

## ON THE QUESTION ABOUT THE CURRENT STATE OF THE SYSTEM OF THE BRANCH OF MUNICIPAL LAW

Dmitry Sergeevich Bielawski\*, Julia Alexandrovna Kazanovskaya\*,  
Irina Vasilievna Reshetnikova\*, Nadezhda Urievna Shlundt\* and  
Olga Vasilievna Shcherbakova\*

---

The article is dedicated to the problem of determining the current state of the system of municipal law, that is, one of the complex and relatively young branches of the Russian legal system.

The approach to the formation of the system of the branch of municipal law as to the ordered set of its elements is determined to a large extent by the methodology of the problem solving of its subject and the independent character of this branch itself. Due to this fact, the article considers the questions connected to the subject and method of regulation of municipal law and also to the related branches, first of all, constitutional and administrative laws. Considering the existing opinions, the authors form their own approach to the systematization of the municipal and legal norms.

The branch of municipal law consists of different elements – norms, principles, institutions (sub-branches) and parts (General, Particular and Special) and also from material and procedural elements. This all influences its final appearance. A particular complexity in the problem solving of the system of municipal law is connected to the availability of the norms in its content that can be referred to the system of norms of other branches of the Russian law.

**Keywords:** Russian legal system, norm of law, legal institution, public law, state law, municipal law, constitutional law, administrative law, civil law, land law, complex branch of law, Constitution of the Russian Federation

### 1. INTRODUCTION

As any branch of law, municipal law of the Russian Federation has a particular system, that is, an ordered set of its elements (norms, principles, institutions, and sub-branches) making some integrity, unity.

Basing upon the opinions of, for example, A.N. Kostyukov, the role of the system of municipal law is to unite the elements of the same legal nature into one structurally systematized integrity possessing the relative independence, stability, autonomy of functioning and interaction with the external environment.

Now the point of view of the independent character of the branch of municipal law is widespread. This branch is considered to be an independent branch of the Russian law, because it has an independent subject and method of regulation. However, municipal law has serious peculiarities in comparison with other branches of the Russian law that make their own “impact” on the character of the system of the branch of municipal law. Therefore, in the scientific and practical sense the

---

\* Federal State Autonomous Educational Institution for Higher Education “North-Caucasus Federal University” 1, Pushkin Street, Stavropol 355009, Russia

problem of the subject and method of municipal law is one of the most complicated and unsolved completely and the solving of this problem is connected to a large extent to the solving of the problem of the type of system of this branch of the Russian law.

## 2. METHOD

*First*, according to the most widespread opinion, municipal law is a **complex** branch of law (as, for example, ecological law). This means that it regulates the various public relations connected to the realization of the local governments, including those that form the local authorities, land, budget relations, etc. Many of these relations are regulated correspondingly by the norms of other branches of law (constitutional, administrative, civil, taxation, etc.). Like any other branch of law, municipal law represents the ordered set of legal norms, and that means that among those norms there are norms from the other branches of law – administrative, civil, taxation, etc.

*Second*, municipal law is a comparatively **new branch of law** for Russia. It is due to the fact that before the October Revolution of 1917 the local government existed in the Russian Empire, however, municipal law was not revealed as an independent branch from state law. In the RSFSR and then later in the USSR, the local government was abolished and replaced by the system of the local Soviets (councils), that is, the local state government bodies (in contrast with the local government bodies that are independent from the state government). Revival of the local government and the beginning of formation of a new branch of municipal law refers to the beginning of 1990s of the 20th century.

The subject of regulation of any branch of law is public relations which the regulations of norms are directed to. Municipal law is no exception (however, the subject of regulation of the branch of municipal law shall be distinguished from the subject of study of the science of municipal law; the latter includes what this science studies).

Concerning the *essence* of the subject of municipal law, the Russian scientists studying municipal law distinguish three approaches.

- 1) According to the most widespread approach (it can be called complex approach), municipal law is a new complex branch of the Russian law; the subject of municipal law coincides (and sometimes it is even wider) with the complex of relations connected to the realization of the local government. The branch of municipal law is complex, because it consists of the norms that regulate all complex of the public relations connected to the realization of the local government, including those that are regulated by the norms and other branches of law (administrative, civil, taxation, etc.). This approach is supported by O.E. Kutafin, V.I. Fadeev, A.N. Kokotov, N.S. Bondar, A.N. Pisarev, E.S. Shugrina, etc. This approach is

used in this article also. O.E. Kutafin and V.I. Fadeev explain that due to the specific character of its subject in municipal law a share of legal norms which have so called two addresses of “registration” is rather significant (i.e. norms of this branch can be the norms of other branches of law).

- 2) According to the second less widespread approach (approach that can be called critical because it is based upon the critics of the disadvantages of the complex approach) is (V.I. Vasiliev, V.A. Baranchikov) the subject of municipal law is “narrower” than the complex of relations connected to the realization of the local government. Such approach is based upon the critics of the disadvantages of the first approach because according to the first approach the limits of the regulation of municipal law are not clear to everyone. Scientists supporting this approach suppose that the complex branch of municipal law does not exist; they recognize only the complex character of the Russian legislation about the local government (because it is known from the theory of law that the branch of law and branch of legislation are not the same). The subject of municipal law includes only those public relations that are connected to the organizational and legal side of the local government.

V.I. Vasiliev considers municipal law as a sub-branch of constitutional law regulating one of the forms of sovereignty of the people, i.e. municipal power.

- 3) In a particular sense, the compromise approach is supported, for example, by A.A. Sergeev and I.V. Vydrin.

### 3. RESULTS

#### 3.1. Current state of the notion and the subject of the branch of municipal law

Three large groups of social relations are distinguished in the structure of the subject of municipal law:

- 1) **social relations arising in the process of organization of the local government, formation and development of its principles**, that include the relations connected with:
  - the formation and transformation of the municipal entities, establishment and change of their limits, revealing the opinion of the population concerning these problems;
  - determination of the organizational structure of the local government, approval and registration of the Statutes of the municipal entities, formation and organization of work of elective or other bodies of the local government, election (assignment) of the elective or other public officers

of the local government, organization of their work, organization of the municipal service [19]:

- identification of capacities of the authorities and public officers of the local government, delineation of authorities of the local government authorities and state government bodies;
  - organization of the intermunicipal cooperation (creation of associations of municipal entities, etc.), formation of the bodies of territorial public government, other public structures in the system of local government;
- 2) **social relations, arising in the process of local problems solving by the population and (or) local government bodies**, including the relations:
- connected to the management of the municipal estate, funds of the local budgets, local taxes and dues assessment;
  - arising during the exercise of powers of the local government when solving the problems of education, culture, public health, housing and public services, trading, household and other services for the population, and also construction, land tenure, transport, enforcement of public order and other issues connected to the provision of the life activity of population of the municipal entities;
  - connected to the social and economic development of the municipal entity, formation of its material and technical base (formation of municipal enterprises and institutions, approval and organization of implementation of plants and programs of the social and economic development, etc.);
  - the same group of relations includes the social relations connected to the solving of problems by the local government bodies that are not included into the Constitution of the Russian Federation and the federal legislation, but also not falling within the competence of the local government bodies of other municipal entities and state government bodies and not excluded from the competence of the corresponding local government bodies by the legislation of the Federation or the territorial entity of the Russian Federation;
- 3) **social relations connected to the exercise of particular state powers by the local government bodies** (such possibility is provided by the Constitution of the Russian Federation on the base of the corresponding law) [23].

Thus, *the subject of regulation of the branch of municipal law of the Russian Federation* is social relations having a complex character and connected to the implementation of the local government, that is, independent solution of the local problems by the population of the municipal entity and (or) solving of local problems by the local government bodies and also the exercise of some state powers by the local government bodies.

### 3.2. Principles, institutions and norms of municipal law

Like any branch of law, municipal law of the Russian Federation consists of *principles, institutions and norms*. Revealing parts and sub-branches is also possible.

*Principles of municipal law* are basic ideas and the first principles of the branch of municipal law. Sometimes the Russian scientists, specialists in the area of municipal law, consider the principles of the branch of municipal law almost equal to the principles of the local government [13].

The following principles of the local government belong to such principles:

- 1) primacy of the Constitution of the Russian Federation and federal constitutional and federal laws of the Russian Federation;
- 2) independence of the local government;
- 3) non-inclusion of the local governments into the system of the state government bodies;
- 4) legitimacy in the organization and administration of local government;
- 5) observance and defense of rights and freedoms of man and citizen;
- 6) publicity of the activity of the local government;
- 7) obligation of availability of the elective bodies in the system of the local government bodies;
- 8) responsibility of the local government bodies and their public officers to the population, state, legal entities and individuals;
- 9) insubordination of one municipal institution to another;
- 10) minimal provision of the local budgets by the state;
- 11) state support of the local government;
- 12) interaction of the local government bodies and state government bodies to provide the life activity of the population of the municipal entity.

V.I. Vasiliev mentions that the legal literature offers several system-principles of the local government; some of them are similar and some of them are different [16]. Using the conclusions and offers made by the researchers, these principles can be divided into two groups.

Principles establishing the position of the municipal authority in the general system of the public authority belong to the first group.

First, this is the competence isolation of the local government bodies. The legislation establishes the list of local issues that are concretized in the rights and obligations of the local government bodies. They are separated from the competence of the state government bodies although they can contact as partners and can make joint decisions on different levels of the public authority when solving the general problems in the frameworks established by the law.

Second, the absence of the subordination in the relations of the local government bodies and state government bodies. At the same time, when the local government bodies fulfill the particular state powers transferred to them, in the cases established by the law they shall perform the statutory acts of the state government bodies that conferred the municipal bodies with the state powers.

Third, the interaction of the local government bodies with the state government bodies when solving the general problems.

Fourth, organizational independence of the local government bodies. They can freely choose the forms and methods of local problem solving and fulfilling of the corresponding powers, and also in the performing of their state powers delegated to them. They are independent in determination of their internal organizational structures and in the establishing of the procedures and guidance.

Fifth, proportionality of the financial and material resources of the local government bodies and their competence. This principle determined the most important conditions in disregard of which the local government can not be real.

Sixth, the right of the state government bodies to vest the local government bodies with particular state authorities, provided with material and financial resources. State government bodies can not vest the municipal bodies with state authorities. Then the local government becomes more independent and autonomous institution. However, practically in most of the democratic states the municipal body performs some authorities of the state power, the performance of which is controlled by the bodies that transferred their rights and obligations.

Seventh, the right of the local government bodies to the judicial protection. This is one of the main state guarantees of the status of local government.

The second group of principles includes those principles the democratic structure and functioning of the municipal authority is connected to.

First, it is electivity and substitute of the deputies and public officers. The electivity, as it will be shown later, is the main method of formation of the main local government bodies and at the same time it is one of the main "primary" forms of the participation of the population in the local government. Substitution provides the constantly renewable connection of the deputies and the public officers with the electorate, guarantees to the members of the local territorial society the possibility to take the position in the system of local government that is influencing significantly the solving of municipal problems.

Second, obligatory availability of the representative local government bodies and their right to establish the executive bodies bearing responsibility for them. It is impossible to accumulate the opinions, needs and demands of the various groups of the population without the representative bodies (except the cases when the decisions are taken directly by the population).

The right to establish the executive bodies with subordinate jurisdiction provides the organizational guarantees of the efficiency of the efforts of the representative bodies.

Third, the publicity of the activity of the local governments. The publicity and openness of the activity of the local governments allow the population to follow how the municipal authorities solve the problems and to influence them if they behave against the will of citizens.

Fourth, legitimacy of the activity of the bodies and public officers of the local government. The legitimate activity guarantees the optimal position of the municipal authorities in the general structure of the public power. Actions in the violation of the law exclude this position. Besides, the disregard for the rule of law can result in the breach of the rights and freedoms of the citizens established by the rules of law and that is also not corresponding to the assignment and the rule of the local government.

Fifth, the participation of the population in the preparation, discussion, approval and execution and control of the execution of the solutions of the local government bodies. This participation is an essential right of the citizens and it expresses the essence of the local government body as a democratic government institution.

Sixth, reporting relationships and submission to control of the local government bodies to the population. This is a means of constant connection of the population with the local government bodies predetermining the possibility of the active influence of the population to the action of local government bodies.

I.V. Babichev uses also such terminological structure as “principles of the Russian municipalism” [14]. According to his opinion, the sources of such principles, in particular, are the European Charter Treaty of the local government, Constitution of Russia and also the doctrine.

He includes the principles of stability and harmony into the list of principles of the Russian municipalism. In general, the consideration of this question opens the serious perspectives for the legal science on the whole [5, 26].

Considering, for example, the constitutional principles of the local government E.B. Sultanov offers his own concept of their hierarchy [29].

The constitutional principles of the local government, in his opinion, form several hierarchically subordinate groups.

The first group of principles plays an important role and is a sort of a top of the pyramid of all principles of the local government. The first group of principles includes all principles of the foundations of the constitutional system of the Russian Federation that are stated in the first chapter of the Constitution of the Russian Federation. The leading role of these principles of the foundations of the constitutional system is directly stated in the second part of the Art. 16 of the Constitution of the Russian Federation. No other provisions of the Constitution of

the Russian Federation can contravene the foundations of the constitutional system of the Russian Federation.

The other groups of the constitutional principles include the principles that concretize the principles of the Chapter 1 of the Constitution of the Russian Federation in relation to these or those participants of the relationships on the local government.

The second group includes the principles that are stated in the Chapter 2 of the Constitution of the Russian Federation. They concretize the principles of the foundations of the constitutional system in the area of rights and freedoms of man and citizen related to the local government. The base of its hierarchical position after the Chapter 1 is a special order of the revision of the provisions of the Chapter 2 of the Constitution of the Russian Federation.

E.B. Sultanov does not call it directly but he distinguishes the third group, talking that the concretization of the principles of the foundations of the constitutional system and the principles of the second chapter of the Constitution of the Russian Federation in regard to the state government bodies concerning the local government is expressed in the articles of the Chapters 3-7 of the Constitution of the Russian Federation.

For example, the principle that Russia is a federative state is concretized in the cl. "n" P. 1 Art. 72 of the Constitution of the Russian Federation. According to this clause, the joint activity of the Russian Federation and its territorial entities includes the establishment of the general principles of the organization of the state government bodies of the territorial entities and the local government.

Regardless of the availability or absence of the concretization in the other chapters of the Constitution of the Russian Federation, the principles of the foundations of the constitutional system are the basic principles for the society, for organization and activity of the state government bodies and local governments, citizens and other individuals, as well as all their unions, population of the municipal entity, in short, for all parties to a relationships in the sphere of local government.

In this and only this sense, the principles of the foundations of the constitutional system and other principles of the Constitution of the Russian Federation can be called constitutional principles of the local government.

This provision covers the concretized constitutional principles of the Chapters 2-7 of the Constitution of the Russian Federation. At the same time, these principles to a large extent are connected or addressed to the particular sides of the relationships in the sphere of the local government. For example, the concretizing principles of the Chapter 2 are mainly connected to man and citizen. The principles of the Chapters 3-7 are to a large extent addressed to the state government bodies [30].

And finally, the fourth group is the principles that are stated in the Chapter 8 of the Constitution of the Russian Federation, and to a large extent they are addressed to the population and the local government bodies.



*Institutions of municipal law* are ordered groups of the municipal-legal norms directed to the regulation of the uniform public relations (for example, institute of the territorial organization of the local government, institution of municipal service, etc.).

*Norms of municipal law* are the primary elements (particular rules of behavior) that make the branch of municipal law of the Russian Federation. The norms of the branch of municipal law shall be differentiated from the norms of the legal acts about the local government. The first ones represent the “content” and the second ones represent the “form” (i.e. the norms of the branch are expressed externally through the norms of the legislation). The municipal legal norms will be discussed in detail below.

#### **4. DISCUSSION**

Criticizing the second approach to the determination of the subject of the branch of municipal law, N.S. Timofeev writes: “Without denying the importance of this group of relations in the local government, it nevertheless should be taken into account that this aspect of their activity has a significant value that was called a ‘competence status’ by V.I. Vasiliev. It is difficult to imagine the completeness of the legal foundations of the local government without determination of their authorities, and it is at most done in the acts that are addressed in complex to the different spheres of the economic or social life and regulating the possibilities of the stated authorities and local government, its bodies” [12, 25].

K.A. Grinchenko mentions that at the same time municipal law does not return to the status of the sub-branch of constitutional law including only the norms regulating the specific character of the realization of the constitutional norms of the local government [18].

For example, A.N. Kostyukov considers it correctly that the social relations regulated by constitutional and municipal laws are different. Constitutional law regulates the relations determining the principles the state and society is based upon. Municipal law regulates the relations arising when realizing the right of the population for the local government. Municipal law concretizes the provisions of the constitutional law in the sphere of the local government [22].

In general, the arguments offered by, for example, V.I. Vasiliev are rather interesting, and his critics of the understanding of the nature of the subject of municipal law as a complex branch is fair in many ways. However, for the complete formation of the branch of municipal law and legislation the complex approach can be applicable in the scientific researches and in the educational process. Therefore, it is no coincidence that this approach is actually widespread and accepted.

I.V. Vydrin, supporting the approach on the whole, recognizes the possibility of the problem setting of municipal law as a sub-branch of constitutional law [17].

A.A. Sergeev distinguishes municipal law in a broad and narrow sense [27]. In a narrow sense he interprets municipal law as a set of constitutional-legal norms regulating the organization of the local government. In a broad sense (that is called a “complex branch of municipal law) by the representatives of the first from the above mentioned approaches) under municipal law he understands the combination of municipal law in a narrow sense with the basic and local inter-industry institutions and the consideration of it in this sense is reasonable mainly for the educational purposes.

Recognizing the right for existence and a particular foundation of other approaches, it shall be accepted that at this stage the complex approach is main for the Russian specialists studying municipal law. As it was mentioned earlier it would become the foundation of the present work.

Owing to the works of O.E. Kutafin and V.I. Fadeev, the following systematization of the branch of municipal law got a certain distribution – according to the five large groups of institutions (“elements”, “structural parts”) of the branch of municipal law:

- 1) local government in the system of the sovereignty of the people;
- 2) foundations of the local government: territorial, organizational, legal and economic;
- 3) subjects of introduction and authorities of the local government;
- 4) guarantees of the local government;
- 5) municipal and legal responsibility, control of the activity of public officers and local government bodies.

We shall characterize this approach to the systematization in detail.

- 1) **Local government in the system of sovereignty of the people** – this group includes the municipal and legal norms confirming the position of the local government in the system of sovereignty of the people, determining its role in the development of the democratic principles in the system of government of the society and state. This group also includes the norms containing the definitions of the main notions and terms, confirming the main principles and functions of the local government.
- 2) **Foundations of the local government: territorial, organizational, legal and economic** – the norms of this structural part of municipal law determine the order of the creation, integration, transformation and abolition of municipal entities, establishment and change of its borders and names and also guarantee the principles of the organization of the local government, foundations of the interrelations of the elective and other local government bodies. This group also includes the institution of the municipal service.

Legal foundation of the local government has an important value, i.e. “foundation” of the regulation of the local government activity.

The main condition of the independence of the local government is financial and economic foundations of the activity of the population of the municipal entities. The norms of municipal law fixate the order of formation of municipal property, its composition, and also establish the foundations of the financial independence of the local government.

- 3) **Competences and authorities of the local government** – this is the group of norms establishing its own authorities of the local government and also the particular state authorities that can be assigned to the local government bodies. This group includes so called “competence” norms that confirm the competence of the local government bodies in the various spheres of the social life.

These are institutions of the local government:

- in the sphere of planning and forecasting, financial and economic activity;
- in the social and cultural sphere (education, culture, public health, etc.);
- in the sphere of provision of the rights and freedoms of the individual, safety of the population and protection of the public order;
- and other directions.

Here, K.A. Grinchenko pays attention to the following. The competence block in the system of municipal law also has the right to exist. However, it shall be considered, in our opinion, only in a general view, without concretization of the authorities of the local government bodies in the various spheres of the public life. Municipal law in the perspective shall include the legal institution of the subjects of introduction of the municipal entities and its bodies which shall contain the norms referring to the general approaches to the determination of these competences, their main categories and components (local problems, certain state authorities, rights of the local government bodies, etc.).

- 4) **Guarantees of the local government** – the norms of this group recognize the system of guarantees (means of provision) of organizational and financial independence of the local government and also the judicial and other legal forms of protection of the local government.
- 5) **Responsibility in the sphere of the local government, control of the activity of the public officers and the local government bodies** – norms of this structural part of municipal law recognize the forms, order and conditions of the responsibility of the local government bodies and public officers of the local government to the population of the municipal entity and the state and also to the individuals and legal entities.

N.A. Ignatyuk and V.A. Pavlushkin mention that municipal law as a branch of the law and as a scientific discipline has its own system that is based upon the structure of the branch of law which it studies.

In their opinion [20], the system of the scientific discipline of municipal law includes the following sections:

1. Introduction into municipal law, explaining the notion of municipal law as the branch of the law and the scientific discipline, its subject and sources, historical and theoretical foundations of the local government.
2. Notion, main principles of the local government, forms of the direct democracy, local government bodies.
3. Foundations of the local government including the legal, territorial and financial and economic foundations.
4. Local problems and the authorities of the local government that shall solve them, including the notion and forms of realization of the authorities of the local government bodies and also the particular authorities of the local government bodies in the different spheres of the population life.
5. Guarantees of the local government including: system of guarantees; guarantees providing the organizational and financial and economic independence of the local government; judicial and other legal forms of protection of the local government.
6. Control of the activity of the bodies and public officers of the local government.
7. Responsibility of the bodies and public officers of the local government. This section studies: types of responsibility of the bodies and public officers of the local government; responsibility for the population of the municipal entity, state, individuals and legal entities.

It seems that the identification of the branch, science and academic discipline under the same name “municipal law” is not correct.

Some scientists believe that now in municipal law the institutions of this branch can be divided into the General and Particular parts (on the analogy with the Criminal and Civil law) and some scientist distinguish even the Special part [24] (of branch or the science of the municipal law).

Here, note should be made of the point of view of Yu.N. Starilov who believes that municipal law is a sub-branch of administrative law. Together with the police, construction, social, service and educational law, he refers municipal law to the Particular part of administrative law [28].

K.A. Grinchenko supposes that in this case a particular analogy can be drawn with administrative law. As it is known, the classical definition of the system of the Russian administrative law includes the General and Particular parts that

combine formally and methodologically (and separate them at the same time) the classical general theoretical institutions of administrative law and the system of legal regulation of the certain directions of the state government [21]. At the same time, the Particular part of the administrative law is a set of the administrative and legal institutions characterizing the peculiarities of the state government in the various spheres of the social life (in the sphere of education, public health, justice, environment protection, internal affairs, etc.).

K.A. Grinchenko writes that similar thoughts regarding the reformation of the system of administrative law were expressed by many scientists. Their main idea is that the Particular part of administrative law now is objectively outdated, excessive and extremely overloading the content of the branch with the details of the law regulation of this activity in one of the types of subjects of administrative law in the form of the particular executive authorities. At that in case of necessity for the specialized relevant scientific or educational purposes the peculiarities for the executive function in the particular branches of the government can be considered within the framework of the subject scientific researches or special training courses.

K.A. Grinchenko supposes that the demand in such reformation also exists for municipal law.

However, the above considered “complexity” of municipal law is based, first, on the fact that its subject included the social relations arising when realizing the municipal government in the various spheres of the social life. At the same time, this group of the social relations, as a rule, refers to the Particular part of municipal law by some authors.

It is rather natural that the Particular part of municipal law, directed to the regulation of the diverse social relations arising in the various spheres of the social life, includes the norms having double (or sometime more) branch profile. Thus, for example, many administrative and legal norms regulating the peculiarities of the state government in the sphere of the social protection of the population refer at the same time to the law of the social protection; norms, regulating the state government on the sphere of the environment protection, refer to ecological law, etc. The administrative and legal institutions of the same nature as the institutions of the state government of the finances have already overgrown the frames of administrative law itself; they acquired the status of the independent branch – financial law.

Of course, the specific weight of such norms in administrative law, evidently, is less than in municipal law. However, as we mentioned before, the notions “much” and “little” can not be considered as correctly determining the complexity of the legal branch, because this volume can change in time.

Therefore, basing upon the said above, shall administrative law be considered a complex branch of the law? Such assumption, certainly, has never been offered in the national legal science because administrative law is a primary basic branch

of the Russian law. Administrative law emphasizes the specific prevailing method of the legal regulation, which is usually called the method of prescriptions or the method of power-domination.

Basing on the above said, K.A. Grinchenko concluded that the situation with the municipal law was completely different. Municipal law is the secondary branch of the Russian law [15], developed, first, on the base of constitutional law and characterized by the absence of any specific approach of the legal regulation.

It is difficult to agree with such conclusion (municipal law does not have its own method of the legal regulation); however, the detailed consideration of this question is beyond the scope of this article.

### **CONCLUSION**

As the system of municipal law is far from ideal and the legislation of the local government is still extending and improving and this requires the systematization and codification, in the future it will be possible to separate the parts of the branch of municipal law. However, now there is no general presentation of the criteria of the belonging of the institutions of municipal law to one or another part.

V.I. Vasiliev and after him K.A. Grinchenko conclude that municipal law shall change in the future and develop in the direction of the understanding of the municipal relations in a narrow sense as municipal law itself.

It should be mentioned that the problem of the determination of the place of municipal law in the national legal system is mostly a specific Russian problem. In the foreign countries, the ideas of the law are widespread; they regulate the local government as the parts of constitutional law, the parts of administrative law and such notion as “municipal law” is also used, etc. [2-4, 6-11].

It is difficult to agree with such conclusion. However, it should be emphasized that the order of the doctrine ideas of the system of municipal law is in close connection with the further systematization and codification of the legal norms of organization and activity of the local government.

There are the examples from the related branches of law [1].

In addition, the idea of the distinguishing of the General and Particular parts in the sphere of municipal law and also the gradual systematization and codification of the municipal and procedure norms in the future is rather productive and constructive.

First of all, the General part shall include the norms of the foundations of the local government – legal, territorial, financial and economic and organizational, and the Particular part shall include the norms of the competence of the local government in various spheres, the peculiarities of the realization of the local government in some territories, etc.

### *References*

- Avanesova, A.A. (2013). Social Support of Internally Displaced Persons. *Middle-East Journal of Scientific Research (Socio-Economic Sciences and Humanities)*, 13: 132-138.
- Wollmann, H., & Marcou, G. (2004). From Public Sector-Based to Privatized Service Provision. Is the Pendulum Swinging Back? In H. Wollmann, & G. Marcou (Eds.), *The Provision of Public Services in Europe. Between State, Local Government and Market* (pp. 168-182). Cheltenham, UK; Northampton, MA, USA: Edward Elgar.
- Hall, D. (2012). *Re-Municipalising Municipal Services in Europe*. Retrieved October 6, 2016, from [http://www.epsu.org/sites/default/files/article/files/Redraft\\_DH\\_remunicipalization.pdf](http://www.epsu.org/sites/default/files/article/files/Redraft_DH_remunicipalization.pdf).
- International Monetary Fund. (2004, March 12). *Public-Private Partnerships*. Retrieved October 6, 2016, from <http://www.imf.org/external/np/fad/2004/pifp/eng/031204.htm>.
- Muhachev, I.V. (2014). On Understanding the Essence of Constitution and Its Place in Maintaining the Social Homeostasis. *Life Science Journal*, 11(11s), 630-635. Retrieved October 6, 2016, from [http://www.lifesciencesite.com/ljsj/life1111s/143\\_26177life1111s14\\_630\\_635.pdf](http://www.lifesciencesite.com/ljsj/life1111s/143_26177life1111s14_630_635.pdf).
- Kuhlmann, S. (2009). *Munizipalsozialismus in Europa*. Paris.
- Kuhlmann, S. (2008). *Politik und Verwaltungsreform in Kontinentaleuropa*. Baden-Baden: Nomos.
- Wollmann, H. (2011). Provision of Public Services in European Countries: From Public/Municipal to Private and Reverse? *Comparative & Croatian Public Administration*, 11(4), 898-911. Retrieved October 6, 2016, from [http://en.iju.hr/ccpa/ccpa/downloads\\_files/001-Wollmann.pdf](http://en.iju.hr/ccpa/ccpa/downloads_files/001-Wollmann.pdf).
- Rekommunalisierung in der Energieversorgung. (2011). *Public Governance*, 1, 6-11.
- Libbe, J. (2012). Rekommunalisierung in Deutschland – Eine empirische Bestandsaufnahme. In C. Matecki, & T. Schulten (Eds.), *Zurück zur öffentlichen Hand? Chancen und Erfahrungen der Rekommunalisierung*. Hamburg: VSA Verlag.
- Kuhlmann, S., & Wollmann, H. (2013). *Verwaltung und Verwaltungsreform in Europa, Einführung in die vergleichende Verwaltungswissenschaft*. Springer.
- Avakyan, S.A., Lyutser, V.L., Peshin, N.L., Sivitsky, V.A., & Timofeev, N.S. (2009). *Munitsipal'noe pravo Rossii* [Municipal Law of Russia] (pp. 147-170). Moscow.
- Alekseev, I.A., Belyavsky, D.S., & Trofimov, M.S. (2014). *Munitsipal'noe pravo Rossiyskoy Federatsii* [Municipal Law of the Russian Federation]. Moscow: Alfa-M.
- Babichev, I.V. (2011). Osnovaniya rossiyskogo munitsipalizma i ego printsipy [Foundations of the Russian Municipalism and Its Principles]. *Konstitutsionnoe i munitsipal'noe pravo*, 1, 35-45.
- Bondar, N.S. (2008). *Mestnoe samoupravlenie i konstitutsionnoe pravosudie: konstitutsionalizatsiya munitsipal'noy demokratii v Rossii* [Local Government and Constitutional Justice: Constitutionalization of the Municipal Democracy in Russia]. Moscow: NORMA.
- Vasiliev, V.I. (2012). *Munitsipal'noe pravo Rossii: uchebnik* [Municipal Law of Russia: Textbook] (2nd ed., corrected and upgraded). Moscow: Yustitsinform.
- Vydrin, I.V. (2004). *Munitsipal'noe pravo Rossii* [Municipal Law of Russia] (p. 9). Moscow: Norma.

- Grinchenko, K.A. (2015). *Istochniki munitsipal'nogo prava Rossiyskoy Federatsii* [Sources of Municipal Law of the Russian Federation]. Moscow: DMK Press.
- Demytyev, A. (2009). *Teoriya i konstitutsionno-pravovaya praktika mestnogo samoupravleniya v Rossiyskoy Federatsii* [Theory and Constitutional and Legal Practice of the Local Government in the Russian Federation] (pp. 26-27). Obninsk.
- Ignatyuk, N.A., & Pavlushkin, A.V. (2009). *Munitsipal'noe pravo: uchebnoe posobie* [Municipal Law: Textbook] (2nd ed., corrected and upgraded). Moscow: Yustitsinform.
- Kirin, A.V. (2012). O reformirovaniy sistemy administrativnogo prava [Reformation of the System of Administrative Law]. *Journal of Russian law*, 3, 51.
- Kostyukov, A.N. (2003). Munitsipal'noe pravo v sisteme rossiyskogo prava: stagnatsiya ili razvitiye, a mozhet byt', novaya rol'? [Municipal Law in the System of the Russian Law: Stagnation or Development or May Be a New Role?]. *Gosudarstvo i pravo*, 9, 11.
- Kutafin, O.E., & Fadeev, V.I. (2006). *Munitsipal'noe pravo Rossiyskoy Federatsii* [Municipal Law of the Russian Federation] (pp. 8-10). Moscow: Prospekt.
- Dmitriev, Yu.A. (Ed.). (2005). *Munitsipal'noe pravo* [Municipal Law] (p. 24). Moscow: Eksmo.
- Avakyan, S.A. (Ed.). (2009). *Munitsipal'noe pravo Rossii: Uchebnik* [Municipal Law of Russia: Textbook]. Moscow: Prospekt.
- Mukhachyov, I.V., & Tsapko, M.I. (2012). Konstitutsionno-pravovoy status yuridicheskoy nauki v situatsii kontseptual'noy neopredelennosti [Constitutional Status of the Legal Science in the Situation of Conceptual Uncertainty]. *Obshchestvo i pravo*, 5(42), 66-71.
- Sergeev, A.A. (2007). *Konstitutsionno-pravovye aspekty organizatsii i osushchestvleniya mestnogo samoupravleniya v Rossiyskoy Federatsii: avtoref. dis. d-ra yurid. nauk* [Constitutional and Legal Aspects of the Organization and Execution of the Local Government in the Russian Federation (Doctoral Thesis)]. Moscow: MSU.
- Starilov, Yu.N. (2000). Administrativnoe pravo: sushchnost', problemy reformy i novaya sistema [Administrative Law: Essence, Problems of Reform and a New System]. *Pravovedenie*, 5, 21.
- Sultanov, E.B. (2009). Ierarkhiya konstitutsionnykh printsipov mestnogo samoupravleniya v Rossiyskoy Federatsii [Hierarchy of Constitutional Principles of Local Government in the Russian Federation]. *Konstitutsionnoe munitsipal'noe pravo*, 5.
- Tsapko, M.I. (2011). Uchastie regional'nykh otdeleniy politicheskikh partiy v izbiratel'nom protsesse. Napravleniya sovershenstvovaniya [Participation of Local Divisions of the Political Parties in the Process. Directions of Improvement]. *Law and right*, 6, 8-10.