

Mechanisms of Public Participation in Providing Municipal Services: Publicity Questions

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Abstract: The development trend of Russian legislation and foreign statutory acts testifies the establishment of a legal basis for involvement of the population and civil society institutions into decision making at the local level. Realities of development of the Russian statehood testify to the forming and the establishment of the civil society institutions in the state. And though the municipal practice demonstrates raising of a tendency to the activity of the citizenry to decide the matters of local significance they can't realize effective control over the active state authority and the local self-government to the full extent. The study introduces the study which explores necessity of the involving of population in process of providing municipal services. The researcher analyze established practice in this sphere of activity of society, consider opinion of scientists-theorists in this question, retrace the evolution of inferences, valuable for the law practice. Conclusions of the researchers are reduced to the need of improvement of the existing Russian legislation on local self-government, the offer of particular formulations of propositions of law. In the offers much attention is paid to the principle of publicity in activity of local self-government bodies to the establishment of standards and legal mechanisms for independent public evaluation of quality of providing municipal services.

Key words: Publicity, municipal services, civil society raising, Russian, laws

INTRODUCTION

Stability of any state depends on the society which has built such state. However, the question of what has to be the society providing the strong public power in a certain territory remains open both in the theory and in practice. The person responsibly treats what is directly related with him, satisfies his interests, requirements. Thus, the state can be strengthened by participation in his activity of a large number of citizenry, the population. One of the main signs of the state is existence in him of the public power of the relations of submission to the power. But the institute of the public power in itself is too extensive therefore, we suggest to consider the role of the population in administrative processes at implementation of local self-government.

Local self-government which is strictly territorial category is called upon to provide in accordance with the Russian legislation the decision of local questions by the population himself, acting in its interests and under its responsibility. Being the public institute brought so closer to society the local self-government has the task to satisfy requirements of the population endowment of living quarters, placement in educational institutions,

guardianship, committeeship, registration of some legal facts and others. Such acts which the local self-government perform on a request in the population's interests are called municipal services.

Improvement of the system of such service of the public power to population's interests is possible by means of public participation in providing municipal services. However, representatives of the public can participate only in that activity of which they know in this connection the aspect of publicity in the solution of this problem is of interest. Publicity and openness of information act as a peculiar bridge between society and the public power. Whether this bridge is built today in Russia it is possible to get to know only by study of the legislation and also by study of the works of jurisprudents in Russia and abroad. The aim of this research is the analysis and the following offer of effective mechanisms of public participation in the procedure of providing municipal services.

Literature review: The question of providing municipal services became a subject of independent scientific researches rather recently. The impulse for it was the adoption of the Federal statute of 02.07.2010 No. 210-FZ

“on the organization of provision of the state and municipal services”. This law contains rather difficult definition of the concept “municipal service”. Disadvantage of definition is his formality, it doesn’t trace correlation of the institute of municipal services and the population interests. But this gap has been rather easily filled by Simagina who focuses attention on the public character of both the state and of municipal services in the research “interpretation of the concept “municipal service” in the system of providing public services in the Russian Federation”. At the same time, the researcher suggests to distinguish the state and municipal services in the basis of their orientation: through the state services the public power provides integrity of the state and through municipal-provides satisfaction of requirements of a community (the population of municipality) (Simagina, 2011).

Martynova (2011) has offered to regard municipal services as an indicator of satisfaction of the population with activity of local self-governments.

In general researchers of municipal services suggest the single conception, according to which municipal services are called upon to provide the population with the vitally important material and nonmaterial benefits which can’t be received without the aid of the public power.

Already mentioned researcher Simagina (2011) offered to depute a part of credentials of providing municipal services to the institutes of civil society in order to raise the involvement of the population into the activity of municipal governments to increase the responsibility of the personality in interaction with the public power.

We can’t but agree with Mikheeva and Likhoshva (2016) who notes that “high degree of freedom is not only responsible attitude to the rights and duties of all participants of the public relations and their conscientious realization. Due level of freedom in the modern constitutional state is determined by also adequate system of the protection of the public relations developed in the particular state, by effective prevention and fight against offences”.

Similar conclusions about advantage of decentralization, participation of the population in local questions were expressed in Europe decade before (Villadsen, 1993).

Modern researches go much further correlating between quality of services and readiness of the population to participate in respective sphere of activity. So, William (2014) has established that for improving of municipal services in water supply the respondents who have taken part in sociological research are ready not only to pay for them higher price but also to work for this purpose much more.

Effectiveness of democratization depends in many respects on awareness of the population of the facilities, in this connection “publicity” gains in importance. So, Mikheev (2014) notes: “consequently, modern states as a basic fundamental principle in the legal regulation of local government put the publicity at the forefront as a tool linking the local authorities with the residents of municipalities”. The foreign researchers noting that “form of government significantly affects the provision of municipal services and the influence of political activities and special interest groups on municipal decisions of cities and towns in this same population range” also come to similar conclusions (French, 2003).

MATERIALS AND METHODS

The solution of the tasks set in the research requires the use of a set of scientific methods subdued to the unified system of principles. The research techniques will be subdued to the following principles: scientific character, complexity, justification, legitimacy.

Among a set of research techniques and methods, general scientific methods shall be pointed out. First of all, they include a dialectical method. The use of analogy, synthesis, analysis will allow to assess the current state of the problem. Structured systematic approach gives the possibility to submit general characteristics of public participation in providing Russian municipal services.

Among special juridical methods used in research we can name legalistic method used for the research of legal confirmation of providing municipal services. The work will include doctrinal and legal comparative methods of problem study. Doctrinal method of study will help to find and analyze the works of legal scholars on the problem under study. Legal comparative method serves to compare legal basis of public participation at the federal and the local level in Russia.

Data for study of the raised problem is the Russian legislation, legislation of foreign countries, scientific works of legal scholars of Russia and foreign countries.

RESULTS AND DISCUSSION

Providing municipal services in Russia is regulated by the Federal law of July 27, 2010 No. 210-FZ “on the organization of provision of the state and municipal services”. Such principle of providing the state and municipal services as openness of activity of the bodies providing the state services and the bodies providing municipal services and also the organizations participating in providing the state and municipal services is created in Article 4 of this law. Thus, providing municipal services is based on the principle of openness.

The principle of openness means accessibility for the applicant of full, actual and reliable information about an order of providing the state and municipal services and about activity of the bodies providing the public services and the organizations participating in providing these services. The principle of openness is closely connected with the principle of publicity which main requirements are ensuring knowledge of citizens of decisions of public authorities and local self-governments; ensuring availability of discussion of the major state questions and questions of local value; studying and accounting of public opinion. The relations connected with ensuring access of applicants to information on activity of bodies of the public and municipal administration are also regulated by the Federal law of February 9, 2009 No. 8-FZ "on the ensuring access to information on activity of government bodies and local governments".

Participation of the population and civil society in providing municipal services is the important social mechanism of influence of institutes of the population and civil society on local governments as first of all it is connected with the solution of the major questions of the social sphere of municipality and also with questions of increase the list of the social benefits and values which granting by perhaps municipal bodies.

According to the federal legislation of the Russian Federation the basic principles of providing the state and municipal services are legitimacy of rendering of services, a declarative order of the request for rendering of services, legitimacy of collection from applicants of the state duty for rendering services, openness of activity of the bodies providing the state and municipal services, availability of the request for rendering services, a possibility of receiving services in an electronic form. In the researchers opinion the principle of openness of rendering of services has to be priority in processes of rendering by the state and municipalities of services.

Many scientists connect openness with knowledge of citizens. It should be noted that the most important principle of the theory of rendering services the independent assessment of quality of rendering services by the public and municipal authorities isn't taken into account by the legislator.

We consider it expedient to create legal mechanisms of an independent assessment of quality of rendering municipal services from the population and civil society.

There is a positive experience of transfer of some state powers (according to the certificate of a number of the legal facts) to notaries. Similar practice has rich history and has shown the efficiency. Similarly, it is possible to act with part of municipal services, having established requirements to subjects of transfer, possible licensing of their activity and obligation of submission of public reports on their work.

Civil society in this case is understood as the institutes having legislatively certain forms, acting on behalf of the group of citizens and urged to represent their interests and also possessing real powers on influence on the government and local self-government. As institutes of civil society authors understand at the municipal level public associations, the religious organizations, non-profit organizations, voluntary teams on protection of a public order, voluntary fire teams, public councils at local governments, local and primary offices of political parties, public chambers of subjects of the Russian Federation and municipalities.

Scientists note insufficiency of legislative regulation of interaction of local governments with these structures. We consider it necessary to state some offers in this part.

The independent quality assessment of rendering municipal services is one of the forms of public control and is carried out for representation to citizens and institutes of civil society of information on quality of rendering of services and also for improving of their activity.

It includes an assessment of conditions of rendering services in such general criteria as openness and availability of information on the organization of providing service; comfort of conditions of rendering of services and availability of their receiving; waiting time of providing service; goodwill, politeness, competence of employees of the organization; satisfaction with the subject with quality of rendering services.

Local governments with participation of the population and institutes of civil society form public councils on carrying out an independent assessment of quality of rendering municipal services by the organizations located on territories of municipalities and to approve the provision on them.

Possibility of the conflict of interests has to be excluded when forming of these councils. The membership of public council is forming from among the representatives of the population, the representatives of the social organizations and associations of the relevant municipality. The number of members of public council can't be less than seven people. Members of public council carry out the activity on a voluntary basis. Information about the activity of public council is placed by local government at which it is formed on the official site on the internet. The independent assessment of quality of rendering municipal services organized by public councils on its carrying out is carried out no more than once a year and not less than once in 3 years.

Public councils have to define lists of the organizations concerning which the independent assessment is carried out; to appoint authorized persons for information gathering in order to implement the measures for an independent assessment; establish if

necessary criteria for evaluation of quality of rendering municipal services; carry out an independent assessment of quality of rendering services taking into account information provided by the authorized person; publish information on results of an independent assessment of quality of rendering municipal service on the internet.

Need of inclusion of the population in affairs of municipalities follows from the analysis of the legal theory and practice. These tendencies are traced both in Russia and in foreign countries. So, for example in some districts and the cities of New Zealand the territorial jurisdictions which don't have the status of similar to municipality but carrying out separate local functions-communities are created. The community doesn't possess own powers and hasn't a budget but the local authority can confer the community by own act with certain powers and allocate a certain money for their realization. Logically follows that the powers connected, first of all with establishment of local taxes and receipts to appoint and to remove the municipal employees and also to possess and to dispose of municipal property can't be delegated to a community.

Actually action at the local level of the territorial association which is carrying out the delegated functions of local government is available. It is possible to call this experience positive only partly as it is more expedient to delegate these powers not to territorial but public associations as the last are self-organization on interests but not across the territory.

In system of local self-government of Denmark at present time there has arisen a new tendency-active inclusion of users in the management of institutions of local government (for example, school establishments for elementary schools and establishments for children like kindergartens). At each elementary school and kindergarten users (i.e., parents) choose the board which bears responsibility for the general management of this establishment, including financial questions, without concerning at the same time personnel policy. In Russia the services provided by kindergartens belong to the category of municipal services therefore we find it possible to adopt positive experience of the foreign states to the extent concerning inclusion of the population in the boards of trustees of the establishments providing such services.

As studies show, democratization and decentralization allow to increase the responsibility of the population, create a feedback channel between the personality and the public power. People are ready to pay more for in what they participate directly are ready to provide quality of activity when they become its subjects. Formation of such relation of the modern population to municipal services becomes actual against a modern economic situation and can be considered as a quite good way of saving of time and means of local governments.

CONCLUSION

The conclusions received as a result of research are as follows. It is necessary to fix in legislation a possibility of transfer of some municipal services on the level of institutes of civil society. In the Federal law of July 27, 2010 No. 210-FZ "on the organization of providing the state and municipal services", it is necessary to include the following norm: "the charter of municipality can create a possibility to transfer a part of the municipal services provided in the territory of municipality to public associations. Such transfer has to be carried out only with the consent of the population expressed by means of a local referendum".

Besides it is necessary to include the mechanism of public control of an order of providing municipal services on the part of institutes of civil society as one of the principles of providing municipal services. We find it possible to assign function on public control of procedures of providing municipal services to public chambers of subjects of the Russian Federation for approbation and sharpening of control actions. Inclusion in this activity of volunteers from among students of the higher educational institutions is also possible.

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