

Public authorities as an object of modern historical and legal research

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Abstract. The purpose of the study is to analyze the views of theoretical scientists on the concept of public authorities and the place of local self-government bodies in the system of public authorities, based on well-established concepts, doctrines, and ideas developed in modern realities. To achieve the stated goals and objectives in scientific work, general scientific and specific scientific methods were used. The principles of objectivity and consistency, methods of analysis, synthesis, comparison made it possible to study the views of theoretical scientists, highlighting the argumentation that is significant for the research topic, based on facts, guided by the principles of reliability and impartiality, considering the topic in all its versatility and contradictoriness. The research is based on the theoretical works of Russian scientists studying various aspects of the multifaceted problem of public authorities as state institutions. The novelty of the research lies in the attempt to theoretically comprehend and scientifically analyze the concepts of public authority and public authorities based on the works of domestic authors, as well as to determine the positions of theoretical scientists in the place of local self-government bodies in the system of public authorities. The study made it possible to substantiate the rejection of the established stereotypes in the identification of the concepts of “public power” and “state power”, the reorientation of legal science towards the formation of the concept of state power as a variant of public power, the legal basis of which is the law. The paper also concludes the implementation of power relations through public authorities. At the same time, a lack of a unified approach to determining the place of local self-government bodies in the system of public authorities at present is indicated.

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1 Introduction

The need to identify the diversity of views of theoretical scientists on the concepts of “political power”, “state power”, “public power”, to substantiate the specifics of the legal nature of public authorities from the point of view of various historical and legal positions on this category. This becomes especially relevant against the background of the constant improvement of the state apparatus functioning mechanisms, developed in the course of a natural rejection of the established models of management and orientation towards new, progressive, ways of regulating social relations.

Legal science operates within the framework of continuously replacing socio-political processes and phenomena that require their theoretical understanding and generalization to find the optimal option as a model for future law enforcement activities. Dynamically changing legislation also contributes to the accumulation and systematization of scientific views. In this regard, the development of logically structured generalizing theoretical propositions is of particular relevance.

Currently, there are objective prerequisites for a meaningful study of the past, systematization, and generalization of ideas, scientific directions, and schools, the development of reasoned concepts in the framework of overcoming difficulties on the way of improving the jurisprudence itself concerning modern realities. As Shatkovskaya notes, the prevailing purpose of legal science is to improve legal methodology and create a new approach to understanding the phenomenon of law, in which the leading role will be of an orientation towards a dynamic meaning determined by various conditions [1].

Focusing on domestic and foreign experience, Russian law must comply with the principle of continuity, since it is the law that is associated with cultural traditions, focuses on the implementation of legal norms as the basis for identifying the effectiveness of measures of state legal impact. At present, there is an objective need to use the formed theoretical base when understanding political and legal processes and phenomena in the life of society and the state of the 21st century. A special place here is occupied by the understanding of powers and their implementation through the institutions of public authority.

The state as the leading institution of the political system of society is in constant development. The mechanisms of its functioning are being improved, created as a result of the natural withering away of the once established models of management and the emergence of new, more progressive methods of regulating social relations. At each stage of the state’s development, qualitatively new options for the implementation of state tasks are formed and management mechanisms that are optimal for a particular period are introduced if possible.

Modern trends in the development of states indicate the development of new management methods that consistently combine the legal framework for interaction between central and regional authorities while preserving the origins of identity at the local level. These factors inevitably have an impact on the functioning of the entire state apparatus, its adaptation to addressing the diverse tasks of both society as a whole and its citizens.

The ways of interaction between state authorities and local self-government bodies are constantly updated, receiving legislative confirmation. The novelties of the Constitution of the Russian Federation, introduced into the text of the Basic Law in 2020 are illustrative in this regard. These provisions established a new, legal name for Russian authorities – public authorities. Therefore, the unconditional novelty of the study is an attempt to theoretically comprehend and scientifically analyze the concept of public authorities, identify the place and role of individual links of the state’s administrative mechanism, substantiate their features from the point of view of developed historical and legal positions and views on this

category. The obtained intermediate conclusions make it possible to look from a different angle at the problem of consolidating the concept of public authorities and the position of local governments as an element of this system after the legalization of the concept of “public authorities” in the text of the basic law of the Russian Federation.

The authors draw NATO’s attention that it is impossible to study the views of theoretical scientists on the concept of “public authorities” and the place of local governments in the system of public authorities in legal science over the past decades without referring to the previously formed theoretical basis of domestic and foreign works. This once again emphasizes the relevance of conducting historical and legal research of political and state processes and phenomena. The solution of such tasks as the study and correlation of the concepts of “political power”, “state power”, “public power” will contribute to the disclosure of the above along with the analysis of the views of theoretical scientists on the concepts of “public authorities”, “local self-government” and the comparison and the generalization of legal concepts and positions on the place of local self-government in the system of public authority.

2 Methods

To achieve the stated goals and objectives in scientific work, general scientific and specific scientific methods were used. The principles of objectivity and consistency, methods of analysis, synthesis, comparison made it possible to study the views of theoretical scientists, highlighting the argumentation that is significant for the research topic, based on facts, guided by the principles of reliability and impartiality, considering the topic in all its versatility and contradictoriness. The research is based on the theoretical works of Russian scientists studying various aspects of the multifaceted problem of public authorities as state institutions.

3 Results

Modern legal science does not give a clear answer to the question of what public power is, which gives rise to numerous interpretations of its nature. The main achievement of modern theoretical scientists is a retreat from the established stereotypes in the identification of the concepts of “public power” and “state power” and the development of a concept of state power as a variant of public power, the legal basis of which is the law. At the same time, the implementation of power relations is carried out through public authorities – state authorities and local authorities. However, there is no unified approach to determining the place of local government in the system of public authorities and it is a matter of future research. Among the obstacles to the development of a unified approach in this direction, one can name the lack of a uniform understanding of the nature of public power and the bodies implementing it and an orientation towards already established doctrinal provisions and theoretical generalizations formed in the theory of legal science. Those do not fully take into account dynamically developing legislation as the main source for the regularly updated conceptual apparatus.

4 Discussion

An analysis of the body of scientific papers written over the past decades allows tracing the evolution of the views of prominent theorists of legal science on the concept of “authorities”, as well as to outline the conceptual understanding of the position of these bodies in the system of state institutions in different periods. At the same time, the

interpretation of the concept is inconceivable without correlation with other, broader categories and concepts.

The theoretical substantiation of the concept of “public authorities” becomes especially relevant in the light of the unfolding discussion about the prospects for comparing the concepts of “political power” and “state power”, which are characterized by publicity. Nevertheless, an analysis of the scientific literature on this issue allows insisting on a different level of dissemination of these concepts, since the state power operates within the state, covering its territory and residents living on it, while it is impossible to assert the correlation of state and political authorities, since the latter is implemented both in the activities of individual institutions of civil society within the state and in the international arena through the exercise of the powers of international organizations [2].

In this regard, it seems relevant to determine the relationship between the concepts of “public power” and “state power”. For a long period, Russian scientists substantiated the identity of these concepts, considering them from the standpoint of identity [2]. Modern legal science moves away from this concept towards the lack of equivalence of concepts due to different organizational forms of public power, which does not indicate the equivalence of the concept of “public power” to the concept of “state power” [3]. These circumstances indicate the accumulation of theoretical experience in understanding the category of “public authority”, as well as the formation of diverse positions on the definition of its features due to the legalization of the concept of public authorities in the legislation of leading world states. So, for example, Elkina, Irtegovva and Yagovtsev raise the question of the (in) equivalence of definitions of public and state power systems as one of the most relevant for the theory of constitutional law [4]. Vasiliev speaks about the recognition of the inequality of the concepts of “state power” and “public power” due to the narrower meaning of the first concept [5]. In the understanding of Chirkin, public power should be associated with social power, its type, while the emergence of this type of power occurs within the boundaries of public entities in certain territories, therefore, this power is distinguished by a public character [6]. According to Prudnikov, Eremyan and Limonov, the categories “public power” and “state power” although previously identical concepts, nevertheless, have several differences that have found embodiment in the basic laws of the state. At the same time, in the normatively established model of vertical decentralization of state power, local government is assigned the role of a non-state element [7].

The need for a thorough study of the spectrum of views of theoretical scientists on the question of the relationship between the concepts of “public authority”, “public authority bodies” and “local self-government bodies” has acquired no less relevance in legal science in recent years. The theoretical basis that formed over the past decades, based on both the regulatory legal acts of the state and established foreign doctrines, allows drawing several well-grounded conclusions. Until now, the issue of the place of local self-government bodies in the system of public authorities remains unresolved. To this day the ongoing historical and legal research does not contain an unambiguous answer to this question [8-12]. From the position of Romanovskaya, conceptually, local self-government can be considered as a form of implementation of public power, while it is not identical with state power [13]. According to Savenkov and Chirkin, public power includes both state power and local self-government [3]. Goncharov recognizes a different nature of local government in comparison with government bodies. However, considering the introduction of the general principles of the structure of local self-government at the level of the federation and regions, the author concludes the objective existence of a three-tier system of public power in Russia [14].

5 Conclusion

Analysis of the theoretical works of domestic researchers allows drawing some conclusions and generalizations. The prevailing number of modern authors consider state power as relations of a public-legal nature of domination and subordination, which arise between the subjects of this power and are based on the compulsory principles of state regulation of social relations. This is one of the public power variants based on the law and exercising power directly on behalf of the people and state bodies [2]. With this power, the relations that develop in the state are formalized in the course of the exercise of power by public administration bodies consisting of state authorities of the federal and regional levels and local self-government bodies [15]. Another no less urgent question about the position of local self-government bodies in the system of public authorities in the scientific environment has not been resolved to date. It is undoubtedly quite relevant and at the same time acute due to the emerging difficulties of its legal regulation at different levels of the top-down system. The available scientific and practical potential testifies to continuous analytical work on the development of fundamental provisions of theories of local self-government with the accumulated theoretical knowledge about local self-government and the bodies implementing it being considered.

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