

## Problems of Interaction between Civil Society Institutions and Local Authorities

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### Abstract

*The article is devoted to the investigation of problems of interaction between civil society institutions and local authorities when exercising public control at the municipal level. The authors point out that the subject of nature of civil society and of local government has been recently approached on repeated occasions in science. Scientists agree with the investigators, who speak about independence of local government as the level of public authority and about independence of civil society as the system of elements that don't depend on state. This statement lets us consider peculiarities of interaction between above-noted institutions in the point of exercising public control. This is the aim of this work. The analysis that has been carried out gave the authors the opportunity to point out the poor study of problems, concerning the public control regulation, on the one hand, and, on the other hand, the opportunity to find out gaps in the legislation in power. It is pointed out that, nowadays, such basic civil society institutions as public associations and mass media are not among the subjects of public control. The regulation of certain forms of public control is controversial enough. Under the investigation scientists offered a number of amendments to the current federal legislation. Authors' conclusions can be used in the scientific study for the investigation of the problems of interaction between local authorities and civil society institutions.*

**Keywords:** local government, civil society institutions, public associations, public control, public evaluation, subjects of public control, mass media

### 1. Introduction

Nowadays, an important problem is the increase of effectiveness of interaction between authority and civil society in terms of its various institutions. President of the Russian Federation V.V. Putin mentioned in his annual Address to the Federal Assembly of the Russian Federation on December 4, 2014 that if state and society act accordingly, in the atmosphere of cooperation and trust, it is the guaranty for achieving success (Russian President's Address, 2014). One of the signs of democracy is cooperating with civil society institutions, setting direct and indirect connections among them, establishing the dialog between authority and public structures (Mikheeva, 2013).

The development of interaction between civil society institutions and local authorities becomes particularly important. The reason for this is that local government is the level of public authority, which is the closest to people. Everyday issues of providing proper life for citizens, of dealing with local problems are settled within the municipalities.

A great deal of civil society institutions operate at the municipal level. To them one can refer public associations, mass media, public chambers, public councils, voluntary public and fire groups, labor unions, charity organizations, and etc. Each of the above-noted institutions is an important constituency of municipal civil society. However, public associations and mass media are considered as basic civil society institutions at the local level. In this connection, referring to the aims of the current investigation, the authors concentrated upon the problems of interaction between local authorities, and public associations, and mass media.

Public associations, as a rule, act in the socially important spheres and, in fact, in their everyday work, solve problems, that are very tightly connected with the object of the activities of municipal bodies – matters of local significance. And here one can't but agree with T.N. Mikheeva, who mentions that the problem of the progressive development of local government is very tightly connected with the activity of citizens, of local associations, and of other structures of civil society (Mikheeva, 2014).

On the contrary, mass media play an important role in providing local residents of municipal entities with information about adopted legal acts, decisions of local authorities and of their office holders, official events, and also

about the activities of civil society institutions at the municipal level. Mass media, penetrating into the municipal level, bring together local authorities, civil society institutions and people. In such a way, they establish interaction between people and local authorities for people to be heard by municipalities (Mikheev, 2012).

All the facts, mentioned above, prove that the matter of the investigation is rather essential both from theoretical and practical points.

## **2. Methods**

Investigation methodology covers general scientific methods, for example, the dialectical method. Ways of scientific knowledge, specific for law, were also applied.

The systematic approach was used when analyzing interaction between civil society institutions and local authorities. At that, the authors paid special attention to the investigation of problems of interaction between municipalities, and public associations, and mass media.

The principle of scientific objectivity let carry out the thorough and objective analysis of factual material, all the facts, influencing the interaction between civil society institutions and local authorities. Reference to the formal lawful method lets analyze normative legal acts, discover in them the peculiarities of enforcing mechanism of interaction between local authorities, and public associations, and mass media.

In the research other investigation methods, which let study and cover the matter, were also applied.

## **3. Results and Discussion**

Problems of correlation of local government with civil society have been considered on repeated occasions in works of various scientists.

Speaking about the three-element constitutional legal nature of local government in her study, N.S. Bondar calls it the institution of individual and collective people's rights to solve local problems independently and at their own risk; the expression of municipal institutions of civil society; the institution of organizing public authority (Bondar, 2008).

One can also find opposite points of view in the doctrine of municipal law. Particularly, O.Y. Kutafin and V.I. Fadeev pointed out that local government can't be referred only to civil society institutions, as it is the form of exercising public authority, the authority of people (Kutafin, Fadeev, 2008).

Analysis of scientific approaches to problems of correlation of local government with civil society lets make a conclusion that the fundamental sign of civil society is its independency not only from state, but also from public authority that includes local government as well. Local government as the level of public authority can't be an element of civil society, because it is sanctioned by the statutes of law, which are adopted by the state. In their turn, the structures of civil society appear according to citizens' will and not on the basis of law, but only in accordance with it.

In science, the opinion that above-mentioned institutions have much in common has been repeatedly expressed. In V.S. Mokrij's opinion, local government is a powerful accelerator of establishing civil society, because conscious citizens' participation in creating proper conditions for life on the definite territory leads to formation of their responsibility for the solution of local problems, and, in such a way, increases their common social and civil activity (Mokrij V.S., 2001). S.V. Korsakova has the similar point of view. She points out that an important element of Russia's development, directed at the adult civil society, is the establishment of institutional basis for true local government and support of publicly interested and active local associations, that represent the basis, on which civil society can be established (Korsakova, 2012).

We agree with the statements, mentioned above, and want to point out that local government, as the level of public authority, and civil society, as the system of elements, independent from state, are independent, but at the same time actively cooperating institutions.

Interaction between local authorities and civil society institutions occurs within the forms of exercising self-government immediately by people and people's participation in exercising local government, in forms of public control of civil society institutions over local authorities, and also in other legal forms. At that, the increase of quality and effectiveness of interaction between local government and civil society depends on the improvement of current forms and legal enforcement of new forms.

A foreign investigator G. Hyden expresses a similar point of view and mentions that democracy and further development of local government are impossible without legal enforcement of effective and powerful forms of interaction between local authorities and public associations that operate at the local level and comprise more active and responsible citizens of the municipal entity (Hyden, 1997).

Some forms of interaction between local authorities and civil society institutions are reflected in the current federal legislation. To them one can refer the possibility of public associations to initiate local referendum (point 2 part 3 Article 22 of the Federal Law "About general principles of the organization of local self-government in the Russian Federation"), the right of public associations to give a request to local authorities (part 1 Article 32 of the Federal Law "About general principles of the organization of local self-government in the Russian Federation"), the right of mass media to cover the activities of local authorities (making a decision by the representative body, conducting public hearings, elections, referendums and etc.), the right of mass media to send an inquiry to municipalities in order to get information (Article 38 of the Law on Mass Media). We consider that current normative forms of interaction between local government, and public associations, and mass media aren't enough for the effective solution of local problems and for the proper development of municipalities.

Speaking about interaction between local authority, and public associations, and mass media, one can't but mention the Federal Law "About the bases of public control in the Russian Federation", adopted in 2014.

The authors have already mentioned the insufficient legal regulation of the mechanisms of interaction between local authority and public associations in the above-noted federal legal act (Evgeny I. Belousov, Roman V. Gornev, Tatiana N. Mikheeva, 2015).

The Federal Law "About the bases of public control in the Russian Federation" enforces the forms of public control, to which public monitoring, public examination, public evaluation, and other similar forms of interaction between civil society institutions and authorities such as public discussions and public hearings refer.

Such form of public control over the activities of local authorities as public evaluation should be considered separately. According to part 4 of Article 22 of the Federal Law "About the bases of public control in the Russian Federation", the initiative to conduct public evaluation belongs also to the subjects of public control. In such a way, in case public associations and mass media are assigned this status, they will get legal opportunity to participate in public control over local authorities and will be able to initiate public evaluation, as well. In this connection, it is reasonable to make legal proposal to add public associations and mass media to the list of subjects of public control, which appears in Article 9 of the Federal Law "About the bases of public control in the Russian Federation".

The positive moment in the regulation of public evaluation is detailed direction to the subject of control, under which one should understand acts, draft acts, decisions, draft decisions, documents, and other materials, activity (inaction) of authorities, and also examination whether rights and freedoms of man and citizen, rights and legal interests of public associations and other non-governmental non-commercial organizations are observed.

In its turn, insufficient regulation of the legal status of the final document that is prepared according to the results of public evaluation and its sequential account by the corresponding local government institution should be considered critically. In this part, law is limited by the indication that the final document is sent to the authorized body which is obliged to consider it and send a substantiated reply to the author. Such rules don't let achieve such an aim of public control as taking into account the public opinion, suggestions and recommendations of citizens and their associations, when authorities make a decision. When there are no definite mechanisms of accounting the results of public evaluation when making decisions by local authorities, the procedure of considering the final document and sending a reply to the subject of public control can turn into the uncontrolled correspondence.

The decision of the above-noted problem is possible with the introduction of additional points in the Federal Law "About the bases of public control in the Russian Federation" and in the Federal Law "About general principles of the organization of local self-government in the Russian Federation" in the part of imposing a duty to take into account the results of public evaluation when making decisions or doing actions, which were the subject of public evaluation, on local authorities. In case of disagreement with them, it is necessary to enforce the introduction of disputable questions for public hearings. This proposal will let exclude the practice of inconsistent replies on the side of local authorities and will provide public associations and mass media as subjects of public control with an opportunity to have an effective influence on the law-making and law-enforcement policy in the municipal entity.

#### **4. Conclusion**

Summing up the results of the conducted investigation, it is reasonable to draw following conclusions.

1. In spite of the fact that in the sphere of science one can come across statements about the nature of local government as one of the subjects of civil society, we don't consider that it is possible to agree with these views. Being one of the levels of public authority, local government actively cooperates with civil society and appears to be its partner, but not one of its subjects. This very approach leads to study and investigation of the whole bulk of problems, connected with the interaction between municipalities and civil society institutions.

2. Lawmaker actually created the situation when at the municipal level there are no mechanisms for the organization of public control by such key subjects of civil society as public associations and mass media today. We consider that they must be assigned a status of subjects of public control.
3. The analysis of the Federal Law "About the bases of public control in the Russian Federation" revealed the gap in the organization of conducting public evaluation. The Law doesn't define the legal status of the final document, prepared according to the results of public evaluation and its sequential account by the corresponding local government institution. In order to get rid of the legal gap, it is necessary to introduce corresponding amendments, pointed out in this work.

Specification of the norms of the Federal Law "About the bases of public control in the Russian Federation" will lead to simplification of law enforcement and also to the involvement of public associations and mass media into the organization of public control.

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