

INCREASING THE PRESTIGE OF LOCAL SELF-GOVERNMENT BODIES AND THE EFFECTIVENESS OF ACTIVITIES SHOULD BEGIN IN THE PROCESS OF STUDYING AT THE UNIVERSITY

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Article info

Received –

2020 July 17

Accepted –

2021 October 10

Available online –

2021 December 24

Keywords

Local self-government, content analysis, expert survey, perception of local self-government, fictitious local self-government, teamwork, local issues, quality of life, interests of residents

The subject of the research are the materials of judicial practice (texts of court decisions and information sources, the content of information about the results of court hearings), data from sociological surveys.

The purpose of the article is to identify the relationship between the knowledge of municipal law, local self-government or urbanism obtained during training at a university and subsequent professional activities related to local self-government carried out at different levels of public authority.

The methodology. A comprehensive methodology was used, including legal and sociological research methods. Formal legal, legal technical and comparative legal were used among the legal methods. The sociological methods include the method of expert survey and the method of content analysis, which makes it possible to reveal the real position of the respondent, if he wants to disguise it - not only the positions expressed, but also the words actually used were analyzed. The most repeatable ones were identified with the help of special software products.

The main results, scope of application. Quite significant amendments were made to the Russian Constitution in 2020. One of the novels concerns a unified system of public power, the inclusion of a new term in the text of the constitution. The implementation of these novels in the legislation on local self-government is expected after the completion of the formation of the updated composition of the Federal Assembly. For this, it is necessary not only to reveal the term itself and list the levels of public authority, but also to establish new principles of their relationship, incl. in a sense, uniform standards, rules and requirements for state and local authorities. One of the possible consequences of this may be an increase in the prestige of work in local self-government bodies, a change in attitudes towards work in local self-government bodies.

Conclusions. The analysis of the materials of law enforcement practice, the data of opinion polls on trust in local self-government bodies, attitude to the results of the work of local self-government bodies and their officials show that of all levels of government the municipal level is least trusted. Unfortunately, such an attitude begins to form in the process of training future employees of public authorities at different levels.

1. Introduction

In 2020, the Constitution of the Russian Federation was amended, including in terms of local self-government; The draft Public Policy Framework for Local Government [1, p. 3-16; 2, p. 17-26; 15, p. 3-12; 16, p. 19-28; 17, p. 29-36; 18, p. 37-50; 20, p. 3-28; 21, p. 3-18]. One of the short stories concerns a single system of public power. In scientific and expert circles, a discussion quickly arose about the role and place of local self-government in a single system of public power. Local self-government is the lower level of a single vertical or an equal partner of state authorities [3, p. 30-40; 4, p. 29-37; 5, p. 23 – 26; 6, p. 9-14; 7, p. 24 – 30; 19, p. 80-97; 22, p. 24-29].

In this regard, attention should be drawn to the following aspect of these changes. Since the term "public power" appears at the constitutional level and the organization of public power is assigned to exclusive federal jurisdiction, it is necessary not only to disclose the term itself and list the levels of public power, but also to establish in a certain sense uniform rules, unified requirements for state authorities and local authorities. This will increase the prestige of work in local governments, increase the social and other protection of municipal employees and elected officials. For example, in a number of constituent entities of the Russian Federation, the salary of municipal employees is lower than the average for the region and has not been indexed for a long time [8, p. 3-9].

The system of public authority should ensure the unity of federal standards for the provision of state and municipal services; the economic basis for the provision of services in accordance with the distinction between the subjects of responsibility and powers between the state authorities of the Russian Federation of its subjects and local self-government; unity of guarantees of the activities of state authorities and local self-government bodies, as well as their responsibility. It is advisable, for example, to provide for the salaries and allowances of persons filling public posts by multiple of the same figures

for persons filling municipal posts. It is possible to raise the question of the formation of a single personnel reserve, common standards for training and retraining, etc. In the proposed design of public power there is a certain positive potential for local self-government.

The formation of a unified system of public power also implies a clear distinction between the competencies of government bodies at all levels. In the context of local self-government, a list of issues of local importance deserves a certain audit, especially the legal and technical techniques used in its formulation. Existing language, especially those that begin with the words "participation in...", "creation of conditions for..." and others are interpreted differently by law enforcement agencies within their own knowledge, life work and professional competencies. This, in turn, gives rise to a large number of court disputes, including in the Constitutional Court of the Russian Federation; issues of local importance are not actually resolved or are not resolved effectively [23, p. 3-7; 24, p. 322-382; 25, p. 58-63; 26, p. 358-380].

The Constitutional Court of the Russian Federation has repeatedly expressed itself on the question of how the term "organization" should be understood, which is used when formulating a large number of questions of local importance. The court drew attention to the fact that "the content of the term" organization "used in the Federal Law" On General Principles of Organization of Local Self-Government in the Russian Federation "in determining issues of local importance should be disclosed taking into account special sectoral legislative regulation and that in any case this term cannot be automatically interpreted as implying the full responsibility of municipalities in the relevant field of activity (Resolution of March 29, 2011 No. 2-P). Otherwise, both the possibility of arbitrarily imposing public law obligations on municipalities, and the possibility of the municipalities themselves going beyond their competence, and thus interference in issues related to the jurisdiction and powers of other public law formations (Resolution of the Constitutional Court of the Russian Federation dated 13.10.2015 No. 26-P).

Further. Of all levels of public authority, the municipal level is the least prestigious. By the way, if we recall the Russian pre-revolutionary experience, then work in zemstvos was considered quite prestigious. For example, zemstvo doctors or teachers belonged to the elite, and work in local self-government bodies was seen in a certain sense as selfless devotion; local self-government constituted a certain value, the carriers of which were the zemstvo leaders. Who prevents us from remembering the lessons of our own history and at least partially implementing them?

The term "prestige" in the context of work in local government has many aspects and is a complex concept. In this article I would like to touch upon one of the rarely covered aspects - the attitude of control and supervisory bodies to local government and their legal implications.

2. The legal issues of the problem

On the one hand, if we pay attention only to information that appears in the public space and concerns state control over local self-government, then we can conclude that the main violators are local self-government bodies and their officials. The mainstream media reports mostly negative information about the activities of local self-government bodies. But on the other hand, there are plenty of examples that "municipalities win in court", that decisions of control and supervisory bodies are recognized as illegal, and are canceled. Often, representatives of local self-government bodies do not have the opportunity to tell the general public about their victories. It is gratifying that recently the situation has begun to change, information resources have begun to appear on which such information is collected¹. An analysis of judicial practice clearly shows that the level of competence of representatives of local government bodies practically does not differ from the level of competence of local government bodies.

¹ Extracts from court decisions describing municipal victories are regularly posted on the pages of the magazine "Municipal Property: Economics, Law, Management". Information that "municipalities win in court" is posted on the sites <https://krasimr.ru/>, <http://shugrina.ru/court-decisions-list>.

As an illustration, we can cite the judicial practice on the issue of providing apartments to orphans. This is the authority of the state authorities of the subjects, although the operators are local authorities. For example, on the websites of the prosecutor's offices information is posted that the prosecutor protected the interests of a particular child, achieved that the local authorities provided him with an apartment². Again, the picture comes on that local self-government bodies are "persistent violators of the law, the rights and freedoms of citizens." But, if prosecutors really stand guard over the rule of law, then they must take the next step and stand up for the local budget, so that funds from the regional budget will arrive there in a timely manner. But this step, unfortunately, is very rarely done, although local governments regularly achieve

² For example, only in December 2020, the website of the General Prosecutor's Office of the Russian Federation posted information that the prosecutor's office protected the rights and interests of the child, forcing local authorities to provide him with housing through the court: <https://genproc.gov.ru/smi/news/genproc/news-1894736/> (Oryol region); <https://genproc.gov.ru/smi/news/genproc/news-1894690/> (Pskov region); <https://genproc.gov.ru/smi/news/genproc/news-1894460/> (Novgorod region); <https://genproc.gov.ru/smi/news/genproc/news-1894438/> (Republic of Crimea); <https://genproc.gov.ru/smi/news/genproc/news-1894426/> (Magadan region); <https://genproc.gov.ru/smi/news/genproc/news-1894130/> (Ivanovo region). At the same time, nowhere is it said that these powers are attributed to the jurisdiction of the constituent entities of the Russian Federation and are expenditure obligations of the budgets of the constituent entities of the Russian Federation. It is curious that the same website simultaneously contains information that the prosecutor's office is applying to the state authorities of the constituent entities of the Russian Federation through the courts: <https://genproc.gov.ru/smi/news/genproc/news-1894356/> (Saratov region); <https://genproc.gov.ru/smi/news/genproc/news-1894798/> (Lipetsk region); <https://genproc.gov.ru/smi/news/genproc/news-1894738/> (Tula region); <https://genproc.gov.ru/smi/news/genproc/news-1894664/> (Stavropol Territory);

victories in such categories of cases, demanding reimbursement of funds³. An analysis of judicial practice shows that there are many examples of state authorities of the constituent entities of the Russian Federation trying to refuse to fulfill their expenditure obligations to local governments. But there is almost no information about this in the public space.

This issue was also considered in the Constitutional Court of the Russian Federation [9, p. 89 - 109]. The Decree of the Constitutional Court of the Russian Federation of July 18, 2018 N 33-P states that the end of the financial year and the termination of budgetary allocations, budgetary commitments limits and funding limits for the current financial year is not in itself a reason for the termination of the Federation of expenditure obligations and cannot serve as a reason for refusing to ensure their enforcement within the framework of existing judicial procedures. Otherwise, it would mean, in essence, the impossibility of satisfying the property claims of the municipality against the subject of the Russian Federation on the only formal basis that they were presented outside the financial year during which the corresponding budgetary obligations were to be fulfilled, and thus would create - contrary to the

requirements of Art. 8 (part 2), 12, 19 (part 1), 46 (part 1 and 2) and 130 - 133 of the Constitution of the Russian Federation are prerequisites for arbitrary, by delaying the transfer of budgetary funds, the deviation of the constituent entity of the Russian Federation from its functions and meaningless would be a legal defense on these kinds of issues.

The above consequences of attitudes towards local self-government bodies do not arise at once, they are the result not only of the information policy formed in the public space, but also of the foundations laid in the heads of lawyers of other employees of public authorities during the period of their training.

3. Brief description of the methodology

In this regard, it is of some interest to monitor people's perception of local self-government. Voluntarily or involuntarily, but a similar attitude towards local self-government is also present on the part of control and supervisory bodies, whose employees are part of Russian society. It is surprising that about 30 years have passed since the adoption of the first laws on local self-government, which were of great importance for local self-government in its modern sense, and young people still use the words "collective farm", "village headman" and a number of others when describing local self-government⁴. , investing in them exactly the meaning that existed in Soviet times. And this already suggests that information policy is not effective in everything.

Sociologists and other specialists do not very often conduct research aimed at revealing the attitude of citizens to local government, even less often they try to establish what people understand by this term. Perhaps one of the few researchers who regularly and consistently deals with this issue is R.V. Petukhov, who has not only legal, but also sociological education, and the sphere of his professional interests is connected precisely with

³ See, for example: Determination of the Supreme Court of the Russian Federation of 07.10.2019 N 306-ES19-12938 in case N A55-20012 / 2018; Determination of the Supreme Court of the Russian Federation of 08.08.2019 N 306-ES19-12938 in case N A55-20012 / 2018; Resolution of the Arbitration Court of the Volga District of 06/07/2019 N F06-46537 / 2019 in case N A55-20012 / 2018; Resolution of the Arbitration Court of the East Siberian District of 03/04/2019 N F02-343 / 2019 in case N A19-12431 / 2018; Resolution of the Arbitration Court of the Far Eastern District of 11.12.2020 N F03-5202 / 2020 in case N A04-9651 / 2019; Resolution of the Arbitration Court of the Far Eastern District of March 18, 2020 N F03-599 / 2020 in case N A04-6432 / 2019; Resolution of the Arbitration Court of the West Siberian District of 03.24.2021 N F04-565 / 2021 in case N A67-4334 / 2020; Resolution of the Arbitration Court of the West Siberian District of 12/18/2019 N F04-5832 / 2019 in case N A46-8592 / 2019; Resolution of the Arbitration Court of the West Siberian District of 08/01/2019 N F04-2717 / 2019 in case N A67-14310 / 2018; Resolution of the Arbitration Court of the Volga District of 03/10/2021 N F06-889 / 2021 in case N A55-11837 / 2020.

⁴ Law of the USSR of 09.04.1990 N 1417-1 "On the General Principles of Local Self-Government and Local Economy in the USSR" // Bulletin of the SND of the USSR and the Armed Forces of the USSR. 1990. N 16. Art. 267; Law of the RSFSR of 06.07.1991 N 1550-1 "On local self-government in the RSFSR" // Bulletin of the SND and the Supreme Council of the RSFSR. 1991. N 29. Art. 1010.

local government [10, p. 27-34; 11, p. 131-146; 12, p. 77-86].

In July 2020, a selective expert survey was conducted, the purpose of which was to identify the attitude towards local self-government, the understanding of this term. All respondents were asked to answer the question: what associations do you associate with the phrase "local self-government".

In total, more than 350 responses were received from respondents located in all federal districts, including: the republics of Bashkortostan, Crimea and Kabardino-Balkaria; Altai, Krasnoyarsk, Perm, Stavropol, Khabarovsk territories; Volgograd, Voronezh, Nizhny Novgorod, Novgorod, Novosibirsk, Omsk, Orenburg, Rostov, Ryazan, Saratov, Sverdlovsk, Sakhalin, Tula, Ulyanovsk, Yaroslavl regions; Khanty-Mansiysk Autonomous Okrug; federal cities Moscow, Sevastopol and St. Petersburg.

Representatives of local self-government bodies and public authorities whose activities are related to local self-government were interviewed; experts working in the field of local self-government; students who studied local government and municipal law in the framework of training in the specialties "Jurisprudence" or "State and Municipal Administration"; teachers of municipal law and local government; representatives of NGOs whose activities are at least partially related to local self-government.

The responses received were grouped according to the characteristics of the respondents. One group included the responses of conditional "practitioners" (representatives of state authorities and local self-government, experts, representatives of NGOs, including TPSOs), and the other - conditional "theoreticians" (teachers and students). Approximately the same number of responses was received from each group.

The responses received were very diverse both in form and in content. Some formulated their associations in words, others in the form of images. For example, the names of the paintings were given: "Beggars at the Church", "Barge Haulers on the Volga"; other images were given: virgin soil lifted, KAMAZ on a manual transmission, Makhnovshchina, "Khabarovsk", etc.). There were

short examples, descriptions of specific situations and long explanations. Some talked about their personal associations or impressions, shared their experience of interaction with local government; others tried to guess the correct answer by reproducing the norms of the law or the text of the textbook.

The analysis of the results obtained was carried out using various methods, including the method of content analysis. This method allows you to reveal the real position of the respondent, if he tries to disguise it, through the analysis of actually used familiar words. The most repeatable ones were identified with the help of special software products.

4. The results of the research: terms and emotions

In the context of self-government, the word "local" came out on top, which is used three times more often than the foreign analogue "municipal". Based on the results obtained, it is difficult to conclude whether this is a simple reproduction of the wording of the question on which the survey was conducted, or, to a certain extent, a preference for a Russian term over a foreign one.

In relation to local government, the term "power" was used three times more often than the term "governance"; "administration" is 1.5 times more likely than "head" (for example, head of a city) or "deputy". It turns out that despite the fact that the respondents paid a lot of attention to the election of local self-government bodies, in reality they expect very specific results from local self-government, realizing that this level of government should not be engaged in politics, but in solving issues that are important for improving the quality of life.

The terms "population" and "inhabitants" were used twice as often as "people". For the level of local self-government, this seems to be quite natural; "people" is more of a political and legal category that is inherent in the state as a whole.

The word "solution" appeared more often than "question". A more detailed analysis of the results obtained shows that the word "issue" was not always considered in the context of "problem", but was part of the neutral term "issue of local importance". But with the term "solution" the

situation is more interesting. At first glance, it seems that the term itself carries a constructive, positive meaning. However, a contextual analysis of accompanying words and their emotional coloring shows that in about a quarter of cases there was a negative context (“problems are not being solved”).

Now let's return to the analysis of what associations were named and what emotional coloring they had. Surprisingly, for students and teachers, the prevailing emotional coloring turned out to be negative. For officials and experts working in local self-government bodies or closely interacting with them, a positive emotional coloring came out on top (see Table 1, Figure 1). It is curious that the first to draw attention to this feature were the teachers, who closely interacted with their students and provided some assistance in identifying and collecting their positions. In the absence of their own life experience of interaction with local self-government bodies, the opinion of students is the result of teaching and a reaction to the information policy that is carried out by the media. This trend seems to be very alarming, since current students may become government or municipal employees with a deliberately biased attitude towards local government (or, conversely, they may begin to make additional efforts in advance to avoid working in local government). Certain systemic changes are evident; in terms of teaching, it is necessary to pay much more attention to the connection between theory and practice, to give not only negative examples, but also positive ones, and also to carry out a full-fledged test of residual knowledge not only at the end of the study of the discipline, but also in the process of its study.

If we look at the absolute indicators, theorists and practitioners differ in their positive and neutral attitude to local self-government. At the same time, the indicators of negative attitudes are approximately the same (40% and 39%, respectively). Indicators of a positive attitude are higher among officials and experts. This seems quite natural - they actually evaluated their own work. Among the neutral answers, the largest number belongs to students and teachers - often students reproduced the norms of laws, assuming that this is what they want to hear from them.

Content analysis of the received answers showed very interesting results. This method allowed, for example, to reveal the difference in understanding of what is bad management in the opinion of students and officials. So, in the students' answers, bad management means something like the following: conflict with the state, disorganization, imitation of work, failure to fulfill promises, destruction, selected freedom, people with tied hands, "something heavy and poorly managed", inefficiency, arrogance, work for show as well as the plankton that everyone feeds on. Officials understand bad management as something different: self-deception, “optimism of the doomed”, lack of independence, statehood, confusion, manage as best you can, “guilty without guilt”, complete lack of rights, weakness, relative power, pressure from supervisory authorities, sabotage municipal reform.

According to the respondents, negative associations with local self-government are manifested in the following (see table 2, figure 2).

Table 2

The most common manifestations of negative attitudes towards local self-government, %

<i>Attitude</i>	“Theorists”	“Practitioners”
poor management	23	15
disregard for public opinion	12	5
devastation	11	7
lack of finance	10	20
irresponsibility and arbitrariness	7	3
fictitious local government	7	18
impotence	7	8
nobody knows what it is	7	3
passivity	6	–
theft and corruption	6	3
illiteracy of officials	4	3
mismanagement, uselessness	–	9

Table 1

**Relation to the term
“Local self-government”, %**

<i>Respondents</i>	Negative	Positive	Neutral
“Theorists”	40	31	29
“Practitioners”	39	40	21

If students and teachers put bad management in the first place, then the practitioners - the lack of finance, their disproportion to the existing powers. In second place, students and teachers put disregard for the opinion of the population, its complete or partial ignorance. For officials and experts, the second place was taken by the fictitious nature of local self-government, its declarative nature. In third place for students and teachers were broken courtyards and roads, devastation, broken infrastructure; for officials and experts, bad governance.

Despite the fact that poor governance was among the top three leaders in the negative perception of local self-government by all respondents, both students and officials put different meanings into this phrase. In addition, officials called such an aspect of local self-government as its "uselessness", "mismanagement" and "lack of demand" - it is very harmful to work in a structure that is not needed by anyone. The students additionally drew attention to "passivity", by which they understood not only the lack of initiative of the authorities, but also of the residents themselves.

Analysis of the answers allowed us to reveal another unexpected association with the term "local self-government", which manifests itself mainly in the answers of the younger generation, and not only among students, but also among experts. For them, the following associations are quite clear: a crowd of peasants, rural in appearance, rubbing the back of their heads, not understanding what to do with it; halls of the Soviet era, in which meetings are held on some minor issues, but with a very long discussion; surely someone shouts out from the place and is dissatisfied with the proposed solution; a meeting in a local house of culture, when administration officials organized a direct joint discussion with residents of any significant issues for the life of the village; meetings of collective farmers in the farm Gremyachy Log; a collective farm where there is a business executive who rakes everything; grandfather, who in Soviet times was a member of the village council.

In general, it should be noted that in the answers of the respondents the association of local self-government with the village prevails. There are answers about the village gathering, communities. Although the Novgorod veche is also mentioned. Unfortunately, the city appears primarily in the context of devastation or poverty.

Such an idea of local self-government among young people who did not live in Soviet times and did not see collective farms or state farms is the result of information policy, the lack of other knowledge among young people. The media does not often come across the image of a young creative leader of a municipality who achieves real results for his territory. But there are such leaders and there are many of them.

5. The results of the research: positive emotions

Now a few words about associations that have a positive emotional coloring (see Table 3).

Table 3

The most common manifestations of positive attitudes towards local self-government, %

<i>Attitude</i>	"Theorists"	"Practitioners"
beautiful comfortable city, improving the quality of life	7	14
repair / improvement of the territory	10	8
solving problems in the interests of residents	19	14
understanding and fairness	4	–
civil society, power of residents	34	22
independence and personal responsibility	19	17
home, family, mutual assistance	7	3
territory development	–	3
teamwork, collaboration, trust	–	19

For all, such an aspect of local self-government as the ability to make decisions directly by the residents themselves came to the fore. The second and third places for students and teachers were shared by other significant characteristics of classical local government - solving problems in the interests of residents, as well as independence and personal responsibility. For officials and experts, the priorities are somewhat different. So, they put teamwork, cooperation and trust in second place;

only in third place is independence and personal responsibility. It is curious that in the answers of the students there was the word "renovation", in the answers of the officials - "improvement", although the meaning was often the same. The officials spoke much more about the development of the territory, the formation of a comfortable place to live; so far this aspect has not been very actively manifested among students. Instead, the students named such characteristics of local self-government as "understanding" and "fairness" (this topic was not mentioned at all in the answers of the officials). In addition, students were much more likely to talk about local self-government as a home, a family; officials also had this aspect, but much less frequently.

It is curious that officials and experts understood teamwork as joint coordinated activities based on trust and cooperation. The design method never appeared in the responses at all; the development of the territory was also practically not mentioned (only a few answers were recorded). At the same time, they talked about the importance of improving the quality of life. It was not officials who spoke about a beautiful city with high-quality infrastructure, but students

6. The results of the research: neutral emotions

As neutral associations, which were called by representatives of different groups, there were such words as: "land" and "people" (variant: "land", "houses", "people"); "administration", "budget", "powers", "power", "general meeting", "public hearings", "municipal economy", "municipality". In other words, they named either signs of local self-government, or the forms of its external manifestation.

It is curious that several replies said that local self-government is associated with specific people - "Don Quixote in local self-government", "faces of friends", teachers, officials or associates. Moreover, these personalities concerned different periods of the development of local self-government in modern Russia. In some responses, T.M. Govorenkova, L.E. Lapteva, S.N. Yurkova, O. L. Savranskaya, V.V. Pashentsev, V.A. Chernikov,

whose activities were in the 1990s and early 2000s; other responses included the names of N.S. Bondar, E.S. Shugrina, O. I. Bazhenova; there was also a collective image of the staff of the State Duma Committee on Local Self-Government (the latter, including in the context of the launch of the Federal Expert Council).

7. Conclusions

In accordance with the amendments made to the Constitution of the Russian Federation, local self-government is included in the unified system of public power, making up its integral part. New constitutional norms will require changes in a large array of legislation, new rules will be formed, which will form the basis of relations between local self-government bodies and state authorities. A positive attitude towards local government is also important for increasing the prestige of work in local government bodies [13, p. 91-103]. In these conditions, changing the attitude towards local self-government bodies from negative to neutral, and subsequently to positive, is one of the priority political tasks. In the context of the formation of a cadre of effective managers, this task is very important.

The prevalence of negative attitudes towards local self-government manifests itself in a rather serious way in the implementation of state control (supervision) over local self-government [14, p. 3-8], is unfair in relation to the municipal level. There are a large number of decisions of courts of different jurisdictions, in which the unprofessionalism of the state authorities, the illegality of their requirements, is recorded, which entails the cancellation of decisions on the application of measures of responsibility to local self-government bodies.

All this is an indicator that ordinary people work in both state and local government bodies, and they are equally mistaken. There are many examples showing that the level of competence of representatives of local government bodies practically does not differ from the level of competence of local government bodies. However, in the eyes of ordinary people, the impression is completely different; and this is precisely what the data of the expert survey carried out confirm.

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BIBLIOGRAPHIC DESCRIPTION

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