

LEGITIMACY AND LEGITIMATION OF THE RUSSIAN PUBLIC AUTHORITY****Dmitry A. Avdeev***University of Tyumen, Tyumen, Russia***Article info**

Received –

2021 January 10

Accepted –

2021 April 15

Available online –

2021 June 25

Keywords

Legitimacy, legitimation, public authority, people, state power, democracy, public administration

The subject. The article is devoted to the legal analysis of the legitimacy of the activities of public authorities and the process of their legitimation in the Russian Federation, as well as other problems of national democracy. The legal understanding of the concept of "people" as the only source of power and the bearer of sovereignty is considered, a distinction is made between these properties.

The purpose of the article is to identify its essential features the category of legitimacy, identify problems related to the reflection of the political will of Russian citizens in the organization and activities of state authorities and local self-government. The purpose of the article is to substantiate also the differences in the characteristics of the people as the only source of power and the bearer of sovereignty, which has a significant impact on the processes of legitimation of public authorities in the Russian Federation.

The research methodology consists of general scientific methods (analysis, synthesis, dialectics) and legal methods (formal-logical, comparative-legal, historical-legal, forecasting method).

The main results and their area of application. The author considers legitimacy not only as the consent of the people with the normative legal acts adopted by public authorities, but also as universal approval and recognition of their organizational activities, expressed by citizens through the institutions of direct democracy. The legitimacy of public authority is an attribute of a constitutional state with a social orientation. The article notes a few features characteristic of the domestic process of legitimizing public authority. The procedure for the formation of the Federation Council of the Federal Assembly, in which Russian citizens do not participate directly, starting from 1995 to the present. The cancellation and return of direct elections of heads of constituent entities of the Russian Federation, the impossibility of electing the heads of municipalities directly by the population (in many cases). A complicated procedure for the implementation of active and passive electoral rights in the Russian Federation, expressed in the establishment of several formal requirements. Constant changes in electoral legislation before election campaigns are among these characteristics.

Conclusions. The results of research are summarized and conclusions are drawn about the current state of legitimacy in the Russian Federation. A few measures are proposed to improve the process of legitimizing public authority. The author proposes to distinguish between the legal characteristics of the people as the bearer of sovereignty, understanding by it all Russian citizens and as the only source of power, which is formed by the voters.

** The reported study was funded by Russian Foundation of Basic Research (RFBR) and Expert Institute of Social Studies, project number 20-011-31740.

1. Introduction.

The issues of the legitimacy, as well as the process of legitimation of public authority, should not be considered, for the objectivity of their research, only from the standpoint of political and sociological sciences. It is a mistake to believe that legal science covers only issues related to the organization and activities of public authorities (the procedure for their formation, competence and legal basis for their interaction with each other).

Recently, the legitimacy of the activities of public authorities of various levels and types has been the focus of constitutional and legal research. Even the constitutional amendments adopted in 2020 were put to a nationwide vote to give them legitimacy - a kind of popular approval, which, however, was not provided for the procedure for amending the relevant chapters of the Constitution.

Of course, the institutions of direct democracy, or rather the mechanisms of their implementation, have a significant impact on the characteristics of the activities of the public authorities, which acts as a kind of reflection of the will of the people, being the personification of the legitimacy of their functioning.

One of the indicators of the legitimacy of the public authority is the procedure for the formation of the highest governmental authorities and local self-government bodies. The democratic nature of the state presupposes not only the direct participation of citizens in the election of the governmental authorities, but also the expression of their political will through other forms and methods. In particular, through public events - marches, demonstrations, pickets, meetings and rallies, which, in our opinion, along with the referendum and elections are the highest direct expression of the power of the people. As A.V. Salenko correctly notes, "the constitutional freedom of peaceful assembly has a dual legal nature: on the one hand, it acts as a way of realizing freedom of thought and speech, freedom of expression, as well as individual dignity and the right to free development; on the other hand, it is an element of direct democracy, thanks to which citizens have an additional opportunity to manage

state affairs and resolve issues of local importance". [1, p. 14].

Consequently, the public authorities, first of all, the supreme governing bodies, should not just be formed in a strictly defined legal order, which allows us to speak of the legality of their activities, they should, first of all, be legitimate, that is, reflect the will of the majority of voters who have expressed their political convictions through various institutions and forms of democracy [2, p. 6].

Currently, a number of questions arise regarding the process of legitimation of the public authorities and reflection of the will of the people in their activities. For example, if the legitimacy of the activities of the bodies exercising public authority and functions of managing public affairs is a reflection of the interests of the people (its majority), then, in fact, what should be understood by the people? Are the concepts of the source of power and the bearer of sovereignty, which characterize the multinational people of the Russian Federation, identical in their semantic content? We will try to answer these and other questions related to the processes of legitimation of domestic public authorities in this article.

2. Legitimacy as a property of the public authority of a modern state.

Modern public power represented by various governing bodies with state powers and prerogatives should be based on the principles of democracy and democratic polity. Consequently, the bodies of state power and local self-government in the Russian Federation, exercising their functions, express the political will of Russian citizens, which is based on the idea of ensuring the rights and freedoms of the individual. This provision is reflected in Article 18 of the Constitution of the Russian Federation, according to which the rights and freedoms of man and citizen determine the meaning, content and application of laws, the activities of the legislative and executive authorities, and local self-government.

We believe that the above article points to legitimacy as a property of the activities of public authorities and local self-government, which, after amendments and additions to the 2020 Constitution of the Russian Federation, form a single system of

the public authorities. Thus, the bodies that form a unified system of public authority in the Russian Federation, while interacting for the most effective solution of issues in the interests of the population living in the relevant territory, are called upon to ensure the legal freedom of the individual as the highest constitutional value.

In our opinion, the purpose of the functioning of all bodies of power and administration is to ensure the rights of the individual. Indeed, in fact, the state is formed as a political organization of society, the purpose of which is to create conditions that ensure a decent life and free development of a person (Article 7 of the Constitution). Of course, it is difficult to imagine a state in which the rights and freedoms of all citizens would be ensured and realized. However, the maximization of ensuring the rights and freedoms of the overwhelming majority of people is an unshakable feature of a modern state that positions itself as legal and civilized. One of the state tasks is the creation of socio-economic conditions that ensure the implementation of legal freedom of the individual, its self-realization for the common weal.

Consequently, citizens should understand the importance of participation in the formation of public authorities, which will represent the interests of the majority, create conditions for further ensuring human rights. In this process it is important to what extent the public authorities formed by the people reflect the will of the majority of citizens in their activities. In other words, the implementation of democracy contributes to the process of legitimizing public power, bringing public authorities closer to citizens who, according to the democratic understanding of the state structure, express their political ambitions and other needs of a managerial nature through the institutions of direct democracy.

The activities of other bodies of power and administration, created by the bodies of the highest public power, formed, in turn, directly by citizens, must also correspond to the property of legitimacy. This conclusion follows from the fact that public authorities, regardless of whether they are formed directly by citizens or not, must implement a policy based on the political

will of the people and the interests of the majority of citizens.

The constitutional provision on the unity of public power, which is formed by the bodies of state power and local self-government bodies, reflects the peculiarities of its structure, including its three levels - federal, regional and municipal. At the same time, federal and regional are the levels of state power.

The unity of public authorities should contribute to the unification of efforts of state authorities and local governments in solving socio-economic issues, and this requires their coordination and interaction. This will allow public authorities at various levels ensure human rights and freedoms more effectively, which, as we said earlier, in accordance with the Constitution determines the meaning and content of their activities. This is where true democracy is manifested. As Professor V.V. Tabolin correctly notes, "putting democracy and public interests at the forefront, we can recognize the kinship of the concepts of publicity and nationality - the connection of the institutions of power with the people, the conditionality of political and legal phenomena by life, the expression of public, collective and private interests of the population in the activities of state and municipal authorities. In this context, the nationality acts as a mechanism of publicity, providing its organizational basis "[3, p. 11].

We can say that the nationality of public power is legitimacy. The very term "legitimacy" from lat. *legitimus* means consent to the laws, legal, lawful, legitimation is the legitimization of a new political regime, giving it legitimacy [4]. Despite the fact that the term legitimacy has a legal origin, for some reason it is more often used by political scientists or representatives of other non-legal sciences. In particular, the famous sociologist M. Weber considered legitimacy from the standpoint of recognizing the power of rulers and the duty of the governed to obey it, distinguishing three of its types: traditional, charismatic, rational-legal. At the same time, these types can complement each other or be interrelated [5, p. 25-26].

"The essence of legitimacy," according to the American political scientist D. Easton, "comes down to the fact that the source of power is the

ideology, the political regime and the political leadership, and citizens support the political aspirations of the highest authorities and government, realizing the correctness of their decisions" [6, p. ... 319]. Lipset S. M. considered legitimacy as "the quality of the political system, as its ability to support the belief of the population and social groups that the existing political institutions are most consistent with society" [7, p. 104].

The French political scientist J. Chabot considered legitimacy as "the adequacy of the real or supposed qualities of the rulers to the implied or clearly expressed consent of the governed" [8, p. 160]. On the basis of which he distinguished 4 types of legitimacy - democratic, ideological, technocratic and ontological.

Habermas Y. considers the legitimization of power as the integration of a society, whose majority of members support the values and norms proclaimed by the government, "in order to satisfy these claims, that is, to show why the existing institutions are worthy and entitled to exercise legitimate power in such a way that the values fundamental to the identity of society are realized." [9, p. 183].

American political scientist D. Held identifies 7 options for legitimizing power: authoritarian legitimacy, traditional legitimacy, conciliatory legitimacy, pragmatic legitimacy, instrumental legitimacy, normative legitimacy, and ideal normative legitimacy. The last two options, in his opinion, are truly legitimacy [10, p.114].

As it can be seen, the above definitions give reason to speak about the understanding of legitimacy not only as the consent of the people with the regulatory legal acts adopted by the public authorities in accordance with their competence, but also as universal approval and recognition of their organizational activities, expressed through the political will of the majority of voters. Legitimacy implies giving certain public decisions the character of popular or general ones, indicating the presence of the will of the majority expressed in them.

Thus, the procedure established by law for the formation of the highest bodies of state power should provide a legitimate property of their

organizational activities, since they are formed through the expression of the will of voters directly participating in the elections [11, p. 101].

Legitimacy is a multidimensional concept. So, according to K. F. Zavershinsky, legitimacy should be considered comprehensively, through its manifestations "in confidence in the norms, in the legislative confirmation of rights, in the legal liability of the authorities, in ideological transparency (justification by beliefs) and in the fulfillment of obligations assumed" [12, p. 130]. In the legal literature, there is a distinguish between illegitimate legality and legitimate illegality. In particular, Professor L.S. Mamut wrote that the existence of "legitimizing illegality and delegitimized legality of legality" is allowed [13, p. 213].

Despite the variety of the currently existing models of organization of the public authority, their common features are the democratic basis of the state, the legitimacy of the formation of public authorities at various levels and the constitutionality of their functioning. We believe that these characteristics should be considered as key, fundamental. It is the constitutionalization of the democratic structure of society based on the legitimacy of the activities of public authorities that will largely contribute to ensuring the harmonious functioning of not only the entire system of public power, but also the political, legal and socio-economic development of society itself. As I.A. Isaev points out, "the legality of power does not yet mean its legitimacy, if it does not take into account individuality and if its prescriptions are abstract and are not addressed to anyone; legality, however, supported by legitimization through recognition, it seems, can already count on greater significance and durability". [14, p. 2].

The quintessence of legitimacy, its essential content, lies, in our opinion, in the fact that it embodies the degree of implementation of democracy in public administration at various levels of government.

3. Legitimation of public authority in the Russian Federation before 1993.

It is known that public power, as one of the key features of the state, is an organizing people, uniting them into a collective, external to them, self-

forming law, establishing law and order, force acting within certain territorial limits [15, p. fourteen]. In a narrow sense, the apparatus of power and control, together with the apparatus of coercion, are public power [16, p. 134].

The public authority, separated from society, through its bodies, manages public affairs and conducts internal and foreign policy. As the history of the evolution of the state shows, the issues of the legitimacy of the activities of public authorities were not raised due to various kinds of factors and reasons. However, gradually, as a rule, as a result of revolutionary transformations, when the first bodies of people's representation (parliaments) begin to appear, when acts limiting the power of the monarch (constitution) are adopted, the idea of the legitimacy of public power and its purpose as an expression of the will of the majority of citizens, who, in turn, accept, approve and support the rule-making activity of public authorities aimed at regulating social processes, which is based on a democratic understanding of the state structure, arises.

The overwhelming majority of modern states are characterized as democratic, since they establish in their constitutions the organization of public power, which is based on democracy, that is, the people are proclaimed the source of power, and citizens have the right to participate directly or indirectly in the management of state affairs. The constitutions of such countries establish political, socio-economic and other principles of social and state structure that meet the formal requirements of the legal and social state and constitute the foundations of the constitutional system. As known, almost all constitutions of the countries of the world consolidate the priority of human rights in the system of public and state values, the separation of powers, political and ideological pluralism, the inviolability of private property, democracy (democracy).

Thus, these provisions allow us to say that the public authority meets the features of legitimacy, since citizens are allowed to participate in the management of state affairs both through elections of public authorities and through other forms of direct democracy. However, it is always necessary to take into account the comparison of

the formal legal possibility of citizens' participation in public administration, with its actual implementation. Of course, for a single state, the administrative processes with the participation of citizens in combination, *de jure* and *de facto*, will be different. Let us consider the issue of legitimizing public authority using the example of domestic experience.

The history of the Russian state indicates, with a sufficient degree of convincing, that the formation and further development of public authorities and administration was based on the principles of one-man management and centralization. The absolutization of the supreme power, expressed in the concentration of power in public administration in the hands of the head of the Russian state for several centuries, could not but affect the modern Russian system of public power.

One of the characteristic features of the evolution of Russian public power is that the emergence of parliament as a body of popular representation has a short history. The previously existing representative bodies, for the most part, performed the functions of consultative and advisory bodies under the head of state (People's Council, Boyar Duma, Zemsky Sobor). Only at the beginning of the 20th century, in accordance with the Highest Manifesto of August 6, 1905, the State Duma was established, which was assigned the legislative function. In accordance with the Regulations on the elections of August 6, 1905, representatives of the three main curia - landowning, urban and peasant could be elected to the State Duma - landowning, urban and peasant, who were elected by provincial assemblies, which included representatives of the respective curia. At the same time, women, workers, students, and military personnel did not have voting rights at that time.

As a result of the October Revolution of 1917, a radical transformation of the existing system of public power in imperial Russia began. The formation of soviets- bodies of people's representation functioning on the basis of the principle of democratic centralism- was widespread. However, it should be noted that the key and, in fact, the dominant role in the Soviet system of public power was played by local party committees

and executive committees of various levels, which performed the role of executive and administrative bodies of public power.

The Soviets of People's Deputies, the Supreme Soviet and the Congress performed the function of the collective people's representative, approving draft decisions prepared by the executive and administrative authorities of the appropriate level in accordance with party directives and instructions. A peculiarity of the Soviet system of public power was the coexistence of party bodies along with state bodies, the decisions of which were binding for all bodies of power and administration. For the most part, the party leadership, government bodies and administrations of the Soviet state put the public interests and the achievement of the general well-being of the majority of citizens at the forefront, which corresponded to the concept of a socialist understanding of the social order.

The experience of Soviet state-building showed that in the absence of any other alternatives to the political development of public administration in a monopoly system, citizens had no choice in electing deputies and other officials, whose candidacies were previously agreed upon with various committees, trade union committees, and services. Despite the fact that there were uncontested elections, a monopoly system, the unified communist ideology, the absence of private property as such, a planned economy, the priority of public and state interests to the detriment of private interests, nevertheless, in Soviet times, the domestic system of public power had a "popular" nature, and the state, although was not called democratic (apparently for political reasons), was popular - there were the people's army, people's deputies, people's judges.

The popular nature of the activities of Soviet authorities of various levels and types, aimed at satisfying public interests in the name of general well-being, supported (approved) by Soviet citizens as a whole, has a number of positive aspects. The antithesis to this is the all-Union referendum that took place on March 17, 1991, in which more than 76% of citizens voted for the preservation of the USSR, but in the end, this expressed political will of citizens was ignored by

the authorities. As a result, the Union of Soviet Socialist Republics (USSR) ceased to exist as a state, and on December 8, 1991, the heads of the three sovereign republics (Russia, Belarus and Ukraine) signed the Treaty of the Formation of the Commonwealth of Independent States (CIS).

4. Legitimation of public authority in the Russian Federation after 1993.

The beginning of the new development of the domestic system of public power was laid by the political and legal transformations that began in the late 80s and early 90s of the last century. As E. Primova rightly notes, "the legitimization of political power in the context of any serious socio-economic and political transformations, especially in the context of a change in political systems and regimes, is a very difficult task" [17, p. 116].

If earlier in the Constitution of the RSFSR of 1978, taking into account its amendments and additions, democracy was considered the basis of state administration - all power in the RSFSR belonged to the people (Article 2 of the Constitution (Basic Law) of the RSFSR), then in accordance with Article 3 of the Constitution of the Russian Federation of 1993, its multinational people is recognized as the bearer of sovereignty and the only source of power in the Russian Federation. The 1993 Constitution of the Russian Federation laid down a new structure for the system of public authority. The highest bodies of state power at the federal and regional levels, as well as local self-government bodies, continued to be elected through direct elections. However, gradually there was a tendency to restrict the right to elect and be elected to state and local self-government bodies, which manifested itself in the difficulty of realizing such opportunities, or even in the absence of such [18, p. 23-30].

To confirm this thesis, we present some facts.

Firstly. Only in the period from 1993 to 1995 that the members of the Federation Council were directly elected by the population of the corresponding constituent entity of the Federation. From 1995 to the present, the people (voters) do not participate in the formation of the "chamber of regions". Taking into account the constitutional amendments of 2020, the President can appoint no

more than 30 representatives of the Russian Federation for six years, seven of which are appointed for life. In this regard, first, it is not entirely clear what the representatives of the Russian Federation in the chamber of Parliament, representing the interests of the constituent entities of the Russian Federation, do in the "chamber of regions" (a term used by President Vladimir Putin). Secondly, the appointment of some senators of the Federation Council for life does not quite correlate with Part 1 of Article 1 of the Constitution, which establishes a republican form of government, which does not allow the exercise of state powers for life.

Secondly. From 2004 to 2010, the heads of the constituent entities of the Federation were also not elected by citizens, due to a change in the procedure for forming the highest official of the constituent entity of the Federation. Thus, a citizen of the Russian Federation was endowed with the powers of the head of a constituent entity at the suggestion of the President by the legislative body of the corresponding constituent entity of the Federation. However, according to Part 2 of Article 55 of the Constitution, laws that abolish or diminish the rights and freedoms of a person and a citizen should not be issued in the Russian Federation. In our opinion, the abolition of direct elections of the heads of the constituent entity of the Federation (as well as of the members of the Federation Council) is nothing more than the abolition of the political right of citizens to participate in the management of state affairs through the exercise of active and passive suffrage.

Thirdly. The impossibility of electing the heads of municipalities, the so-called "mayors" directly by the population (in the absolute overwhelming majority of cases), since either the chairman of the representative body of local self-government or the head of the local administration, approved (appointed) based on the results of a competition by the representative body of the relevant municipality.

Fourthly. Constant adjustment of the electoral legislation before the next election campaign, when certain conditions for the conduct of the election procedure change. Let us name only a few of them which, in our opinion, are the most

significant: the elimination of the voter turnout threshold; the transition from a mixed electoral system to a proportional one and vice versa, the establishment of a seven percent barrier, and in the next elections of the State Duma deputies, a return to five percent in the distribution of deputy seats according to a proportional system, a change (again) in the method of forming the Federation Council, the abolition of direct elections of the heads of the constituent entity of the Federation and again return to electivity either directly by the voters or by the legislative body of the constituent entity of the Federation, and many others. etc. As correctly noted in the legal literature, "one of the contradictions in the modification of electoral legislation is the formation in the political consciousness of the electorate and the world community of the image of a democratic state, representing equal opportunities for all interested subjects in the electoral process" [19, p. 760].

The transition to the election of all 450 deputies of the State Duma according to the proportional system was also criticized. So, according to the correct remark of M.S. Salikov "lack of experience of participation in political life under a multi-party system, the transition to a purely proportional electoral system will contribute to the depersonalization of power, further distance it from ordinary citizens" [20, p. 77].

These and other difficulties arising in the procedures for the formation of public authorities call into question the legitimacy of their activities, since citizens are either barred from the opportunity to form government bodies or an insufficient number of voters who cannot represent the majority participate in the elections of these bodies. The political passivity of the electorate, expressed in ignoring the elections of state authorities and local self-government bodies in various forms, has become a negative trend, as evidenced by the results of citizens' participation in election campaigns (presidential campaigns in 2012 and parliamentary ones in 2011 and 2016). For example, the low voter turnout (about 48%) in the elections to the State Duma in 2016 is a signal indicating the degree of confidence of the majority of voters in the authorities. In this case, how can we talk about the legitimacy of the activities of state authorities, if less

than half of the voters came to the elections, and the votes from among those who came were distributed among the parties that overcame the 5 percent barrier? Can the State Duma formed in this way be legitimate?

Unfortunately, it should be stated that the majority of Russian citizens are apolitical, most of them, for whatever reason, are not aware about the organization of public power in the Russian Federation, do not know constitutional provisions, vaguely imagine the procedure for the formation of the highest public authorities. Then, how can we talk about the legitimacy of the activities of public authorities?

There are enough reasons for such absenteeism. One of them, in our opinion, is the low material well-being of Russian citizens, which is reflected in their political activity. It is difficult to talk about the high degree of political activity of citizens during the election campaigns, when the state does not create the necessary socio-economic conditions and sufficient material and financial benefits for its citizens. But this, mostly, is of paramount value for a person. It is difficult to talk about self-realization and free development when a person does not have the above conditions and there is no elementary economic component that allows person to exercise his rights and freedoms. For example, the right to freedom of movement is difficult to exercise if a person does not have material resources (money for travel (flight), transport) or their volume is insufficient.

In this regard, we believe that participation in the political life of the country, in the management of state affairs, is interconnected and interdependent on the socio-economic situation of a person. It is impossible to deny the objectivity of this fact, as well as close our eyes to it. According to the correct remark of A.A. Kerimov, the main indicator of "the delegitimization of political power is the level of political protest of the population. Initially, protest can be expressed in the form of absenteeism, a decrease in indicators in elections, referendums, etc., which indicates a low level of legitimacy. These manifestations may be followed by an active phase of protest aimed at overthrowing the existing government with the subsequent collapse of the political regime "[21, p.

88].

It is difficult to disagree with N.M. Dobrynin that the rule-of-law state should be considered "where a comprehensive modernization has taken place, or, more correctly, a comprehensive reform of the political system and economy, on the basis of which radical changes in the social issues will take place and completely different values and standards in culture, spirituality and morality have been established, at the same time, the foundation of such a state will be a mature civil society, represented by all relevant institutions, and the state itself - functions on the key principles of constitutionalism and democracy, the priority in which will inevitably be all-round respect and protection of human and civil rights and freedoms "[22, p. 2-3].

Thus, as can be seen, any government and administration bodies should not only be formed in a strictly defined order of law, which will give the character of the legality of their activities, they should be primarily legitimate, that is, reflect the will of the majority of voters who have expressed their political convictions through various kind of institutions and forms of democracy, primarily in elections.

5. People as a source of power and bearer of sovereignty in public administration.

Legitimacy acts as the political and legal trust of citizens to public authorities, which in their activities should take into account the political will of the people and proceed from their interests when making decisions. This expresses the rule of the people, and the structure of the state is characterized as democratic.

The popular character of public power is also manifested in the fact that the people are directly involved in the process of formation of the highest bodies of state power. However, what is the people as a legal category? What are its constitutional and legal characteristics and features? What is called a people in the modern legal sense? We will try to answer these and other questions.

The meaning of the concept "people" is determined by various legal characteristics and depends on the content that is embedded in the meaning of the word. As noted, E.A. Tsishkovsky and S.S. Kuzakbirdiev "the general meaning of the term

people is completely different and indefinite - it is both the population of the state and the inhabitants of the country; nation, nationality, nationality; the labor bulk of the country's population; people, a group of people" [23, p. 97].

In the text of the Constitution of the Russian Federation of 1993, along with the word "people", the word "population" is used (for example, "strengthening the health of the population" (part 2 of article 41), "working-age population" (part 5 of article 75), "favorable living conditions of the population" (clause "e.5" of Art. 114), "solution by the population" (part 1 of Art. 130), "shall be determined by the population independently (Part 1 of Art. 131), "with the consideration of the opinion of the population" (Part 2 of Art. 131), "in the interests of the population" (Part 3 of Art. 132).

In turn, the word "people" is used 17 times (for example, the preamble of the Constitution begins with the words "We are a multinational people ...", further, "the bearer of sovereignty and the only source of power in the Russian Federation shall be its multinational people" (Part 1, Article 3), "Self-determination of peoples in the Russian Federation (part 3 of article 5), "as the basis of the life and activities of peoples" (part 1 of article 9), "guarantees to all its peoples" (part 3 of article 68), "a state-forming people" (Part 1 of article 68), "indigenous small peoples" (article 69), "takes the following oath of loyalty to the people" (part 1 of article 82), etc.

It is unlikely that anyone will dispute the fact that the semantic meaning of the words "people" and "population" used in the constitutional text, as well as their legal characteristics, are different. "People" and "population" are close in their context in understanding them as a set of citizens living in a certain territory (population of a constituent entity of the Federation, population of a municipal formation). As V.E. Chirkin, the population, residents, the community of citizens of the constituent entity of the Russian Federation are considered as part of the multinational people of the Russian Federation; the community of people in the constituent entity of the Russian Federation is the people of the constituent entity of the

Russian Federation. The formulation "people of a constituent entity" is more correct than the concept of inhabitants or population, which "do not have an exact constitutional, public-legal characteristic." The term "community of citizens of a constituent entity of the Russian Federation" is also unsuccessful, because constituent entities of the Russian Federation do not have their own citizenship [24, p.10].

Constitutions and charters of the constituent entities of the Russian Federation use various terms, such as "community of citizens", "residents", "population", "people". For example, the Charter of the Rostov Region refers to the community of citizens, on whose behalf the own power of a constituent entity of the Russian Federation is exercised. In the statutes of the Kaluga region and the city of St. Petersburg, the source of power is the residents of the respective constituent entities of the Federation. The charters of many territories and regions speak of the "population" (Perm Territory, Stavropol Region, Nenets Autonomous Okrug). The people as a source of power are recognized in the basic laws of the Republic of Tatarstan, the Chechen Republic, the Sverdlovsk Region, etc., except for the Steppe Code of Kalmykia. The Constitutions of the Republic of Altai, Adygea, Bashkortostan and the statutes of the Trans-Baikal, Krasnoyarsk Territories, Kaliningrad, Omsk and Rostov Regions contain an indication of the right of citizens of the Russian Federation to elect and be elected to government bodies and local self-government bodies, to participate in a referendum on the territory of the corresponding constituent entity of the Federation. The Charter of the Murmansk region simultaneously refers to both the population and the people of the region.

The concepts of "population" or "residents" used in the charters of municipalities are somewhat different in their semantic content from similar words used in the Constitution of the Russian Federation and constitutions (charters) of the constituent entities of the Federation. According to Russian law, foreign citizens can take part in municipal elections and participate in a local referendum, provided that they have reached the age of 18, are capable, permanently and legally reside in the territory of the corresponding

municipality, and there is an international agreement of the Russian Federation with that state, citizens who are the given foreigners.

In this regard, the question arises - if foreign citizens are eligible to participate in municipal elections and local referendums, then can they be considered as bearers of sovereignty and a source of power, as well as include them in the legal category "people"? It seems that not, although they do take part in the management of the lower level of public power.

We believe that the semantic meaning of the characterization of the people as a source of power and a bearer of sovereignty, in our opinion, needs additional constitutional and legal substantiation. It is difficult to disagree with I.S. Romanchuk, who believes that it is necessary to "initially define this subject, since in order to endow someone with power, one must know who this subject is or what persons it consists of, otherwise it turns out that the power is given to some amorphous subject, in fact, no one" [25, p. 88-90].

In accordance with Part 1 of Art. 3 of the Constitution of the Russian Federation, the people are defined as the bearer of sovereignty and as the only source of power. Are these properties independent legal components of the category "people" or do their semantic content coincide? On the one hand, we believe that there is a need to bring legal clarity to the specified characteristics of the people, at the same time, on the other hand, we understand that it is difficult, if almost impossible, to achieve absolute legal purity in these legal properties. The statement of P.I. Kostogryzov, proposing to consider the "people" as a metacategory, which, for the purpose of its knowledge, cannot be limited by the framework of only constitutional and legal science, at the same time it is also the source (in the material sense) of the constitution. This means that it cannot be exhaustively cognized by the means of constitutional and legal science. Therefore, the constitutions do not define, but only name the source of power. Its consistent description and definition are the task for the entire system of social sciences" [26, p. 40].

It should be said that earlier we proceeded

from the identity of the features of the people as the bearer of sovereignty and as a source of power, considering the people only as an electoral corps - a set of voters [27]. However, at present, our position is that it is necessary to distinguish between the legal understanding of the people as a source of power and the people as the bearer of sovereignty, due to their content and other essential properties.

The difference between the bearer of sovereignty and the source of power is seen to us as if we were making a difference between legal capacity and dispositive capability. That is, as the bearer of sovereignty, the "people" represent all Russian citizens, regardless of the peculiarities of their legal status and factors affecting it (legal capacity, age of being imprisoned by court decision, etc.). In turn, the people as a source of power includes only those citizens who have the legal ability to express their political will through the institutions of direct democracy (elections, referendums, public events). It is obvious that not all Russian citizens can participate in the political life of the state, as well as in the management of state affairs, by expressing their political will through the institutions of direct democracy. And this thesis is undeniable.

Thus, we believe that the time has come to rethink and develop, if possible, a new legal interpretation of the category of democracy, a certain concretization of the process of citizens' participation in state affairs, at all levels of public power. This presupposes a special differentiated approach and corresponding legislative consolidation. Only in this case will we be able to move away from the legally amorphous and not concretized concept of "people" and move on to a constructive legal establishment of the parameters and criteria of the people as a bearer of sovereignty and a source of power [28].

6. Conclusions.

Concluding a small research, we summarize some of the results. Firstly, legitimacy should be considered as not only the consent of the people with the authorities adopted in accordance with their competence by regulatory legal acts, universal approval and recognition of their organizational activities, but also as the expressed political will of the majority of voters, which is reflected in the

activities of the authorities and management. It is legitimacy, in our opinion, that is an attributive feature of a constitutional state with a social orientation. The legitimacy of the activities of public authorities is directly proportional to the political will of the majority of citizens, which they express through the institutions of direct democracy (elections, public events (meetings, rallies, marches, demonstrations and pickets), a referendum, etc.

Secondly, the issues of legitimacy and legitimation of public authority in the Russian Federation remain relevant and in demand in scientific understanding. It is necessary to continue research in order to search for possible solutions to certain issues of organizing a modern system of public authority in Russia. In particular, and, first of all, the procedure for the formation of higher bodies of state power and local self-government bodies, taking into account the direct participation of citizens.

Thirdly, we believe that it is necessary to distinguish between the legal understanding of the people as the bearer of sovereignty, on the one hand, and as a source of power, on the other.

Fourthly, an important role in the process of legitimizing the activities of public authorities have begun to play various kinds of public associations, non-profit organizations, as well as public chambers and councils under the executive and legislative bodies of state power and local self-government, which in their totality personify public authority [29, from. 25].

Fifth, it is necessary to increase the importance and role of the Parliament in the public administration system, and not assign it, for the most part, the solution of personnel issues related to the appointment (approval) of certain officials. The Chambers of the Federal Assembly should represent the interests and reflect the political will of the Russian people. The formation and development of the Parliament is a mirror image of the process of democratization of society, the maturity of the party system, the level of legal and political culture of the electorate.

Sixth, the public authorities directly elected by the people form other governing bodies, for the activity and effective functioning of which they are

responsible.

We believe that the constitutional consolidation of the unity of the public power system entails a change in federal legislation and the legislation of the constituent entities of the Federation, and the constitutional amendments of 2020 are the beginning of further reform of the domestic public power. We do not exclude the possibility of carrying out in the near future the next constitutional and legal reform, the result of which may be the development of a draft Constitution of Russia.

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BIBLIOGRAPHIC DESCRIPTION

Avdeev D.A. Legitimacy and legitimation of the Russian public authority. *Pravoprimerenie = Law Enforcement Review*, 2021, vol. 5, no. 2, pp. 145–158.
DOI: 10.52468/2542-1514.2021.5(2).145-158. (In Russ.).

