EXECUTIVE BODIES OF LOCAL SELF-GOVERNMENT AS AN OBJECT OF PUBLIC CONTROL IN THE RUSSIAN FEDERATION

INTRODUCTION
This article is devoted to the research of the executive bodies of local self-government as an object of public control in the Russian Federation.

LITERATURE REVIEW / STATE-OF-ARTS / RESEARCH BACKGROUND
Public control as one of the most important civil society institutions in the Russian Federation is widely analyzed in the scientific works of O.V. Pishchulin, V.V. Grib (Grib, 2015, p. 3-13), L.Yu. Grudtsyna, D.S. Mikheev, G.N. Chebotaryov, V.E. Chirkin, S.A. Avakyan, K. I. Aleshenko (ALESHENKO, 2020), A. Baybarin (BAYBARIN et al., 2020, p. 6805-6811), L.A. Kamaleva (KAMALIEVA, 2020, p. 222-229), A.V. Krotov (KROTOV et al, 2020, p. 3521-3526), E. Moros (MOROS, GONCHAROV, 2020, p. 114-128), and a number of other authors. These works provide the basis for the analysis of the theoretical content of the institution of public control in relation to its social essence. However, the share of researches executive bodies of local self-governments as an object of public control in the Russian Federation is extremely small.

METHOD ALSO CALLED MATERIALS AND METHODS OR EXPERIMENTAL METHODS
This article in the process of cognition of state-legal and social and philosophical phenomena were used: a) general scientific methods (formal-logical, systemic, structural-functional, concrete-historical); (GONCHAROV, CHIMITOVA, 2020, p. 86-95; GONCHAROV et al, 2021a, p. 362-366; GONCHAROV et al, 2021b, p. 367-373) b) general logical methods of theoretical analysis (analysis, synthesis, generalization, comparison, abstraction, analogy, modeling, etc.); (GONCHAROV et al, 2021c, p. 374-382; GONCHAROV et al, 2021d, p. 383-389; GONCHAROV et al, 2021e, p. 410-416) c) private scientific methods (technical and legal analysis, specification, interpretation, etc.) (GONCHAROV et al, 2021f, p. 401-409; GONCHAROV et al, 2020a, p. 78-90; GONCHAROV et al, 2020b, p. 93-106).

MAIN PART
According to the Constitution of the Russian Federation, the bearer of sovereignty and the only source of power in the country is its multinational people, exercising power both directly (through the institutions of referendums and free elections) and indirectly (through the activities of state authorities and local self-government bodies). (THE CONSTITUTION OF THE RUSSIAN FEDERATION, 2021) However, the indirect exercise of power presupposes the delegation of power by the people to one or another public authority, as well as to their officials. And in order to avoid, on the one hand, the risks of usurpation of power, the seizure of power by individual public authorities and their officials, and on the other hand, the exercise...
of power not in the interests of the development of society and the state, the process of using delegated powers needs constant control of society. (GONCHAROV, 2019, p. 3-5; ALESHENKO, 2020, p. 18-19) Thus, the constitutional principles of democracy and public participation in the management of state affairs need a system of legal guarantees, the most important of which is the institution of public control.

This legal institution is a relatively young phenomenon in Russian history. Having been established just over 15 years ago, it has already gained great popularity and trust among the population of the Russian Federation. (KURYUK et al., 2019, p. 40-41)

However, the functioning of this institution of civil society is associated with a number of problems of an objective and subjective nature. They are caused, as already noted, by the comparative “youth” of the institution of public control, the weak development of civil society institutions in Russia as a whole, since after a radical breakdown of the socio-political course in the country’s development (in the early 90s of the last century), the old institutions of civil society societies (for example, the Komsomol, the Communist Party of the Soviet Union) were destroyed or degraded (in particular, trade union organizations), and the new ones have not yet acquired authority in the eyes of voters. In addition, for a long time the authorities were not interested in public control over their activities. However, with the centralization of the system of state and municipal administration, it became necessary to rely on this institution of civil society in the struggle of the central government against separatist and centrifugal tendencies at the level of individual regions of the Russian Federation.

One of the problems of the organization and functioning of the institution of public control in Russia is its implementation in relation to the executive bodies of local self-government. And, although the Federal Law No. 212-FL of 21.07.2014 “On the Foundations of Public Control in the Russian Federation”, fixed local government bodies as objects of public control, (ON, 2014; ON, 2003), however, the practical organization and implementation of public control measures in relation to their executive bodies, according to a number of authors, requires further improvement. (GRIB, 2015, p. 3-13)

It seems that among the main problems associated with the implementation of public control in relation to the executive bodies of local self-government, the following can be singled out.

Firstly, the analysis of municipal regulations on the organization and implementation of public control at the level of municipalities in various constituent entities of the Russian Federation showed that in 2020, more than half of the country’s municipalities have not created public chambers of the municipal formation, (ALESHENKO, 2020, p. 104) and the activity of public councils under the executive authorities of municipalities is decorative and not permanent.

Secondly, in most municipalities there are no separate normative-legal acts on the organization of public control on the territory of a particular municipal formation, as well as the corresponding normative-legal acts on public chambers of the municipal formation, (GONCHAROV, 2019, p. 3-5), which minimizes the possibility of organizing and implementing public control measures (especially in rural municipalities in large territorial constituent entities of the Russian Federation).

Thirdly, at present, a significant problem is the lack of universalization and unification of the regulatory framework in the field of organization and implementation of public control on the territory of municipalities in various constituent entities of the Russian Federation. (MIKHEEV, 2020, p. 176-182; MIKHEEV, 2018, p. 139-141) Moreover, even within the same region of Russia, municipal regulations in the field of public control often do not correspond to each other, (EREMIN, 2017, p. 39-41), which complicates, on the one hand, the coordination of public control measures by the public chambers of the constituent entities of the Russian Federation, and on the other hand, the provision by the latter of organizational and financial assistance in carrying out public control measures at the level of municipalities of a particular region of the country.

Fourthly, a significant problem in recent years has been the financial insolvency and subsidized nature of most municipal budgets. According to research by a number of authors, up to 96% of the country’s municipal budgets are subsidized to one degree or another. (Aleshenko, 2020, p. 88) The situation is also complicated by the decline in the revenue side of most regional state budgets, which have fewer and fewer opportunities to subsidize municipal budgets. In
this regard, financial assistance to the subjects of public control at the level of municipalities from the funds of municipal and regional budgets is becoming less and less possible. In turn, civil society institutions do not have their own financial resources to organize and conduct independent public control activities on the territory of municipalities.

Fifthly, as noted by a number of authors, the so-called "non-systemic subjects of public control in the organization and implementation of public control measures in relation to the executive bodies of local self-government face opposition from individual officials of the executive bodies of local self-government, while public chambers and councils under the executive bodies of local self-government they evade real public control over the activities of the executive bodies of local self-government, as well as their officials". (ALESHENKO, 2020, p. 107-108) This leads to the fact that the measures of public control in a number of municipalities are decorative and frankly fictitious.

Sixthly, according to a number of authors, the current legislation on public control did not provide for the forms of public control, the type of public control measures specific to the possibility of their implementation at the municipal level in relation to the executive bodies of local self-government, as well as their officials. (MITYAEV, PAVLOV, 2018, p. 51-55)

Seventhly, the current legislation on public control at the federal and regional levels, as well as the regulatory legal acts of local governments, make little use of the positive foreign experience in organizing and implementing public control measures at the municipal level, especially in terms of the use of innovative technologies and social networks, including interactive communication technologies. (LARICHEV, MARKWART, 2020, p. 74-88; PAVLOV, BELCHIK, 2019, p. 402-406)

In this regard, it seems that in order to resolve these problems, a number of sequential measures should be developed and implemented, among which the following are priority.

Firstly, it is necessary to consolidate in the current federal and regional legislation the obligation of local self-government bodies to create public chambers in municipalities, operating on a permanent basis. The organization and activity of public chambers of the respective municipalities should be supported by the work of the corresponding municipal institutions. This will allow, on the one hand, to carry out municipal public control on a permanent basis, and on the other hand, will make the activities of municipal public chambers stable in organizational and financial terms.

Secondly, it is necessary to carry out on the scale of the Russian Federation monitoring of the regional and municipal regulatory framework in the field of organization and regulation of public control at the level of municipalities. In those municipalities where there are no normative legal acts in the field of public control, their development and adoption should be carried out. Due to the fact that the creation of such municipal normative legal acts requires a high level of professionalism and legal technique, it is necessary to develop at the federal level a draft Federal law "On a standard normative legal Act of a Local self-government Body in the field of organizing and implementing public control in a municipality", as well as a draft Federal law "On a standard normative legal act of a local self-Government Body “On the Public Chamber (Council) of a Municipal Formation”.

The adoption of such standard (model) provisions on the legal basis for organizing public control in municipalities, as well as on public chambers (councils) will unify and universalize the municipal regulatory framework in the field of organizing and implementation of public control on the territory of municipalities in various constituent entities of the Russian Federation.

Thirdly, the concept of a system of public control bodies should be consolidated in federal legislation, detailing and clarifying their composition in the Russian Federation.

Fourthly, at the federal level, it is necessary to develop and adopt a federal program that provides for measures of state support for public control bodies at the level of municipalities. The Civic Chamber of the Russian Federation, as well as the civic chambers of the relevant constituent entities of the Russian Federation, should become the coordinator of the implementation of measures of state support in the conduct of public control measures at the level of municipalities. This will allow the implementation of public control measures at the
municipal level in relation to the executive bodies of local self-government on a regular and permanent basis, which will minimize the possibility of violating the current legislation on public control, reducing the risks of violating the rights, freedoms and legitimate interests of citizens of the Russian Federation as a whole.

Fifth, it is necessary to tighten the measures of legal responsibility of officials of executive authorities (including executive bodies of local self-government) for countering the legal actions of representatives of subjects of public control (up to criminal). In addition, it is necessary to provide for the possibility of bringing to administrative responsibility for such offenses both the executive authorities of local self-government and their officials.

Moreover, information on such offenses should be accumulated in a unified information register, the maintenance of which should be entrusted to the Public Chamber of the Russian Federation. Persons who will be found guilty of committing such crimes and offenses should be deprived of the opportunity in the future to be state and municipal employees. This will serve as a serious incentive for the officials of the executive bodies of local self-government not to interfere with the legitimate activities of the subjects of public control, and the public control itself will be real, effective and effective.

Sixthly, the federal legislation should detail the forms and methods of public control in relation to its implementation in relation to the executive and representative bodies of local self-government.

Seventhly, it is necessary to use the positive foreign experience of organizing and implementing public control measures at the municipal level, especially in terms of the use of innovative technologies and social networks, including interactive communication technologies.

For example, it is necessary to create municipal electronic platforms for monitoring public opinion on certain issues of local importance, entrusting control over their organization and implementation to the public chambers and councils of the relevant municipalities.

CONCLUSIONS AND FURTHER RESEARCH
The implementation of the above measures will allow not only to optimize the mechanism for organizing and implementing public control at the municipal level, but also to strengthen this institution of civil society in the Russian Federation as a whole.

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Executive bodies of local self-government as an object of public control in the Russian Federation

Órgãos executivos da autonomia local como objeto de controle público na Federação Russa

Los órganos ejecutivos del gobierno autónomo local como objeto de control público en la Federación de Rusia

Abstract
This article is devoted to the research of the executive bodies of local self-government as an object of public control in the Russian Federation. The authors believe that the current legislation on public control, as well as regulating the organization and functioning of local self-government bodies, needs a number of changes and additions in terms of optimizing the system of public control in relation to the executive bodies of local self-government, which are cited and justified in this article.

Keywords: State. Sovereignty. Executive bodies. Local government. Russian Federation.

Resumo
Este artigo é dedicado à pesquisa dos órgãos executivos da autogovernação local como um objeto de controle público na Federação Russa. Os autores acreditam que a atual legislação sobre o controle público, bem como a regular a organização e o funcionamento dos órgãos de autonomia local, precisa de uma série de alterações e acréscimos em termos de otimizar o sistema de controle público, em relação aos órgãos executivos de autogoverno local, que são citados e justificada neste artigo.

Palavras-chave: Estado. Soberania. Órgãos executivos. Administração local. Rússia.

Resumen
Este artículo está dedicado a la investigación de los órganos ejecutivos del gobierno autónomo local como objeto de control público en la Federación de Rusia. Los autores consideran que la legislación vigente sobre el control público, así como la regulación de la organización y el funcionamiento de los órganos de autogobierno local, necesita una serie de cambios y adiciones en términos de optimización del sistema de control público en relación con los órganos ejecutivos de autogobierno local, que se citan y justifican en este artículo.

Palabras-clave: Estado. Soberanía. Órganos ejecutivos. Gobierno local. Federación de Rusia.