

SOCIOECONOMIC COMPETENCE OF LOCAL SELF-GOVERNMENT BODIES OF LARGEST CITIES

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The subject of the article is legal issues of municipal authorities' activities in the field of socioeconomic development.

The purpose of the article is to identify trends in the legal regulation of socioeconomic issues of organizing local self-government in the largest cities of the Russian Federation.

The methodology includes formal legal interpretation of Russian legislative acts, decisions of Russian Constitutional Court as well as systemic analysis of municipal acts.

The main results, scope of application. The article analyzes the division of powers between regional and municipal authorities. At the present stage of development of Russian federalism, a rather complex and unstable model of delimitation of powers between levels of public authority has developed, which does not contribute to the socio-economic development of municipalities. distribution of powers between levels of public authority. The question of the delimitation of powers acquires new content in the formation of urban districts with intracity division and intracity districts in the largest cities. Based on the experience of organization and activities of urban districts with intracity division of Chelyabinsk and Samara, the problems and prospects of this approach to territorial planning and the distribution of powers between levels of public authority are outlined. Special attention is paid to the problem of finding a balance between centralization and decentralization of local self-government. In this aspect, the issue of a more effective delimitation of powers between different levels of public authority comes to the fore in order to maintain a unified urban policy in the field of ensuring the socio-economic development of the largest cities of the Russian Federation.

Conclusions. A comprehensive approach is needed to delineate powers between levels of public authority, taking into account the importance of the largest cities in the spatial development of the Russian economy and their role in the formation of urban agglomerations. Only centralized administration makes it possible to develop a unified urban infrastructure. Therefore, improving the interaction of public authorities and local self-government is a necessary condition and the most important area of work in major cities that requires joint efforts. However, at the same time, it is necessary to avoid the degeneration of local self-government into a state one and the loss of the internal content of this institution of public power.

1. The concept and socio-economic role of the largest city in the development of local government and the formation of urban agglomerations

In modern conditions, the formation of a favorable environment for the life of the population is associated with the realization of the potential of the largest city in the social, economic, cultural, scientific, political sphere, which is reflected in the Decree of the President of the Russian Federation "On the national goals and strategic objectives of the development of Russia for the period up to 2024"¹, and after followed by the Strategies for the socio-economic development of the federal districts, programs (concepts) of the socio-economic development of the constituent entities of the Federation and municipalities.

At the same time, the concept of "largest city", which is used in many studies in the field of management, economics, urban planning, does not have an unambiguous definition and is often identified with the concept of a large city [1; 2].

The latter is usually considered a city with a population of 1 million people and more, this group of cities has special specific features and requires qualitatively different approaches to their research and management [3]. This identification is based on the absence of a legal definition of the largest city and the main criteria for the specific differentiation of cities.

The main criteria for classifying a city as one or another type in the science of Soviet state

law were: the legal basis for the formation of a city; its goals, objectives and functions; rights, obligations, responsibility; legal regime of city management [4, p.22]. At the present stage, there is a need to specify the concept of "city" in general and in particular the concept of the largest city, taking into account its socio-economic role and based on the provisions of the current legislation.

In the original version of the Town Planning Code of the Russian Federation (1998), depending on the population, urban settlements were respectively subdivided into super-large cities (population over 3 million people), largest cities (population from 1 million to 3 million people); cities (population from 250 thousand to 1 million people), large cities (population from 100 thousand to 250 thousand people), medium-sized cities (population from 50 thousand to 100 thousand people), small cities and towns (population up to 50 thousand people)².

There are no quantitative criteria for delimiting cities in the current code, but they are preserved in the set of rules SP 42.13330.2011. According to this document, cities, depending on the design population for the estimated period, are divided into groups - the largest (over 1000 thousand people), large (500 to 1000 thousand people; 250-500 thousand people), large (100 - 250 thousand people), medium (50-100 thousand people), small The group of small towns includes urban-type settlements (20-50 thousand people; 10-20 thousand people; up to 10 thousand people)³.

¹ Decree of the President of the Russian Federation of May 7, 2018 N 204 "On the national goals and strategic objectives of the development of the Russian Federation for the period until 2024" Federal Law of October 6, 2003 N 131-FZ (as amended on December 30, 2021) "On general principles local self-government organizations in the Russian Federation" URL: <http://publication.pravo.gov.ru/Document/View/0001201805070038> (accessed 29.08.2022).

² P.3. Article 5. Town Planning Code of the Russian Federation dated 07.05.1998 N 73-FZ (as amended on 14.07.2022) URL: <http://pravo.gov.ru/proxy/ips/?docbody&nd=102090643> (accessed 29.08. 2022).

³ SP 42.13330.2011. Set of rules. Urban planning. Planning and development of urban and rural settlements. Updated version of SNiP 2.07.01-89 * "(approved by Order of the Ministry of Regional Development of the Russian Federation of December 28, 2010 N 820) [Electronic Law Enforcement Review 2022, vol. 6, no. 4, pp. 197–207

The quantitative criterion for delimiting urban settlements has a more sociological, non-residential legal character and implies the presence of other competency and financial and economic features that allow for the specific classification of cities.

Based on the analysis of the features of the features of the city in the legislation of the subjects of the Russian Federation on administrative-territorial division, it seems possible to formulate the following definition: a city is a settlement or a territory that unites settlements, limited by the city limits, with a developed infrastructure, with a certain financial and economic potential, within which the public powers of state authorities and local self-government are exercised. This concept of the city can be considered as a basic one. A specific classification of cities is possible, taking into account their differentiation according to quantitative characteristics, competence in the public-power and socio-economic sphere.

The largest city is a settlement or a territory that unites settlements, limited by the city limits, within which more than 1 million people live, there is a developed infrastructure, public authorities are exercised that are not characteristic of other cities, there is the necessary financial and economic potential for the formation of an urban agglomeration.

Such cities in the Russian Federation today are Moscow, St. Petersburg - with the status of cities of federal significance, Novosibirsk, Yekaterinburg, Kazan, Nizhny Novgorod, Ufa, Rostov-on-Don, Omsk, Krasnoyarsk, Voronezh, with the legislation of the status of an urban district, as well as Chelyabinsk and Samara as urban districts with intracity division.

The socio-economic role of the largest city can be determined through its competence in the field of economics, related to relations in the field of municipal property management;

budgetary and financial relations; relations in the field of urban planning; relations in the field of land use, subsoil use, environmental protection; relations in the field of road facilities, transport and communications; relations in the field of housing and communal services and landscaping. The largest cities act as regulators of various social relations within the territory; developers of strategic documents; as owners of "urban-planning" property that is in their use, possession and disposal, participants in inter-budgetary relations. In the largest cities, the concentration of demand is ensured, caused by the concentration of population and production, the concentration of production of goods and services for the surrounding territories, and development is carried out at the expense of the material, financial and other resources of the surrounding territory.

The financial and economic potential of the largest cities acts as the basis for the formation of urban agglomerations "Greater Moscow" (Moscow), St. Petersburg agglomeration, Great Volgograd (Volgograd), Great Rostov (Rostov-on-Don), Zhiguli agglomeration (Samara), Chelyabinsk urban agglomeration (Chelyabinsk), which entails the need for a qualitative revision of the provisions of 131-FZ, in terms of establishing the legal regime for inter-municipal cooperation in this area.

The development of agglomerations can be most fully represented and implemented through a system of strategic planning. The strategic plan for the development of the region is one of the most important management documents, which determines not only the priority and most significant goals and objectives of the development of the region, but also ways to achieve the goals set, taking into account the rational use of available resources. This document is developed on the basis of the provisions of the Federal Law of the Russian Federation dated August 26, 2014 No. 172-FZ

resource]. Access from the legal reference system "Consultant-Plus".

“On Strategic Planning in the Russian Federation” (further- the Law on Strategic Planning), which, in particular, establishes that strategic planning is carried out at the level of subjects of the Russian Federation and municipalities⁴.

At the same time, there is no unified approach in the strategies of socio-economic development in determining the role of the largest city in the all-Russian and interregional context. So, Voronezh (one of the leading scientific and educational centers of Russia) claims the role on the all-Russian scale, and Kazan (the leader of the Volga-Kama growth pole) and Rostov-on-Don (a metropolis in the south of Russia) designate their interregional significance [5].

At the level of the constituent entity of the Russian Federation, only seven urban agglomerations, the core of which is the largest city, fell into the zone of attention of the regional legislator - these are the Novosibirsk agglomeration (Novosibirsk region), the Sochi-Tuapse resort agglomeration (Krasnodar Territory), the South Bashkortostan agglomeration (Republic of Bashkortostan), Samara-Togliatti agglomeration (Samara region), Gornozavodskaya agglomeration (Sverdlovsk region), Chelyabinsk agglomeration (Chelyabinsk region), Bereznikovsko-Solikamsk urban agglomeration (Perm Territory), – there are laws that in one way or another regulate issues related to agglomerations[6].

Obviously, as the size of the city increases, the proportion of standard problems decreases and the proportion of more complex ones increases [7, p.11], but at the same time, the need to understand the urban economy as a single socio-economic system remains. At the same time, the largest cities, regardless of their

status - a subject of the federation or a municipality, become the foundation for the development of urban agglomerations, which entails the need to specify the powers of public authorities operating on their territory.

2. Issues of delimitation of powers between regional and municipal authorities in the largest cities

In the context of increased investment activity of the state, its desire to ensure the socio-economic development of the regions by relying on large cities (primarily regional capitals) as points of economic growth[8], the conclusion of the Constitutional Court of the Russian Federation of March 16, 2020 No. 1- 3, which defines "... the need for interaction with local governments of state authorities of a subject of the Russian Federation, designed to create conditions for ensuring sustainable and integrated socio-economic development within the entire territory of this subject"⁵.

The right of subjects of the RF to regulate the competence of urban districts, urban districts with intracity division and intracity districts, to increase its volume in some municipalities and, accordingly, reduce in others, became the basis for providing them with the opportunity to determine the composition of municipal property of intracity districts in accordance with the list of issues of local values established for intracity areas by Federal Law N 131-FZ and the laws of the constituent entities of the Russian Federation (part 4 of article 16.2). Also, the laws

⁴ Federal Law of June 28, 2014 N 172-FZ “On Strategic Planning in the Russian Federation”// Collection of Legislation of the Russian Federation of June 30, 2014 N 26 (Part I) Art. 3378

⁵ Conclusion of the Constitutional Court of the Russian Federation of March 16, 2020 N 1-3 "On the Compliance with the Provisions of Chapters 1, 2 and 9 of the Constitution of the Russian Federation of the Provisions of the Law of the Russian Federation on the Amendment to the Constitution of the Russian Federation "On Improving the Regulation of Certain Issues of the Organization and Functioning of Public Power" ", as well as on the compliance with the Constitution of the Russian Federation of the procedure for the entry into force of Article 1 of this Law in connection with the request of the President of the Russian Federation").

of the constituent entities of the Russian Federation and the charters of urban districts with intracity division and the charters of intracity districts adopted in accordance with them determine the sources of income for local budgets of intracity districts, based on the need to maintain the unity of the urban economy (part 5 of article 16.2). Thus, the new legislation in this part also significantly limited the independence of local government in terms of managing municipal property and financial resources, owning, using and disposing of municipal property [9; 10].

The Decree of the Constitutional Court of the Russian Federation dated December 1, 2015 No. 30-P outlines a new approach to determining the limits of municipal autonomy [11]. According to the Court, the federal legislative body, in order to ensure coordinated functioning between public authorities of various levels (state, regional and municipal), has the right to introduce various models of interaction and distribution of competence in the field of local self-government. This should contribute to the socio-economic development of the territory of the municipality, on the one hand, and the territory of the subject of the Federation, on the other.

Opportunities have opened up for the state authorities of the subjects of the Federation to forcibly and without the consent of the public withdraw the widest range of powers from local governments, and some subjects have not failed to exercise this right. Particularly painful redistribution affected the areas of land use and urban planning, without the right to make decisions, according to which local self-government becomes generally meaningless [12].

To create a rational model of the territorial organization of local self-government, it is necessary to create a multi-level system of local self-government with the delimitation of jurisdiction and powers between different

levels of municipalities [13].

Draft Federal Law N 40361-8 “On the General Principles of Organizing Local Self-Government in a Unified System of Public Power” provides for the introduction of a new model in the form of two lists of powers of local self-government bodies. In accordance with the provisions of the bill, city and municipal districts are assigned the same basic scope of 27 inalienable powers. They are aimed at directly solving local problems (p. 1, article 32 of the bill). These are, for example, questions of the budget, landscaping, development within courtyard areas, ensuring the availability of medical care. At the same time, the regions are assigned the right by their laws to redistribute to the municipal level a list of 28 powers in a particular municipality - powers in the areas of housing and communal services, preschool and secondary general education, public transport, development planning, road repair (p. 2 of article 32 of the bill). These innovations caused a wide resonance in the expert community. On the one hand, it was noted that the proposed provisions make it possible to provide a differentiated approach to the organization of the execution of powers, taking into account the real conditions of specific municipalities and the objective features of the territories. On the other hand, it was stated that the powers, which should fall within the own competence of local self-government, are transferred to the level of the constituent entities of the Russian Federation, which themselves have the right to determine what to transfer to municipalities. At the same time, the government of the Russian Federation, in its opinion on the draft law, indicated that the powers that are planned to be attributed to the redistributed to the level of the subject of the Russian Federation with the possibility of securing at the level of the municipality, constitute the functional core of local self-government. Therefore, it is obvious that the model proposed by the draft law requires

further development.

As noted earlier, the largest city is the foundation for creating an urban agglomeration, while at present there are practically no serious studies of the really possible boundaries of centralization and decentralization in large urban agglomerations, as well as there is no forecasting of the practical consequences of using a particular model [14], with In this regard, the search for an optimal model of the territorial organization of urban agglomerations is the subject of separate scientific studies [15–23].

As noted, Pavlov Y.V. at the moment, the whole variety of models can be reduced to four varieties - the contractual model, single-level model – two-level model regional model [24].

The contractual model is now quite viable, as it is regulated by the Federal Law of October 6, 2003 No. 131-FZ "On the General Principles of Organizing Local Self-Government in the Russian Federation" (further - Law No. 131-FZ). It is a format of inter-municipal cooperation, expressed in several forms: associative, organizational and economic, contractual.

The single-level model includes urban districts, which, according to Part 1 of Art. 2 of Law No. 131-FZ, may represent "several settlements united by a common territory"⁶. So, the area of the municipality "urban district of the city of Nizhny Novgorod" includes 14 settlements and significantly exceeds the territory of the settlement "city of Nizhny Novgorod", and within the boundaries of the municipalities "urban district of Samara", "urban district of the city of Perm" which should have a single general plan for its entire territory, includes two more settlements, the urban district of the city of Krasnoyarsk

includes the city as a settlement and one village.

The two-level management model of the core of the urban agglomeration consists of the lower level and includes several municipalities, the upper level is a supra-municipal superstructure in the form of urban local governments with intracity division. This model is being implemented in Chelyabinsk and Samara.

In addition to urban districts with division into districts in the city, the two-level system turns out to be quite suitable for urban districts that are consolidated or arise as a result of "transformations" of municipal districts. Recognition of the settlements united with the city as municipalities allows them to regain their lost independence, while ensuring joint development with the city in a single socio-economic direction. I.V. insists on a similar application of two-levelness. Babichev, considering it as a tool for municipal construction that allows you to control the growth and development of the "near agglomeration" - the "crown" of large urban districts and the development of municipal democracy in such a territory [25].

The fourth, regional, model is implemented in federal cities in Moscow and St. Petersburg.

The lack of unity in defining the urban agglomeration management model determines the need to determine the optimal urban agglomeration management model and implement agglomeration projects, taking into account the development of the socio-economic potential of the largest cities by local governments together with regional government bodies.

3. Problems of determining the competence of local governments of the largest cities in the field of ensuring socio-economic development

In modern conditions, in the largest cities, three options for determining the competence of local governments are being implemented. The first option is implemented in federal cities.

⁶ Federal Law No. 131-FZ of October 6, 2003 (as amended on December 30, 2021) "On the General Principles of Organizing Local Self-Government in the Russian Federation" URL: <http://pravo.gov.ru/proxy/ips/?docbody=&nd=102083574> (accessed 08/29/2022).

In relation to them, the Federal Law of October 6, 2003 No. 131-F3 "On the General Principles of the Organization of Local Self-Government in the Russian Federation" determined the features of the organization of local self-government in the constituent entities of the Russian Federation - in the federal cities of Moscow and St. Petersburg. The list of issues of local importance, sources of income for local budgets of intra-city municipalities of the federal cities of Moscow and St. Petersburg are determined by the laws of these cities, based on the need to maintain the unity of the urban economy.

The uncertainty of the concept of "unity of the urban economy" and the lack of clear criteria for delimiting urban state and municipal tasks in cities of federal significance lead to the assignment of all the most important issues of life support for the population to urban state tasks. Thus, the need to solve many issues of life support for the population on a citywide scale, to coordinate and ensure the balanced development of its individual parts naturally suggests that a city of federal significance should take on a number of functions that in the territorial subjects of the Russian Federation (republics, territories, regions, autonomous formations) are recognized as municipal and are usually assigned to urban districts. As a result, there is a disproportion between the organizational independence of intra-city territories of cities of federal significance and their competence: intra-city municipalities do not have an adequate, significant area of responsibility [26].

Determination of the competence of local governments of the largest cities in the field of ensuring socio-economic development endowed in accordance with the legislation with the status of an urban district (Novosibirsk, Yekaterinburg, Kazan, Nizhny Novgorod, Ufa, Rostov-on-Don, Omsk, Krasnoyarsk, Voronezh, Perm, Volgograd) and

an urban district with an intracity division (Chelyabinsk, Samara), possibly based on a comparative analysis of the provisions of 131-FZ.

At the heart of the socio-economic development of the largest city as a municipal one, there are three basic components of the budget, taxes and fees, possession, use and disposal of municipal property.

Issues of drafting and reviewing a draft budget, approving and executing the budget, monitoring its execution, compiling and approving a report on budget execution to issues of local importance of the city district.

The competence of the intracity district includes the formation, approval, execution of the budget of the intracity district and control over the execution of this budget, the report on execution remained outside the attention of the legislator.

It should be noted the duplication of powers of local governments of the city district and local governments of the intracity district in the field of establishing, changing and abolishing local taxes and fees and owning, using and disposing of property owned by municipalities.

The limitation of the competence of intracity districts is carried out not only at the level of federal legislation, but also by the laws of the constituent entity of the Russian Federation. Thus, by the laws of the subject of the Russian Federation, the powers of local self-government bodies of an urban district with intra-city division and local self-government bodies of intra-city districts to resolve certain issues of local importance; other issues from among the issues of local importance of urban districts may also be fixed; composition of municipal property of intracity districts and sources of income of local budgets of intracity districts.

Amendments and additions were made to the Budget Code of the Russian Federation affecting the budgetary powers of urban districts with intracity division (p. 2.1. Article 9 of the RF

Budget Code)⁷, the formation of tax revenues (Articles 61.3, 61.4 of the RF Budget Code), the rates of deductions from incoming taxes of various levels to the budget of an intracity district (Article 63.1 of the RF BC), the distribution of interbudgetary transfers, subsidies coming from the budget of the urban district to equalize the budgetary provision of intracity districts (Articles 142.6-142.8 of the RF BC), etc. At the same time, the first experience of forming urban districts with intracity division showed that intracity districts do not have a sufficient number of their own sources of income and are dependent on the urban economy [27, p.114]

The current Russian municipal practice so far, unfortunately, confirms that the “dissipation” of financial resources does not allow obtaining the proper economic effect, while the right to own, independently manage and dispose of sufficient funds is considered one of the main ones for resolving issues of local importance [28].

Another problem directly related to the prospects for the socio-economic development of the largest cities is contained in the provisions of Federal Law No. 172-FZ. This law does not establish any minimum requirements (basic principles) for the procedure for the implementation of these powers by local governments, as well as for the procedure for the development, approval and implementation of municipal strategic planning documents, and their content [29]. In this regard, local governments do not have specific legal and socio-economic guidelines for the development and implementation of municipal strategic planning documents, determining their content to achieve the goals and objectives of municipal government and socio-

economic development of the relevant municipalities for the medium and long term.

At the same time, municipal strategic planning cannot be effectively carried out without taking into account and on the basis of state strategic planning documents and in conjunction with these documents. In addition, according to the Law of the Russian Federation on the amendment to the Constitution of the Russian Federation dated March 14, 2020 No. 1-FKZ "On improving the regulation of certain issues of the organization and functioning of public authority" (hereinafter - Law No. 1-FKZ), local self-government in the Russian Federation The Federation remains an independent local level of local public authority, but more interconnected with the levels of state authority in the Russian Federation.

As part of the strategic planning meeting with the permanent members of the Security Council of the Russian Federation and members of the Security Council of the Russian Federation, held on February 5, 2019 (Minutes No. Pr-247), a decision was made to develop measures of a regulatory, organizational and methodological nature - to determine the architecture a system of strategic planning documents developed as part of goal setting, forecasting, planning and programming, as well as preparing proposals to reduce the number of strategic planning documents developed at the level of a constituent entity of the Russian Federation and a municipality.

The sequence, procedure for the development and approval of strategic planning documents, as well as their content at the municipal level are determined by local governments in municipal regulatory legal acts. Thus, in each municipality it is necessary to determine the bodies that will be responsible for strategic planning, and to consolidate their powers in a regulatory legal act. Thus, as part of the sequence, procedure for the development and approval of strategic planning documents, as

⁷ Budget Code of the Russian Federation dated July 31, 1998 No. 145-FZ. URL: http://www.consultant.ru/document/cons_doc_LAW_19702/. (accessed 29.08.2022).

well as implementation of these provisions of 131-FZ, the Program and Coordinating Councils for Strategic Development were created in Yekaterinburg⁸. In Chelyabinsk, the Strategy for Socio-Economic Development has existed since 2009, in addition to specifying the main development priorities, it provided for changes in the structure of the City Administration - the emergence of a separate unit dealing with the implementation of the strategic plan and its correction, but such a structural unit appeared only in 2022⁹.

If certain powers are established by the Federal Law for the region, this should be duplicated at the municipal level. If the legislation gives the municipality the right to choose, one should proceed from the expediency of assigning such powers to a specific local government [30, p.33-34].

4. Conclusions.

Most municipalities in Russia are still united by such typical problems as: the low level of own revenues of local budgets and the lack of clear strategic goals and priorities in the socio-economic development of the respective territories. Regardless of the status of the largest city - a subject of the federation or a municipality, there is still a need to understand the urban economy as a single socio-economic system. At the same time, the largest cities become the foundation for the development of

urban agglomerations, which entails the need to specify the powers of public authorities operating on their territory.

It should be noted that today in all the largest megacities of the world, only centralized management makes it possible to develop a unified urban infrastructure, therefore, improving the interaction between state authorities and local self-government is a necessary condition and the most important area of work in the largest cities, requiring joint efforts. However, at the same time, it is necessary to avoid the degeneration of local self-government into state self-government and the loss of the internal content of this institution of public authority.

⁸ Appendix to the Decree of the Administration of the city of Yekaterinburg dated August 13, 2020 N 1532 Regulations on the Program Council for the Strategic Development of the Municipal Formation "City of Yekaterinburg" URL: <https://docs.cntd.ru/document/570880659> (accessed 08/29/2022).

⁹ Decree of the Administration of the city of Chelyabinsk dated April 26, 2022 No. 4625 "On approval of the Regulations on the Department for Strategic Planning, Economics and Investments of the Administration of the City of Chelyabinsk" URL: <https://cheladmin.ru/cheladmin/overview/Podvedy/econom.htm> (date of access: 08/24/2022).

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