PUBLIC CONTROL AS NEW INSTRUMENT FOR MUNICIPAL DEMOCRACY

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Abstract

Local self-government in Russia is one of the forms of public power executed by public. Legal regulation of this institution in the modern history of the state is not stable. This is evidenced by numerous changes to the basic federal law on local self-government. Recently, public control over the activities of municipal bodies has become widespread at the local level. It is focused on the direct participation of the population in this process and some new areas of activity of local authorities can only be implemented in common with the population. The aim of the study is to substantiate public control as a necessary form of direct democracy at the local government level. The research showed that many national projects executed in municipalities do take into account public opinion and public support. This tendency is clearly manifested in the selection of courtyards and public spaces of municipalities for priority improvement within the framework of the formation of a comfortable urban environment. Public control here is carried out with the obligatory participation of the population both during the discussion of the territories selected for priority improvement and at further stages of the implementation and acceptance of the completed improvement work. The study shows that there are theoretical and empirical backgrounds for the recognition of public control as a new form of municipal democracy along with a local referendum, public hearings, and citizens’ law-making initiative. The result of the work was the substantiation of proposals to supplement the legal regulation of forms of direct execution of local self-government by the population with another instrument which is public control.

Keywords: public control, local government, comfortable urban environment.

1 INTRODUCTION

Local self-government always occupied a special place in the complex and ethno-territorial system of the Russian state (Schepachev, 2018, p. 46). As one of the levels of public power, it executes this power in many respects relying on the population of municipalities. This is eloquently evidenced by more than a dozen forms of direct implementation of municipal power by the population, enshrined in the Federal Law “On the General Principles of Organization of Local Self-Government in the Russian Federation” (Federal Law No. 131-FZ, 2003).

Due to this, local government should be sensitive to the requests of citizens, be in constant dialogue with them. However, while remaining an independent level of public authority, local government should closely interact with the state and its bodies. It is the state that determines the basic algorithms for the organization and activities of local self-government: the legal basis, territorial organization, economic independence, etc. This is the complexity of the interrelationships and interconnections of the studied institution of local self-government, which has been in a state of constant change for more than two decades.
On the background of numerous changes in recent years, there has been a positive trend in the activities of local self-government - its striving for openness and publicity, involving the population in many issues resolved by local self-government bodies. One of these topical practices has become public control, which invades many areas of municipal activity. Such participation of the population through the social institutions created by them in solving local problems is objectively necessary. Municipalities have sufficient public resources for this in the form of local public organizations, active groups of citizens (Mikheeva, 2015, p. 91).

Such activities have acquired an orderly nature with the adoption of the Federal Law «On the Foundations of Public Control in the Russian Federation» (Federal Law No. 212-FZ, 2014). V.A. Schepachev believes that public control is a set of means by which a society can ensure that a government complies with mandatory requirements. Their violation can harm both the functioning of this body, and directly to society and citizens. After all, they are often the consumers of the services provided by the relevant authorities or institutions subordinate to them (Schepachev, 2017, p. 58).

In this regard, the object of public control is the activities of local self-government bodies, as well as the acts issued by them and the decisions taken on the most diverse spheres of life support of the population of municipalities. Traditional in this sense are the issues of providing municipal services: providing residents with medical care, communication services, catering, trade; environmental issues within the boundaries of the municipality; organization of water, gas, heat, electricity supply to the population, etc.

At the same time in recent years new areas of activity of local self-government bodies have appeared which cannot remain outside the limits of public control. These are federal projects being implemented in municipalities. One of the most interested among the population is the project "Formation of a comfortable urban environment". It attracted hundreds of thousands of caring residents to the procedures of public participation. A similar situation is with the so-called initiative budgeting projects. They ensure the participation of citizens of municipalities in determining the funds of the municipal budget for the implementation of priority areas for residents. In both cases, the tools of public control are indispensable.

The lack of legal regulation of existing forms of civic participation in public control over the implementation of new areas of local self-government activities emphasizes the need for scientific research in this area. The purpose of the research is to analyze and assess public control in the field of local self-government from the standpoint of an adequate response to the challenges facing in modern conditions.

2 RESULTS AND DISCUSSION

Local self-government in its modern form has endured significant changes over the past two decades. The process of transformations does not stop, which testifies to an obvious search for the most acceptable model for organizing local government for Russian conditions. In a number of foreign countries, where the institution of local self-government is distinguished by well-established traditions, various forms of involving the population in local government have been developed. These include the support of civil initiatives in the municipal sphere by the state, consultations of the authorities with territorial collectives prior to making important decisions in local life (Mikheeva & et.al, 2015, p. 23). R.V.Baboon notes that in countries with democracies, the involvement of initiative groups of citizens in solving local issues has become the norm (Baboon, 2010, p.97).

In the Russian Federation there is also a positive vector in this direction. It is characterized not only by the direct participation of citizens in local affairs, but also by the possibility of their influence on the adoption of other decisions by local authorities (Mikheeva & Mikheev, 2016, p. 18). In this sense, the most effective channel is public control. With its legal regulation in 2014, residents of municipalities have quite real instruments of control over the activities of local governments, municipal enterprises and institutions. Scientists emphasize the versatility of the institution of public control. Firstly, it provides an opportunity for citizens and public formations to check the activities of the authorities, to give them a public assessment (Mikheeva, 2016, p. 73). Secondly, the introduction of the institution of public control into municipal life is one of the additional forms of interaction between society and local governments (Mikheeva & Maslov, 2016, p.21). Thirdly, it is considered as control over the observance of the principle of the rule of legal law (Lomaev, 2018, p.389). Fourthly, public control tends to prevent violations of the law in the activities of executive authorities (Keramova, 2018, p. 135).

One can agree with all the assessments of public control that were expressed also adding that at such level of local self-government this institution is most clearly manifested in all its characteristics. It becomes especially in demand when introducing new areas of interaction between the municipal government and the population. For instance there is the implementation of the priority national project «Formation of a comfortable urban environment». A.P. Larkina notes the formation of a new trend in Russia aimed at
ensuring the ongoing political, socio-economic transformations in the country with public support (Larkina, 2019, p. 58).

For the implementation of the federal project, the constituent entities of the Federation have adopted their own regulations. For instance, the state program «Formation of a modern urban environment in the Republic of Mari El for 2018-2024» was approved. Within the framework of this program, 104 courtyards and 38 public spaces were landscaped in 2018 for which more than 157 million rubles were spent. For 2019 it was planned to improve 75 courtyards and 45 public areas with funding of 217 million rubles. The impressive sums allocated for the implementation of measures convince that there is a field for public control. Moreover, not only the expenditure of financial resources for the project is subject to control by society, but also the previous stages of its implementation - public discussions, the selection of territories to priority improvement, the procedure for voting on them.

It is indicative that public authorities recommend the wide involvement of residents of municipalities to participate in the procedures associated with the implementation of the project. Recommendations on rating voting procedures are especially noteworthy. At the initial stage, the formation and publication of a list of all public areas in need of improvement declared by municipalities is carried out. The next important step in this procedure is the creation of public commissions that organize and conduct public discussions, rating vote and summing up the results of such voting. An integral stage of this procedure is public discussion of the list which results the selection of territories that were put up for rating vote. The final stage is the very process of rating vote at special voting points and the designation of its results. The results are being published on the official websites of municipalities and constituent entities of the Russian Federation.

All procedures are focused on the participation of citizens, as well as they become possible when the population directly expresses its opinion. In practice various media are used to maximize the involvement of residents, for example in a public discussion. These can be electronic resources and traditional print and public editions. Also, meetings are held with residents, collection points for proposals are formed in shopping centers, medical centers, sports institutions and other places of mass presence of citizens.

Returning to public control over the implementation of the Comfortable Urban Environment project, we note that the active participation of the population and public organizations in it is explained by a direct interest in the final result.

We experienced once to be in the courtyard of the place of residence and participated in the discussion of residents with representatives of the local administration of a design project for the improvement of the courtyard site. Subsequently, when the planned work was nearing completion residents of all nearby houses were equally active and meticulously checking the quality of the work performed. Previously, such interest was rarely met.

3 CONCLUSION

At the end of the discussion on the problem of study, some generalizations should be made. The sphere of local self-government which is being an independent level of power in Russian realities acts as the closest to citizens, solving the most important issues of local importance for them. Thereat, effective local self-government is possible only if the population of the municipality acts in the forms and ways established by law for public authorities (Gornev, 2017, p. 9).

For a long time there was certain alienation between the municipal authorities and the population, local authorities did not ask for the opinion of citizens when making decisions. However, the process of openness and publicity that began in the state also covered the sphere of local government. It put forward new tasks to expand the dialogue of local self-government bodies with the population, to attract residents to participate in solving local problems. New forms of influence of society on municipal authorities have appeared. The most popular form of such influence is public control, which has recently received legislative registration and has already managed to prove itself in practice. In the field of local self-government new areas of activity have appeared which cannot be carried out without relying on citizens living in municipal territories. For instance, the implementation of some national projects fully relies on citizen participation, including public oversight on their part.

New trends require certain legislative adjustments. In particular, it is objectively overdue to amend the Federal Law «On the General Principles of Organization of Local Self-Government in the Russian Federation». It is necessary to supplement Chapter 5 which regulates forms of direct municipal democracy with another form - public control. This institution has proved in practice that it has become a necessary tool for the participation of the population in the implementation of local self-government which was justified in the
study. We believe that the ongoing transformations in local self-government put forward other equally important proposals to change the legislative vector.

REFERENCES LIST


