CENTRALISM AND DECENTRALIZATION AS A PRINCIPLE OF ORGANIZATION AND ACTIVITY OF EXECUTIVE AUTHORITIES IN RUSSIA: SOCIO ECONOMIC AND LEGAL ANALYSIS

Vitaly Viktorovich Goncharov
Iurii S. Shpinev
Diana I. Stepanova
Artem A. Pukhov
Sergey A. Balashenko
Jacek Zalesny

ABSTRACT

This article explores centralism and decentralization as a principle for the organization and activities of executive bodies in the Russian Federation. In connection with the increasing role of Russia in foreign policy and within the country, the authors substantiate the need to implement the principle of centralism and decentralization as a condition for strengthening public administration. The article identifies the main problems and shortcomings in the implementation of this principle of the formation and functioning of executive authorities in modern conditions, as well as developed proposals for their resolution.

Keywords: Centralism and decentralization. Executive Branch. Russian Federation. Principle.

INTRODUCTION

The system of executive power in the Russian Federation is widely analyzed in the scientific works of S.A. Avakyan, N.Yu. Khamaneva, O.E. Kutafin, M.S. Baglay, L.Yu. Grudtsyna, V.E. Chirkin and several other authors. These works provide the basis for the analysis of the theoretical content of the public administration system in Russia in relation to its social essence. However, the share of researches that highlight the problems of implementing the principle of centralism and decentralization in the organization and activities of executive authorities in the Russian Federation is extremely small. In this regard, the main purpose of this research is a comprehensive study of centralism and decentralization as a principle of organization and activity of executive authorities in the Russian Federation, in order to expand and clarify the conceptual and categorical apparatus of the science of constitutional law in the field of public administration, forming an integral concept the optimal
organization and exercise of executive power in Russia, and the subject of the study is the regulatory framework that enshrines The aforementioned principle of organization and activity of executive authorities in the Russian Federation, as well as scientific views on resolving problems associated with its implementation.

**METHODOLOGY**

This article in the process of cognition of state-legal phenomena were used: a) General scientific methods (formal-logical, systemic, structural-functional, concrete-historical); b) General logical methods of theoretical analysis (analysis, synthesis, generalization, comparison, abstraction, analogy, modeling, etc.); c) private scientific methods (technical and legal analysis, specification, interpretation, etc.) (ZALESNY, GONCHAROV, 2019: 129-142; ZALESNY, GONCHAROV, 2020: 1-6).

**RESULTS**

The key principle of the formation and functioning of executive bodies in Russia is the ratio of centralism (the concentration of executive management in the hands of the President and the Government) and decentralization (transfer of various issues from central state executive bodies to the regional executive bodies and local self-government). As participants in the round table held at the Institute of State and Law of the Russian Academy of Sciences on October 12, 2000, noted, without resolving the issue of centralizing power, a treaty federation may begin to transform into a confederation, and a constitutional federation into a contractual one (VARLAMOVA, 2001: 88). The history of the USSR is a sad example. As the «parade of sovereignty» initiated by President Boris Yeltsin showed, the weakening of federal state power inevitably leads to centrifugal tendencies and separatism in certain regions of the country, which is fraught with the collapse of the state. Modern scientific literature contains a lot of publications on this issue: from interesting judgments about strengthening the vertical of power (KOZLOVA, 2001: 32-36; BEZRUKOV, 2001: 27-32; SHESTOV, 2004: 114-117; NEKRASOV, 2013: 60-69) to a critical analysis of all sorts of reforms to centralize state power (IONOV, 2001: 128-132; NECHAEV, 2005: 92-102).

The principle of centralization of the executive branch, as the concentration of most of the state functions under the jurisdiction of the federal executive bodies, follows from the unity of the executive branch due to the availability of objects and powers under the jurisdiction of the federal and regional authorities, their joint management within the limits defined by law. On a national scale, a higher degree of centralization is manifested in Federal subjects of jurisdiction; it is somewhat weakened in relation to subjects of joint jurisdiction. In Russia, the sovereignty belongs to the Federation, and its subjects are recognized as non-sovereign state entities. All the basic functions of state power and the procedure for vesting powers with subjects are concentrated in the hands of the Federation and are enshrined in the country's constitution. According to some scholars, historically (especially in Russia) centralization is inherent in the executive branch (MAHINA, 2006: 22). However, this does not prevent, on the one hand, the possibility of delegating federal powers to entities, and, above all, on a contractual basis (it is provided, in particular, article 78 of the Constitution of the country), on the other hand, there is the possibility of direct federal rule in a state of emergency for ensuring the safety of citizens and protecting the constitutional order in accordance with federal constitutional law (Article 56 of the Constitution of the Russian Federation does not exclude this).

Federal sovereignty implies the possibility of using federal coercion measures (Federal intervention, direct presidential rule, Federal intervention) (COMPARATIVE, 1996: 494-495), which is, on the one hand, a means of centralizing power, as it provides the Federation with the opportunity to expand the scope of federal powers at the expense of the subject's powers in case of failure, impossibility to exercise state authority of the subject of its authority, and on the other hand, acts as a guarantee of the implementation of the principle of legality with the criminal (unconstitutional) nature of such an exercise. Federal coercive measures in relation to the executive branch of the regions provided for by applicable law can conditionally be classified into the following groups: 1) the main ones, among which are the removal from office of a senior official of a constituent entity of Russia (head of the highest executive government body of a constituent entity of the Russian Federation); suspension of acts of the aforementioned person, as well as the act of an executive body of a subject of Russia in case of its inconsistency with the Constitution of the country, Federal Law, international obligations of Russia or violation of human and civil rights and freedoms until this matter is decided by the appropriate court; the introduction of military units to maintain order in the subject; redistribution of powers in law; 2) additional - for example, the adoption by a federal court of a decision obliging the state executive authorities of the subject to comply with the orders of the federal authorities, or resolving a competence dispute in favor of the Federation; recognition as incompatible with the Constitution of the country, federal legislation of the act of executive power of the subject (ABOUT, 1999: 5005; DOLGOV, 2004: 114-117).
Decentralization is considered in the educational and scientific literature in several aspects: as a management principle, as a way (method) of managerial influence; as an administrative regime; as a form of organization of public authority; as a process of distribution and exercise of authority; as an element of the organizational structure of public administration (MAHINA, 2006: 23; CENTRALISM, 2006).

It seems that in relation to the executive branch, the principle of decentralization means securing the objects of jurisdiction and authority for one or another body, which it should carry out independently without interference from higher authorities. Although the constituent entities of the Russian Federation are its backbone elements, regional executive bodies are not deprived of a certain independence, even though they are built into a single strictly hierarchized system of executive power. So, Chapter IV-1 of the Federal Law «On General Principles of Organization of Legislative (Representative) and Executive Bodies of State Power of the Subjects of the Russian Federation» dated 06.10.1999 № 184-FL, securing the powers of regional authorities (including executive ones), proceeds from the principle of free their implementation by regions in their own jurisdiction; federal powers can be delegated by the center, but with financial reimbursement of the costs of their implementation (ABOUT, 1999: 5005).

During decentralization, there is no «splitting» of objects of authority and authority vertically, objects of authority and authority gain a high degree of independence from the authority of higher authorities. As V.E. Chirkin notes, «Federal state power, state bodies of the federation are the representative of society of the whole country, and the power of the subject of the federation is the power of part of the people of this society. Naturally, they relate as a whole and its part» (CHIRKIN, 2000: 5-12). The country's constitution (Article 78) provides for the possibility of both centralization and decentralization of state power by transferring Federal and regional executive bodies by agreement of each other, in contrast to the legislative and judicial branches of government, where the transfer of powers by contract is excluded by law. But at the same time, decentralization of the executive branch by delegating powers from the Federation to the regions in a contractual manner creates a lot of problems (MAHINA, 2006; YELISEYEV, 1999: 5-13).

First, the contractual practice of the distribution of executive powers between the center and the regions, although during a certain period of nascent Russian statehood played a positive role, however, at the present stage of development of Russian statehood, it should be treated with caution. During its implementation, the provision of the country's Constitution on the equality of subjects should not be violated. The head of the Russian state, speaking about the need to take into account regional specifics in his message to the Federal Assembly, emphasized that such agreements are unacceptable, which often lead to actual inequality in relations between the subjects of Russia, and, ultimately, between citizens. The President sees the solution to this problem in the passage of all agreements on the delimitation of powers through the mandatory procedure for approval by Federal Law (Message, 2002). In addition, the situation is clear that at the moment most of the previously concluded agreements between the Federation and its subjects have been terminated.

Secondly, the actual implementation of decentralization of the executive branch in the country led to a paradoxical situation - neither strong regional governments, nor powerful municipalities appeared in Russia. Moreover, the weak center ceased in many respects to carry out the necessary power and coordination functions of regional development, that is, decentralization turned into a loss of control and responsibility of the regional executive authority to the Federal one (PUBLIC, 2000: 65). The implementation of the principle of centralism and decentralization in Russia is very difficult.

Firstly, at present the country still has not eliminated the unreasonable priority of the legal status of the republics in relation to other subjects of the Federation; to eliminate it, it is necessary to eliminate constitutional inconsistencies and accents in determining the legal status of the republics. Opponents of this approach believe that the Russian Federal state should be cemented into a single whole not by force (MUKHAMETSHIN, 2000: 42), but by profit, forgetting to note that most of the republics are subsidized regions. The vertical of state power should be strengthened as a prerequisite for strengthening centralization by abandoning the national-territorial structure of the federation, which will make it possible to put into practice a constitutionally fixed model of the unity of the executive power system. In favor of this thesis is the fact that only in a smaller part of the republics of Russia the titular nationality makes up the majority.

However, the process of leveling the legal status of the republics must be carried out consistently and carefully, since accelerated centralization can cause separatism; the definition of specific, clear powers of the center and the subjects of the Federation within the framework of their joint competence should be carried out, first of all, by Federal laws. In this regard, there is a danger that with the implementation of this position in practice, there will be an increase in federal subjects of reference at the expense of joint subjects of Russia.
Secondly, at present, the procedure for determining the exclusive competence (subjects of jurisdiction) of the constituent entities of the Russian Federation (especially in the field of executive power) is a very complicated process, especially if in the case of gaps in federal legislation (for subjects of joint jurisdiction), the subject has the right to adopt appropriate regulations. This right has been repeatedly confirmed by the Constitutional Court of the country. In this regard, there is positive experience in resolving this issue in German law, according to which exclusive and competing legislative competence is defined. Moreover, in the sphere of exclusive competence, Federal lands have powers only if they are expressly authorized by law, and in the field of competing competence only when and since the Federation does not exercise its legislative rights. In this area, the Federation shall have powers if the issue cannot be effectively settled by the laws of the federal states, violates the interests of the country or its parts, and violates the legal and economic unity of the state (CONSTITUTIONS, 1997: 80-81).

It is necessary to limit the scope of subjects of jurisdiction of subjects on strategic issues that ensure state integrity and unity, making appropriate changes to the Constitution of Russia, clearly distinguishing between subjects of jurisdiction between branches of government at different levels. As early as 10.05.2006, the President of Russia in his Address to the Federal Assembly touched upon the problems of transferring powers in the executive branch from the center to the regions, and from the regions to municipalities, with the aim, first of all, of focusing federal budget funds on a specific result – the implementation of priority national programs and secondly, the approximation of the level of direct management decisions to the population (MESSAGE, 2006).

Consequently, the process of centralization of the executive branch, increasing the degree of executiveness of federal acts in the regions, and the fight against separatism should be accompanied by the construction of a flexible, efficient system for distributing decision-making decision centers between different levels of the executive branch. The third major problem today is the vagueness of the legislative regulation of the possibility of implementing direct Federal government, as well as the Federal interference of central executive bodies in the affairs of the country's constituent entities, as a guarantee of effective centralization of state power (GONCHAROV, 2004: 85-89). State sovereignty, by virtue of its exclusive affiliation with the Federation, implies the possibility and necessity in the case of exercising executive power in the regions to the detriment of national interests and the rule of law, as well as attempts at unilateral secession and Federal interference (BARZITZ, LEVAKIN, 2002: 11-21).

Changes and additions should be made to the current legislation, determining the procedure and conditions for direct presidential rule on the territory of the subjects and the possibility of the Federal Assembly and the Government of the Russian Federation implementing regional rulemaking for those regions where direct Federal government will be introduced and the regional parliament dissolved. There is a need to amend the Constitution of the country in order to consolidate a specific list of measures of federal coercion, expanding in this matter the powers of the President and the Government under the control of the Federal Assembly of Russia. Work should be strengthened to bring regional legislation (especially numerous regional by-laws of executive authorities) in line with Federal legislation and the country's Constitution.

It is necessary, having constitutionally consolidated the status of the State Council of Russia and the Presidential Plenipotentiaries in the federal districts, to provide them with the authority to appeal to the constitutional control bodies of the country's constituent entities and the Constitutional Court of the country with requests to eliminate violations and contradictions to the Federal legislation and the Constitution of Russia on the relevant subjects of reference. Some politicians have suggested that in order to strengthen the central executive branch, the influence of the State Council will inevitably grow, which will turn into a more powerful body and, possibly, replace the upper house of the Russian parliament, which will, in turn, require major changes to the Russian constitution (ZHIRINOVSKY, 2000). However, the strengthening of the powers of the State Council and plenipotentiaries, at the same time, would lead, firstly, to an increase in the bureaucratic apparatus, and secondly, as noted by A.V. Bezrukov, control of the seven Federal districts creates a new link in the chain «center - regions» and moves the regions away from the center (BEZRUKOV, 2001:27-32).

The role of the Federation Council in strengthening the executive branch should be strengthened by granting the upper house of parliament the right to reject the ones sent to it for consideration in accordance with Article 23 of the Federal Law «On the Principles and Procedure for Delimiting the Objects of Authority and Powers between the Government of the Russian Federation and the Government of the Russian Federation» draft agreements between the Federation and its subjects. Due to the fact that the executive bodies of local self-government (especially in large municipalities) carry out a huge number of functions of national importance, it is necessary to consolidate additional guarantees (primarily financial) for the exercise of these powers in the
legislation on local self-government, which will balance the mechanism of functioning of the executive power in the country and eliminate all kinds of separatist tendencies in the constituent entities of the Russian Federation.

The dominance of decentralization in federal relations in our country over the past decade has led to an increase in centrifugal trends in the economy, accompanied by the privatization of state property, the outflow of capital abroad, the fragmentation of natural monopolies, which are the economic pivots that hold individual entities into a single state mechanism. It seems that the most important condition for the centralization of state power in Russia should be the nationalization of a number of sectors of the economy, primarily the mining and fuel and energy complexes.

World history knows a lot of examples; similar nationalizations were regularly carried out in the postwar period by the governments of France. However, the draft Federal Law on nationalization prepared by the Government of the Russian Federation (although it was never adopted) severely restricts cases when nationalization is possible. It seems that only an effective combination of centralism and decentralization will allow diversity to realize the unity of state power and strengthen the state mechanism, which will be the key to prosperity and wealth of Russia and its regions.

**CONCLUSIONS**

Thus, in order to unify centralism and decentralization in the organization and activities of executive bodies, this article proposes: a) to strengthen the vertical of the executive branch as a necessary prerequisite for centralization by abandoning the national-territorial structure of the federation; b) expand the list of measures of Federal coercion in relation to the executive branch of the regions, while increasing the powers of the head of state and federal executive bodies; c) determine the procedure and conditions for direct presidential rule on the territory of the subjects and the possibility of the implementation by the Russian Government of regional by-law rulemaking for those regions where it has been introduced and dissolved by regional authorities; d) to strengthen the role of the Federation Council in strengthening the executive branch, giving it the right to reject draft agreements for consideration between the Federation and its subjects.

**REFERENCES**

ABOUT THE GENERAL PRINCIPLES OF THE ORGANIZATION OF LEGISLATIVE (representative) and executive bodies of state power of subjects of the Russian Federation: Federal law Nº 184-FL of 06.10.1999. Collection of legislation of the Russian Federation, 1999, 42, 5005. (in Russian). Available at: http://pravo.gov.ru. Access: Oct. 22, 2020.

BARZITZ, I.N., LEVAKIN, I.V. Territorial integrity of the Russian Federation: questions of theory. Journal of Russian law, 2002, 10, 11-21 (in Russian). Available at: https://www.elibrary.ru. Access: Oct. 22, 2020.

BEZRUKOV, A.V. The growing centralization: improvement or destruction of Russian federalism? Journal of Russian law, 2001, 12, 27-32. (in Russian). Available at: https://www.elibrary.ru. Access: Oct. 22, 2020.

CENTRALISM, DEMOCRACY, AND DECENTRALIZATION IN THE MODERN STATE: constitutional and legal issues: proceedings of the international scientific conference (editor S.A. Avakyan). Moscow: TC «Welby», 2006 (in Russian). Available at: https://www.elibrary.ru. Access: Oct. 22, 2020.

CHIRKIN, V.E. State power of the subject of the Federation. State and law, 2000, 10, 5-12. (in Russian). Available at: https://www.elibrary.ru. Access: Oct. 22, 2020.

COMPARATIVE CONSTITUTIONAL LAW (editor V.E. Chirkin). Moscow: «Manuscript», 1996 (in Russian). Available at: https://www.elibrary.ru. Access: Oct. 22, 2020.

CONSTITUTIONS OF FOREIGN STATES: a textbook (edited by V.V. Maklakov). Moscow: Beck, 1997. (in Russian). Available at: https://www.elibrary.ru. Access: Oct. 22, 2020.

DOLGOV, V.M. Political mechanisms of interaction between the center and the regions of the Russian Federation. Polis, 2004, 6, 114-117. (in Russian). Available at: https://www.elibrary.ru. Access: Oct. 22, 2020.
GONCHAROV, I.V. Features of legal regulation of federal intervention in the affairs of the subjects of the federation in the conditions of internal armed conflicts. State and law, 2004, 11, 85-89. (in Russian). Available at: https://www.elibrary.ru. Access: Oct. 22, 2020.

IONOV, I.A. Strengthening the vertical of power-bypassing the Constitution? Journal of Russian law, 2001, 6, 128-132. (in Russian). Available at: https://www.elibrary.ru. Access: Oct. 22, 2020.

KOZLOVA, T.A. Strengthening the vertical of power and local self-government. Journal of Russian law, 2001, 7, 32-36. (in Russian). Available at: https://www.elibrary.ru. Access: Oct. 22, 2020.

MAHINA, S.N. Administrative decentralization in the Russian Federation: concept and legal content. Abstract of the thesis of the candidate of legal Sciences. Voronezh: Voronezh State University, 2006. (in Russian). Available at: https://www.elibrary.ru. Access: Oct. 22, 2020.

MAHINA, S.N. The essence and system characteristics of the political and legal category Available at: https://www.elibrary.ru. Access: Oct. 22, 2020.

MESSAGE FROM THE PRESIDENT OF THE RUSSIAN FEDERATION to the Federal Assembly of the Russian Federation. Russian newspaper, 2006, 97. (in Russian). Available at: http://pravo.gov.ru. Access: Oct. 22, 2020.

MESSAGE OF THE PRESIDENT OF THE RUSSIAN FEDERATION V.V. Putin to the Federal Assembly of the Russian Federation dated 18.04.2002. Russian newspaper, 2002, 71. (in Russian). Available at: http://pravo.gov.ru. Access: Oct. 22, 2020.

MUKHAMETSHIN, F. Principles of forming a new type of federation. Federalism, 2000, 2, 31-52. (in Russian). Available at: https://www.elibrary.ru. Access: Oct. 22, 2020.

NECHAEV, V.D. Decentralization, democratization and efficiency (reform of federal relations and local self-government through the prism of the theory of effective decentralization). Polis, 2005, 3, 92-102. (in Russian). Available at: https://www.elibrary.ru. Access: Oct. 22, 2020.

NEKRASOV, S.I. Centralism, decentralization, and polycentrism in the territorial organization of modern states. Public and private law, 2013, 2, 60-69. (in Russian). Available at: https://www.elibrary.ru. Access: Oct. 22, 2020.

PUBLIC ADMINISTRATION: fundamentals of theory and organization (editor V.A. Kozbanenko). Moscow, 2000. (in Russian). Available at: https://www.elibrary.ru. Access: Oct. 22, 2020.

SHESTOV, N.I. The idea of unity of the country and the reform of the Russian political system. Polis, 2004, 6, 114-117. (in Russian). Available at: https://www.elibrary.ru. Access: Oct. 22, 2020.

VARLAMOVA, N.V., SKURKO, E.V. The Russian Federation and its subjects: the problem of strengthening statehood. State and law, 2001, 7, 88-107. (in Russian). Available at: https://www.elibrary.ru. Access: Oct. 22, 2020.

YELISEYEV, B.P. Treaties and agreements between the Russian Federation and the subjects of the Russian Federation: solving or generating problems? State and law, 1999, 4, 5-13. (in Russian). Available at: https://www.elibrary.ru. Access: Oct. 22, 2020.

ZALESNY, J.; GONCHAROV, V. Ontological Core of the Social Concept of Global Constitutionalism: a Socio-Philosophical Analysis of Content and Evolution. Future Human Image, 2019, 12, 129-142. Available at: http://www.fhijournal.org/12-12. Access: Oct. 22, 2020.

ZALESNY, J.; GONCHAROV, V. View of the Social Concept of Global Constitutionalism on the Legal System. Journal of Legal, Ethical and Regulatory Issues, 2020, 23 (2), 1-6. Available at: https://www.abacademies.org/articles/view-of-the-social-concept-of-global-constitutionalism-on-the-legal-system-9129.html. Access: Oct. 22, 2020.

ZHIRINOVSKY, V.V. Speech by the candidate for President of the Russian Federation. Russian newspaper, 2000, 172. (in Russian). Available at: https://www.elibrary.ru. Access: Oct. 22, 2020.
Centralism and decentralization as a principle of organization and activity of executive authorities in Russia...

Candidate of Legal Sciences, Associate Professor of the Department of State and International Law of the Kuban State Agrarian University Named after I. T. Trublin, 350004, Krasnodar, Kalinina Street, 13, Russian Federation. E-mail: nippgeo2009@mail.ru. ORCID: https://orcid.org/0000-0003-3029-4727.

Candidate of Legal Sciences, Senior Researcher of the Business and Corporate Law of the Sector of Business and Corporate Law of the Institute of State and Law of the Russian Academy of Sciences, Znamenka St., 10, Moscow, Russian Federation. E-mail: shpinev.juri sergeevich@mail.ru. ORCID: https://orcid.org/0000-0003-5573-0439.

PhD, Associate Professor of the Department of Finance and Prices, Plekhanov Russian University of Economics, 115093, Stremyanny lane, 36, Moscow, Russian Federation. E-mail: nippgeo2009@mail.ru. ORCID: https://orcid.org/0000-0001-5981-6889.

Candidate of Legal Sciences, Associate Professor, Deputy Dean of the Faculty of Law of the Belarusian State University, 220030, Minsk, Independence Avenue, 4, Republic of Belarus. E-mail: nippgeo2021@mail.ru. ORCID: https://orcid.org/0000-0002-9999-5532.

Doctor of Law, Professor of the Faculty of Law of the Belarusian State University, 220030, Minsk, Independence Avenue, 4, Republic of Belarus. E-mail: zalesnyyatsek@bk.ru. ORCID: https://orcid.org/0000-0002-8231-4454.

Received in: 2021-03-10
Approved in: 2021-04-26