

LEGAL REGULATION OF THE SYSTEM OF PUBLIC ADMINISTRATION ENTITIES PROVIDING THE ADMINISTRATIVE AND LEGAL REGIME OF SPECIAL ECONOMIC ZONES

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The subject of the article is scientific ideas that determine the essence and content of the system of public administration entities that ensure the administrative and legal regime of special economic zones. The author analyzes constitutional norms and provisions of legislative and subordinate acts that form the legal basis for their organization and functioning, the practice of their application.

The purpose of the article is to scientifically substantiate the improvement of the system of subjects for ensuring the administrative and legal regime of special economic zones in order to increase the level of their interaction and the progressive economic development of the respective territories.

The methodology. The author uses general scientific methods were used (formal-logical, systemic-structural and dialectical methods), as well as private scientific methods, such as the formal-legal, comparative-legal method, the method of interpretation of legal norms.

The main results, scope of application. The article reveals the current state of the legal regulation of the system of subjects of public administration of special economic zones in terms of correlation with the new constitutional norms on public authority, characterizes public administration in special economic zones from the point of view of the systemic unity of its constituent elements. The article reveals the shortcomings of this system from the standpoint of completeness, the state of interrelations between its various elements, which cause a decrease in the investment attractiveness of special economic zones, which do not contribute to the creation of new industries and the production of competitive products.

The paper substantiates the need to develop a balanced model of organization and functioning of the corresponding legal regime developed with the participation of business representatives. The article proposes a more complete version of the system of subjects of public administration in comparison with the statutory one, including not only those that form a single centralized management system, but also others - the executive and administrative bodies of municipalities, as well as collective formations that are not included in the system of state bodies. and municipal authorities (supervisory boards, expert councils). Based on the identified shortcomings in the organization of expert councils of special economic zones, the article formulates scientifically based proposals for improving the current legislation.

Conclusions. It is necessary to bring the Federal Law "On Special Economic Zones in the Russian Federation" into line with the new provisions of the Russian Constitution on public authority. It will let legalize the existing system of public administration of special economic zones,. Rules on the special economic zones administration should be set out in a chapter entitled "Peculiarities of Implementation public authorities in special economic zones". The idea was formulated to describe in the proposed chapter a list of all subjects of public administration of special economic zones - the Russian Government, the authorized federal executive body, authorized executive bodies of the constituent entities of the Russian Federation, executive and administrative bodies of municipalities, management companies, supervisory boards and expert councils and determine the powers of each of them.

1. Introduction

The development of national economy is the one among priorities of Russian state, because its condition influence to the possibility of the efficient operating of state governing in other fields (social, cultural and administrative-political), and, consequently, the general sustainability of the society. The economy of any state depends on the system of legal regulation, determining the civil and public legal conditions of the activity of economic entities. The last type of conditions based on the combination of organizational motivating and imperative compulsory measure to participants of the economic turnover.

The specific of special administrative legal regimes of economic activity is the election order for bodies and other entities, which have authority for organizing influence to subjects of economic activity. This is unusual for a general order of state regulation of the economy. If within the framework of a general regulation order, this are federal and regional bodies of executive power and local government bodies, authorized in economic field, the system of noted legal regimes, particularly, regime of special economic zones, the range of these enlarge.

The purposefulness of state influence to the acceleration of economic processes on certain territories for the providing of complex social economic development and equation of the condition of regions for the indicators of industry's growth and other options of the development of entrepreneur's sphere promotes the search of new paths of the organization of the sphere of public governance, transformation and expansion of the structure of the relevant authorizing subjects.

With that, the important task of legal policy in this field is the providing of correlation between the system of subjects of public governance, providing administrative legal regime of special economic zones, with constitutionally established requirements of the organization of public power, what is the one of the results of constitutional reform of 2020. As we can see in the part 3 of the Article 132 of the Constitution of the Russian Federation, the consistent system of public power is formed by the state bodies and bodies of local self-government. The purpose of this novelty

was in the providing of their correlation and to improve the level of cooperation without atrophy of self-dependent significance of local power agencies [1, p. 224–226]. Any other purposes of it were not defined, if we orient at Presidential Address to the Federal Assembly of the Russian Federation dated from 15th January of 2020¹. Other subjects, which legislatively authorized to externally administrate to citizens and legal entities, do not considered as the subjects of public power. From the point of view of constitutional legal regulation it is reasonable, because the Basic Law cannot establish the comprehensive list of such subjects. It could be changed depending on the correction of economic and other policy of the state.

Their expression depends on the legislator's wish and attributive feature of its activity is realization of discretionary competencies [2, p. 126–127] in regulation of the public relations, most important for the development of the state. With that, there is a question of permissibility of the unlimited legislator's freedom in definition of the range of subjects of the administrating of territories with special administrative legal regime of the entrepreneur's activity. Particularly, now the part of such range is previously unknown and not included into the system of power agencies and bodies of self-government collective institutions. From the point of view of constitutional regulation, the answer to this question is not conclusive. The Constitution of the Russian Federation (part 3 of the Article 131) allows to establish the specific features of public power on so called "other territories" through the adoption of the federal law.

On the one hand, it is obvious the all-purpose mechanism, providing the possibility to regulate the system of public power, particularly, the public administration, on the territories with some of unusual conditions of entrepreneur's, innovative, scientific, sportive, recreating activity for the activization of relevant processes. On the other hand, there is a specific of the «realization» of public power, not is its organization. Is it possible to suggest, that the specific of its «realization» suggests the legislator's right to allow the creation of a new public power subjects without of the system of public

¹ Russian Gazette. 2020. 16th January.

power, established by the part 3 of the Article 132 of the Constitution of the Russian Federation? Scientists argue its «realization» through the realization of functions, established for relevant bodies [3, p. 45], but not through the transforming of the system of public power itself, whose structural content is predetermined by the Basic Law.

Nonetheless, regardless of the answer to this question, the current state of the federal legislation (developed and adopted a long before the adoption of the amendment to the Russian Constitution in 2020) shows the factual presence of special approach to the organization of public power in special economic zones. The point at issue is not specific functions and authorities, exercised by the state bodies and bodies of local self-government, but is the presence of specific subjects having public power authorities. With that, they are not named as bodies of public power (or public administration).

It should be taken into account, that the legal establishment of that regimes and subjects, enacting into their providing is the reflection of the positive experience of other states, where the achieved results have demonstrated their efficiency, expressed into the sustainable economic growth. As far back as 1934 USA adopted Foreign-Trade Zones Act², which became the main territories with special legal regime of economic activity. The Russian experience of the creation of special economic zones has significant differences because of the specific of conditions and purposes of their establishment. With that, the principal similarity is in the expansion of the system of public administration for stimulating of entrepreneur's activity. The American model is represented not only by the subjects of state administration (Trade Department, Customs and Border Protection, International Trade Administration, International Auditing and Assurance Standards Board, federal agencies within the framework of their competence, directors of harbors), but also by the bodies, specially organized for the operating of public administration tasks (Foreign-Trade Zones

Board³), and also by the subjects, authorized for the organization and providing of the operating of these zones (private and public corporations).

Despite of the Federal Law, dated on 22st July 2005 № 116-FL «On Special Economic Zones in the Russian Federation», uses the term «administration bodies»⁴ for the defining of their publicity, the further preservation of continuation of the state legal constructing in the field of economy is obvious. Legislator will not decline the current fulfillment of the system of relevant subjects, because the post-Soviet period is characterized by the progressive model of this continuation, where the distinctive feature is the support and the further development of the institutes, efficiently operating and based on the democratic base [4, p. 72]. The Constitutional reformation of 2020 have not to mean illegitimacy of the existed mechanisms in special economic zones before their adoption. With that, there is actual issue in their transforming and adopting to new constitutionally legal realia and system structural definition.

The topic of legal organization of the system of subjects of public governing, providing the administrative legal regime of special economic zones, is determinative for the optimization of the operating of this regime. Scientific literature usually describe the nature of preferential conditions of the operating of economic entities itself, specifically the presence of necessary infrastructure, the governmental support measures, the establishment of specific features of custom and tax regulation. The famous specialist in field of administrative legal regulation of special economic zones focuses at the characteristic of the relevant territories and their species, principles of their creation, legal status of residents, the using of different stimulating and control and supervision measure by authorized bodies. With that, the administrative legal status of the subjects of public governing is analyzed by him within the framework of the context of noted issues [5, p. 59-104]. Ju.A. Tarasova, T.S. Bobkova, S.A.

² Foreign-Trade Zones Act of June 18, 1934. URL: <https://www.ecfr.gov/current/title-19/chapter-I/part-146> (accessed on 1st February of 2022).

³ Regulations of the foreign-trade zones board dated on 28th February 2012. URL: <https://www.ecfr.gov/current/title-15/subtitle-B/chapter-IV/part-400> (accessed on 1st February of 2022).

⁴ Collection of Legislative Acts of the Russian Federation. 2005. Vol. 30 (Part II). Article 3127.

Kozhevnikova have considered the disputable issues of the establishment and liquidation of such zones, determined the prospects of their legal transformation, developed the problems of legal regulation and investment activity, and the activity of subjects of public governing have considered fragmentally, primarily in part of the statement of their existence and optimization of the governing system within the context of its administrative reformation [6, p. 40]. S.N. Shevtsova have researched the content of the governing activity in the sphere of the operating of special economic zones in part of the using of organizational, management, economic methods, mechanisms of public-private partnership and influence of globalization factors at this and considered the hierarchic structure of the relevant governing system [7, p. 368].

Together with that, it should be taken into account, that the base of administrative law is the activity of an administration [8, p. 14]. Such a status is determined by the fact, that the public administrative power has organizing, creating nature, providing the harmonization of branched system of social binds in all of the fields of the state governing, including the economic one, by means of the developed mechanism of the influence at the members of society, involvement of the jurisdictional material resources and the huge number of civil servants [9, p. 20-23]. In this context the remarkable research was being done by A.A. Garib, who have suggested to develop the system of the governing of special economic zones (to constitute the independent palace of representatives of key ministry and private sector, and also commission for dispute resolution for the fast settlement of conflict situations, to add the list of supervisory council and other) [10, p. 21-24]. With that, it is necessary the further developments of the relevant issues because of the constitutionally established novels in part of public power.

Taking into account the development of scientific knowledges in the field of administrative law, where the result is the recognition of the necessity of the development of ideas about its item, containing the public relations not only in the sphere of state governing, but also the activity of

public administration in whole [11, p. 172-173; 12, p. 649-650; 13, p. 72], it is necessary to define and to characterize the public governing in special economic zones from the point of view of the system unity of its elements. Such approach is determined by the specific feature of the system, determining the highest level of managing possibilities compare to the sum of possibilities of its elements, what could be explained by the presence of subordinated structure [14, p. 42]. This system in special economic zones is defined of the presence of interrelation and consistency of the operating of state bodies of executive power, bodies of self-government and collective institutions, providing this legal regime, but not included into the system of state and municipal power agencies.

2. System of Subjects of Public Governing, Providing the Administrative-legal Regime of Special Economic Zones

Generally this system is established by the part 3 of the Article 7 of the Federal Law «On Special Economic Zones in the Russian Federation», which uses the term «the united centralized system of the administrating of special economic zones». It includes the authorized bodies of executive power of the federal (the Ministry of Economic Development of the Russian Federation) and the regional levels and administration companies. The content, represented by Law, does not look perfect, even taking into account the correction of this rule with the Law dated on 25st December of 2009⁵. Before this date the noted system contained the authorized body of executive power (in that time it was the Federal Agency for the Administration of Special Economic Zones, subsequently eliminated) and its territorial bodies.

The legal understanding of this system significantly restricts the sphere of the public governing, not taking into account the number of its features. This system must comply the ideas of constitutionalism on the limits of government intervention and the presence of a state in the sphere

⁵ See: Federal Law dated on 25th December of 2009 № 340-FL «On Amendments to the Federal Law «On the Special Economic Zones in the Russian Federation» and Other Legislative Acts of the Russian Federation. Legislation Bulletin of the Russian Federation. 2005. Vol. 52 (part I). Article 6416.

of private entrepreneurship [15, p. 83]. For its development the President of the Russian Federation formulated the principal point on the significance of radical improvement of business climate, providing of high competition level and freedom of entrepreneurship in purpose of the acceleration of the development of economy, what could be provided by lowering of the level of participation of a government in economic processes⁶. It is especially actual for the system of public administration of special economic zones. The measures, focused at the improvement of their investment attractiveness, the creation of new manufactories and production of competitive product, have to be result of balanced model of organization and operating of the relevant legal regime, developed with part of the representatives of business. With that, this system needs the full taking into account of the features of the bodies of executive power, because their realization is the part of legislative and enforcement policy in the sphere of the providing of the efficiency of special economic zones. This is why the system of public administration has to be organized on the basis of concerted activity of all of the subjects, which functions have the administrating content and focused at the involvement of residents into the special economic zones and their progressive promotion in general.

The current legislative term of the «whole centralized system» seems tied to the direct influence to economic processes in special economic zones, because noted subjects in a greater degree serve the function of governance, defining the content of the activity of administered objects [16, p. 34], and also reglamentation, focused at the establishment of private rules for the normalization of the activity of the administered objects by means of the establishment of different «orders»⁷ and «forms»⁸.

At the same time, the public governing is also characterized by the other features, very numerous and different. Among these, the organizing, coordinating, managing, accounting, controlling and others [17, p. 114-123].

3. The Government of the Russian Federation into the System of the Public Governing of Special Economic Zones

According to this, the unity system of public governing of special economic zones have to be controlled by the Government of the Russian Federation, which is officially not included into this system. With that, it realizes the function of the organization through the definition of the territorial and cluster sphere of the activity of the governing objects and harmonization of internal binds between the elements of the system through the decision making and actions, oriented to the providing of the suitable operating of other subjects of public governing of special economic zones, and also governing objects. The base of public governing activity of the Government of the Russian Federation established in the relevant legislation and particularly includes the realization of functions of control and coordination of the activity of bodies of executive power and dispute resolution between them⁹. These functions determine characteristics of the realization of the authorities of the Ministry of Economic Development of the Russian Federation, regional bodies of executive power of special competence and other subjects, which directly provide the administrative legal regime of special economic zones. Generally the Government of the Russian Federation has the framework authorities, because the creation of special economic zones, in fact, depends on its discretion, because the criterion of their creation is also determined by the governmental

of Documents, Supplied to the Application». Russian Gazette. 2012. 15th August.

⁸ See: Item 3 of the Part 1 of the Article 13 of the Federal Constitutional Law dated on 6th November 2020 № 4-FCL «On the Government of the Russian Federation». Legislation Bulletin of the Russian Federation. 2020. Vol. 45. Article 7061.

⁹ See: item 3 of the Part 1 of the Article 13 of the Federal Constitutional Law dated on 6th November of 2020 № 4-FCL «On the Government of the Russian Federation». Legislation Bulletin of the Russian Federation. 2020. Vol. 45. Article 7061.

⁶ See: Presidential Address to the Federal Assembly dated on 1st March of 2018. Russian Gazette. 2018. 2nd March

⁷ See: the Order of the Ministry of Economic Development of the Russian Federation dated on 19th July 2012 № 439 «Concerning Approval of the Order of the Formalization and Application Filling for the Creating of Special Economic Zone, Particularly the List

act. Also it realizes the regulation function, because the number of legal acts in the sphere of the operating of considered zones is adopted by the Government of the Russian Federation (particularly, determining the order of the assessment of the efficiency of the operating of special economic zones¹⁰).

4. Executive and Regulatory Bodies of Municipal Institutions in the System of Public Governing of Special Economic Zones

The legislator does not include into the «united centralized governing system» the executive and regulatory bodies of municipal institutions. On the one hand, it is logical because of the organizational self-dependence of the bodies of self-government and constitutionally determined principle of not-including into the system of the bodies of state power, so they are not included into the «united» system. The centralization is characterized by the providing of the unity of the system of state and other administration and binding of the relevant of elements; the concentration of the competence for key decision-making for central governmental bodies; organizational hierarchic determination of the operation of the system elements [18, p. 62; 19, p. 129]. The literature includes the argued point of view, that the bodies of public administration, by using of the different legal and other technologies, provide the factual dependence of the bodies of local self-government on the central power [20, p. 23].

At the same time, the noted constitutional principle is formally immovable, what confirmed by the constitutional novels, determining the absence of the centralization element in the «united system of public power». From the point of view of the legislative regulation of the public governing of special economic zones for the providing of its fulfillment it seems reasonable to exclude the centralized mechanism and to allow the executive and regulatory bodies of municipal institutions for taking part in the governing of

noted zones. The question is, that the special economic zones are created on the territories of municipal institutions and first of all, their population is interested in the improvement of the level of economic development of municipal institution, what influence to the well-being of citizens. As far as the population realize the local self-government particularly through the executive and regulatory, created them, it is reasonable to establish their authority for the regulating of certain issues of the operating of special economic zones. At the present time the role of executive and regulatory bodies of local self-government have the conciliative and providing content. They take part into the application filling to the Ministry of Economic Development of the Russian Federation for the creating of special economic zone, and in the making of contract, obligating them to delegate to this ministry the right to control and to dispose of land plots and other municipal landed property, and in the activity of supervisory council. It is necessary to determine of the authority of the bodies of local self-government, guaranteeing the providing of their rights in the field of the planning of territory, disposal of municipal property, controlling of the objects of municipal infrastructure.

The absence of their legal rulemaking and the establishment of administrative and treaty regime of the governing of a territory (on the base of the relevant treaty) allows to fully move the executive and regulatory bodies of municipal institutions out of system of the governing of special economic zones. For example, the administration company develops the planning project of a special economic zone, sending him to the authorized body without approximation with municipal power. For example, Sverdlovsk Region has such authorized body, as regional government, which also confirms the relevant planning project without approximation with municipal bodies (on the base on the agreement of delegation of the authority to govern the special economic zone to the Government of the Sverdlovsk Region), while the municipal bodies have the role to publish it¹¹.

¹⁰ See: Decree of the Government of the Russian Federation dated on 7th July 2016 № 643 «On the Order of the Assessment of the Efficiency of the Operating of Special Economic Zones. Legislation Bulletin of the Russian Federation. 2016. Vol. 29. Article 4820. Law Enforcement Review 2022, vol. 6, no. 2, pp. 134–146

¹¹ See: the Edict of the Government of Sverdlovsk Region dated on 9th February of 2018 № 69-EG «Concerning Approval of the Main Part of the Planning Project of the Territories of Special Economic Zone of Industry-

The guarantees of the providing of the material base of local self-government is not clear in part of the disposition of land plots as one of the most expensive assets of municipal institutions. The Ministry of Economic Development of the Russian Federation has the right to sell them to lessees, approximation of this issue with executive and regulatory bodies of municipal institutions, and the fate of the raised money are not regulated in the Federal Law «On the Special Economic Zones in the Russian Federation».

5. Administration Companies and Supervisory Councils of the Special Economic Zones

The content of this Law and other legislative acts, establishing the special administrative legal regimes of economic activity, indicate the presence of parallel systems of the public governing relative to the constitutionally determined system. V.N. Sadovsky and E.G. Yudin, articulating the content of the term «system», argue the number of its specific features: a system is nonseparable from the environment; instituted with interrelated number of elements; it is usually the part of a system of highest level, its elements could be systems of lowest level [21. P. 12]. These statements are also fair for the system of public governing of special economic zones, because, first of all, its bodies of state and municipal power are the part of the system of highest level, but the parallelism, defining its specific, is determined by the presence of own elements, not forming any other system. This means the collective institutions, providing the administrative legal regime of special economic zones, which are not included into the system of state and local power agencies (administration companies, supervisory councils and expert councils).

The Chapter 3 of the Federal Law «On the Special Economic Zones in the Russian Federation» notes an administration company and supervisory council. With that «the united centralized

governing system» includes only administration companies. A.V. Kolesnikov justly notes the presence of formed trend of the authorization of the governing of number of territories of administration companies, what is convenient for the state, using the manual control regime for the realization of its decisions instead of the development of local self-government [22, p. 150]. If we focused at scientific research results of last two decades, these companies have to be attributed as so called «legal entities of public law» [23], or organizations, not relevant to state or municipal agencies, but legislatively authorized to execute public law activity, as opposed to the private legal entities [24, p. 110]. The centralization of the governing is provided by the creation of a stock company in the capacity of administration company, where the government owns the one hundred percent of stocks. The legislation on the special economic zones establishes the mechanism, providing the transformation of the governing model without changing of law. At the present time we can see the transmission from the governing model of special economic zones of the one administration company (the Stock Company «Special Economic Zones», liquidated after the relevant decision¹²) to the model of the operating for each special economic zone by the own administration company (the Stock Company «Special Economic Zone «Zelenograd»» and other). The assessments of the operating of special economic zones under the leadership of administration companies are significantly differ. If the Ministry of Economic Development of the Russian Federation on the base of the accomplishment of the number of financial indicators proclaims their efficiency¹³, the scientists [25, p. 149] and the materials of the work of

¹² See: the Decree of the Government of the Russian Federation dated on 4th October 2017 № 2155-р «Concerning Approval the Events Plans («Roadmap») for the nonrepayable transmission of the property of Stock Company «Special Economic Zones», where the government owns the one hundred percent of stocks, to the Property of the Russian Federation and in the Property of the Subjects of the Russian Federation». Legislation Bulletin of the Russian Federation. 2017. Vol. 41. Article 6076.

¹³ See: official Web-site of the Ministry of Economic Development of the Russian Federation. URL: https://www.economy.gov.ru/material/news/sergey_galkin_osoby_e_ekonomicheskie_zony_dokazali_svoyu_effektivnost.html (accessed on 1st February of 2022).

Productive Type «Titanic Dale» with Out of Offsite Line Objects on the Territory of Municipal Institution «Ekaterinburg City» and Sysertsky City County of Sverdlovsk Region». Official Web-Site of Legal Information Sverdlovsk Region <http://www.pravo.gov66.ru>, 12.02.2018.

Accounts Chamber of Russian Federation contain more conservative, or we should say, critical estimate. According to the data of the Accounts Chamber of Russian Federation, from the 2014 to 2019 the special economic zones have wasted 157 ₪ billion from the budgets of different levels, but the leading indicators were achieved only by five zones¹⁴.

The supervisory councils are out of the framework of «united centralized governing system», because it supposes not only the decision of individual tasks, but also organizational separation, hierarchy with the presence of the highest governing body, intermediate links and subjects of direct influence to controlled objects. The supervisory councils are out of this model because of the interdepartmental nature of their activity, coordinating and regulatory functions, providing the concerted operating of the links of the «united centralized system». Their content is subordinated to their functions, including, first of all, the representatives of the Ministry of Economic Development of the Russian Federation and authorized regional bodies of executive power. With that, it is curious, that they have no right to coordinate the activity of administration companies, notwithstanding that their representatives are included into the composition of supervisory commission. It creates the element of misbalance in the «united centralized system», because argues some autonomy of the operating of the administration companies, degrading the level of intersystem binds.

6. Expert Councils of Special Economic Zones

The expert councils are out of system of the governing of special economic zones, but this legislator's position seems illogical. They have a number of authorities¹⁵, attributable for the bodies of executive power. Their decisions have the

sanction nature and have the external governing content, linked with harmonization of social binds out of the machinery of a body [26, p. 20-21; 27, p. 15]. Particularly, they have the right to make decision about the technical implementational activity in the industry productive special economic zone, what diversifies the range of the possibilities of the opportunities of entrepreneurs. The individual acts of expert councils also determine special administrative capacity of the candidates to the residents of special economic zones, because, in fact, they do expert confirming authorizing procedure, where the purpose is the establishment of a legal fact, necessary for the decision on the delegating of a relevant law with public law content [28, p. 176-177] (decision about support of business plan or its cancellation).

Scientific literature has the skeptical opinion as to preferential administrative legal regimes themselves, as to the subjects with special status, which provide them, because the creation of such subjects has the spontaneous nature and determined by the ambition of the government to reshape the governing of special economic processes in conditions of fast-moving situation and the absence of clearly formulated concept of legal providing of the economic development [29, p. 18-19]. With that for the expert councils there is realized the popular ideas on the active position of controlled objects, the necessity of the inclusion of their needs during the governing decision making and possibility of their influence to subjects of the governing [30, p. 20]. The composition of expert councils are represented not only by the officials of state executive bodies, but also by the executive chiefs of commercial companies, interested to the development of economic binds in special economic zones. With that, we have to pay more attention to the compositions of expert councils. The question is the expert council of the industry productive and technical implementational special economic zones of the Voronezh Region includes the Emeritus Consul of the Italian Republic in Lipetsk City (Voronezh Consular District, Lipetsk, Tambov)¹⁶. With that, we should not ignore the fact,

¹⁴ See: official Web-site of the Accounts Chamber of Russian Federation. URL: <https://ach.gov.ru/checks/10441> (accessed on 1st February of 2022).

¹⁵ See: item 2.1 of the Regulation on the Expert Council of a Special Economic Zone, Ratified by the Order of the Ministry of Economic Development of the Russian Federation dated on 23rd March of 2012 № 145. Russian Gazette. 2012. 6th July.
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¹⁶ See: the Regulation of the Government of the Voronezh Region dated on 4th March of 2019 № 172 «On the Expert Council for Industry Productive and Technical Implementational Special Economic Zones of the Voronezh

that the activity of these councils is not just expert, but also the legal delegating, and the involvement of the foreign citizens conflicts to the constitutional rule of the taking part in the public governing only for the Russian citizens (item 1 of the Article 2 of the Constitution of the Russian Federation).

7. Conclusions

The conducted research shows the presence of the number of disputable issues of legal regulation and the law enforcing for the rules, determining the system of subjects of the governing of special economic zones, their competence and certainly, the approaches to their reforming.

Firstly, the content of the current legislation on special economic zones is not comply to the provisions of the updated Constitution of the Russian Federation on the public power. It does not mean the necessity of the excluding of the administration companies and other collective institutions, not included into the system of bodies of government and municipal power, out of the number of the subjects of public governing activity. The legislator, by the establishing of different preferential administrative legal regimes, is in the search of optimal models of the organization of the governing of economic processes on the level of certain regions and municipal institutions. It became the general trend in state regulation of the economy of two last decades, and this trend is becoming stronger in last years. The fact, that the legislator will follow this way in nearest prospect, seems obvious. With that, the new conditions of the Constitution of the Russian Federation have the background for the legalization of the existent system of public governing of special economic zones. For this it is necessary to provide the compliance between the Federal Law «On the Special Economic Zones» and the part 3 of the Article 131 of the Constitution of the Russian Federation. For this the Chapter on the governing of special economic zones have to be formulated in other way – as the «Specific Features of the Realization of Public Power in the Special Economic Zones».

Secondly, the existent model of the

governing of special economic zones is not perfect. It does not taking into account of all of subjects, having public administration authorities, particularly the executive regulatory bodies of municipal institutions. The legislation on special economic zones is not based on theoretical postulates about administration public bodies, about the public administration. The legislatively suggested construction of the «united centralized governing system» does not establish the taking part and leading position of the Government of the Russian Federation. With that, the formulating of the «centralized» system itself seems insupportable from the point of view of the legislative technique, because conflicts to the establishment in the Law of the full list of the system of the bodies of public governing, where the part of it is not included into the centralized system. The decision of this problem reasonable requires separating in suggested chapter on the specific of the realization of public power in special economic zones the list of all the subjects of public governing – the Government of the Russian Federation, authorized federal body of executive power, authorized bodies of municipal institutions, administration companies, supervisory councils and expert councils and to establish the authority of the each of them.

Thirdly, there is the defects in the organization of the expert councils of special economic zones. Besides of the presence of public authority of them, they are not included into the system of the bodies of the governing of these zones. Moreover, the transmission of the authority to adopt the regulations on the expert councils and to determine their personal composition to the regional bodies of executive power make possible the including of foreign citizens in them, what unacceptable from the point of view of the constitutional postulate on the taking part in the public administration only for the Russian citizens. The decision of this question seems in the exclusion of such opportunity directly in the text of the Federal Law «On the Special Economic Zones in the Russian Federation».

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