

THE ORIGIN AND DEVELOPMENT OF MUNICIPAL SELF-GOVERNMENT IN RUSSIA

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Abstract: The present paper undertakes to survey the main features and a retrospective analysis of the development of municipal management in the Russian Federation. The municipal authority is viewed in a historical perspective as a management system and institution of public administration. It is described in detail why throughout centuries under this imperious mechanism which has survived to this day, despite all the efforts and obvious progress of reformation of local self-government, there still is a set of problems in this sphere.

We have analyzed the origin, development and formation of local self-government in Russia since its earliest forms in the XVI century, further to a developed system of local self-government in the second half of the XIX century, through the Soviet authorities of local self-government, and, finally, to the rise of the modern form of local government.

Keywords: Municipality, local self-government, public administration, management, Russia.

INTRODUCTION

Traditions of local self-government in Russia have deep roots in its historical past [1]. The first beginnings of it appeared in the XVI century in the form of so-called ‘gubnaya izba’ and ‘gubnoi starosta’ (elders) elected by all classes. Later, the local governments merged with the bureaucratic structures and then revived and transformed again. The final formation of the system of local government in pre-revolutionary Russia was in the XIX century after the ‘great reforms’ of Alexander II.

In the era of the Soviet Union, city councils were official local authorities, however, they had no real independence and were integrated into a hierarchical system of power of the Soviet state.

A new stage of formation of local authorities began after the collapse of the USSR in 1991 and the political crisis in 1993, which led to the abolition of the city councils as local authorities. Although such social processes displayed a great extent of instability, they could have been modelled and to some extent foreseen.

METHODS

The subject matter of this research is the historical background of local self-government in Russia. The authors aim to reveal the benefits, the state and the society could enjoy from independent local government granted with broad powers.

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The legislative acts related to local government as the most fully reflections of historical processes in this region were used as the main sources for this work.

Methods of research include structural and system approaches, and the following methods have been used as a methodological basis of a research: economical and statistical data analysis, comparative analysis, expert estimates, observation, poll, analytical modeling.

Besides the released statistical information, the conclusions are based on the results of the social and economic research conducted by the authors and under their guidance. This manifold and multi aspect research enabled us to draw new conclusions, and also to review some existing views.

RESULTS

One of the earliest and the most interesting documents for this study is the Regulation of the main magistrate issued in 1721. It was the first reference to the principle of local authorities' election, despite the fact that the groups of people, who could elect and be elected to the magistrate, were not clearly defined. Definitely, the next important document was the Charter of the rights and benefits of cities in the Russian Empire, which was issued during the reign of Empress Catherine II in 1785. It didn't only introduce the city government in the form of the election of the entire city Council, but also divided those areas of city management, which had to be administered by local authorities.

According to sources of the XIX century, undoubtedly, the most important research topics are the regulation published by Emperor Alexander II in 1870, which established the reform of municipal government in the overall program of liberal reforms, and similar regulation published by his son Alexander III in 1892. Comparative analysis of these two sources shows the expression of the conservative trends of the policy of Alexander III.

As far as the history of local government in the XX century is concerned, the most interesting topics of our study are represented by the decrees of the Provisional government related to the reform of local authorities. The pattern of changes in the structure of government cannot be complete without studying such documents as resolutions of the first two all-Russian congresses of Soviets of workers, peasants and soldiers' deputies and separate decrees of the Petrograd Soviet, as the most numerous and active period of the Revolution shaping the future of the Soviet state.

Further steps of shaping local authorities (in this case with the city councils), were traced in various legislative acts of the first Council of people's Commissars of the RSFSR and were also reflected in the Constitution of RSFSR of 1918 and the constitutions of the USSR of 1924 and 1937.

The changes of the status and powers of local councils in the late Soviet period are reflected in a number of legislative acts, which goal was the redistribution of

powers between local councils and Executive committees. One of the last legislative acts of the Soviet era related to the topic of study was the RSFSR Law “On the local self-administration in the RSFSR”, adopted on July 6, 1991.

First of all, the Constitution of the Russian Federation (1993), and the Act of General principles of organization of local self-government (1995), and a number of legislative acts which indicated the interim period of the new system of local government during 1991-1995 are the main sources of the history of formation of modern local government in the Russian Federation. The decree of the President of the Russian Federation of October 26, 1993 “On reform of local self-government in the Russian Federation” had the most important significance among these legislative acts. According to this document, municipal councils were abolished completely as bodies of state power.

FORMATION AND DEVELOPMENT OF MUNICIPAL SELF-GOVERNMENT IN RUSSIA

Ancient Russia

The distinctive feature of the public administration system in Ancient Russia was that the cities were not independent on their principalities, and later on the domains. The cities were governed by principalities’ administrations and it was part of the overall management system.

Also, the specific management system in the renowned “Novgorod Veche Republic” was developed simultaneously with the cities the centres of principalities. Unfortunately, the system of management and control in Novgorod was too specific, that’s why it disappeared when Novgorod lost independence and Moscow Grand Dukes took over the power. The Novgorod system of management did not serve as a model to follow for other Russian cities.

Moscow Kingdom

The first elements of local self-government appeared in the XVI century. Elena Glinskaya being a regent for underage Grand Prince Ivan IV introduced in Russia the so-called ‘guba’, administrative units with Court functions and jurisdiction in the power and authority of the ‘gubnoi starosta’. ‘Gubnoi starosta’ and related to him local authorities performed their functions in a ‘gubnaya izba’ (a building or an apartment). The ‘gubnoi starosta’ was an elder of local government from the first half of the XVI century till 1702. He was elected by the General Assembly from among the boyars and the nobility. The election was general and people of all classes and social groups took part in it. The ‘gubnoi starosta’ had five subordinates – four sworn-men and a dyak – a clerk in the Boyars’ Council. The purpose of these reforms was to limit the power of governors. The main functions of the elected body were to carry out court proceedings to cover the most serious

offences against the state, qualified as ‘banditry’, supervise prisons and register travelers. The establishment of this reform was continued after the death of Elena Glinskaya in 1538, and it was finally completed in the 1550s, during the reign of the young Tsar Ioann Vasilievich.

By the middle of the XVII century, ‘gubnaya izba’ and ‘gubnoi starosta’ lost self-power as local self-government bodies and became executive authorities under the control of magistrates, with all the judicial and executive powers concentrated under the authority of the County centre. Also, the previously entered custom of the election of “gubnoi starosta” was cancelled, and this fact abolished autonomy of local authorities.

The Russian Empire

Reforms of Peter I gradually embraced all spheres of life in Russia and eventually affected on the system of public administration and municipal government. Originally, Burmystenkaya chamber created in 1699 [7,3] became such an institution that simultaneously performed the functions of communitarian management of Moscow and served to control all cities in Russia.

In 1721, the Regulation of the chief magistrate was adopted. A new governing body was created, whose purpose was to build a uniform system of urban administration in all cities of Russia and thus to substitute Burmistenkaya chamber. This transformation was very important as it was for the first time that the local authorities, who were directly related to the city, were separated from the General system of public administration.

Since then, magistrates began to control justice inside the cities, taxation, public security, crime-fighting, promotion of trade and economic development of cities, construction, education, medicine and social care. The economic side of life in the city was an integral part of key importance in the Regulation. Also, the document noted the division of the cities according to the existing classes of the population.

The Regulation assumed a semblance of election of magistrate’s members, although it was supposed that primarily a new management body would consist of representatives of merchants, including foreign nationals. The chief magistrate had to control the election of the new members of the magistrates in the cities, as well as their compliance with Russian laws. Also, court proceedings were transferred to the magistrates, if the participants of proceedings were merchants or artisans lived in the cities. The system of magistrates was short-lived and essentially stopped acting at all after the reign of Peter I.

The next stage of the transformation of city government began during the reign of Catherine II. “Charter on the rights and benefits to cities of the Russian Empire” was issued on April 21, 1785. The most important part of it stipulated the division of the urban population into six classes and the initiation of the ‘City Duma’

[a representative authority, which elected the executive body – a ‘Six-member Duma’]. The ‘City Duma’ represented all the six classes and the ‘Six-member Duma’ [a regulatory and executive body, which consisted of six members and represented six classes of the urban population] and the mayor. The ‘Six-member Duma’ was elected for the term of three years as an acting executive authority at the session of the ‘City Duma’. The other body of city government was the Assembly of the ‘City Community’ which was convoked every three years and had the right to elect the ‘City Head’, the mayor, and other officials of the city government.

However, powers of new city authorities were restricted and primarily related to urban economy. In addition, a right to be elected at the Assembly of the ‘City Community’ was given only to the citizens with the capital no less than 5 thousand roubles. Such property qualification made the ‘City Community’ unaffordable for the vast majority of the urban population [2].

Further development of municipal self-government bodies took place in the era of the so-called ‘great reforms’ of Emperor Alexander II [9]. Reform of the city government along with the ‘zemsky reform’ [one of the liberal ‘great reforms’ of Alexander II that provided creation of local self-governments in rural areas - Zemstvo] was prepared for 10 years and caused by the rapid development of cities as centres of industry and trade, and by the growth of their populations. Changes of city government were recorded in the Municipal Statutes of 1870. According to it, the city government was empowered with the right to take care of the urban facilities as well as their management and provision of urban amenities was assigned. The reform introduced two new local government bodies – the ‘City Duma’ and the ‘City Uprava’ [the executive body of the ‘City Duma’]. Members of the ‘City Duma’ were called ‘glasnyis’. They were elected by the citizens, who had property and paid taxes. On the one hand, it expanded the previous property qualification for voters, on the other hand, it remained quite high, so the majority of votes were held by noblemen-landlords, merchants and industrialists. If it was about an adult woman, she could delegate her voting right to her husband, son or any other close relative. ‘City Uprava’ performed orders of the Duma, made estimates, plans and reported about it.

The management sphere of the Duma consisted primarily of municipal economy, urban trade, landscaping, utilities, keeping and equipping fire brigades, cultural, educational and social institutions as well as municipal police, prisons and quarters for army men. City governments were largely independent from provincial and district authorities in their activities. At the same time, any political activity of city government was suppressed quite severely.

The system of municipal government introduced by the government of Alexander II lasted unchanged until 1892, when a new city regulation was created. Changes in the system of self-government, which affected not only cities, but also rural territories, were held within the conservative politics of Alexander III, that’s

why this set of measures was given the name of 'counter-reforms' in the historical literature.

Russia in the XX Century

The main results of the February revolution of 1917 were, on the one hand, the emergence of the Provisional government, which combined the features of the legislative and executive authorities and, on the other hand, the emergence of Soviets of workers', peasants' and soldiers' deputies, which began with the formation of the Petrograd Soviet of workers' deputies on February 27, 1917. After the resignation of the royal government and the abdication of Emperor Nicholas II, the Petrograd Soviet and local councils, called 'Soviets', which emerged across the country in large numbers, appeared to become the only effective bodies of local government.

Soviets dealt with food supply, public security, cancelled the orders of the royal government, regulated the duration of working days and other issues. On March 1 Soldiers' Committees began to form in the army. In spite of being spontaneous and at the beginning, Soviets' activities were gradually organized into a well-set-up system with a wide range of powers. Functions of various local authorities overlapped with the powers of Soviets, in fact, the country was in a state of dual power.

The Provisional government conducted a set of reforms of local self-government due to principles of democratization, overall, direct, equal and secret elections. From March to October 1917, about forty legislative acts aimed at changing the principles of work of self-government bodies were published. The most important of them were: О производстве выборов гласных городских дум и об участковых городских управлениях "On holding the election for city councils and city district administrations" of April 15, 1917; "Regulation on village self-governance" of July 15, 1917; "Position about provincial and district commissioners" of September 19, 1917 and other documents.

These reforms led to democratization of municipal self-government, revision of City regulations of 1892 and exclusion of the major cities from "Zemstvo"; also self-governments were introduced in villages in such a way as in the though in a reduced form. The former police departments were transformed into elected municipal and county police departments. Conversion had to lead to greater independence of local governments and their uniformity, but the untested nature of this system, as well as the intersection of powers and functions of local councils affected on its effectiveness and, ultimately, reforms of the Provisional government in this area didn't receive further development.

Russia After the October Revolution of 1917

After the October revolution the local government, namely councils of workers and soldiers' deputies in the cities and workers and peasants' deputies in the countryside

became broad powers. So, according to one of the first decrees of CPC [Council of People's Commissars] the Petrograd Soviet controlled the transit of all food supplies for the war, requisitioned any private or public premises for the needs of the Council, regulated the distribution of bread, public works and labor duty of citizens (the Decree of the CPC 28.10.1917 "On empowerment of local governments in the grocery business"). There was a punishment for failure to comply with orders of the Council in the form of confiscation of property or imprisonment for a period of one year. In the early Soviet period, the activities and the rights of local councils was very wide. The resolution of the II all-Russian Congress of councils declared that "all local power goes to the Soviets of workers, soldiers and peasants' deputies, which had to ensure revolutionary order" (Appeal of II Congress of Soviets 26. 10. 1917.). In December of the same year CPC published instruction "On the rights and duties of the Soviets", which said that "Councils as authorities perform tasks of management and service in all aspects of local administrative, economic, financial, and cultural life" (instructions of the CPC 24. 12. 1917 "On the rights and duties of the Soviets"), although there was a reference that councils must performed it in accordance with the decrees of the Central government. According to sources, initially, local councils really had to become full-fledged authorities, whose activities would eventually lead to abolition of the institution of Commissars of the Provisional government. The Constitution of RSFSR— the first major act of the newly formed state was adopted at the V all-Russian Congress of Soviets of July 10, 1918. It said that "All power within the Russian Socialist Federated Soviet Republic belongs to working population of the country, which is united in the city and village Councils". The Councils had a wide autonomy, which included disposal of money, but the Constitution declared their obligation to implement the decisions of the Supreme bodies of the Soviet power [4]. But the historical development of the Soviet state went the other way. In the process of folding the power structure of the USSR in the 20-ies of the twentieth century local councils gradually became less independent and incorporated into the overall hierarchy of the Soviet authorities and the performing of the decisions of the higher authorities became their main function. Simultaneously with the formation of de facto one-party political system of the USSR elections of rural, urban and regional councils, which remained an instrument of national will, gradually became more and more formal. In the period of the NEP [the New Economic Policy] village councils and executive committees could confirm the number of types of transactions, but there was already no necessity in economic changes [8,10] in the internal policy of the USSR.

At the same time, in 20-ies local councils kept possession of a fairly extensive list of powers in the field of social assistance to the population, improvements of living conditions, control of observance of laws, maintain public order, fight against crimes, development of local education, medicine, educational and other fields, as

well as a number of important powers in the economic region (Decree of the Central Executive Committee 16.10.1924. "Regulation on village councils").

Village and city councils' orders, which was adopted in 1931 and 1933 (Resolution of the Central Executive Committee 01.01.1931 "On approval of the Regulations on village councils"; Resolution of CEC 20.01.1933 "On approval of the regulation on City Councils"), evidenced their pre-existing scope of authorities. It is also important to note that councils play an important role in carrying out the policy of collectivization in the USSR. In general, there was no mention about independent role of local councils in government; on the contrary there were certain positions of their submission to regional, provincial, national councils and the Central Executive Committee in these orders. Finally, the Resolution of local councils was enshrined in article 80 of the Constitution of the USSR (the Constitution of the USSR, 1937): "Article 80. Councils of workers' deputies make decisions and issue orders within the limits of the rights granted to them by the laws of the USSR, RSFSR and Autonomous Republic." The highest organizing principle of construction and operation of the Council system was democratic centralism, which allowed formal independence and initiative of local authorities and actually was manifested in the rigid centralization and concentration of state power [6].

The next legislation made slight modifications to the provisions of the local councils, but the main position wasn't going to change - the real power of local councils remained very limited in the following decades and mainly consisted of the performing of the decisions of higher authorities.

DISCUSSION

There are three periods of development of legal basis of local government in the Russian Federation. The first period - from 1991 to December 1993 - was closely connected with the formation of legal basis of local self-government in the Russian Federation. In 1990-1991 there were a transition to new principles of organization of local power, acceptance of the first laws of local self-government and appropriate changes in the Federal Constitution and the Constitution of the RSFSR, which were fundamental laws at that time. The second period lasted from December 1993 to September 1995 and was characterized by the process of deformation of the system of local government developed due to realization of the Law of the RSFSR [5]. Local councils ceased to exist as organs of power after the publication of the decree of President of the Russian Federation, October 26, "On the reform of local government in the Russian Federation". Their functions were transferred to the administration appointed by President. Election of new local authorities (dumas, assemblies, municipal committees, etc.), as well as heads of local government (mayors, prefects) had to be held from December 1993 to June 1994. Finally, the third period began on September 1, 1995 and has continued till now. This day the

Law on General principles of organization of local self-government came into force.

RESULTS

In this article we have tried to describe in detail the interaction between the state and society through closest to the public power resource - local authorities. Expanding the historical potential of formation of local self-government in Russia, we have attempted to illustrate the current situation from the perspective of historical experience for the reader to be familiar with the possibilities, preconditions and characteristics of the formation of such a complex powerful tool.

CONCLUSION

In summary, we've analysed the emergence, development and formation of local self-government in Russia from the earliest forms in the sixteenth century to developed system of local government in the second half of the XIX century, to the Soviet local authorities and finally to the emergence of modern forms of local government.

Throughout centuries local government's been occasionally more or less independent in relation to the state government, sometimes has merged with it and sometimes has appeared as an independent system of authorities. Different stages of existence of Russian local self-government have shown that the most useful type of self-administration for the state's development is the well-developed, self-independent local government with economic independence and wide range of powers. The position of local government, in spite of state authorities, provides the best opportunity to realize its powers for the benefits of citizens of Russia.

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