

RUSSIAN PRESIDENT AND LOCAL SELF-GOVERNMENT: THE EVOLUTION OF RELATIONSHIPS**Mikhail Yu. Dityatkovsky**^{1,2}¹ *All-Russian State University of Justice (RLA of the Ministry of Justice of Russia), Moscow, Russia*² *Dostoevsky Omsk State University, Omsk, Russia***Article info**

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The subject. An attempt is made to analyze the evolution of the relationship between the Russian Presidents and local self-government in modern Russia over the past 30 years.

The methodology of the research is based on the application of the historical method and the method of comparative legal analysis of normative legal acts of the Russian Federation of different years

The purpose of the article is to confirm or dispute hypothesis that the President's relations with local self-government developed non-linearly and contradictory on the different stages. The main results, scope of application. The paper examines the dynamics of the relationship between the Russian Presidents and local self-government, determines the five stages of the development of such relations and their characteristic features, as well as the prospects for these relations after the adoption of amendments to the Constitution of the Russian Federation in 2020.

Stage 1. The absence of specific regulatory legal provisions on the participation of the President in local self-government issues and the actual practice of their interaction (July 1991 – October 1993).

Stage 2. Arbitrary or authoritarian President's participation in local self-government issues (October 1993 – August 1995). This stage is connected with the period of the constitutional crisis of 1993 and is characterized, first of all, by two decrees of the Russian President directly changing the provisions of the Law of the Russian Federation on Local Self-Government of 1991.

Stage 3. Bringing the powers of the President in the field of local self-government in accordance with the Russian Constitution of 1993, the approval by the President of the main directions of state policy in the field of local self – government development in the Russian Federation, the creation of the Council for Local Self-Government under the President of the Russian Federation (August 1995 – August 2000).

Stage 4. Strengthening the role of the President in the field of local self-government. The beginning of this stage is connected with the coming to power of the new Russian President (August 2000 – July 2020). So far, this is the longest stage in our chronology. This stage is characterized by additional regulation by the President of certain point issues in the field of organization and implementation of local self-government, directly provided for by federal law.

Stage 5. The integration of local self-government bodies into a single system of public power and the receipt by the Russian President of hidden, virtually unlimited powers in the field of local self-government (from July 2020 to the present). The starting point of this stage was the adoption of amendments to the Russian Constitution in 2020.

Conclusions. The interaction between the Russian President and local self-government developed in a zigzag pattern: from the complete absence of contacts to the direct intervention of the Russian President in the legal regulation of relations in the field of local self-government, violating and actually canceling the legislative regulation of these relations in 1993-1995. From bringing these relations into line with the Russian Constitution of 1993, which proclaimed the organizational independence of local self-government, to strengthening the role of the Russian President and regulating certain issues in the field of organization and implementation of local self-government. The expansion of the powers of the Russian President in connection with the amendments to the Russian Constitution in 2020 actually means an aside from the organizational independence of local self-government and the integration of local self-government bodies into a single system of public authorities. In this regard, the question arises: do the above amendments mean an actual return to the second stage of the development of relations between the Russian President and local self-government in the period of 1993-1995, when the use of "hidden (implied)" powers of the President was allowed, and, consequently, theoretically unlimited participation of the Russian President in local self-government issues?

1. Introduction

30 years ago, two important institutions appeared in modern Russia: the President of the state and local self-government. This was due to the gradual transition of Russia from the Soviet model of the state to the modern one. In the light of the next constitutional reform of local self-government related to the adoption of amendments to the Constitution of the Russian Federation in 2020, in this article we will try to analyze globally how the relationship between the President of the Russian Federation and local self-government has developed in modern Russia over the last 30-year period. We will consider the development of this issue using the historical method and the method of comparative legal analysis of normative legal acts of the Russian Federation of different years in order to determine the main stages of the development of relations between the President of the Russian Federation and local self-government and their characteristic features, as well as the prospects of these relations.

The issues of relations between the President of the Russian Federation and local self-government are poorly studied in the scientific and educational literature.

Traditionally, in the science of constitutional law, the institutions of the president as the head of state, on the one hand, and local self-government, on the other hand, are considered independently without emphasis on their interaction (see, for example: [1, pp. 425-442, 582-608]). Recent scientific works in the field of constitutional law, dedicated to the President of the Russian Federation, very sparingly contain information on the problem under study (see, for example: [2, 3, 4]).

In the science of municipal law, normative legal acts of the President of the Russian Federation are considered as sources of municipal law (see, for example: [5, p. 154]). Also, a fairly large number of studies are devoted to certain forms of interaction between the President of the Russian Federation and local self-government. For example, the works of Yezhukova O. A. [6, 7],

Solovyov S. G., Davydova I. P. [8], Shchepachev V. A. [9], Zotov V. V., Yurovchik B. V. [10], Byalkina T. M. are devoted to the issues of evaluating the effectiveness of the activities of local self-government bodies on the basis of indicators approved in accordance with the procedure determined by the President of the Russian Federation. [11]. The works of Trofimova G. A. [12], Sokrashkin E. G. [13], Korosteleva M. V. [14], Akhmedov I. D. [15], Cherkasov K. V. [16] are devoted to the issues of early termination of the powers of the head of a municipal district, the head of a municipal district, the head of a city district in connection with the loss of confidence of the President of the Russian Federation.

The works of Budaev A.M. [17], Shugrina E. S. [18], Kozyuk M. N. [19] are the most comprehensive scientific studies of recent times on the issues of the relationship between the President of the Russian Federation and local self-government. However, these studies mainly consider the modern practice of this interaction, without a deep historical and comparative legal analysis of the evolution of the relationship between the President of the Russian Federation and local self-government, and also do not take into account the amendments to the Constitution of the Russian Federation in 2020. In this regard, this work is relevant and new.

2. Stages of the development of relations between the President of the Russian Federation and local self-government

In the evolution of interaction, five stages of the development of relations between the President of the Russian Federation and local self-government can be distinguished for the period from the date of the appearance of the institutions of the President and local self-government in the legislation of the Russian Federation to the present.

2.1. Stage 1. The absence of specific regulatory legal provisions on the participation of the President of the Russian Federation in local self-government issues and the actual practice of their interaction (July 1991-October 1993).

The post of President of the RSFSR was established on April 24, 1991 on the basis of the results of the All-Russian referendum held on March

17, 1991. Approving the results of this referendum, the Supreme Soviet of the RSFSR adopted the Law of the RSFSR of 24.04.1991 No. 1098-1 "On the President of the RSFSR", which regulated the activities and powers of the President, and the Law of the RSFSR of 24.04.1991 No. 1096-1 "On the Election of the President of the RSFSR", which determined the procedure for his election. By the Congress of People's Deputies of the RSFSR on May 24, 1991, the post of President of the RSFSR and the corresponding powers were included in the Constitution (Basic Law) of the RSFSR.

The emergence of the institute of local self-government in modern Russia is associated with the adoption of the Law of the RSFSR of 06.07.1991 No. 1550-1 "On local self-government in the RSFSR", which actually replaced the Law of the USSR of 09.04.1990 No. 1417-1 "On the general principles of local self-government and local economy in the USSR".

It should be noted that in the Law of the RSFSR of 06.07.1991 No. 1550-1 "On local self-government in the RSFSR", subsequently renamed into the Law of the Russian Federation of 06.07.1991 No. 1550-1 "On Local Self-government in the Russian Federation" (hereinafter-the Law of the Russian Federation on the LSG of 1991), the President of the Russian Federation as the highest due person of the state is not mentioned at all. Also, during this period of time, there were no global regulatory legal acts of the President of the Russian Federation related to local self-government. As well as there was no practice of exercising his coordinating powers in relation to local self-government.

2.2. Stage 2. Arbitrary or authoritarian participation of the President of the Russian Federation in local self-government issues (October 1993-August 1995).

This stage is connected with the period of the constitutional crisis of 1993 and is characterized, first of all, by two decrees of the President of the Russian Federation directly changing the provisions of the Law of the Russian Federation on the LSG of 1991:

1) paragraph 2 of the Decree of the President of the Russian Federation dated 26.10.1993 No. 1760 "On the reform of local Self-

government in the Russian Federation" establishes that the Law of the Russian Federation on the LSG of 1991 and other legislative acts are applied in the part that does not contradict this Decree;

2) paragraph 7 of the decree of the President of the Russian Federation from 22.12.1993 No. 2265 "On guarantees of local self-government in the Russian Federation" invalid:

a) separate provisions of the law of the Russian Federation MSU 1991, including Chapter 2, "the Structure and organizational framework for the activities of local Councils", the article about the censure of the local administration, etc.;

b) the Law of the RSFSR "On the status of Deputy of local Council of people's deputies of the RSFSR" (with the exception of article 36).

From the point of view of the current level of development of legislation, these are of course egregious facts that clearly contradict the Constitution and the practice of parliamentarism. The principle of the rule of law was violated by the adoption of presidential decrees canceling the laws of the Russian Federation. At the same time, these two decrees of the President of the Russian Federation have not yet been canceled and are valid!

Since October 1993, until the adoption of Federal Law No. 154-FZ of 28.08.1995 "On the General principles of the organization of Local Self-Government in the Russian Federation" (hereinafter-the Federal Law on Local Self-Government of 1995), the President of the Russian Federation, by his decrees (and there were 7 of them), actively regulated relations related to the reform of local self-government. As E. S. Shugrina notes: "during the confrontation between the President of the Russian Federation and the Parliament in the autumn of 1993, it was on the basis of the Decree of the President of the Russian Federation of September 21, 1993. No. 1400 "On gradual constitutional reform in the Russian Federation" launched a reform of the system of public power, including local self-government. Later, Decrees were signed on October 9, 1993, No. 1617 "On the reform of representative authorities and local self-government bodies in the Russian Federation", on October 26, 1993, No. 1760 "On the reform of local self-government in the Russian

Federation"; on October 29, 1993, No. 1797 "On approval of the basic provisions on elections to local self-government bodies"; on November 21, 1994, No. 2093 "On some issues of early termination of the powers of the head of local self-government". During this period, the President of the Russian Federation not only by his decrees formed the legal basis for the activities of local self-government bodies, their election or early termination of powers, but also paid considerable attention to the guarantees of local self-government. Thus, Decrees No. 2265 of December 22, 1993 "On guarantees of local self-government in the Russian Federation" and No. 557 of March 21, 1994 "On measures to ensure the reform of local self-government" were signed [18, p.72].

It should be noted that the active regulatory legal regulation of relations in the field of local self-government was maintained by the decrees of the President of the Russian Federation for a long time after the adoption of the Constitution of the Russian Federation in 1993.

2.3. Stage 3. Bringing the powers of the President of the Russian Federation in the field of local self-government in accordance with the Constitution of the Russian Federation of 1993, the approval by the President of the Russian Federation of the main directions of state policy in the field of local self – government development in the Russian Federation, the creation by the President of the Russian Federation of the Council for Local Self-Government under the President of the Russian Federation (August 1995-August 2000).

A new stage in the development of relations between the President of the Russian Federation and local self-government began with the Federal Law on LSG of 1995. Later, Federal Law No. 126-FZ of 25.09.1997 "On the Financial Foundations of Local Self-Government in the Russian Federation" was also adopted.

It should be noted that in the original version of the Federal Law on the LSG of 1995, the powers of the President of the Russian Federation were also not defined at all, as in the Law of the Russian Federation on the LSG of 1991.

At the same time, Part 3 of Article 80 of the Constitution of the Russian Federation

stipulates that the President of the Russian Federation, in accordance with the Constitution of the Russian Federation and federal laws, determines the main directions of the internal policy of the state. In this regard, this period is characterized by the approval by the President of the Russian Federation of the main directions of state policy in the field of local self - government development in the Russian Federation and the creation of a federal coordinating and advisory body in the field of local self-government-the Council for Local Self-Government under the President of the Russian Federation.

In this regard, the first Decree of the President of the Russian Federation No. 568 of June 11, 1997 "On the main directions of the reform of local self-government in the Russian Federation" was adopted. This Decree determines that active assistance to the formation and development of local self-government in the Russian Federation is a priority area of activity of the President of the Russian Federation and the Government of the Russian Federation. As the main directions of the state policy in the field of local self-government for 1997-1998, the following was determined: completion of the formation of the legal framework that ensures the formation of local self-government; creation of the necessary conditions for the formation of the financial and economic basis of local self-government; implementation of measures of state support for local self-government. This decree became invalid in 2004 due to the entry into force of Federal Law No. 131-FZ of 06.10.2003 "On general Principles of the Organization of Local Self – Government in the Russian Federation" (hereinafter-the Federal Law on Local Self-Government of 2003).

This was followed by the approval of the Decree of the President of the Russian Federation No. 1370 of October 15, 1999 "The main provisions of the state policy in the field of local self-government development in the Russian Federation". For example, this decree states that the successful implementation of the state policy in the field of local self-government development in the Russian Federation should lead to the creation of a system of interaction between the population, local self-government and state power. As S. A. rightly

notes. Avakian, "the role of the President is that he contributes to the formation and normative consolidation of the foundations of regional, territorial, national, and municipal policy by his acts" [20, p. 44].

This Decree of the President of the Russian Federation is still in force at the present time. Following the meeting on January 30, 2020, the President of the Russian Federation approved a list of instructions, among which one of the most important is the preparation by the Government of the Russian Federation of the draft Fundamentals of the State Policy of the Russian Federation in the field of local self-government development until 2030 by October 1, 2021.

In accordance with Presidential Decree No. 874 of August 24, 1995, the Council for Local Self-Government under the President of the Russian Federation was established. Currently, the Decree of the President of the Russian Federation No. 1451 of 02.11.2007 "On the Council under the President of the Russian Federation for the Development of Local Self-Government" is in force. The main tasks of the Council are: preparation of proposals for the implementation of the state policy in the field of local self-government development and identification of priority areas for its implementation; consideration of issues of ensuring interaction between federal state authorities, state authorities of the subjects of the Russian Federation and local self-government bodies of municipalities; consideration of draft federal laws and other regulatory legal acts of the Russian Federation on local self-government issues. Thus, in 2013, at a meeting of the Council, issues of regulating control and supervisory activities in relation to local self-government bodies were discussed; the 2017 meeting of the Council was devoted to issues of involving the population in local self-government.

The All-Russian Congress of Municipalities was established by the decree of the President of the Russian Federation in 1998. The objectives of the Congress were: ensuring the effective implementation of citizens' rights to local self-government; coordinating the activities of municipalities of the Russian Federation and ensuring their interaction with federal state

authorities and international organizations of local self-government bodies. This Decree was canceled by the Decree of the President of the Russian Federation No. 692 of June 2, 2007. Currently, the Congress operates in the form of a non-profit organization.

It should be noted that at this stage, the normative legal acts of the President of the Russian Federation did not always comply with the Constitution of the Russian Federation. For example, contrary to part 2 of Article 132 of the Constitution of the Russian Federation, the practice of granting local self-government bodies with separate state powers has become widespread, not by laws, but actually by decrees of the President of the Russian Federation. The author fully supports the point of view of V. V. Pylina, who claims that "it is impossible to agree with the practice when in some cases the granting of state powers to local self-government bodies is carried out by decrees of the President of the Russian Federation, resolutions of the Government of the Russian Federation, which is a violation of the Constitution of the Russian Federation and the current legislation of Russia. And even more so, we cannot agree with those who directly or indirectly justify such actions with considerations of expediency, the need for a quick solution of urgent issues, the lag of legislators from their solutions" [21, p.13].

For example, by Decree of the President of the Russian Federation No. 1372 of October 15, 1999 "On approval of the Regulations on Military Commissariats", local self-government bodies actually exercised such separate state powers as assisting military commissariats in carrying out their activities, including: organizing the conscription of citizens for military service; material, technical, financial and other types of support for military commissariats; providing military commissariats with office buildings that meet the established sanitary and technical requirements; implementation of current and major repairs of buildings and premises allocated to military commissariats, as well as payment for utilities; maintenance of personnel serving military commissariats, conscription and assembly points, etc.

This Decree of the President of the Russian

Federation was canceled in 2007. This problem is considered in more detail by the author in the monograph on the endowment of local self-government bodies with separate state powers [22, pp. 212-215].

2.4. Stage 4. Strengthening the role of the President of the Russian Federation in the field of local self-government. The beginning of this stage is connected with the coming to power of the new President of the Russian Federation (August 2000 – July 2020). So far, this is the longest stage in our chronology. This stage is characterized by additional regulation by the President of the Russian Federation of certain point issues in the field of organization and implementation of local self-government, directly provided for by federal law.

It all started with the addition in August 2000 to article 49 of the Federal Law on the LSG of 1995 of the powers of the President of the Russian Federation to hold local self-government bodies and local self-government officials accountable to the state. The President of the Russian Federation has received the right to dissolve a representative body of local self-government and dismiss the head of a municipal formation. Previously, these powers were exercised exclusively by the highest officials of the subjects of the Russian Federation.

After that, by Decree of the President of the Russian Federation No. 741 of 21.06.2001, a Commission under the President of the Russian Federation was formed to prepare proposals on the delimitation of subjects of competence and powers between federal state authorities, state authorities of the subjects of the Russian Federation and local self-government bodies under the leadership of D. N. Kozak. This commission played a crucial role in the preparation of the draft of a new federal law, which became the Federal Law on LSG of 2003.

A comparative analysis of the content of the two federal laws on local self-government shows that the current Federal Law on Local Self-Government of 2003, in contrast to the Federal Law on Local Self-Government of 1995, which has lost its force, contains a significant number of additional powers of the President of the Russian Federation in the field of organizing local self-

government, arising from the constitutional norm on determining the main directions of domestic and foreign policy of the state. If in the Federal Law of 1995 this is only one article devoted to the responsibility of local self-government bodies and officials to the state (article 49), then the list of norms of the Federal Law of 2003 related to the President of the Russian Federation is much broader and more diverse in its content and functional purpose.

Thus, the legal basis of local self-government consists, among other things, of decrees and orders of the President of the Russian Federation (Article 4); the powers of the head of state to determine the borders of municipalities that are closed administrative-territorial entities are mentioned (paragraph 2.1 of Article 17). The introduction of performance indicators for the functioning of public administration bodies and officials is new. For local self-government, the list of indicators for evaluating the effectiveness of the activities of local self-government bodies is approved in accordance with the procedure determined by the President of Russia (Article 18.1).

In order to implement the provisions of Article 18.1 of the Federal Law on LSG of 2003, in 2008, the Decree of the President of the Russian Federation No. 607 of 28.04.2008 "On evaluating the effectiveness of the activities of local self-government bodies of urban Districts and Municipal Districts" was adopted, which included such evaluation criteria as the number of small and medium-sized businesses per 10 thousand people of the population; the share of the area of land plots that are objects of land tax; the total area of residential premises, on average per inhabitant, etc.

Of particular note is the appearance of such grounds for the early termination of the powers of the head of the city district, the head of the municipal district and the municipal district, as the loss of the confidence of the President of the Russian Federation in connection with the violation of the law on the prohibition of owning foreign financial instruments (part 6.1 of Article 36 was introduced in 2013). The existence of such a power of the President of the Russian Federation in relation to senior officials of local self-government indicates the desire of federal authorities to obtain

additional opportunities for influence and control over local self-government.

It is also interesting to note the provisions of the Federal Law on LSG of 2003, according to which unscheduled inspections of local self-government bodies and officials can be carried out in accordance with the instructions of the President of Russia (part 2.6 of Article 77 was introduced in 2013). In the practice of state construction, it has already become traditional that such unscheduled inspections of authorities are often carried out after the head of state has communicated with the citizens of the country during direct lines.

Article 67 of the Federal Law on LSG of 2003 provides that the Unified All-Russian Association of Municipalities, in accordance with the procedure determined by the President of the Russian Federation, submits proposals on the composition of candidates for representatives of the Russian Federation in the Chamber of Local Authorities of the Congress of Local and Regional Authorities of Europe and on the composition of candidates for members of the delegation of the Russian Federation to participate in the Congress of Local and Regional Authorities of Europe.

Thus, since the 2000s and up to the present, there has been a gradual transition in the content of the adopted decrees of the President of the Russian Federation from ensuring the basic principles of the functioning of local self-government to regulating certain issues in the organization and implementation of local self-government [17, p.45]. In addition, as E. S. Shugrina notes, "the following can be attributed to the legal instruments for implementing the powers of the President of the Russian Federation in the field of federal and municipal policy: delivering annual messages; the publication of its own decrees defining the main directions in key system-forming areas, the implementation of the right of legislative initiative; appeal to the Constitutional Court of the Russian Federation, courts of other jurisdiction; the formation of state, advisory, advisory and other working bodies; settlement of disputes and conflicts" [18, p. 70].

2.5. Stage 5. The integration of local self-government bodies into a single system of public

power and the receipt by the President of the Russian Federation of hidden, virtually unlimited powers in the field of local self-government (from July 2020 to the present).

Undoubtedly, the starting point of this stage was the adoption of the Law of the Russian Federation on the Amendment to the Constitution of the Russian Federation No. 1-FKZ of 14.03.2020 "On improving the regulation of Certain issues of the organization and functioning of public Power", which entered into force in full on 04.07.2020.

The following provisions of the Constitution of the Russian Federation as amended by the latest amendments are decisive in our question.

In accordance with part 3 of Article 132 of the Constitution of the Russian Federation, local self-government bodies and state authorities are part of a single system of public power in the Russian Federation and interact to most effectively solve problems in the interests of the population living in the relevant territory. We will not go into the history of the integration of local self-government bodies into the unified system of public power in the Russian Federation. We will only note that in fact this embedding took place much earlier than 2020, as the Constitutional Court of the Russian Federation has repeatedly pointed out. We are interested in, how has the powers of the President of the Russian Federation in the sphere of local self-government after it was legalized, that the local authorities are included in the unified system of public authority in Russia?

Here it is necessary to analyse jointly articles 80 and 83 of the Constitution on the powers of the President of the Russian Federation, on the one hand, and articles 71 and 72 of the Constitution of the Russian Federation on the subjects of the Russian Federation and the constituent entities of the Russian Federation, on the other.

Thus, in accordance with part 2 of Article 80 of the Constitution of the Russian Federation, in accordance with the procedure established by the Constitution of the Russian Federation, the President of the Russian Federation takes measures to protect the sovereignty of the Russian Federation, its independence and state integrity, supports civil peace and harmony in the country, ensures the coordinated functioning and interaction

of bodies that are part of a single system of public power. The question arises: how exactly does the President of the Russian Federation ensure the coordinated functioning and interaction of the bodies that are part of the unified system of public power, including in order to ensure the state integrity of the Russian Federation, maintain civil peace and harmony in the country? Yes, the Constitution of the Russian Federation provides for the creation of the State Council of the Russian Federation for the purpose of this provision. But can the President of the Russian Federation exercise these powers without the State Council of the Russian Federation? For example, in the case of urgent resolution of these issues between meetings of the State Council of the Russian Federation, the frequency of which is not directly provided for by federal law. Unfortunately, neither the Constitution of the Russian Federation nor federal legislation gives an answer to this question. This leads to the conclusion about the lack of specificity and uncertainty of these powers of the President of the Russian Federation, the possibility of their broad interpretation, including in the field of local self-government.

Previously, the regulatory legal acts of the Russian Federation and the subjects of the Russian Federation contained mainly recommendations, and not direct instructions regarding local self-government bodies. Will it not mean that, based on the above-mentioned norms of the Constitution of the Russian Federation, the President of the Russian Federation will be able to directly instruct and demand the mandatory execution of these instructions from local self-government bodies that are part of the unified system of public power? At the same time, referring to the goals of state integrity, the maintenance of civil peace and harmony in the country, the coordinated functioning and interaction of bodies that are part of a single system of public power. And after that, to bring the bodies or proper persons of local self-government to responsibility for non-fulfillment of these instructions.

Further. In accordance with paragraph " E.5 " Article 83 of the Constitution of the Russian Federation The President of the Russian Federation forms the State Council of the Russian Federation

in order to ensure the coordinated functioning and interaction of public authorities, to determine the main directions of domestic and foreign policy of the Russian Federation and priority directions of socio-economic development of the state.

In accordance with Federal Law No. 394-FZ of 08.12.2020 "On the State Council of the Russian Federation "(Articles 5, 9, 10, 14), the main tasks of the State Council are, among other things: preparing proposals to the President of the Russian Federation on the most important issues of state construction, strengthening the foundations of federalism and local self-government, as well as on issues related to the relations of the Russian Federation, subjects of the Russian Federation, municipalities; preparation of proposals to the President of the Russian Federation on the formation of mechanisms for the coordinated functioning and interaction of federal state authorities, state authorities of the subjects of the Russian Federation and local self-government bodies, improving the efficiency of heads of municipalities (heads of local administrations).

By the decision of the President of the Russian Federation, representatives of local self-government may be included in the State Council. If necessary, extended meetings of the Presidium of the State Council may be held with the participation of representatives of the Government of the Russian Federation, heads of federal executive authorities, executive authorities of constituent entities of the Russian Federation, other state authorities, other state bodies, local self-government bodies, organizations. Following the results of the meetings of the State Council, decisions are drawn up, which are signed by the Chairman of the State Council – the President of the Russian Federation.

Based on the provisions on the general obligation of decisions of the State Council, the decisions of the President of the Russian Federation can actually also be formalized through decisions of the State Council, which also indicates the vagueness and uncertainty of the competence of the President of the Russian Federation in the field of local self-government.

And finally the last one. In accordance with paragraph " h " of part 1 of Article 72 of the Constitution of the Russian Federation, the establishment of general principles of the

organization of the system of local self-government bodies is jointly administered by the Russian Federation and the subjects of the Russian Federation. At the same time, according to paragraph "d" of Article 71 of the Constitution of the Russian Federation, the organization of public power is under the jurisdiction of the Russian Federation. Based on the above, it becomes unclear: if local self-government bodies are part of a single system of public power in the Russian Federation, what kind of federal legislation should be the legal regulation of their activities? A federal law adopted on subjects of joint jurisdiction of the Russian Federation and the subjects of the Russian Federation within the framework of Article 72 of the Constitution of the Russian Federation? Or a federal law, or maybe a decree of the President of the Russian Federation, adopted on the subjects of the jurisdiction of the Russian Federation within the framework of Article 71 of the Constitution of the Russian Federation with the application of the provisions of Article 80 of the Constitution of the Russian Federation?

In light of this, the positions of the judges of the Constitutional Court of the Russian Federation on the "hidden" powers of the President of the Russian Federation, considered in sufficient detail in the special opinions of the Resolution of the Constitutional Court of the Russian Federation No. 10-P of 31.07.1995 on the Chechen case and in special opinions to other decisions of the Constitutional Court of the Russian Federation, become relevant again.

Recognition of the powers of the President of the Russian Federation not listed in Articles 83-90 of the Constitution, based on the goals and values in respect of which the President acts as a guarantor and defender (part 2 of Article 80, part 1 of Article 82 of the Constitution of the Russian Federation), means the introduction of the institution of "hidden (implied)" powers of the President into the constitutional practice of Russia. The institution of "hidden (implied)" powers of state authorities is known to the world constitutional practice, but it is used with a sufficient degree of caution and only in order to ensure the effective operation of the principle of separation of powers, a system of checks and

balances in order to prevent the arbitrary strengthening of one branch of government at the expense of another. The recognition of the existence of "hidden (implied)" powers of the President of the Russian Federation means an illegal expansion of the powers of the President as the head of state at the expense of the powers of the federal parliament and the federal government.

In this regard, E. V. Gritsenko notes that "the powers of the President of the Russian Federation and the State Council of the Russian Federation to ensure the coordinated functioning of all" bodies that are part of a single system of public power "(part 2 of Article 80 in combination with paragraph " E.5 "Article 83 of the Constitution of the Russian Federation), can be perceived as an additional basis for federal interference in the organization and exercise of not only state power in the subjects of the Russian Federation, but also local self-government directly, without taking into account the regional level of public power" [23, p.90].

Currently, a new draft federal law on LSG is being prepared, the fourth in a row, aimed at implementing the provisions of the Constitution of the Russian Federation. The main vector of this project will certainly be the integration of local self-government bodies into a single system of public power.

3. Conclusions

Thus, in this paper, we have traced the evolution of the relationship between the President of the Russian Federation and local self-government over the past 30 years, identify five stages of the development of these relationships. The interaction between the President of the Russian Federation and local self-government developed in a zigzag pattern: from the complete absence of contacts to the direct interference of the President of the Russian Federation in the legal regulation of relations in the field of local self – government, violating and actually canceling the legislative regulation of these relations in 1993-1995. From bringing these relations into line with the Constitution of the Russian Federation of 1993, which proclaimed the organizational independence of local self-government, to strengthening the role of the President of the Russian Federation and

regulating certain issues in the field of organization and implementation of local self-government.

The expansion of the powers of the President of the Russian Federation in connection with the amendments to the Constitution of the Russian Federation in 2020 actually means a departure from the organizational independence of local self-government and the integration of local self-government bodies into a single system of public power. In this regard, the question arises: do the above amendments mean an actual return to the second stage of the development of relations between the President of the Russian Federation and local self-government in the period of 1993-1995, when the use of "hidden (implied)" powers of the President was allowed, and, consequently, theoretically unlimited participation of the President of the Russian Federation in local self-government issues? I would very much like it not to be so!

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