical Science, Professor, South Ural State University (National Research University), Chelyabinsk, Russia

<http://orcid.org/0000-0001-9314-8538>

sergey.g.solovev@mail.ru

Olga Pastukhova

Candidate of Economic Sciences, Associate Professor, South Ural State University (National Research University), Chelyabinsk, Russia

<http://orcid.org/0000-0003-0057-8155>

olga.n.pastukhova@mail.ru

Elena Sumina

Candidate of Historical Sciences, Associate Professor, South Ural State University (National Research University), Chelyabinsk, Russia

<http://orcid.org/0000-0001-7630-1203>

elena.v.sumina@mail.ru

ABSTRACT

Objectives: The purpose of the study is to determine the hierarchy of goals of the modern system of Russian local self-government and the prospects of goal-setting concerning the system of local self-government in Russia in the context of the municipal constitutional reforms.

Methodology: In the article authors used dialectical, logical, historical, formal-legal methods of scientific knowledge using the reference, value, systemic, functional and informational approaches.

Results: Key potential risks and the main prospects for the development of the system were identified using the analysis during the work.

Contributions: The study proposes a set of legal measures aimed at improving the content of the relevant municipal legal structures to improve the system of normative goal-setting concerning Russian municipalities.

Keywords: local self-government; the hierarchy of goals of local self-government; prospects of municipal goal-setting.



RESUMO

Objetivos: O objetivo do estudo é determinar a hierarquia de objetivos do sistema moderno de autogoverno local russo e as perspectivas de estabelecimento de metas relativas ao sistema de governo autônomo local na Rússia no contexto das reformas constitucionais municipais.

Metodologia: No artigo os autores utilizaram métodos dialéticos, lógicos, históricos, formais-legais do conhecimento científico utilizando as abordagens referencial, valorativa, sistêmica, funcional e informacional.

Resultados: Os principais riscos potenciais e as principais perspectivas para o desenvolvimento do sistema foram identificados por meio da análise durante o trabalho.

Contribuições: O estudo propõe um conjunto de medidas legais destinadas a melhorar o conteúdo das estruturas legais municipais relevantes para melhorar o sistema de definição de metas normativas relativas aos municípios russos.

Palavras-chave: autogoverno local; a hierarquia de objetivos do autogoverno local; perspectivas de estabelecimento de metas municipais.

INTRODUCTION

The constitutional reform carried out in 2020, which includes several innovations in the field of local self-government, caused an ambiguous reaction among researchers of a municipal legal matter. Several scholars have generally positively assessed the reforms carried out (Chebotarev, 2020, p. 20; Cherepanov, 2020, p. 37). As always, a pool of moderate critics has been formed (Babichev, 2020, p. 7; Baburin, 2020, p. 119; Kozevnikov, 2020, p. 25), while some researchers have taken a position completely denying any positive aspects in the constitutional reforms carried out (Alebastrova, 2020, p. 17; Kondrashev, 2021, p. 25).

However, despite the polarity of assessments of the constitutional innovations in the field of local self-government, all researchers recognize that the amendments made at the constitutional level have consolidated a certain transformation of the concept of development of Russian local self-government, involving a rethinking of the priority of goals, the content of officially recognized self-governing ideals (Solovev et al., 2015, p. 271) and legal mechanisms for their achievement. The most significant in this sense is the fact that the content of the self-governing ideal of the independence of local self-government and the content of the legal mechanisms for achieving it (in relation to ensuring the independence of local self-government, enshrined in Article 12



of the Constitution of the Russian Federation) inevitably require adjustments, taking into account the appearance of the norm in Part 3 of Article 132 of the Constitution of the Russian Federation fixing the entry of local self-government bodies into the unified system of public power in the Russian Federation.

In connection with the above, an attempt has been made within the framework of this study to determine the hierarchy of goals of the modern system of Russian local self-government, the content of ideal self-governing forms proposed for implementation on the territory of the Russian Federation, to identify key potential risks and main prospects for the development of the goal-setting system concerning Russian local self-government, as well as to formulate proposals for improving the system of available legal means and mechanisms for achieving the goals set.

METHODS

Based on the analysis of the hierarchy of the main self-government goals and ideal self-government forms proposed for implementation on the territory of the Russian Federation in the context of recent municipal constitutional reforms, an attempt has been made in the framework of this study (using dialectical, logical, historical, formal-legal methods of scientific knowledge using the reference, value, systemic, functional and informational approaches) to analyze the key potential risks and main directions for the development of the goal-setting system in relation to Russian local self-government, suggesting promising ways to improve it for the effective functioning of the modern mechanism of Russian local self-government.

Results and discussion

Local self-government in Russia: the dialectic of the hierarchy of goals

It is common knowledge that any management begins with setting goals. The management of modern municipal construction in Russia should also be based on a set of goals involving a certain hierarchy. In this regard, first of all, it is necessary to clearly understand these goals for a clear understanding of the prospects for the development of the legal system of Russian local self-government, as well as their priority at the current stage of development of the Russian state.



In our understanding, at present, not so much technocratic studies of the modern contradictory practice of the development of Russian local self-government are in demand, but research works aimed at clarifying the promising directions of the development of the modern Russian system of local self-government, giving a clear understanding of the goals and ideals set for it, since K.A. Helvetius noted the fact that the knowledge of certain principles easily compensates the lack of knowledge of certain facts (Liechtenstein, 1981, p. 114).

Therewith, given the fact that that law, as R.O. Khalfina (1988, p. 94) points out, is one of the means of social management, then based on the analysis of the content of the current Constitution of the Russian Federation, which underwent a significant transformation of the basic provisions of Russian local self-government as a result of the constitutional reform of 2020, we can distinguish the following dialectic of the development of a set of basic goals constitutionally defined to be achieved by the modern system of Russian local self-government.

Firstly, if we analyze the constitutional concept of the development of local self-government, normatively fixed in 1993, then based on the provisions of Articles 12, Chapter 8 of the Constitution of the Russian Federation, as well as an analysis of the practice of municipal construction in 1993-2000, we can conclude that the creation of mechanisms for the independent functioning of the system of local self-government in the system of public authority should be highlighted as a priority goal (in relation to local self-government of this period). However, the practice of ensuring the independence of local self-government (as an end in itself) did not contribute to the effective solution by local self-government bodies of local issues, many of which (as the experience of municipal construction of this period has shown) are problematic to solve outside of a permanent link with public authorities (Ovchinnikov, 1999, p. 75; Rykov, 2017, pp. 21, 32, 35, 36).

Therewith, if we start from the classical thesis that "practice is the criterion of truth" (Marx & Engels, 1955, p. 1), then goal-setting in the field of municipal construction should be adequate to the real processes taking place in the field of local self-government. If theory (in general) and goal-setting (in particular) breaks away from practical realities, then such a state of affairs will inevitably reproduce problems, which was demonstrated by the corresponding not entirely positive experience of municipal construction in Russia. The constitutional principles of the independence of local self-



government led not only to the separation of local self-government from the state but also to the separation of the state from self-government (Mukhlynina, 2020, p. 32).

In this regard, many practitioners and some theorists naturally have questions about the adequacy of several officially recognized provisions of municipal theory to the realities of municipal life, which raise the independence of the institution of local self-government to the absolute and have been consolidated in the relevant basic regulatory legal acts (Lutzer, 2017, p. 52; President of the Russian Federation, 2020; Zorkin, 2018). Moreover, it is important to understand that the model of legal regulation of local self-government, as an institution of democracy included in the sphere of public policy (which, "is the art of the possible" as O. Bismarck (2015, p. 47) argued), cannot be subjected to sharp legal maneuvers involving the complete elimination of the independence of the municipal level of democracy, since the inability of the state to integrate local self-government into the system of public power in modern realities, providing a certain degree of its independence, objectively signals the unsatisfactory state of the corresponding state system as a whole (Bazhenova, 2013, p. 6; Pandeya, 2015, p. 89; Shugrina, 2021, p. 28).

Secondly, an important goal for the Russian public law institute of local self-government has always been the maximum involvement of the population in the process of exercising public power at the local level. However, the practice of building the Russian system of local self-government has shown that it was not possible to overcome the passivity of a significant part of the population of municipalities in solving local issues in the period from 1993 to 2020, which led to the search and legislative legitimization of new forms of increasing the initiative of the local population, such as initiative budgeting, self-taxation of citizens, "IT modernization" of traditional self-government technologies, new electronic forms of public participation in self-government. Therewith, the passivity of residents in solving local issues naturally caused the irresponsibility of municipal officials to the population (Solovev, 2018, p. 63), which inevitably led to the need to improve existing and introduce new forms of control over local authorities and officials by the state.

Thirdly, based on the analysis of current trends in the development of the Russian system of local self-government, it can be concluded that today the goal for Russian local self-government, enshrined in paragraph 1 of Article 130 of the Constitution of the Russian Federation and involving the solution of local issues by the



population, is being put forward in priority positions. However, as the practice of Russian municipal construction has shown, municipal bodies operating in most municipalities cannot effectively carry out activities to address many issues of local importance in isolation from state authorities.

Therewith, municipal bodies (due to the unity of the essence of the state and municipal power systems) cannot be excluded from the unified system of democracy, which presupposes the solution of national issues included in the competence of state authorities, however, requiring the mandatory participation of local self-government bodies. Moreover, many issues of local importance cannot be resolved exclusively by local self-government bodies, since essentially they assume an effective solution only in cooperation with state authorities (prevention of terrorism and extremism, organization of public order protection, protection of the population from emergencies, disposal of municipal solid waste).

However, the constitutional formulation of the goal for the local self-government system in the form of "ensuring the independent solution of local issues by the population" is extremely abstract and objectively needs detailed specification at the level of normative acts. Meanwhile, rather general formulations used in the Federal Law No. 131-FL "On the general principles of the organization of local self-government in the Russian Federation" (October 6, 2003,), which implies "creation of conditions, provision, organization, assistance" of local self-government bodies concerning specific local issues, in our understanding, undoubtedly require further regulatory detail. A system of effective goal-setting concerning municipalities is impossible without defining and fixing clear strategic guidelines (goals to achieve) and appropriate deadlines for the implementation of each issue of local importance in relation to a particular municipality. Undoubtedly, the question of the methodology for fixing and adjusting these goals needs an appropriate detailed discussion. However, in our view, the dynamic development of most Russian municipalities in modern realities seems very problematic without solving this problem.

Russian local self-government: prospects for goal-setting for municipalities in the context of constitutional reforms

Concerning the prospects of building an effective goal-setting system in relation to the modern system of local self-government, it is necessary to clearly understand



the fact that the goal set for a particular municipality involves moving towards achieving a certain ideal (ideal model), which, however, cannot be realized absolutely in its entirety. In this regard, T.M. Byalkina (2018, p. 42) accurately noted that the ideal model is designed to serve as a guide for practice, to determine directions for improving the existing reality, to stimulate the necessary activity of subjects on which the achievement of the desired goal depends.

In this regard, regulatory mechanisms should be provided for fixing and adjusting concerning these goals. However, setting these clear goals will not only make it possible to clearly understand the long-term prospects for the development of a particular municipality but also to get away from a situation where the existing regulatory model for determining the competence of municipalities involves the use of the "organization" term, quite often automatically interpreted by law enforcers in modern legal realities, as the full responsibility of the municipality in the relevant field of activity, which naturally caused criticism even at the level of the Constitutional Court of the Russian Federation (2011).

In connection with the above, the following organizational and legal solutions have been proposed in order to improve the system of regulatory goal-setting concerning Russian municipalities.

1. Having identified, analyzed, systematized, and switched the main problems of Russian municipalities into appropriate tasks, it has been proposed to normalize the modern hierarchy of goals established concerning the system of Russian local self-government, identifying the effective solution of issues of local importance as its priority, which can serve as a basic, starting point of a clear modern concept of the development of local self-government in Russia.

2. In the development of the existing task of transition to a system of strategic planning at all levels of public authority, taking into account the fact that strategic planning for municipalities is impossible without setting clear goals, it is proposed (by analogy with fixing key performance indicators of local self-government bodies) to normalize a set of target indicators of a reference Russian municipality, to which a municipality of the appropriate type should strive, characterizing the degree of solving the main issues of local importance in a reference Russian municipality of the appropriate type (urban district, municipal district, municipal district, inner-city district, urban settlement, rural settlement).



Therewith, these targets should be clear, accessible, visual, and easily verifiable, both by deputies and directly by the population. As such targets, it is possible to propose the achievement of the following normative minimum indicators in relation to power outages, emergency roads, unsettled courtyard territories, unlit pedestrian crossings, schools, and kindergartens that do not meet the established requirements for the state of the material and technical base.

CONCLUSION

In conclusion of this study, we would like to emphasize the idea that it is impossible to create a system of optimal goal-setting concerning the modern institution of Russian local self-government simultaneously. Such a system can be deployed in its entirety over a relatively long period. The proposals formulated in this article only outline the main problems of its formation and the promising directions of its development. If we try to predict the development of long-term trends in the area under consideration, it should be pointed out that this topic will undoubtedly be the subject of further more detailed studies, within which it will be possible to form a step-by-step strategy aimed at building an optimal system of long-term goal-setting concerning the modern institution of Russian local self-government.

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