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THE EVOLUTION OF LOCAL GOVERNMENT AND SELF- GOVERNMENT IN RUSSIA

The article highlights the main stages in the development of local government and self-government in Russia. It shows the specifics of each stage. The formation of the Russian state was accompanied by the synthesis of the princely power and the community self-government. The genesis autocracy was accompanied by a struggle with the self-government institutions. The creation of rural and urban self-government in the second half of the XIX century was accompanied by a debate on the social and public origin of these institutions.

The soviet state was based on the unity of the Soviet system. It concluded the discrete development of local self-government in Russia. There is no historical strong tradition of local government in this system.

Objective of the article is to identify and characterize the main stages of development of local government and self-government in Russia. Show the discrete nature of the development of local self-government in Russia.

The formation of the Russian state was accompanied by the synthesis of princely power and community self-government. Genesis autocracy was accompanied by a struggle with self-government institutions. The absence of territorial self-government in Russia was offset by the presence of social class municipality for a long time. Caste traditions tradition had a negative impact after the establishment of rural and urban self-government in the second half of the XIX century.

During the preparation of the reforms and their implementation were discussions of the relationship between the state and the community began in management. As a result, there is the inclusion of local authorities in the sphere of active state regulation. The desire of the county public to the political activity was suppressed by autocracy. The Provisional Government attempt to rely on the local self-government to create new authorities ended in failure.

The Soviet state was based on a single management system. Certain powers was delegated at the local level. The local authorities have been transferred some resources to implement it. So the system of local budgets was build. The most successful period of the local government activity accounts for 1920s. The city and district are considered as the territorial foundation of local government. Scientific field formed that studies the feature of local government in the Soviet conditions.

In the 1930s, there is centralization of government. The development of the city is subject to problems of industrialization and development of the rural areas is subject to problems of collectivization. The state policy does not consider the interests of local communities.

The liberalization of the political regime in the late 1950s has led to a revival of the idea of decentralization. But decentralization of government is considered solely as an economic rather than a social and political problem. This understanding persisted until the end of the Soviet period.

The lack of stable historical tradition of local government negatively affects the municipal development of the Russian Federation.

Keywords: the history of the state, the history of the law, the municipal law, the local government, the local government, the local self-government, the municipality, the local councils.

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Initially, social regulation covers a group of people settled in limited areas. Displacement of tribal ties by territorial ones created an important prerequisite for the transition to the state-organized society. During the formation of the Russian state the synthesis of the community of the Grand authorities was formed. According to many historians, the Russian lands developed as city-states, state-policies with a strong power of the council, self-wide rights of urban and rural communities [1, p. 64-65, 68]. Characteristics of Ancient Russia as a multi-stage, hierarchically constructed territorial community-based state has been presented in the work of V.V. Yeremyan [2, p. 403].

The subsequent period of Russian history proved to be perhaps the most tragic for the fate of the polis government. Most major cities have been destroyed and burned by the Mongols, many people were killed or fled to safer countryside, skilled artisans deported to Orda. There was a deterioration of urban infrastructure (eg, stopped construction of stone, lost many crafts) and urban social institutions.

Political progress of medieval Russia appeared to be associated with the strengthening of the grand-ducal power, of strengthening of its sovereignty, as well as of active struggle with the real and imaginary rivals. The traditional institution of municipal “tysyatsky” position that existed in most major Russian cities, including Moscow, Tver, Novgorod, have been consistently destroyed. The origin of this institution was closely associated with the “decimal” which is the most archaic control system leading its origin from the period of the military organization of origin of statehood. The “tysyatsky” headed the commercial court which judged property disputes, and used to be the prototype of a commercial and subsequently the tribunal. So, in 1373 after the death of V.V. Vorontsov-Velyaminov the “tysyatsky” duty has been abolished, and his son has been executed in 1379 [3, p.184].

The rural community integrated into the system of feudal relations during genesis of feudalism. It has been controlled not only by the feudal lord as by patrimonial administration.

The revival of the local government began with the publication of Charter to the city in 1785. It established such principles as: the election of a representative body (the Duma); allocation of the executive body (the council); the definition of range of local issues.

It should be borne in mind that in Russian Empire there were traditions of social class self-organization which had been actively supported by the government. The Nobility Assembly and peasant community acted as legal and legitimate community, but they were not marked as “administrative determination” [4, p.71].

Estate principles and limitations have been clearly manifested during the local government reform in the second half of the XIX century. The division of voters in three groups depending on the value of taxes paid actually supported the guild merchants, and cut off people of free professions, employees and other categories of citizens who did not have the real estate from the election. Peasant self-government was only caste. It ruled out the possibility of involvement of persons outside the rural community who did not have land holdings.

The municipal history of Russian assessed “zemstvo”, city councils, and councils as the most "standard" images of national local government. Their organization and activity has been attracting scholars' interest for 150 years. The subject discussed are: preparing of reforms [5], the evolution of the electoral legislation [6], the competence assigned to the local authorities. [7]

Despite numerous researches there are controversial questions about the nature of social nature of local authorities, about the relationship of community and government parts etc.

F.F. Kokoshkin wrote about "administrative decentralization" [8, p.259]. State authorities treated the local government as a subordinate institution, but zemstvos and city councils have stated a claim to raise its status to the state one.

From here stems the liberal idea of creating the All-Russian Zemstvo, which could not appear under normal treatment of the local government. Monarchy limited interaction and communication between separate bodies. In 1915 Zemsky Union and the Union of Towns (Zemgor) were created, but by this time local figures could not be a serious opposition to the regime. Political activity has moved to the newly created parties, trade unions and the State Duma.

During the First World War Zemgor successfully solved many social problems: it equipped hospitals, formed sanitary trains, helped military families. Organization has raised significant funds, as head of a joint committee Zemgora Prince G.E. Lvov was a man of extraordinary honesty and fought against corruption. G.E. Lvov was appointed as Prime Minister and Interior Minister of the first Provisional Government. He tried to transform the local governments in the structure of the Provisional Government. He did not see the antagonism between the tasks of the state and of the local government. The Provisional Government has embarked on a major municipal reform: it significantly expanded the powers of rural and urban authorities; established volost district councils; introduced universal, direct and equal elections by secret ballot [9, p.82].

In the first post-revolutionary period (end of 1917 -1918) the fate of municipal bodies formed in different ways. At the settlement level, and namely in cities, city governments have maintained their unit, and maintained in the current state of infrastructure facilities: water supply, roads, tramways, etc. With the strengthening of the local Soviets which saved personnel, they were included in the municipal departments created at provincial and district executive committees. It should be clarified that until the beginning of 1930 there was only one representative body in the cities, and namely the City Council. Its functions were actually performed by municipal departments, which were organizationally subordinate to the Soviets of another level - the provincial and county ones.

In another settlement level, and namely in the village where before the revolution the authorities supported communal self-government, land societies became even stronger, taking advantage of Soviet agricultural policy and legislation. The abolition of private ownership of land has transformed society in the land "holders" of large plots of land with all the rights of the collective user. Until the fundamental social and economic reconstruction in the form of collectivization in the early 1930s. Land Society constituted a serious competitor of village councils, which allows a number of researchers to talk about the duality of management in the Soviet countryside.

Creation of the first Soviet Constitution of 1918 was followed by a discussion about the characteristics of public authorities (central or local ones).

The adoption of the Constitution of the RSFSR of 1918 created a legal basis for the interpretation of the Soviet state model from the point of defining of local government and self-government. This problem was studied in the 1920s. In the scientific literature.

Without delving into the analysis of all the concepts, many of which have been the subject of special studies, we can say that the most "pure" model of municipal detention, according to the most respected writers of the 1920s, was built in the city. The bodies implementing it were the City Council and the municipal department. On this understanding is built, for example, the work of LA Velikhov, "Fundamentals of Municipal Economy" [10 s.280-287], which has become a classic of domestic municipalism. The revival of the local government in the conditions of modern Russia has actualized his ideas led to reprint of his the book and publishing of T.M. Govorenkova's work "Reading Velikhov together" [11] .

However, the construction of local government within the territorial boundaries of the city was complicated. As pointed out by the authors, " cities and townships were powerless in the current system" [15, c.24].

The first barrier relative to the city was the absence of the City Council's own executive office as municipal department. The Council formally subordinated to the provincial or county executive committee. In the 1930s the political paradigm excluded the municipal component from its construction.

Another factor were the norms of the electoral law, which reflected discriminatory restrictions. It should be taken into account, but it is impossible to exaggerate the rigidity of the labor qualification, failure of which is deprived of electoral rights of citizens engaged in entrepreneurial activity. The ground of suspension from the election could serve kind of occupation before the revolution. Although the number of so-called "disenfranchised" was rather small and did not exceed a few percent, it was significantly higher in the cities in comparison with rural areas. There were also other techniques to split a single urban community. Polling stations were formed mostly not on a territorial but on the production principle: they were attached to the factory, university, military unit, the railway station and etc.

Significant indicators testifying to the city's development include the determination of its rights to urban land. According to the decrees adopted in 1918 and 1925 the municipalization of urban land had been carried out. All the sites with a few exceptions (for example under railways or military units) had been transferred to disposal of urban power. Law recognized the paid land-use mode after making lease payments. Part of revenues remained at the disposal of municipal departments and went to municipal budget.

An example of the strengthening of the financial independence and sustainability of the urban community was the creation of communal banks, the establishment of which was made by local authorities. Banks were often called the city banks (as the city council was among its founders). Municipal (city) banks wired payment transactions of municipal departments, they also credited construction and reconstruction of urban infrastructure facilities and worked with housing cooperatives and individuals.

The development of the volost as a territorial unit of self-government in rural areas was accompanied by complexities. A number of laws adopted in 1923 -1924 provided the establishment of township budgets with regulation of their revenue and expenditure items. This can be called a recovery of Zemsky self-government structures[16, p.163].

Adoption of the central state administration in the period of totalitarianism manifested itself in relation to the city. On the one hand, its importance had increased due to the transformation of traditional institutions into new social forms inherent in the industrial era. The recognition of

state power urbanization advances was fixed by law, as evidenced by the adoption in 1933 of the Regulation on the city council.

On the other hand, a separate city, as the settlement community, left the sphere of public policy. As pointed out by scholars, the urban development was like "buckle up" to "deployed socialist construction", primarily to the accelerated industrialization [17, c.103].

Urban development was subject to fulfillment of performance of five-year plans in which priority was given to heavy industry, rather than the construction of public facilities. Limits of budgets did not allow to synchronize building of housing and communal services along with the population growth and the expansion of territory. The construction of large expensive structures (bridges, subways etc.) was only possible through public funding. The delivery of employees to work was organized by the own transport of enterprises. Departmental hospitals, kindergartens etc. became commonplace. The single right to the city authorities to municipalized land had been destroyed: more and more lands had been given to the individual departments.

Local Soviets could not function normally because of the lack of adequate legislative support. Despite the adoption in 1936 of the new Constitution of the USSR, the old Regulations of the Board, taken in the early 1930s, continued functioning. First drafts of new legal acts with the same content have been prepared already in 1937. Projects had been reviewed and approved by the Presidium of the Supreme Council of 2 June 1940 and 20 November 1940 and published at the same time [18, p. 49-50]. However, the action they have not been introduced.

The democratization of the political regime in the mid-1950s led to the weakening of centralization in various spheres: federal (empowerment of the Union republics), economic (the restructuring of policy planning, implementation of cost accounting), political (transition to the collective leadership of the party), ideological (the condemnation of the cult of personality). It indicated attempts to build a new model of governance which rationally combined centralization and delegation of certain powers to the local level.

On the basis of the Law "On further improvement of organization of management of the industry and construction" about 140 all-Union, Republican and Union-republican ministries and departments were abolished. 150 administrative and economic regions and economic councils, were formed [19, p.74].

Rejection of the model of territorial and economic management can be explained by many reasons. One of them is unsettled relation to local councils and uncertainty of the institute of "local authority" and its legal status,.

Thus, by the end of the Soviet period further expansion of the competence of local government autonomy was associated mainly with the expansion of the range of economic issues. On April 9, 1990 the USSR Law "On general principles of local self-government and the local economy in the USSR" was adopted. Experts in the field of municipal law noted that the notion of local self-government is in the legislative lexicon again and it is no longer regarded as an institution of the bourgeois state. However, the real beginning of the development of local government in Russia is connected with the adoption of the July 6, 1991 "On Local Self-Government in the RSFSR" Law of the RSFSR [20, p.105, 106]. Local self-government is also the subject of the new branch of the municipal law.

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