

DOI: 10.7596/taksad.v8i3.2252

Citation: Lyubashits, V. Y., Lyakhov, V. P., Plotnikov, A. A., Voitenko, D. A., & Sokolova, I. A. (2019). Local Government as a Form of Democracy in Russia. *Journal of History Culture and Art Research*, 8(3), 353-365. doi:<http://dx.doi.org/10.7596/taksad.v8i3.2252>

Local Government as a Form of Democracy in Russia

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Abstract

Local government has a special place in the democratic mechanism of governing society and a state. The modernization of local self-government in post-Soviet Russia is at its early stage. Today we can only talk about some positive trends in this process. First of all, it should be noted that local self-government has both a special subject, which is the population, citizens and a special object of management: issues of local importance. Besides, one of the basic concepts that characterize the essence of local self-government as a form of organization and exercise of power is independence. Like any other form of social self-government, local government is a powerful means of activating a political system, democratic institutions, individual citizens, and of combating bureaucracy and formalism in the work of state governing bodies. The definition of the socio-political nature of the local self-government draws attention to it, first of all, by its pronounced democratic essence. The formation of local government is a long process, and its implementation should be carried out on a systematic (planned) basis in the form of a state program. However, self-government is not only the basis of democracy. Self-government and self-governing groups are the highest forms of integration of people, corresponding to the very nature of a man. This paper is dedicated to the main milestones of evolution of the local government in Russia.

Keywords: Municipality, Governance, Political Society, State authority, Public power, Democracy, Self-governance.

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Introduction: History of Local Governance

Local government has a “central position” between a state and society. It is in this position that this socio-political institution plays a key role in preserving and strengthening statehood. By its nature, local self-government is a much more complex phenomenon than its formal legal status. Under the Constitution of Russia, local self-government is a political institution in the system of democracy.

In Russia, self-government has a long and difficult history. In the period of the formation of the Russian statehood, self-government entities in the ancient cities of Pskov and Novgorod, which were known for their high level of self-government principles, had rather wide powers. Under the Charter of Yaroslav the Wise, the guilds, which were local self-government entities, managed such issues as the maintenance of city fortifications and arrangement of paved roads (Martysevich, 1951, p.37). Urban improvement, maintenance of order in the city, settlement of disputes between residents, the implementation of various duties, the exercise of judicial functions, the organization of the militia, if necessary, - all of these issues related to the management by the ends (parts) of Novgorod (Martyshin, 1992, p.73).

A significant restructuring of the country's administration took place in the first quarter of the seventeenth century. The transformation of local authorities began with cities. The Burmister (from German *Bürgermeister*, *burghermaster* - mayor) Chamber was established, which was in charge of managing the suburban population of all cities. Since 1708, the entire territory of Russia was divided into eight provinces (Guberniya, from Latin *gubernator*). At the head of the provinces were the governors, in whose hands were a judicial, administrative, and military power. The state sought to put governors under the control of the local nobility. Magistrates from among the local nobles have been established under governors. The provinces were divided into “uezds” (counties) headed by the commandants. City administration was governed by the regulations of the Chief Magistrate in 1721 and the Instruction of the city magistrate in 1724.

In pre-Peter Russia, there was no sharp difference in the order of management between urban and rural settlements. The beginning of the urban organization was laid by the establishment by Peter I of Zemsky huts and elected burghermasters in the cities. The first serious attempt to put the city economy on a sound basis was made by Catherine II in a letter to the cities of 1785. When the successors of Peter I abolished the magistrates, management in the cities began to obey the governors and voivodes (military governors). In subsequent years, under Paul I, city self-government was finally eliminated.

Under Alexander I, city governments were restored, and then, in general, in the first half of the nineteenth century local governments practically not changed. In 1802, the Ministry of Internal Affairs of Russia emerged; it was responsible for the implementation of the royal decrees and for the life of the population in a particular territory, and the Imperial Russian philanthropic society, which led the movement for civil society "from below" on the basis of developed support and welfare for the poor and incapable people.

After the abolition of serfdom, the volost (district) rights became the basis of social order in rural areas (according to the Regulation of 1861). The volost administration consisted of a volost assembly, a volost master with a volost administration and a volost peasant court.

The mass discontent of the peasants with their position, the local nobility's awareness of the disastrous state of affairs in the provinces led to a surge in political and public activity and retaliation

from the administrative apparatus, open struggle and opposition at all levels of government, including the government and the imperial court. The result of the compromise was the approval by Alexander II of the Regulations on Zemstvo Institutions, which, being published on January 1, 1864, was extended over several years to 34 provinces of European Russia. The introduction of zemstvo institutions began in February 1865, and in most provinces ended by 1867. In March 1863, a specially created commission prepared final draft regulations on zemstvo institutions and provisional rules for them (Lapteva, 1993, p.52).

On June 16, 1870, Alexander II declared one of the most progressive reforms: Reform of municipal government, with approval of City Provision. According to this Provision, the right to vote, both active and passive, was granted to every city inhabitant, whatever he belonged to. This Provision required that an inhabitant should be a Russian subject, was at least 25 years old and owned some real estate within the city, or paid a fee for the city due to his certificate: wholesale merchant, industrial, license for the right of retail trade, etc.

The years of the Alexander III reign were the counter-reforms period. It brought to the political arena the idea of centralizing and strengthening autocracy. "Russian autocracy," wrote M.N. Katkov, - "cannot and should not tolerate any power in the country that disobeys or not subordinates to the central authority or not comes from it; no state could be in the state... The most important thing is to arrange the zemstvo and the local governments in the right attitude to the central government" (Tvardovskaya, 1978, p.137).

On June 12, 1890, new Regulations on Zemstvo institutions approved by Alexander III was published. It restored the stratification of electoral groups and, thanks to a change in qualifications, further strengthened the representation of the nobility. According to the new situation, the first electoral group included nobles by birth and personal nobles, the second — other voters and legal entities, and the third were peasants. The provincial councilors were elected at county Zemstvo assemblies, as before. Since 1890, all county marshals of nobility and chairmen of district councils were necessarily included in the provincial authorities. The reform of 1890 gave the absolute predominance to the nobles. Thus, the composition of provincial councilors in 1887 by class was formed as follows: noblemen and officials - 89.5%, *raznochintsy* (commoners or intellectuals - 8.7%), peasants - 1.8%. But by increasing the number of councilors of the nobility, the new Regulation at the same time reduced the total number of councilors by more than 30%. The reduction of councilors was carried out as follows: the number of councilors from each county was reduced by one, and each county should have at least two provincial councilors.

In 1892 the city governments befell the fate of zemstvo institutions. The Regulations on Cities of 1892 significantly reduced the right to vote of citizens, which led to a decrease in the number of voters by 6-8 times.

It should be noted that the reform (or counter-reform) of 1890-1892 threw the settings of local government in Russia far back. If the Regulations on Cities of 1870 were in many ways reminiscent of the order that existed in the cities of Western Europe, then the laws of 1890-1892 made such a restriction of the rights to vote and such interference by the central administration, which no civilized states knew at that time.

As a result, by the end of the 19th century, the anxieties of the "vague" 60s-80s were forgotten, the formal zemstvo demonstrated "loyalty", and the peasant world led by local district

chiefs, who replaced the village self-government in 1889, was relieved of “severities” of the unattached democracy.

The public upturn of 1904-1905, unexpected for the authorities, raised the question of transforming the entire state system on a constitutional basis. On August 6, 1905, the Statute on the Legislative Assembly of the State Duma was issued. On October 17, the Highest manifesto of Nicholas II entrusted the government with the task "to establish as an inviolable right that no law could take power without the approval of the State Duma, and that the election of the people would ensure the possibility of actual participation in the supervision of the regularity of actions set by us, authorities."

But neither the first nor the second Duma had time to consider the issue of the Zemstvo and City reforms as a result of their premature dissolution, although the state government introduced to the Second Duma a draft regulation on the township and volost administration, and the Cadets raised the issue on the election of Zemstvo councilors. The Ministry of the Interior was also preparing a draft general land reform to submit it to the Duma. All projects converged on one thing - the need to establish a primary territorial zemstvo unit for its inclusion in the self-government of the main number of citizens of the Russian Empire.

The last attempt at pre-October time to *increase the role of self-government in the country* was made by the Provisional Government. On March 3, 1917, it adopted the Declaration, where the reform of local self-government based on universal suffrage was put at the head of the upcoming reforms. Zemstvo received a new place and value in the general structure of state management; it was given all the power of local government.

However, by July 1918, all Zemstvo institutions and city self-government were liquidated. The Soviets began to engage in local life organization issues. Moreover, it should be noted that the short period of coexistence of the Soviets with the local and city elected institutions showed the professional superiority of the latter in solving local issues (Melnikov, Golebeva, Khalina, & Novgorod, 1994, p.105).

Until the end of the 1930s, one of the world-leading schools of municipal government existed and developed in the USSR (Velikhov, 1928, p.48).

After the introduction of war communism, especially after the transition from NEP to directive planning, the centralist tendencies prevailed in the polity. Under the conditions of public ownership and a single ideology, there is no place left for the autonomy of local authorities. The ideology of the Soviet government was formed, following which the Soviets formed a system with the subordination of its links from the bottom up. The councils acted on the principles of centralism, the executive committees of local councils were at the same time local governments and were part of the government system.

Discussion

Local government as part of the state-building process

In relation with the state, the institution of local self-government expresses the interests of territorial communities. In relations with communities, it is a conductor by its essence of the interests of the state, since it defends the integrity of the socio-territorial space and its development. The weakening of one of these components of local self-government (public or state) leads to an imbalance of interests of the state and society. This, as a rule, ends with a crisis of statehood (Burov, 2000; Ignatov

& Butov, 1999; Abramov, 1977; Bytyak, Yakovyuk, Tragniuk, Komarova, & Shestopal, 2017, pp.1228-1234; Barabashev, 1996; Borisov, 1999; Kulikov, 2000; Uvarov, 1999; Bondar, 1998).

Constitutions of a number of countries sometimes do not regulate the organization of local authorities at all (for example, in the USA), and the latest tendency is to regulate these relations more and more in detail, as in Brazil, where the Constitution of the subjects of federations, statutes and similar acts for regions that enjoy state autonomy often also regulate the organization of local government in detail. The main source of legal regulation of power relations in political-administrative units is the self-government charters and statutes adopted by them themselves.

In some federal states, there are cases when the subjects of the federation carry out local self-government functions, along with their own. This applies, for example, to the mentioned Lands, Gemeinde, and cantons in Switzerland, to cities-lands in Germany and Austria (Berlin, Hamburg, Bremen, and Vienna).

There are two systems of organization of local government: the Anglo-American and European. For example, the Anglo-American system (it is adhered to, however, not only by the countries of the corresponding legal system) is characterized by the presence of local self-government at all levels of a subject of a federation or a state-autonomous region. At the same time, there are no administrative-territorial units of a general nature.

The European system is characterized by a combination of local self-government with local government; moreover, it has different forms in which local authorities are assigned certain functions concerning local self-government.

Historically, the first such function is administrative custody. It assumes that decisions of local self-government bodies cannot enter into force until they receive the approval of a local administrator appointed or authorized from above (prefect, governor, burgomaster, etc.). Such approval could be refused on the grounds of both illegality and inexpediency of the decision. Currently, the system of administrative custody is quite rare, representing a relic of bureaucratic centralization.

Today, the administrative oversight function dominates, which is limited only to verifying the legality of decisions of local governments. Usually, an administrator is given a short period to verify the decision, after which, if no objection was received, the decision takes effect. The new trend is that the administrator can only challenge the decision in court. Administrative supervision is sometimes applied even in the subjects of centralized federations and in regions enjoying state autonomy, and the head of state often participates in its implementation. In turn, local governments can legally protect their autonomy not only from zealous local administrators but even from parliaments, presidents and state governments.

In many countries, this brings together representatives of all local governments of the country and their units on a national scale along with regional cooperation of local governments, which sometimes acquires stable organizational forms and creates prerequisites for possible subsequent unification. This allows striving for the adoption of the national legislation, national programs for the development of individual spheres of local life necessary for local governments, to exchange experience and ensure that certain common needs are met.

Local Government in Russia

The beginning of the development of genuine local self-government in the Russian Federation, based on the implementation of all its traditional features, can be considered the adoption of the Constitution of the Russian Federation in 1993. It was that what defined local self-government as one of the forms of power that are as close to the population as possible.

The modern model of local self-government in the Russian Federation is based on the provisions of the Constitution of the Russian Federation, and the norms of the European Charter of Local Self-Government (Lyubashits, 1990; Yakovyuk & Shestopal, 2017, pp.381-387; Lyubashits & Dorofeev, 1999; Lyubashits & Bondar, 2000).

The modern management paradigm provides for the decentralization of government and the organization of self-government of open socially-oriented systems, including local self-government. The ultimate goal of this reform is the optimal redistribution of powers between the federal authorities, the state authorities of the subjects of the Federation, and local self-government.

The Federal Law "On the General Principles of the Organization of Local Self-Government in the Russian Federation" dated 10/06/2003 interprets local self-government as recognized by the people as the form guaranteed by the Constitution of the Russian Federation. This means an independent and under its responsibility solving local issues by the population directly and (or) through local authorities based on the interests of the population, taking into account historical and other local traditions (1995, No. 35 Art. 3506).

For a fuller understanding of local self-government peculiarities, several provisions should be especially emphasized from this formulation. Local government is:

- Public activities to address local issues in the interests of the population;
- The activity is independent and under own responsibility, guaranteed by the Constitution of the Russian Federation;
- The activities carried out by the population directly or through local authorities;
- The legal basis that gives the opportunity and guarantees the realization of the right of the population to solve local issues, financial and budgetary capacities of the territory to ensure the activities of local governments;
- Coordination of local interests with regional and national ones;
- A clear delineation of property between public authorities and local governments;
- Availability of qualified personnel capable of professionally implementing the functions of local self-government.

The principles for determining the scope of competence of local self-government are enshrined in Article 4 of the European Charter on Local Self-Government:

1. The main powers of local governments are established by law. However, this provision does not exclude the transfer of certain powers to local authorities.

2. Local governments within the limits established by law have complete discretion to implement their initiatives on any matter that is not excluded from their competence and is not within the competence of another body.

3. The exercise of state powers, as a rule, should be primarily vested in the authorities closest to the citizens. The granting of any of these powers to the new authority should be made taking into account the scope and nature of the task, as well as the requirements of economic efficiency.

4. The powers granted to local authorities should, as a rule, be complete and exclusive. They may be challenged or limited by central or regional authorities only within the limits established by law.

5. When delegating powers to central or regional bodies, local governments should, as far as possible, have the freedom to adapt the exercising these powers to local conditions.

Local government as a basis for the consolidation of society

Local government, like any other form of social self-government, is a powerful means of activating the political system, democratic institutions, individual citizens for combating bureaucracy and formalism in the work of state governing bodies. First of all, pronounced democratic essence of local self-government draws attention in the definition of the socio-political nature.

However, self-government is not only the basis of democracy. Self-government and self-governing groups are the highest forms of integration of people, corresponding to the very nature of a man. Such groups allow people to join together (which is a product of voluntary, independent and free association) and at the same time opportunity of self-affirmation, i.e. they remove the eternal and destructive contradiction between these fundamental human aspirations.

Projecting these provisions on the plane of local self-government, it is necessary to note the following. First, local self-government acts as a condition, a necessary attribute of any democratic society. It is at the level of local self-government that it is possible to most fully implement one of the fundamental principles of democracy — the equal right and opportunity of all capable citizens to manage community affairs. Power in a democratic society should be as close as possible to the people, and the people should have the right to exercise it to the greatest extent that only a form of representative democracy allows. Secondly, local self-government is a product of democracy and is one of the recognized forms of exercise by the people of their power. The degree of development of self-government in this capacity will depend on the degree of development of democracy in society. The more democratic it will be, the wider self-administrative principles will be developed in it. It is precisely such a society in which local self-government is a kind of a “lower floor” of a state building that becomes the most accessible, but not to “visitors”, but its “owners”, its citizens.

It cannot be assumed that self-government is already a democracy. Democracy is a rather broad and universal concept. It can be used both to characterize public education and to indicate the method of management. Self-government, in this case, is a particular manifestation in the form of a specific institution, a mechanism for its implementation.

Self-government in the light of constitutional reform

The forerunner of the modern local self-government organization form in the spirit of the European Charter was the reform of the local party-state administration. It was carried out within the framework of two main processes: a) decentralization of public administration; b) the transfer of functions of socio-economic development from party to state organs.

The creation in 1992 of favorable conditions for the development of local self-government was the result of solving two fairly common tasks: the rejection of party (political) administration and the decentralization of government.

In parallel, in the country, there was largely spontaneous (without any special state regulation) the process of territorial public self-government formation (it was under the amended legislation in the system of local self-government). At the same time, a form of self-government was introduced at enterprises through the election of work collective councils (LCC).

In 1992, for the first time, local governments were removed from the system of state bodies, while their new legal status was not sufficiently clarified. Within the framework of the constitutional reform of 1993, the decentralization process received its logical conclusion in the form of proclaiming the local self-government institution, which should have:

- Selected competence (local issues);
- Financial and economic independence in resolving issues of local importance (based on the right to have their budget which is formed through the income and expenditure powers transferred to local self-government);
- Wide independence in the choice of organizational forms of local self-government (with the right to create a system for managing the development of a municipality).

However, there were no significant changes in the process of local government development immediately after the adoption of the Constitution of the Russian Federation. By the Constitution, before the adoption of the law on general principles of local self-government organization, only nine heads of local self-government (mayors) were elected, mainly in large cities (Bytyak, Yakovyuk, & Shestopal, 2017, pp.458-462).

The Federal Law "On the General Principles of the Local Self-Government Organization in the Russian Federation" that has been entered into force in 1995 gave a new impetus to the development of local self-government. The law defined a system of terms and concepts, some of which were introduced for the first time (for example, the concept of "state minimum social standard"). The law has established: powers of local self-government; a mechanism that guarantees the financial independence of local self-government; requirements for legal acts of local self-government, etc. The law came into force from the day of its publication, after which a transitional period of three months was established, during which a significant amount of legislative work was to be performed:

- Adoption of more than ten federal laws;
- A large number of laws were to be adopted by legislative bodies of the constituent entities of the Russian Federation;
- About one and a half hundred federal laws needed to be analyzed and brought into compliance with the adopted Federal Law.

The experience of applying the Law showed that the prescribed time limit was unrealistic: the requirements of Chapter VIII "Final and transitional provisions" of the Federal Law have not been fulfilled so far.

The formation of local government is a long process, and the implementation of the Law should be carried out on a systematic (planned) basis in the form of a presidential or federal targeted program.

The program of state support for local self-government was developed and approved by the Russian government already at the end of 1995. However, the status of the federal target program did not correspond to the real status of the form, which, in fact, introduces a new power structure into the established system of power. The entire system of power had to be reformed, which is theoretically impossible to implement within the framework of the federal targeted program.

Almost immediately after the entry into force of the Federal Law "On the General Principles of the Local Self-Government Organization in the Russian Federation", it became clear that it would not be fully applied. The main and, perhaps, the most fundamental drawback was the rejection of the phased local self-government introduction. The law in the adopted edition introduced local self-government in Russia by historical standards almost "instantly" (within three months).

Developers and legislators understood that the time limits for the introduction of local self-government established by law are unrealistic. However, as an argument in favor of shortening the terms of introduction, they referred to the Russian tradition: to do everything on the last day, regardless of the length of the deadlines. Thus, the federal law was supposed to play the role of a "club", with the help of which the legislator would drive the executive branch.

This strategy did not bring any tangible effect, but only provoked irritation of regional elites, who did not rush into its implementation because of the unrealism of execution on time and also seeing in the Law only a threat to their interests. It also acted only formally, not striving in practice to solve the problem of implementing the Law.

Thus, in practice, it turned out that the necessary conditions were not created in full for the implementation of the Law, some of which at the time of the adoption of the Law was not even realized. In particular, the following points were not fully realized;

Firstly, the territorial basis of local self-government remained the existing system of administrative-territorial division, on which the state power and administration system were previously built. It was not taken into account that the existing administrative-territorial division was created for other purposes and, generally speaking, was not adapted to "accommodate" the system of municipal formations, and automatically (without government participation) the establishment of an optimal territorial basis cannot occur.

Secondly, it was not recognized as a problem that the need to "join" to each other public authorities and local self-government on qualitatively new grounds, i.e. the need to build new relations between the system of state bodies and local self-government. The new status of local government implies a new relationship with the state, but this, unfortunately, was not realized. That is why the relevant laws (on general principles of state authorities and local self-government system organization) were adopted separately, without an understanding of the need to pair the two subsystems (state and municipal) in the systems of public authority and development management of the country.

The role of the state in the local self-government formation process was not realized. The state supports federal program concept of local self-government assigned to the state the role of a benevolent, but still an outside observer concerning local self-government, when the former does not

interfere but does not help the development of the latter. The program did not provide for any significant measures to establish local self-government. At the same time, it was poorly funded, and as a result, even those measures that were envisaged have not been fully implemented.

In practice, in the period of the local self-government formation, the state essentially subjected it to "endurance testing." This was reflected in the creation of such conditions under which the consolidated budget deficit of the country accumulated on the lower level of the budget system – at municipal budgets. Such a policy could not last long.

Underestimation of the local authority reform importance by the political elite, which resulted in unresolved interbudgetary relations, contributed to a constant reduction in local budget revenues and an increase in their deficits, which ultimately led to a communal crisis. This manifested itself in the Primorsky Territory as in the most striking form.

The only practical achievement of the past period which involved the local government reform was the creation of the legal and organizational foundations of local self-government. The remaining fundamental constitutional guarantees of local self-government were not provided.

Thus, the creative potential of local self-government remained unused. Moreover, the opinion that the introduction of local self-government was a mistake was consolidated within the political elite circles.

The local self-government (as a political institution) state support policy was not crowned with success; this requires a transition to new state policy regarding municipalities as socio-economic integrities under their typology and government strategy — demographic, regional, geopolitical, etc.).

The issues of integration of state and local government bodies remain the bottleneck of state-building. Therefore, the main strategic task of the central government is to ensure soon the formation and legal consolidation of the interaction mechanisms between the two, power and control, systems, for which it is necessary:

- to carry out administrative reform and the reform of the administrative-territorial division; to carry out a typologization of municipal formations and to build a state policy to support their development concerning specific types of municipal formations;

- to establish an optimal system of powers distribution by the level of government and mechanisms for its correction and improvement following the real possibilities of specific types of municipalities, creating incentives for socio-economic development;

- to ensure the development of intergovernmental relations based on the normative definition (in physical terms) of the amount of financing various state (constitutional) social guarantees, at the same time, including stimulating mechanisms;

- to ensure state and municipal control over compliance with the law and the creation of a system of mutual responsibility of local governments and the state; create legal mechanisms to increase control over the activities of local self-government;

- to strengthen the role of local self-government representative bodies, especially in terms of control over municipal finances and the activities of local self-government executive bodies, with a gradual transition to the contractual system for appointing heads of local administrations;

- to carry out judicial reform (meaning the creation of a specialized judicial system).

Creating an effective local self-government model is possible only if the whole complex of issues noted in the work would be resolved. Since the population is the main subject of local government, it should be able not only to actively influence the achievement of its goals but also make the most to use this opportunity. It is important that communities of people be formed in which a real connection was realized or at least there was an opportunity to articulate the most pressing problems and interests.

Conclusions

The modernization of local self-government in post-Soviet Russia is at its early stage. Today we can only talk about some positive trends in this process. First of all, it should be noted that local self-government has both a special subject, which is the population, citizens and a special object of management: issues of local importance. Besides, one of the basic concepts that characterize the essence of local self-government as a form of organization and exercise of power is independence. Independence of local self-government is guaranteed by the state (Art. 12 of the Constitution of the Russian Federation). The state recognizes local self-government as an independent form of exercising people's government by them. This is reflected in the structure of its bodies, in the system of governing society and the state. An important manifestation of the autonomy of local self-government and, at the same time, its guarantee is the right to financial and economic resources recognized by the state, which are necessary for the exercise of local self-government functions. An independent decision by the population of local issues presupposes the existence of a system of effectively functioning democratic institutions, allowing the interests and will, as well as the freedom of initiatives and decisions of the local population to express by local governments based on their authority, but within the framework of existing laws.

The most important feature of local self-government reflecting its specificity as a form of exercising power is the own responsibility of municipalities. Municipal activities should be carried out in the interests of the population. This is ensured by various forms of public control over the bodies and officials of local self-government and their responsibility to the population, determined by the statutes of municipalities. Responsibility to the public comes as a result of a loss of public confidence.

The new Federal Law "On General Principles of the Local Self-Government Organization in the Russian Federation" adopted in 2003 provides for the responsibility of local governments to the state.

Local government has a special place in the democratic mechanism of governing society and the state. Local government and its bodies are not an integral part of the government mechanism. At the same time, local government and state power in the Russian Federation are closely interrelated. They have a single source, which is the power of the people. A significant part of the local self-government activities is aimed at resolving issues that the state influences in many ways (legal, financial, etc.). Also, local governments may be vested with additional state powers, and participate in the performance of public functions following Article 132 of the Constitution of the Russian Federation. In this case, state bodies have the right to exercise control over their implementation. However, the Federal Law "On the General Principles of the Local Self-Government Organization in the Russian Federation" prohibits the implementation of local self-government by state authorities and state officials (Article 17).

The state modernization in Russia is a reaction of the democratic movement to the unresolved socio-economic and humanistic problems of society; it represents the development of democratic

constitutionalism. For Soviet constitutionalism, restrictions and even prohibitions of individual freedoms were characteristic if they were incompatible with the socialist principles of economics and political process, a monopoly on the power of one party, a command-administrative system of governance, and formal federalism (Bytyak, Yakovyuk, & Shestopal, 2017, pp.458-462). The transition to democratic constitutionalism means the institutionalization of the values of fundamental human rights, a more complex type of government with separation of powers, competitive multiparty system and alternative elections to local and central government and the reality of the rights of the subjects of the Federation.

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