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#### SPECIFIC FEATURES OF THE ORGANIZATION OF LOCAL GOVERNMENT IN THE CHECHEN REPUBLIC

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#### *Abstract*

Local self-government is one of the most unique phenomena of state reality in Russia. Its revival began in the early 90s of the last century. It was marked by the adoption of a number of regulatory legal acts, including the Law of the Russian Federation of July 6, 1991 No. 1550-1 “On Local Self-Government in the Russian Federation”. But the most complete consolidation and legal regulation of local self-government was implemented in the 1993 Constitution and subsequent legislation. An analysis of constitutional norms allows us to conclude that the state considers local government as one of the foundations of the constitutional system as a form of exercise of local authority by the people. The main law of Russia contains an independent section on local self-government. The study of the provisions of the Constitution of the Russian Federation allows identifying the basic principles of implementation of local self-government in the state. The present article discusses the specific features of the organization of local self-government in one of the constituent entities of the Russian Federation that is a part of the North Caucasus Federal District, the Chechen Republic. The attention is drawn to the formation of the legal framework of self-government. The authors analyze the norms of the current law of the entity “On local self-government in the Chechen Republic”, identify the peculiarities of the formation of the system of local self-government bodies, describe the main forms of direct implementation by the population of local self-government.

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## 1. Introduction

A state can be considered fully governed by the rule of law and democratic only when the population is given a real opportunity to exercise power. The Constitution of the Russian Federation considers local self-government as one of the possible forms of exercising of power by the population. This is a unique phenomenon of Russian reality, considered by national legislation as an independent activity of the population under its responsibility, carried out directly or through elective and other bodies of local self-government to resolve issues of local importance. The aforementioned characteristic of local government allows us to assert that the existence of this institution provides genuine democracy, the ability of the population to independently organize their livelihoods.

The Russian Federation, being a federal multinational state, takes into account in its legislation the national and historical features of the formation of the territories in which local self-government is exercised, allowing the territorial units to independently decide on the organization and implementation of local self-government.

In accordance with the federal law “On the General Principles of the Organization of Local Self-Government in the Russian Federation”, local self-government is exercised throughout the state. At the same time, a significant part of the issue of its organization is under the competence of the constituent entities of the Russian Federation.

It is interesting to draw our attention to the experience of organizing local government in Germany. Like Russia, Germany is a federal state, it consists of 16 lands. Local government of both states has the same historical roots. However, in Germany there is no federal legislation on local self-government. In fact, its organization is delegated to the lands. The basic element of local government in Germany is the commune, which mainly solves the communal questions of the organization of the vital activities of the population (Eisenberg & Welz, 1994).

Interest in the institution of local government is increasing in scientific community. This is logical, since the level of its development is one of the catalysts for the formalization of civil society, and, accordingly, the state, governed by the rule of law.

In this study, we decided to pay attention to the peculiarities of the formation and development of local government in one of the constituent entities of the Russian Federation that are part of the North Caucasus Federal District.

## 2. Problem Statement

The constituent entities structure of this federal district is unusual. It consists of six republics and one edge. The North Caucasus Federal District, on the one hand, is the smallest administrative entity with the smallest population (only 6.72% of the population of Russia), on the other hand, has a high population density of 57.89 people m<sup>2</sup> and gives way only to the Central Federal District (Polianskii & Volkov, 2014). An important feature of this district is the national factor. As in the Russian Federation in general, the composition of population numerically is represented by different nationalities (Diakonov, 1995). This is what gave linguists the reason to attribute the six regions of this district to the North Caucasian language group (Diakonov & Starostin, 1986). Still, in six constituent entities prevails the titular nation living in

historically established territories. This factor, in our opinion, is one of the determining factors in the organization of local self-government in national subjects.

As one more important circumstance influencing the features of the organization of local self-government, the relative youth of this institution should be considered. Accordingly, it is necessary to pay attention to the fact that local self-government, in general, in the territory of the state, and, in particular, in the territories of the subjects of the North Caucasus Federal District, is in the process of improvement.

For example, in the Chechen Republic, the first references to the formation of local governments are contained in the Government Decree of 01.12.1999 N 1320 "On measures to normalize the socio-political situation in the Chechen Republic." However, its formation is counted from the day of adoption of the Federal Law of 24.11.2008 No. 207-Φ3 "On measures for the organization of local self-government in the Republic of Ingushetia and the Chechen Republic".

This regulation, in order to implement the constitutional principle of recognition and guaranteeing local self-government on the territory of the constituent entities, solves the most important issues of ensuring its organization. Firstly, it establishes the procedure for determining the territories and borders of municipal units in the territories of the Republic of Ingushetia and the Chechen Republic. Secondly, it determines the procedure for the formation of local self-government bodies and the execution by local self-government of powers to resolve issues of local significance. But, it should be noted that until 1<sup>st</sup> of January, 2010, from the day the law was adopted, a transitional period was established in the territories of these entities. That is, in fact, the "birthday" of local self-government in the Chechen Republic should be considered January 1, 2010.

### **3. Research Questions**

The research work is aimed at solving the following interrelated tasks. First, it is the identification of factors influencing the distinctive features of the organization of local self-government in the Chechen Republic. Secondly, within the framework of the systemic interpretation of the norms of international and national legislation, to characterize the peculiarities of the organization of local self-government, namely: the formation and status of municipal units, the system of local self-government bodies, and the forms of direct self-government by the population.

### **4. Purpose of the Study**

The purpose of this study is to analyze the existing international, federal, regional legislation and relevant municipal legal acts and to identify the features of the organization of local self-government in the Chechen Republic.

### **5. Research Methods**

The methodological basis for the article is a systematic and comparative legal approach in combination with the historical method of research. General scientific systemic approach involves the use of socio-historical, general scientific and interdisciplinary methods (problematic chronological, comparative historical, retrospective, etc.) for the transfer and analysis of historical material. The

comparative legal method involves consideration of the specific features of the implementation of local self-government at various stages of regional development (historically), as well as its implementation in various municipalities of the Chechen Republic. The historical research method involves the consideration of the features of local government in the light of specific historical conditions.

A theoretically and practically grounded concept of the sociocultural specifics of Russian society can serve as a new methodological research tool. The conception based on

*the original version of a civilizational approach to human history, in the periodization of the cycles of Russian history, long “historical waves” derived from mass changes in the moral orientations of people, from the logic of these changes; in the development of the philosophical reproductive method, directly related to the ability of society to support its vital activities and self-reproduction.* (Matveeva, 1997, p. 79)

## **6. Findings**

Local self-government in the territory of the Chechen Republic is organized in accordance with existing federal legislation, laws of the subject and charters of municipalities. The Law “On Local Self-Government in the Chechen Republic” No. 11-P3 of 24 May, 2010 (as amended on 11 December, 2017) considers local self-government as one of the foundations of the constitutional system. The document states that local self-government is a form of exercising its power by the population of the republic, and also independent activities of the public (taken under its own responsibility) to address local issues, based on the interests of the population, taking into account historical and other local traditions. Municipal units are formed throughout the Chechen Republic. These are: 17 municipal districts, which include urban and rural settlements, 2 urban districts. One of them is the administrative center - the capital of the republic - the city of Grozny. It has the status of an urban district. Accordingly, the city of Grozny is entitled to exercise certain state powers delegated to it by federal and regional laws (Andreev & Ivantsova, 2015). The territory of this urban district is formed by historically established lands and special-purpose lands. So, by comparison, territorial organizations of local self-government in Germany and in Russia are very similar. The territories of settlements are absorbed by the territory of municipal districts. But at the same time, the districts and the settlements located at their territory are legally independent (Mikhaleva, 2013).

In 2017, a new charter of the City of Grozny was adopted, which made significant adjustments to the order of organization and naming of local governments and added new, not specified by federal law, forms for local people to directly exercise local government.

The system of bodies of local self-government is represented by the Grozny City Council (representative body); The head of the city of Grozny - the highest official of the city; executive and administrative body of the city of Grozny – Mayor’s Office; the control body of the city of Grozny - the Audit Chamber of the city of Grozny. The City Council of Grozny consists of 27 members elected at municipal elections by the population of the city district. The head of the municipal unit is elected from among the members of the City Council and exercises the powers of the Chairman of the City Council. The structure of the City Hall of Grozny is approved by the City Council on the proposal of the mayor of the city, who heads the executive and administrative body. The City Hall of the municipal unit carries out all

organizational and regulatory powers to address local issues (Safarov & Ruziev, 2016). The mayor of the city is appointed to the position from among the persons represented by the commission according to the results of the competition. Considering the established procedure for empowering the mayor of the city of Grozny, the legislator's conclusion on the Mayor and the Mayor's Office's submission and accountability to the Grozny City Council is logical.

We find the provisions of the Charter of the City of Grozny on the forms of direct public participation in the exercising of local self-government. Thus, in addition to the forms mentioned in Chapter V of the Federal Law of the Russian Federation "On the General Principles of the Organization of Local Self-Government in the Russian Federation", the statutes of Grozny stipulate such as: civil initiatives, work in public deliberative bodies. Civil initiatives are voluntary activities of citizens and non-profit organizations aimed at achieving socially significant goals, including the implementation of socially useful programs. In order to stimulate and support this activity, the local government of the city of Grozny is assigned the obligation to establish municipal grants (Evdokimov, 2001). The public councils created under the Grozny City Council are established in order to ensure interaction between the residents of the city of Grozny, public associations and local governments of the city of Grozny in order to develop the city of Grozny, protect the rights and freedoms of the residents of Grozny and exercise public control over the activities of local governments of Grozny. It is interesting to note that the structure and relationships of local governments in the Chechen Republic are very similar to the organization of local governments in Germany (Butyrina, 2008; Mospanenko, 2014). Thus, local authorities in Germany are represented by a public council and local administration (Schmidt-Eichstaedt, 2002, Shamkhalov & Murtazaliev, 2018). The latter fully submits to the councils. The land legislation establishes the obligation of local administrations to be guided in their activities by the decisions of the council and to work under its direct supervision. But the leadership of the local administration can be either a sole and a collegial body (Ehlers, 2002; Blagov, 2016).

## **7. Conclusion**

Thus, the organization of local self-government in the Chechen Republic complies with international standards and with the general principles of its organization, enshrined in federal legislation.

Despite the relatively modest experience of self-government, it is organized at a relatively high level: the necessary legal framework has been created, local governments have been formed and are fully functioning. The population is given ample opportunity to participate in solving local issues in the framework of municipal elections, referendums, public hearings, polls, meetings, citizens' conferences, membership in the public council under the Grozny City Council, civil initiatives, etc. Thus, we can conclude that the necessary democratic foundations for the functioning of the institution of local self-government have been created on the territory of the Chechen Republic, one of the subjects of the North Caucasus Federal District. But at the same time, the republic takes comprehensive measures to improve the system of self-government further.

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