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Research Article

Independence of local self-government in conditions of unified public authority system formation

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Abstract. The article concerns the issues related to the determination of local self-government bodies' role in the unified system of public power, which is being formed due to the implementation of the constitutional reform on effective interaction between state and municipal bodies. The author examines the concept of the "unified system of public authority", identifying the key semantic meanings that influence its formation, and analyzes the prospects of local self-government bodies either to preserve or loose independence as a result of their inclusion in the unified system of public authority (Federal Law No. 394-FZ of December 8, 2020, On the State Council of the Russian Federation).

Key words: Constitution of the Russian Federation, unified system of public authority, unified public authority, local self-government, local government, coordination of activities, state power, state power bodies, structure of the rule of law

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Научная статья

Самостоятельность местного самоуправления в условиях вхождения в систему органов публичной власти

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Аннотация. Рассматриваются вопросы, связанные с определением места органов местного самоуправления в единой системе публичной власти, формирующейся в связи с реализацией конституционной реформы по эффективному взаимодействию между государственными и муниципальными органами. Автор рассматривает понятие «единой системы публичной власти», выявляя ключевые смысловые значения, влияющие на её формирование, проводит анализ возможности сохранения или утраты самостоятельности органами местного самоуправления в результате их включения в единую систему органов публичной власти Федеральным закон от 08.12.2020 № 394-ФЗ «О Государственном Совете Российской Федерации».

Ключевые слова: Конституция Российской Федерации, единая система публичной власти, единая публичная власть, местное самоуправление, местное управление, координация деятельности, государственная власть, государственные органы власти, структура нормы права

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Introduction

The results of the all-Russian vote on amendments to the Constitution of the Russian Federation[1] formed the basis that gives rise to generating scientific

[1] The Law of the Russian Federation on the amendment to the Constitution of the Russian Federation No. 1-FKZ of March 14, 2020 On Improving the Regulation of Certain Issues of the Organization and Functioning of Public Power. Consultant Plus Law Assistance System.

understanding of both the concept and structure of the unified system of public authority (Peshin, 2020; Babichev, 2021; Pisarev, 2020; Chebotarev, 2020, etc.) and the place of local self-government bodies in this system in terms of coordinating activities within such a system.

According to Clause "e5" of Article 83 of the Russian Constitution, the work on public authorities' unification will be insured and provided by the State Council of the Russian Federation, formed by the President of the Russian Federation; this is, in fact, the development of the provision of Clause "d" of Article 71 of the Russian Constitution defining issues under the jurisdiction of the Russian Federation. The launch of constitutional reforms caused by the approval of amendments to the Constitution demonstrates certain results. One of them is the adoption of the Federal Law on the State Council of the Russian Federation[2] (hereinafter referred to as the Law on the State Council). This Law allows to reveal and withdraw a few issues concerning the bodies involved in the unified system of public authority. They include:

- bodies of the state power,
- bodies of the state power of the constituent entities of the Russian Federation,
- other state bodies,
- local self-government bodies, taken in totality.

One of the controversial issues is to define the place and scope of powers of local self-government when included into the unified system of public authority. The question arises whether it is possible to maintain independence, since the state power implemented by the state bodies, is characterized by sovereignty, while municipal power is sub-legislative (Peshin, 2020); unsolved contradiction can lead to the "governmentality" in the local authority and the loss of its potential "as the closest to people's level of power." That is why the research focuses on the actual situation of local self-government in the light of amendments to the Constitution of the Russian Federation in 2020.

Local self-government in the unified system of public authority

The inclusion of local self-government into the unified system of public authority has caused some criticism from the scientific community. For example, N.L. Peshin expressed his opinion that both nominal and actual independence is being lost, and the local authorities are distancing themselves from the residents who elected them[3]. We think there is some confusion between the concepts of "public authority" and "state authority", since the dispute about the terms that is taking place should not result only in a doctrinal understanding, but also in a logical normative consolidation. We can anticipate the objection that fixing the definition of public

[2] Federal Law No. 394-FZ of December 8, 2020, On the State Council of the Russian Federation. Consultant Plus Law Assistance System.

[3] "...local self-government is increasingly integrated into the system of state power and is increasingly distancing from local residents, the population of municipalities" (Peshin, 2020).

power in a normative legal act will not have an essential meaning, since practice of understanding it as state power plus municipal power (Lebedev, 2021) has already developed; nevertheless, this will allow us to direct, among other things, the vector of scientific discussion and research from demagogy to practice to address issues of coordination of all levels of public power that are more important in our opinion.

The problem of understanding public power is inherent in the terminology that came from the German language (Chirkin, 2005) and the word "public" in the Russian legal doctrine is sometimes interpreted as social, rather than as state. Hence the question arises: how to perceive this new system of state governance organization enshrined in the Constitutions of the Russian Federation since 2020: as centralization of all levels of power or as forming a unified system of power with decentralization elements? (Cherkasov, 1998). Why centralization? — Because we are talking about the inclusion of local self-government into the unified system of public power. Why decentralization? — Because local self-government stands out as an independent element in a number of amended and supplemented articles of the Constitution of the Russian Federation, as well as in a number of normative legal acts adopted as part of the ongoing constitutional reform. Moreover, the Law on the State Council refers to coordination of activities, and activities are coordinated between independent units, which means that local authorities are gaining a significant role; and it is coordination that will determine the kind of this role.

The state governing bodies named in Article 11 of the Constitution of the Russian Federation exercise state power[4]. But the amendments to Article 132 of the Constitution enables to define more broadly the governing bodies included in the unified system of public power[5]. At the same time, the constitutional provision enshrined in Part 3 of Article 132 unites these bodies through their functions to meet the needs of local population in a systematic way for the most effective solution of tasks. Consequently, despite the absence of a legal definition of the concept of "public power", its functional purpose allows us to legally and technically separate both state power with its internal system (legislative, executive and judicial) and local self-government in the broad sense of the word, which was noted above.

In its Opinion, the Constitutional Court of the Russian Federation[6] unequivocally stated that it is impossible to identify public and state power, which is

[4] The state power in accordance with Article 11 of the Constitution of the Russian Federation is exercised by the President of the Russian Federation, the Federal Assembly (Council of the Federation and the State Duma), the Government of the Russian Federation, and the Courts of the Russian Federation.

[5] At present, public power is a broader notion, as according to Part 3 of Article 132 of the Constitution of the Russian Federation, the unified system of public power includes the bodies of the state power (a generalized list of bodies exercising it is enshrined in Article 11 of the Constitution of the Russian Federation) and local self-government bodies.

[6] Opinion of the Constitutional Court of the Russian Federation No. 1-3 dated of March 16, 2020 "On compliance with the Provisions of Chapters 1, 2 and 9 of the Constitution of the Russian Federation of the Provisions of the Law of the Russian Federation on the Amendment to the Constitution of the Russian Federation "On Improving the Regulation of Certain Issues of the Organization and Functioning of Public Power", as well as on compliance with the Constitution of the Russian Federation of the procedure for Entry into force of Article 1 of this Law in connection with the request of the President of the Russian Federation". Consultant Plus Law Assistance System — hereinafter the Opinion of the Constitutional Court of the Russian Federation.

expressed in the inclusion of local self-government bodies into the system of unified public power as its equal subject. Appeals to the violation of Article 12 of the Russian Constitution regarding the independence of local authorities provided for by this Article and their exclusion from the system of state authorities are also untenable due to the fact that public power is not only and not so much a state power. The Constitutional Court describes public power from the standpoint of political science, linking it nevertheless with the power of the multinational Russian people[7]. If there was an exclusion of local self-government bodies from the unified system of public power bodies, then this would be a violation of the state unity of the Russian Federation. The ongoing reform is designed to ensure the effectiveness of the governance of the geographically extended country, the efficiency in solving issues at all levels of governance, bringing governance processes to a common denominator. At the same time, it cannot be denied that any level of government should be guided by the constitutional and legal foundations of the organization of its activities, which have been developed in the relevant designated laws[8]. So, local self-government cannot and should not be an exception; instead, it should become a guide or even a "hub" for coordinating the implementation of state goals and objectives as well as goals and objectives expressed by the local population "at a local level". Moreover, such coordination in no way "encroaches" on the local self-government bodies' independence in solving issues of local importance but is aimed at their effective solution.

This is exactly what the President of the Russian Federation said in his Message of January 15, 2020[9]. Local self-government does not lose its independence but should also receive an additional impetus to its development.

It is also necessary to pay attention to the fact that the concepts of "public authority" and "unified system of public authority" also require independent reflection since, with certain interpretations, there may be discrepancies in their understanding. For example, A.N. Pisarev proposes to consider local self-government as a "special form of the unified public authority system" (Pisarev, 2020). To support this thesis, he presents a number of arguments aimed at discrediting local self-government bodies in terms of the ability of the latter to work effectively outside the state' control; the main emphasis here is on the fact that local authorities are unable to properly ensure the constitutional rights and freedoms of a person and citizen.

[7] The Constitutional Court describes the system of public power as a political union (association) of the multinational Russian people. — Opinion of the Constitutional Court of the Russian Federation.

[8] Otherwise, it would mean that the basic constitutional and legal characteristics of the Russian state (part 1 of Article 1 of the Constitution of the Russian Federation), which refer to the republican form of government, federal structure and democratic principles, are inapplicable to local self-government. — Opinion of the Constitutional Court of the Russian Federation.

[9] The need to consolidate the principle of the unified system of public power in the Constitution should eventually allow building "effective interaction between state and municipal bodies. At the same time, the powers and real capabilities of local self-government — the level of government closest to people — can and should be expanded and strengthened" — Presidential Address to the Federal Assembly of the Russian Federation, January 15, 2020 "Presidential Address to the Federal Assembly". Consultant Plus Law Assistance System.

A.N. Pisarev includes to a number of assumptions justifying the "unity of the state power and local self-government" the provisions of the Federal Law No. 131-FZ[10] which are connected with the possibility for the local authorities to participate in exercising public powers, whereas the state power bodies are entitled to temporarily implement the local self-government bodies' certain powers and a number of others, such as public legal responsibility of municipalities.

As a result, it is concluded that the state power and local self-government are both the forms of the unified public power. Accepting this thesis means that local self-government is a structural but not independent element in the unified public authority; however, this reveals a certain terminological inaccuracy. A.N. Pisarev speaks about "the unified public authority" but the Russian President in his Address spoke about the "unified system of public authority" that later received public support at the all-Russian vote on amendments to the Constitution. The system assumes the presence of elements that, being interconnected or included in the system, interact with each other, but at the same time can be individualized as independent elements. On the contrary, A.N. Pisarev's position implies "governmentalization" of local self-government (Timofeev, 2019), which in our opinion does not correspond to reality.

In solidarity with the position expressed by A.N. Pisarev regarding the single goal of the state power and local self-government's activities[11], the assertion that state power and local self-government are the forms of the unified public authority seems controversial. Paying attention to the common goal of activities performed by the state power bodies and local self-government power, A.N. Pisarev substantiates including the term "system" in the definition of the structure of the unified public authority, but at the same time, alleviates the autonomy levels of the Russian federalism, which Professor A.N. Kokotov, the judge of the constitutional Court, focused on in his Separate Opinion[12].

An intermediate conclusion can be drawn: the vector of constitutional development is the systemic interaction of public administration elements in the legal

[10] Federal Law No. 131-FZ of October 6, 2003, On the general principles of the organization of local self-government in the Russian Federation. Consultant Plus Law Assistance System.

[11] "...a person, his rights and freedoms are the highest value. Recognition, observance and protection of human and civil rights and freedoms is the duty of the state" (Pisarev, 2020).

[12] Resolution of the Constitutional Court of the Russian Federation No. 30-P dated December 12, 2015 On the case of checking the constitutionality of Parts 4, 5 and 5.1 of Article 35, Parts 2 and 3.1 of Article 36 of the Federal Law On General Principles of Organization of Local Self-Government in the Russian Federation and Part 1.1 of Article 3 of the Law of Irkutsk Region On Certain Issues of Formation of Local Self-Government bodies of Municipalities of Irkutsk Region in connection with the request of a group of deputies of the State Duma. In particular, the named Separate Opinion indicated that the constitutional consolidation of the form of local self-government represents a kind of "third" level of Russian federalism. A.N. Koktov assigned the role of a "decentralizing" body of the third level to local self-government bodies, noting that if the constituents of the Russian Federation are taken as a form of decentralization of the state as a whole, then municipalities in the constituents of the Russian Federation are decentralization in decentralization.
Thus, the constitutional construction, representing the vertical of public power as an isosceles triangle was proposed; the federal centre (the apex of the triangle) may equally rely on both the constituents of the Russian Federation and municipalities. It may employ the municipal factor as a means of influencing the constituents of the Russian Federation in order to keep the latter in line with a unified state policy, and ultimately within the framework of a single constitutional space of the country. Consultant Plus Law Assistance System.

field, which is confirmed in doctrinal sources. For example, N.L. Peshin identifies state power and local power as varieties of public power with their own specific characteristics and level of issues being resolved (Peshin, 2020). It does make sense in terms of a municipal power as a means to decentralize the state power. At the same time, the independence of local self-government bodies, in our opinion, should not be opposed up to a conflict of interest and confrontation with the state power bodies. On the contrary, the point of the ongoing reforms is precisely in coordination and improvement of authority at all levels of governing. As a result, it turns out that there should be the unity of public authority as a sys-temic organization of the state governance levels; at the same time, the elements included in this system, while maintaining their independence, should focus their activities on implementng the provisions of the Constitution of the Russian Fed-eration as an act of supreme legal force. We can here agree with A.N. Pisarev that while maintaining their autonomy from the system of state authorities, local self-government bodies are part of the system formed by the people and are in-volved in solving national tasks[13].

We would like to emphasize that the unified system of public authority is not just a sum of components of governance, but their coordination is both "vertical" and "horizontal"[14]. In fact, it seems useful to recall the foreign models of local governance system already described in the well-known doctrinal literature, with the allocation of functional (departmental) and territorial (vertical) decentralization (Petrunina & Pronkin, 2001). However, neither this model nor other models also investigated and described in the works by Russian and foreign scientists (municipalists, constitutionalists or administrationists) can be automatically transferred to the Russian legal field of the unified system of public authority. In any case, based on the described models of local government organization, it is possible to determine both the scientific affiliation of the scholar and their attempts to "embed" organizational, managerial and public power relations at the local level into the model formulated by them. But that is what distinguishes the Russian local self-government; it has historically undergone several revolutionary breakdowns and is currently trying to develop its own, not necessarily unique, but specific system of local government organization.

So, if a researcher describes the social processes of local authorities' organization through the prism of "decentralization" or "deconcentration", then we can talk about an administrativist who is ready to "single out" certain issues from the authority of state bodies and delegate them to the authority at the local level. In other words, local self-government bodies are "self-governing" nominally, but regardless

[13] "... local self-government bodies, on the one hand, are not part of the system of state power, but at the same time they are inseparable from the unified system of democracy, national tasks and functions due to the unity of the public essence and goals of exercising state and municipal power" (Pisarev, 2020).

[14] Public power is not only, and sometimes not so much an association under a single concept of state and local government and self-government, but their "coordinated functioning ... and established ... organizational, legal, functional and financial-budgetary interaction, including on the transfer of powers between levels of public power ... in order to respect and protect human and civil rights and freedoms, create conditions for the socio-economic development of the state" (Mikheeva, 2021).

of the terms used, they demonstrate semantic behaviour and attitude of the local administrative state body[15].

If researchers pay more attention to the political component of the state power, then we are talking about constitutional foundations and principles. Thus, in the works by some British scientists, decentralization is perceived as a two-component system implying "administrative decentralization"; that is, the focus is on the redistribution of governance between government levels and "political decentralization", when power is being redistributed (Cherkasov, 1998:37).

Russian municipalists are trying to find a synergetic symbiosis and balance between centralization and decentralization (Ezhevsky, 2005) of local self-government. They assert that based on the well-known theories of local self-government in modern regulatory legal acts regulating local self-government in Russia, it is possible to detect features of all known theories to one degree or another (Eremyan & Chikhladze, 2020:31).

The ongoing constitutional reform has once again forced attention to the issues of semantic, rather than nominal appointment of local authorities. Hence, there are such a significant number of scientific publications on the preservation of independence or its loss by local self-government bodies in connection with their inclusion in the single system of public authority (Shagoyko, 2020; Kozhevnikov, 2020; Danko, 2020).

At present, we believe it will be correct to define the relations that are developing between the state and municipal authorities in the unified system of public authority through coordination functionality of state and local government bodies until the legal definition of this concept is adopted. It seems incorrect to contrast the autonomy of local authorities by referring to Article 12 of the Constitution and assert that local self-government bodies are not part of the state power bodies system. Local self-government bodies receive the mandate of trust from people, as well as state authorities, since only the multinational people of Russia are the source of power in the country. The people's will to determine the targets at the federal level cannot contradict the targets at the local level; at the local level they may only be concretized. For this end, it is required not to redistribute power (decentralize, deconcentrate or devolutionize) (Harvey & Hood, 1961), but to coordinate activities within the unified system of public authority.

It should be emphasized once again that the system of public authority is primarily a functional unity. At the same time, systemic unity should be aimed at organizational interaction both on the part of state power bodies and on the part of local self-government bodies considering the territorial specifics of a particular municipality[16]. The importance of the term "system" in the *unified system of public*

[15] G. Breban described deconcentration as delegation of powers from the central body to the periphery (Breban, 1988).

[16] The Russian Federation Constitutional Court Opinion No. 1-3 of March 16, 2020 On Compliance with the Provisions of Chapters 1, 2 and 9 of the Constitution of the Russian Federation of the Provisions of the Law of the Russian Federation on the Amendment to the Constitution of the Russian Federation On Improving the Regulation of Certain Aspects of the Organization and Functioning of Public Authority that did not Come into

authority is also evidenced by the fact that its inclusion allows to speak not about the declarative nature of local self-government independence, but about its actual involvement in the implementation of state policy at the municipal level. It is also important to note that formation and functioning of the system is assumed when its components are combined into an internally organized structure, i.e., integration (Chebotarev, 2020). The degree of the elements integration is determined by coordination in all spheres of activity of the system being created.

At the same time, there may be an erroneous opinion that integration of local self-government bodies into unified system of public authority poses a threat to the guarantee of local self-government independence and is an encroachment on independence in decision-making within its powers, envisaged by Article 12 of the Constitution of the Russian Federation. We suggest taking a closer look at this constitutional provision.

Recognition and guarantee of local self-government by the Constitution of the Russian Federation

The established by the above article constitutional norm is a norm-principle based on its role in the mechanism of legal regulation; it is characterised by the internal structure. It is worth mentioning theoretical disputes concerning the normativity of constitutional provisions, since not all of them establish rights and obligations (Luchin, 1997:8). We believe that the position expressed by V.N. Kudryavtsev and A.M. Vasiliev (Kudryavtsev & Vasiliev, 1985) and further developed by V.O. Luchin (Luchin, 1997:14) that constitutional provisions are normative institutions, have features of normativity, and meet the requirements of legal normativity is quite correct. This includes:

1. Mandatory requirements. Disclosure of this provision is possible by Article 15 of the Russian Constitution, which establishes the supremacy of the Constitution and its direct impact throughout the territory of the Russian Federation. At the same time, hierarchical supremacy over the entire legal system is consolidated with the requirement that all legal acts comply with the Constitution.

2. The territorial character of the constitutional provisions implementation and mandatory official publication of laws affecting the rights and freedoms of a person and citizen, as well as their duties.

3. The Constitution and the laws of the Russian Federation equally apply to addressees: state and municipal powers, their officials, citizens, and their associations.

We believe that at present the normativity of the constitutional provisions is beyond doubt, and it is possible from the position of the structure and its elements to constructively analyse Article 12 of the Constitution of the Russian Federation. And here again we find essential to briefly examine theoretical research on the presence

Force as well as on Compliance with the Constitution of the Russian Federation of the Procedure for Entry into Force of Article 1 of this Law in Connection with the Request of the President of the Russian Federation. Consultant Plus Law Assistance System.

of structure in the constitutional norm. In his work Constitutional Norms and Legal Relations V.O. Luchin carried out a deep critical analysis of the legal norm structure established in jurisprudence, where hypothesis, disposition and sanction are distinguished. However, the perceptions expressed in the doctrinal literature that only the presence of all the three structural elements of the norm and their certain connection allows to speak about the rule of law, as a special regulator of public relations, seem to be incorrect (Babaev, 1978, cited by: Luchin, 1997).

V.O. Luchin quite rightly noted that the effectiveness of the legal norm, first of all, is not related to its logical structure, but to the practice-oriented prescriptions that regulate the participants' behaviour in public relations. The practical purpose of the rules of law is determined by the fact that it is impossible to construct a structurally universal norm or come up with a universal norm structure suitable for all cases of constructing legal norms (Luchin, 1997:50). Depending on the purpose of legal regulation, object, subject and other conditions, the structure of the rule of law may also differ. Therefore, recognition of three elements — hypotheses, disposition and sanction — as a criterion for determining the rule of law contradicts reality[17]. Thus, the three-part structure of the legal norm may be described as a model that includes the maximum possible number of elements. In practice, formulation of constitutional provisions of a normative nature should be based on "an integral, logically completed, formally consolidating the state-imperious command and, in relation to this, construct its structure" (Luchin, 1997:54). Hence, the structure of some constitutional and regulatory prescriptions will correspond to a three-part model whereas the structure of others will have modifications in the number of elements of the norm.

Such a detailed description of the existing understanding in the constitutional doctrine of the norm structure of the Constitution seemed necessary to clarify the semantic load of each of the elements included in Article 12 of the Constitution. And here, it is worth mentioning the difficulty in identifying these elements as the question of whether legal principles can be classified as rules of law has also been discussed in the theory of law, since they have essential differences from ordinary legal norms both in their content and regulatory properties, and in modes of their implementation (Morozova, 1985:53, cited by: Luchin, 1997:17). Understanding of *ordinary norms* as the norms having a three-part structure, cannot deprive constitutional provisions, which are, in fact, principles, of the status of the rule of law. A.S. Pigolkin quite rightly defended the "right" of principles to be recognized as rules of law[18].

Thus, starting to analyse the norm of Article 12 of the Russian Constitution, we will proceed from the fact that, in substance, it is a norm-principle that defines and fixes at the constitutional level the basic initial provisions, and legal principles of local self-government in the Russian Federation. At the same time, the norm-principle has its own structure, which can contain three structural elements of the "reference

[17] In 1959, B.V. Sheindlin wrote that structural construction which is characteristic and applicable for some legal norms, can be not applicable for others (Sheindlin, 1959:91, cited by: Luchin, 1997:51).

[18] "…after all, they are the norms of law" and are not just something being contained in the law, but secondary to it by its content" (Pigolkin, 1978:58, cited by: Luchin, 1997:18).

rule of law" — hypothesis, disposition and sanction — and/or have its own modification in the number of structural elements of the norm.

We believe that Article 12 of the Constitution includes two of the three elements of the rule of law structure — hypothesis and disposition. The hypothesis is stated in the first sentence of the article and represents a condition under which the legal norm is subject to application: "In the Russian Federation local self-government shall be recognized and guaranteed". Thus, among the conditions for the stability and inviolability of the constitutional system, both recognition of local self-government and its guarantee are indicated. Considering that this norm is included in the "tough" chapter of the Constitution we confirm the nominal preservation of local self-government in the articles of the Constitution, but its essential implementation will have to be carried out through regulatory legal acts adopted on this subject of regulation. Considering that the hypothesis indicates the conditions under which this legal norm is subject to application, we also accept that *recognition and guarantee* acknowledges the existence of local self-government.

Disposition is understood as a certain permission, prescription, or prohibition for or on the commission of certain actions / omissions; it is a certain rule of behaviour that must either be followed or recommended in certain legal relationship. The disposition in the norm of Article 12 of the Constitution is reflected in: "Local self-government shall be independent within the limits of its authority. The bodies of local self-government shall not be part of the system of state authorities". In other words, there is a certain requirement — independence of local self-government, as well as prohibition against inclusion of local self-government bodies in the state power system. At the same time, the first sentence in this disposition refers to a blanket one, by analogy with blanket dispositions characteristic of the science of criminal law, since in order to clarify the content of the "limits of powers" of local self-government, it is necessary to refer to special legal acts regulating these issues. Such a special act is Federal Law No. 131-FZ[19].

Summing up the analysis of Article 12 of the Constitution of the Russian Federation it should be emphasized that:

1 nominal independence of local self-government has not changed in the context of constitutional reforms,

2 Constitution of the Russian Federation preserves and guarantees resolution of issues within the competence of local self-government bodies by these bodies independently,

3 local self-government bodies are included in the unified system of public authority as equal bodies with state power bodies.

[19] Chapter 8 of the Constitution of the Russian Federation discloses the issues of local importance and the competence of local self-government bodies to resolve them. At the same time, the foundations of local self-government organization are determined by the federal law, the adoption of which is provided for in Part 1 of Article 131 of the Constitution of the Russian Federation. Federal Law No. 131-FZ of October 6, 2003, On the general principles of the organization of local self-government in the Russian Federation. Consultant Plus Law Assistance System.

Herewith, the most important issue is coordinating the work of the bodies of these levels of public power, as well as a clear distinction between the concepts of "public authority/power" and "state authority/power" as independent generic concepts. Legally and technically, "public authority" is the system whose driving force is the power of the people to solve global (federal) tasks and the power of the same people to solve local tasks. Coordination of actions within the system is always clear and allows acting more effectively in the interests of the entire population.

Nevertheless, there is a separate question concerning the correlation of the concepts of "local government" and "local self-government", which seem to be similar in essence, but different in terms of content. Addressing and focusing on these terms is necessary as both formats for the implementation of power functions at the local level are in place. On the one hand, local self-government bodies are independent within their powers, and on the other hand, there are issues at the local level that go beyond the "limits of authority" and then "local governance" is carried out. Theoretical research on what is more correct for solving local problems, "government" or "self-government", in practice will matter only from the position of responsibility for the results that have occurred. If the competencies clearly indicate that the issue is being resolved by the local government, then we are talking about "self-government" and the responsibility is borne by the local government. On the contrary, if this is the competence of the state in a broad sense and the competencies have not been transferred to the local level, then the responsibility for |management| is borne by the state power. If the competencies were transferred, then they had to be necessarily controlled by the body who had delegated them, in this case, the state authorities. The non-fulfilment or improper execution of the delegated powers is the responsibility of the local authorities whereas the lack of control or improper control is the responsibility of the state authorities. If the local government acts contrary to the tasks assigned to it in connection with delegation of powers, then again, the responsibility belongs to the local government.

Independence of local government does not mean its independence from the interests of the people who elect both local and state authorities. It is by virtue of this direct and immediate dependence that the local self-government bodies are subject to federal legislation that establishes its foundations and acts in the interests of the local people in compliance with federal and regional legislation[20].

[20] A certain confirmation of this thesis is also contained in the Resolution of the Constitutional Court of the Russian Federation No. 30-P of December 1, 2015: "Fixing the independence of local self-government as the main principle of relations with public authorities, the Constitution of the Russian Federation proceeds from the fact that this independence is not absolute, it does not imply the denial of organizational and other forms of interaction of local self-government bodies and public authorities". Resolution of the Constitutional Court of the Russian Federation No. 30-P of December 01, 2015 On the case of checking the constitutionality of Parts 4, 5 and 5.1 of Article 35, Parts 2 and 3.1 of Article 36 of the Federal Law On General Principles of Organization of Local Self-Government in the Russian Federation and part 1.1 of Article 3 of the Law of Irkutsk Region On certain issues of formation of local self-government bodies of municipalities of Irkutsk Region in connection with the request of a group of deputies of the State Duma. Consultant Plus Law Assistance System.
Also, Part 3 of Article 18.1 Assessment of the effectiveness of the activities of local self-government bodies, the Law on Local Self-Government, which provides for inter-budgetary transfers to encourage the best practices of the local self-government bodies in organizing municipal governance and resolving issues of local

It seems quite reasonable and practical to turn to the already existing experience of the activities of local councils in the USSR, which actually implemented the will of the people[21]. We noted above that having their own interests, the people living in a particular territory cannot be considered separately from the entire population of the country; these people certainly have their own needs, but they cannot conflict with the interests of the entire population of the country. In any case, the population / people living in a certain municipality allocated as an independent entity take their needs and development of this municipality as stage-by-stage process, and the population / people through their representative bodies must implement them at the regulatory level and through their executive bodies to achieve the desired result. It is the coordination of work on practical implementation of municipal needs that represents a new stage in the formation and development of local self-government bodies and local self-government in the unified system of public authority. In fact, E.I Kozlova[22] noted that the expressed will of the local population is at the same time the will of a part of the Soviet people; this leads to a slightly different assessment of local interests by the local council. With such approach, the local council is no longer only the advocate of local residents' will, but the executor of the will of the Soviet people living in the specific period of time on this territory. And this renders a completely different essence to the activities of the local council.

A.A. Larichev writes that a similar theoretical substantiation proposed by E.I. Kozlova, logically justifies the supremacy of representative bodies over executive bodies through legitimacy of the mandate received from the people at the elections (Larichev, 2020). In the context of formation of the unified system of state authority, it is very important to find a balance and coordinate work at the local level so that the executive bodies fulfil the will of the local population, expressed in the forms established by law.

Hence, the following conclusion can be drawn: at the local level, both self-government and management are carried out simultaneously; self-government is implemented within the competence of local self-government bodies, and management at the local level is implemented both by state authorities and by local self-government bodies by delegating certain state powers to them supported with transfer of material and financial resources necessary for exercising such powers. The implementation of such powers is controlled by the government.

It is also necessary to look at a systematic and logical interpretation of the legal consolidation of the powers exercised by local self-government bodies. As discussed

importance of municipalities, also refers to municipal (local) governance. Several times the Law on the State Council also mentions municipal administration, paragraph 3 of Article 6; paragraph 2 of Part 5 of Article 11; paragraph 5 of part 1 of Article 17.

[21] E.I. Kozlova noted that "the local population, together with all members of Soviet society, acts as the bearer of the people's will, which is implemented by the Council and which it embodies as a state organ as part of its mechanism". Kozlova E.I. Councils of Workers Deputies — bodies expressing the people' will: Published Summary of the thesis for a Doctor of Legal Sciences (Kozlova, 2017:34).

[22] "if the population of any administrative-territorial unit is an integral part of the entire Soviet people, then the workers will, represented by the local council, cannot be considered in isolation from the will of the entire Soviet people, or be associated only with the reflection of local interests" (Kozlova, 2017:36—37).

above, the Constitution is a fundamental act for the modern system of local self-government since it guarantees the very fact of local self-government existence, its independence within their powers and isolation of local self-government from public authorities. The competence of local self-government bodies is explained by the Law on Local Self-Government. There is a fair opinion in the literature that the local self-government bodies should independently ensure the solution of issues of local importance (Eremyan & Chikhladze, 2020:124), but this does not mean that the bodies of the unified system of public authority, which are being formed, may avoid solving tasks of local self-government. The draft federal law on the fundamentals of local self-government (currently under discussion), provides for participation of other bodies of the unified system of public authority in resolving issues of local importance[23]. And this, in our opinion, gives hope for the development of the applied and practical nature of local self-government, rather than multiplying discussions about the degree of compliance with the democratic foundations of local self-government: who elects whom, who appoints whom and what the procedure is like. At the same time, it requires a genuine establishment of practice-oriented interaction between local authorities, authorities of the constituent entities of the Russian Federation and federal state bodies in identifying and implementing the local needs of the population, considering the positive experience of the Soviet government in understanding the expression of the will of the local population as part of the entire Soviet people. Understanding should also be formed that the entire people can influence the resolution of local issues, hence the Law on the State Council highlights the issue of coordination of the activities of all bodies and levels of the unified system of public authority in the Russian Federation.

Conclusion

In conclusion, we consider it is necessary to note that the formation of the unified system of public authority will significantly increase the importance and role of local self-government bodies in developing a system of coordination mechanisms in management at both the government and local levels. At the same time, theoretical and applied research will be required in terms of delineating functional interaction within the framework of "local government", which will be implemented at the local level by both state bodies and local self-government bodies. It is also possible that this will lead to the development of its own model of local self-government in the Russian Federation, which includes elements of recognized models of local self-government organization by the scientific community. The specific and peculiar character of the Russian model will be related to the specifics of organization of local self-government's effective functioning on the territory of a geographically extended state, which is the Russian Federation.

[23] Draft Federal Law No. 40361-8 On General Principles of Local Self-government Organization in the Unified System of Public Authority (ed., adopted by the State Duma of the Federal Assembly of the Russian Federation in the first reading on January 25, 2022). Consultant Plus Law Assistance System.

We assume that the degree of the local self-government independence to a certain extent depends on the territory of the state in the geographical sense. The smaller the territory and the denser the population, the more issues can be solved at the local level; it is easier both technically and organizationally to implement control, supervision, and judicial protection within the framework of the unified state policy in the interests of society.

Also, the organization of local government depends on the form of government, which cannot but affect the Russian Federation. Given its geographical extent, the Russian Federation, as a federation, must ensure the sustainable character of both the state system and its territorial integrity. Among other aspects, this can be explained by the establishment of common foundations for local self-government organization. At the same time, Russia strives to ensure the actual, not only declarative, independence of local authorities, even nominally using the term "local self-government". Although, given the geographical location of Russia, ensuring political and legal unity with the allocation of "self-government" may ease the necessary concentration in solving issues, including those affecting the local level. Therefore, not only the unified system of public authority is being introduced by law, but also unified approaches and principles for its implementation are being formed. The system being built will allow, through coordination, to determine both the areas of responsibility and the areas of influence of the local population on the central government and vice versa, the areas of influence and responsibility of the central government to the local population. The symbiotic interaction between governmental bodies at all levels with local authorities is a guarantee of non-declarative but actual application of the municipal legislative norms.

A large geographical extent usually leads to unitary form of state system, for example, the countries of South America, Central America, and the Caribbean. Twenty-five countries out of twenty-nine have a unitary form of governance (Eremyan, 2019:403) (if we have a look at the political map of this region, we can see the great extension of the territories of the countries on the South American continent). China is another example of a geographically extended state. To optimize the management of the territory, separate territorial governing bodies are also being created, at the local level as well, but due to the specifics of the unitary state structure of the PRC[24]. In PRC, the system of local governance is carried out within the territories of national autonomies, which, like the entire territorial organization in the country, is determined by the decision of the supreme body of the state power and the State Council (Chupanov, 2019:505). The bodies of the districts of national autonomies are called self-government bodies. The introduction of "self-government rights" is pointedly aimed at considering the specifics at the local and, at the same time, national level "to make administrative bodies more capable to act in local specific conditions" (Chupanov, 2019:506—507).

Evidently, the historical development of local government, the traditions that have developed in the state, the legal family to which the state belongs also have a

[24] The Constitution of the People's Republic of China defines the Chinese government as unitary 1959. Basic normative acts on local power bodies and state governance of the People's Republic of China.

significant influence on the formation of a particular model. But here, too, we see that the land area and geographical location impact the local government system. For example, the United Kingdom of Great Britain and Northern Ireland has carried out a global regional reform with the allocation of large self-governing units to varying degrees (the process of "devolution") (Ezhevsky, 2019:133). Here, on the one hand, the process of improving governance and increasing the level of importance of local government is seen, and compared to Brazil or China, the United Kingdom is much smaller geographically, but (!) here we see echoes of the dissolution of the British Empire… And this dissolution, due to a lesser intensity of ties between the centre and the periphery and greater independence of colonies, led to disappearance of the empire from the political map of the world.

Therefore, a unique model of local self-government is currently being formed in the Russian Federation, which, in an effort to preserve the federal nature of the state structure, simultaneously aims at the progressive unified development of all territories, paying special attention to the local level. Of course, contradictions may arise with the interests of neighbouring municipalities at a single-line local level, which will significantly hinder the implementation of the unified state policy. Therefore, the issue of coordinating the activities of the management system as the unified system of public authority seems to be so important, given the extensiveness of the Russian territory.

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