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**SEPARATE ISSUES OF THE TERRITORIAL ORGANIZATION  
OF PUBLIC AUTHORITY**

*SUMMARY. The object under study is the federal relations between modern states and the role of local self-government in this process.*

*The objectives of the study are the consideration of questions of the perfect territorial division of the state; comparative analysis of federal and unitary forms of the organization of power; observation of the shortcomings of the decentralized form of building a state; consideration of the essence of sovereignty in the territorial division of authority. Considering the essence of a federal and unitary state system, and also the role of autonomy and local self-government in the distribution and use of authority, the author comes to the conclusion that the federal state can and has to exist only when there is an understanding of the government's authority as unique and indivisible according neither to territorial nor to national principles. The power of the subject of a federation is not the same as state power as it does not possess a necessary feature – sovereignty (supremacy). Local self-government is a helpful institution in the construction of a federal state according to the principle of strong centralized power. Presently in the Russian Federation, local self-government is absent in its essence.*

*KEY WORDS. State system, relations of power, sovereignty, perfect paradigm.*

The modern legal reality of the state not only in Russia, but also in many other countries, determines with great force and also renews the consideration of issues connected with the territorial structure of public authority, above all the state authorities. This can be explained by the tendency towards amplification of centrifugal forces in the various states, as well as of the establishment and the development of civil society, and (as a consequence) of its territorial institution – local government.

Therefore, the present study is directed towards important and topical issues related to the form of government, and consequently, the approach of the central, regional and local public authorities. Particular attention is paid to the federative structure of the State and the implementation of local government.

Everything is clear in a unitary state, especially with its centralized view: the central government enjoys full and complete leadership of the country. In a federation, there are various authoritative organizations existing at the same time and, therefore, competing with each other. Is this possible? And why does a central authority admit any competition, since it contradicts its nature: sovereignty? The main question is whether such a dual organization of authority in the state is dangerous or not. It seems that a federal government includes both positive and negative – one might even say dangerous – components.

The undoubted advantage of a federation is the availability of branched state and power division, as it helps objectively and not declaratively (in prescriptive regulations) to mutually deter multilevel political institutions. The power units in the course of exercising power seek to consolidate their position, obtain a growing range of powers etc. This absolutism of power derives from its being independent, supreme and sovereign, that is, powers having such quality as sovereignty. The nature of "government itself cannot be modified by law" [1, 52]. If there is no such supreme medium then it is not a state, but a province, district, or something else, a part of some sovereign power relations [2, 540]. A state union that does not have sovereignty cannot be regarded as an independent state [3, 17]. Sovereignty is implicit from the outset, and cannot be avoided under any form of government. Whatever form the state takes, sovereignty is immanent to the idea of the state and is its necessary sign [4, 60]. A state that emerged as a monarchy (all ancient societies without exception formed monarchies [5, 33]) developing dialectically, could take an aristocratic or democratic appearance, as well as mixed forms of organization, but the internal nature of power did not change [4, 60-61]. Power is universal, regardless of the form of government [6 501]. All this suggests that sovereignty is not this or that form of government, regardless of whether the state is monarchical or not, because it is inseparable from the very essence of the state as the supreme unity [7, 66]. Therefore, any real power to any extent is in fact total [8, 49]: "All power is absolute" [9, 109].

Accordingly, the internal nature of power causes political struggles and the division of spheres of influence, and as a result powerful subjects watch one another, keeping track of the behavior of their opponents, trying to influence their rivals. Of course, the federal authorities outweigh the regional ones, but they cannot be completely eliminated from view. Sometimes there are situations where the central government is powerless, and ready to make any concessions, and in this situation the regional powers, of course, prevail. Therefore the federation, under the competent constitutional balance of powers, can compensate for a lack of development in civil society, and even – in some cases – promote its appearance.

The negative side of the federal structure of state power is, to some extent, the flip side of its positive features. In our opinion, this also applies to autonomies in a unitary state, which, it must be noted, suffer from this disease even more noticeably. The political practice of modern state building has "repeatedly proved that the coincidence of the administrative-territorial and national principle of division of the state automatically results in a clear or implicit threat of national separatism" [10, 120]. From the view point of the author, it is not exclusively a problem of national self-determination; nationalism in this case is only a pretext for bargaining in the fight for political and economic autonomy. Therefore, the problem is of unequal distribution of powers between the subjects of the federation or the administrative units of the unitary state. Due to this fact, this sort of diarchy (the existence of two authorities) can naturally cause upheavals in society: aggravation on one side of the struggle for power, because, as we have shown above, the exercise of power aspires to sovereignty. Thus an authority will always seek to maximize the extent of its influence, and the

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ultimate manifestation of the paradoxes can become a failed state and isolation of two independent power-holders, as evidenced by history (a prime example is the USSR) and the political acuity of these issues in contemporary circumstances (for example, the war in Chechnya, the Kosovo, the Georgian situation).

The conclusion that we can come to, taking into consideration what was said above, is that the federal government can and should exist only in the sense proposed by Professor V. Chirkin. According to this concept, which, it must be noted, is based on a strongly axiomatic understanding of true sovereignty, there is only one state power in the federation: the power of the federal State. The power of the subject of the federation is public, 'quasi-state' [11; 63-64] (or the power of the territorial public group [12 258]), that is, power, but not a state, and therefore not possessing sovereignty / supremacy and therefore fully accountable and controlled by the state (federal) government. This position is confirmed by the decisions of the Constitutional Court of the Russian Federation [13], [14], which has frequently found that the subjects of Russia do not have sovereignty.

It suggests that the unitary state in this regard brings greater unity among the people of the country, better control of the political processes, a lower probability of the abovementioned negative effects. A federation is the extreme limit which administrative decentralization can reach. In this sense, it can be called a marginal form of territorial division of state power. It constantly hangs over the abyss of decay into separate units, systematically making efforts to preserve its unity. It is not for nothing that with the arrival in power of Vladimir Putin began a policy of verticalizing power, which is quite justified.

Let us note that an outstanding German expert in the field of State and Law, G. Yellinek, wrote that the state in which the regions are central components is devoid of necessary political unity, often showing centrifugal tendencies towards greater self-reliance in these parts of the states, thus, making this form of the state unstable [15, 628].

Another element is local self-government. "From the narrow forms of decentralization, decentralization in the form of self-government is politically different in that the latter represents a normal form. The former, in which appears a tendency towards either new state entities or more intense centralization of the state, leveling features of certain lands, is abnormal" [15, 628].

It suggests that local self-government is the saving institution in the structure of the federative state built on the principle of strong central power.

However, in the author's opinion, some drawbacks should be noted in the organization of local self-government in modern Russia. We will not go into the details of this issue, since it is not the subject of our research. Let us focus only on the common points of the organization of authority structures.

In the Russian Federation, in our opinion, there is no local self-government as such. What is called local government is related to state power in a pure form. When interviewed, 90% percent of citizens with or without legal education are very surprised when they find out that the local authorities do not belong to the state authority. They immediately ask another question: what are they then?

The etymology of the term “local self-government” (independent from the state) suggests resolution of all local issues of the population of the municipality independently and under its own responsibility [16, 298]. In fact, for us it is all about the state. Therefore, the Russian version of local self-government is nothing but an appendage of the state.

If there is truly effective local self-government then it is possible to say that democracy prospers in a country. Unfortunately, the same cannot be said about Russia. Our self-government is the state government, despite the fact that the Constitution of the Russian Federation in Art. 12 proclaims independence of local government from the state.

The nature of this deformation of self-government is easy to understand. The power tends to control everything, leaving no room for autonomous decision making. However, without suspicion, the federal government gives in fact control of the municipal entities to subjects of the federation because of course, it is impossible to control this vast country effectively from the centre. But the impact of regional power escalates, which in turn causes the strengthening of the duality of power in the state in which the unstable and dangerous form of government acts – especially in the subjects of the federation, divided on ethnic criteria. The authorities, seeking to build a rigid hierarchy, in the end, on the contrary, divide its influence. This is a dangerous game that could end badly.

In conclusion, firstly, a federation is dangerous and forms a kind of marginal form of state division, but with proper construction of the state system and vertical power, as well as the presence of real local self-government, it is the most appropriate and effective.

Secondly, local self-government in modern Russia as such is absent. It is state rather than local government. This is due to the fact that local authorities are essentially institutions of civil society that in today’s Russia is in an embryonic condition.

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