РАЗДЕЛ VI. ПОЛИТОЛОГИЯ

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Free communities in municipal administration structure of Russian Federation: role and features of functioning

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doi: 10.18411/scienceconf-05-2020-10

idsp: scienceconf-05-2020-10

The formation of a local government system is an essential aspect of democratization management in modern Russia. The guarantee and obligation of local self-government is included in the list of constitutional functions of the state[1]. Likewise all other transformations of recent years, local government was inculcated "top-down". In accordance with this fact, main tasks of the initial stage of the local self-government institution formation were limited to the creation of infrastructure elements, legal and organizational structures.

But the development of local self-government is impossible without active participation of residents of municipalities. Thereby, list of the questions that are widely discussed by reason of implementation problematic contains such issues as direct forms of self-government realization and order of participation, as well as role and position of those forms in municipal administration system. The fundamental question here is who appears as a subject of local self-government - residents relying on constitutional code or municipal officials and authorities.

Municipal government bodies' responsibility is to fulfill citizenry's will at local significance issue governance. Such a statement can be extracted from juridical analysis of "local self-government" definition given in the Federal Law from October 6, 2003 No. 131 - FZ (ed. August 2, 2019) "Of the General Principles of the Organization of Local Self-Government in the Russian Federation". This is the idea of "local communities" as a result of the expression of will and interest of people living within the boundaries of the municipality. Such dimension is not enough to understand the essence and content of local self-government and municipal government in practical terms. Understanding of the matter lies within public participation in local government forms differentiation. According to Russian law, one of the particular organizational forms of local community is territorial public self-government (TPS)[2]. It is a very common practice in Russia nowadays. People are self-organizing for direct participation in resolving issues of local significance, developing territorial public self-government within the boundaries of local territories and forming shape of congregation-like community made of 2-6 houses neighborhood[3]. According to National Territorial Public Self-government Association, there are more than 30 thousand self-organized free communities functioning on the territory of Russian Federation[4].

Unlike other direct forms of self-government participation mentioned in Chapter 5 of the #131 Law, TPS is familiar to the basic unit of municipal administration in Anglo-Saxon system as free community by such characteristics as:

1. Formation by residents' initiative within suggested boundaries;
2. Permanent functioning;
3. Self-restricted list of local-significance issues to solve;
4. Possibility to be registered as legal body;
5. Mandatory consideration of decisions made by the residents.

Such an organizational form of free public communication in Russian Federation provides access to the level of local self-government, in fact, becomes the initial level of government inside the municipality. It has all the necessary organizational elements: participants (residents); governing bodies; statute. Self-government in the TPS format is held

through Conferences (meetings of delegates) or Meetings of residents. The exclusive powers of the Meetings, Conferences of citizens exercising territorial public self-government include:

- establishment of the structure of TPS bodies;
- adoption of the statute of the TPS, introduction of amendments and additions to it;
- election of TPS bodies;
- determination of the basic activities of the TPS;
- approval of estimates of income and expenses;
- consideration and approval of reports on the activities of TPS bodies.

In turn, the TPS bodies formed by residents have the following powers:

- represent the interests of the population living in the territory;
- permission to enforce decisions, approved at meetings and conferences of citizens;
- ability to carry out economic activities to provide housing and communal funds, welfare territories, activities aimed to meet the social household needs of residents using residents' budgeting as well as local budget funds basing on an agreement between TPS bodies and local governments;
- the right to contribute to the local self-government bodies projects of municipal legal acts that require consideration of these bodies and officials.

Undoubtedly, individuals can live by common communal interests related to the porch, house, courtyard, street, quarter, but there are many landmarks of political life that go far beyond these boundaries and unite members of the local community into a single electoral municipal group.

In addition, such communities represent a serious resource in terms of organizing and developing the social and cultural component of the territory; they can do large amounts of socially oriented work related to participation in the implementation of the state social policy regarding the low-income citizens, pensioners, and large families and persons with disabilities; for example, the local community can monitor the quality of state social services work.

Thus, the functions of the local community self-organized in TPS as a form of exercising the right to directly implement local self-government, include the following:

- control over the activities of organizations located within the established boundaries of the territory, provided that the activities of these organizations affect the interests of the population;
- bodies of territorial public self-government should deal with the tasks that they able to do, including the fact that assistance is provided by local governments, primarily local administrations;
- representation and protection of the municipality residents interests, especially when solving housing and communal issues;
- the formation and promotion of various initiatives to meet the needs of residents in the territory;

Thus, the topic of participation of local communities in local government can be considered through three components:

1. The local community as a subject of local government. A clearly designated part of the inhabitants of the municipality within the boundaries established by the representative body is considered as the subject of legal relations (audience for communication and interaction) when deciding the local municipality issues;
2. Local communities as bearers of the socio-cultural code of the territory;
3. The form of participation of local communities in local self-government, through discussion and decision-making regarding the territory of residence,

through a law-making initiative, through the nomination and support of their own candidate to the representative body, through participation in the direct implementation of work to resolve issues of local importance on their territory.

A relevant issue, when self-organized local communities appear, is the organization of professional activities of the municipal government, taking into account the aspect of forms, methods, tools and mechanisms for involving members of local communities in management. This issue requires a review of the local regulatory framework, primarily in terms of the addition of a new participant in management activities, technologies and forms of organization of administration work.

As the initiative emergence of self-organized local communities in the form of TPS appears, it is necessary to ensure their direct contact with the professional community in local authorities. The main gap that arises between municipal government and local communities is the gap in the level of competencies in administration; the orientation of the first towards functionality, rationalism and systematicity, and the second toward emotions.

As an option, the first level of interaction between the population and local governments can be realized in the TPS Public Council[6]. This is a form of cooperation between local government and the public expressed in the form of a public representative body, an expert advisory body or a body combining expert and representative functions. The TPS Public Council assumes to fulfill of two main functions. On the one hand, the expression of an active position related to the organization of self-government initiators from municipal authorities by providing them with expert assistance and support. On the other hand, ensuring public control over the activities of authorities on issues of interaction with organized self-government communes, expressed in an elected representative advisory body.

In organizational and methodological terms, this gap can also be formulated as a gap between the levels that determine the process of goal-setting, preparation and decision-making of various scales. At the lower level of this hierarchy are situations requiring local decisions lying in the area of professional competence and responsibility of the head of the local community. Such decisions can and should be made by this particular manager; there is no need to convene meetings or conferences or conduct public opinion polls. As the scale of activity significance increases, the complexity of the task of taking into account these interests and relationships and their involvement in the process of preparing and making managerial decisions will increase. Accordingly, the set of requirements for managerial qualifications required to work at different levels will also change. The territorial approach in the classification of managerial tasks at the municipal level allows us to significantly differentiate the problem by the degree of its importance for the residents of the territories. It can be:

- House territory;
- Territory of the local community (TPS);
- Territory of the TPS Union (TPS Association);
- The administrative territory of the municipality district;
- The territory of the municipality;
- Territory of a municipal district (association of municipalities).

Such a gradation allows optimizing and concretizing the objects of management, minimizing management resource costs, and therefore increasing the efficiency of local self-government.

Thus, the importance of such an institution as territorial public self-government is due to the fact that TPS promotes the development of civic identity, the organization of active cooperation between the authorities and citizens, and the overcoming of passivity and dependence in moods of the population. Proceeding from this, the state authorities and local self-government should and must, in accordance with Article 33 of Chapter 5 of the Federal Law 131, contribute to the creation of TOC, conduct explanatory work among the population, create conditions for the formation and activities of territorial public self-government bodies.

Territorial public self-government, as the most important part of the system of local self-government, acts as an independent separate subsystem. It fuels self-government principles of organization and activity of both representative and executive bodies of local self-government; it is the public sphere where civic initiative is born, initiatives are directly implemented, and daily problems of the population are solved. The aim of its activity are issues of local importance, but at the same time, it does not make generally binding decisions as it is not a form of official power, but it carries out its own initiatives in these matters aimed at solving specific problems in order to ensure its own life.

It must be admitted, that today the practice of denying the presence of self-organized communities in the municipal management system in Russian Federation has become normal in municipal activities, and government bodies and officials traditionally choose a neutral position, leaving the issues of interaction between the organized population and local self-government to the local authorities themselves[5]. This is evidenced by statistics of Russian Federation – 30 000 local communities is a very small amount of free communities for the country where local government is mandatory. From our point of view, TPS is the only systemic form of direct democracy is used to solve the problems of micro-territory, arising from the will of the population of the territory and implemented by its population. Due to the fact, that the TPS has a charter, territory, its own governance structure (elected body and control- revision body, chairman), budget and resource base, TPS can be seen as a quasi-municipality[7] or a completely similar element of public authority similar to the Anglo-Saxon political world.

The communitarian aspect of social life indicates that the population of a modern city is organized as a community of communities, or as a “world of worlds” - this is not only the unavoidable part of the conceptual vision of municipal processes, but a very important part in factors analysis of state municipal management activities effectiveness.

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