

DEVELOPING MODELS OF THE INTERACTION BETWEEN LOCAL AND TERRITORIAL PUBLIC SELF-GOVERNMENT BODIES TO DETERMINE LEGAL AND ORGANIZATIONAL PRINCIPLES OF THEIR EFFECTIVE PARTNERSHIP

DESENVOLVIMENTO DE MODELOS DE INTERAÇÃO ENTRE ÓRGÃOS PÚBLICOS LOCAIS E TERRITORIAIS DE AUTOGESTÃO PARA DETERMINAR OS PRINCÍPIOS LEGAIS E ORGANIZACIONAIS DE SUA PARCERIA EFETIVA*

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Abstract: The article considers organizational, legal, financial, and economic aspects of the interaction between local and territorial public self-government bodies and defines the main models of such interaction. The study is based on qualitative methods of collecting information, with document analysis as the main method. As a result, the authors substantiate four models of the interaction between local self-government bodies and territorial public self-government bodies: intersectional, organizing, supporting, and partnership interaction. The parameters influencing the choice of each model are as follows: the administrative (free) method of creating territorial public self-government, the degree and quality of legal regulation of their activities, the amount and format of consultation, and financial and other material support from local and territorial public self-government bodies. The authors conclude that the best model of interaction between local and territorial self-government combines the legal principles of partnership and organizing mechanisms, including the principle of complexity, consulting, and financial support; the principle of property and organizational independence of territorial public self-government bodies from local self-government; the principle of involving territorial public self-government in solving local issues; the principle of competitive evaluation of territorial public self-government bodies and their activities.

Keywords: Local self-government bodies. Partnership. Supporting interaction. Organizing interaction. Intersectional interaction.

Resumo: O artigo considera os aspectos organizacionais, legais, financeiros e econômicos da interação entre os órgãos públicos locais e territoriais de autogestão e define os principais modelos de tal interação. O estudo é baseado em métodos qualitativos de coleta de informações, tendo como principal método a análise de documentos. Como resultado, os autores fundamentam quatro modelos de interação entre órgãos locais de autogoverno e órgãos públicos territoriais de autogoverno: interação intersetorial, de organização, de apoio e de parceria. Os parâmetros que

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influenciam a escolha de cada modelo são os seguintes: o método administrativo (livre) de criação de autogoverno público territorial, o grau e qualidade da regulamentação legal de suas atividades, a quantidade e formato da consulta e o apoio financeiro e outros apoios materiais dos órgãos públicos locais e territoriais de autogoverno. Os autores concluem que o melhor modelo de interação entre autogoverno local e territorial combina os princípios legais de parceria e mecanismos de organização, incluindo o princípio da complexidade, consultoria e apoio financeiro; o princípio da propriedade e independência organizacional dos órgãos públicos territoriais de autogoverno em relação ao autogoverno local; o princípio do envolvimento do autogoverno público territorial na solução de questões locais; o princípio da avaliação competitiva dos órgãos públicos territoriais de autogoverno e suas atividades.

Palavras-chave: Organismos locais de autogoverno. Parceria. Apoio à interação. Organização da interação. Interseccionalidade da interação.

1. INTRODUCTION

Considering various forms of direct participation of the population in resolving local issues (citizens meeting, local referendum, flat meeting, etc.), a special role is played by territorial public self-government, i.e. a permanent organization or public formation (having the status of a legal person or without it) implementing civil projects aimed at the development of a local territory in the interests of its population (residential neighborhood, rural settlement, etc.) (Kuzubova et al., 2022). In scientific literature, territorial public self-government bodies are regarded as “basic elements of local self-government” (Breslavskii, 2021, p. 80) and called the main “public assistants” of local self-government bodies in building relations with the population (Voloshin, 2021, p. 5).

While noting the growing role of local communities in the improvement of municipal territories due to limited financial and managerial resources of local self-government, it is difficult to study the experience of building interaction with these structures at the grassroots level of public authority. This is due to the lack of unified statistical reports on the activities of such communities (Solovevetal, 2022). The official data of the Ministry of Justice of the Russian Federation provides an idea of the distribution of territorial public self-government by types of municipalities throughout the country: 46.8% (16,400) in rural settlements, 12% (4,200) in urban settlements, 39.2% (12,600) in urban districts, and 4.4% (1,500) in municipal districts. The only form of joint work of territorial public self-government with municipalities included in the official statistics is the conclusion of agreements on the use of local budget funds. This practice is typical of only 10.4% of the existing territorial public self-government bodies (3,600), using the funds transferred within their economic activity. This article aims to at least partially fill this gap by conducting a comprehensive study of organizational, legal, financial, and

economic aspects of the interaction between local and territorial self-government, proposing the main models of such interaction, and determining their content and qualitative characteristics based on the existing experience, as well as the current legal framework and program documents.

2. MATERIALS AND METHODS

The study is based on qualitative methods of collecting information, the main of which is document analysis. While preparing this article, we studied regulatory legal acts and analytical and methodological documents on the legal, organizational, financial, and economic support of territorial self-government activities. A special emphasis was laid on local sources and best practices of interaction between territorial and local self-government identified by independent public organizations: the National Association of Territorial Public Self-Government and the All-Russian Association for the Development of Local Self-Government (a total of 56 regulatory legal acts and 54 other documents adopted/developed in the municipalities of the Amur Region, Kemerovo Region, Moscow Region, Oryol Region, Ryazan Region, Ulyanovsk Region, Republic of Buryatia, Republic of Dagestan, Republic of Karelia, Republic of Khakassia, Trans-Baikal Territory, Krasnoyarsk Territory, Stavropol Territory, and Khabarovsk Region). The use of general philosophical and scientific methods (dialectical, logical, axiological) in combination with special scientific methods (formal-legal, comparative, systemic) helped us substantiate the basic models of interaction between territorial and local self-government and propose their combination for the most effective application.

3. RESULTS

While studying the best practices for involving local communities in the implementation of local initiatives and the experience of territorial self-government in municipalities in various federal districts, we revealed that only ongoing socially beneficial events are endowed with specific features for a given territory. The implementation of certain interactions between local communities and self-government bodies is characterized by the predominance of an administrative (under the direct control of public officials) or a free (at the request of citizens) approach to the creation of territorial public self-government and the promotion of initiatives on local issues, the quality and duration of

joint work of regions and local self-government bodies, and the structure of local self-government in a constituent entity of the Russian Federation, which in some cases encourages self-organization of citizens due to the lack of direct communication with public authorities. Considering these factors, we can identify the main models of interaction between territorial and local self-government.

The model of intersectional (minimum required) interaction assumes that local self-government bodies are limited to defining mandatory requirements for creating and registering territorial public self-government, the area and forms of their activity in their charter, and other regulatory legal acts. The provisions contained in the federal legislation consist in establishing sample documents that mediate the relevant procedures (a draft charter of territorial public self-government, minutes of the constituent assembly (conference) of citizens living in the relevant territory, applications for registration of the charter and delimitation of a territorial self-government body, etc.) and the introduction of conditions, whose observance allows preventing possible contradictions when establishing, together with local self-government bodies, the boundaries within which such initiative activity is allowed by the population.

For example, given the lack of universal requirements for establishing the boundaries of territorial self-government operating at the federal level, the Blagoveshchensk City Duma (the Amur Region) determined that such: 1) under no circumstances can go beyond the city of Blagoveshchensk; 2) cannot include parts of territories where other territorial self-government bodies operate; 3) must ensure the continuity of the territory where public self-government is organized. The structure of public self-government bodies is determined by the population under territorial public self-government. Local self-government bodies refrain from violating this exclusive right of the assembly (conference) of citizens, even by proposing a draft charter of territorial public self-government. The legally binding participation of local self-government together with territorial self-government is limited to organizational and methodological assistance during the initial founding activities, as well as considering the decisions of such bodies related to local issues by competent officials.

Building the interaction between local self-government and representatives of the local community is a response to the request of residents (a residential apartment building, a group of houses, etc.) to fill the political vacuum at the grassroots level. The formation of such a request can be facilitated by many factors, including the desire to follow the example of successful neighbors who have arranged the local area using the local budget; disbelief in

the ability of traditional institutions (a housing cooperative, a managing company, municipal administration) to solve local issues successfully thanks to cost optimization; an attempt to abandon the traditional forms of public participation in the work of public authorities in favor of direct control over the achievement of specific goals, etc. The measures of financial support from local self-government are traditionally included in the local budget at the planning stage at the request of public associations that have already proven themselves to be positive (not only territorial public self-government but also a wide range of other socially oriented non-profit organizations). Private forms of interaction between local and territorial self-government are purely formal (for example, reporting on the activities of territorial bodies to the administration, maintaining a register of territorial self-government by an authorized body) or regulated by general references to budget legislation and the powers of local self-government on local issues. The lack of incentives for the creation and development of territorial public self-government, as well as other forms of civil self-organization at the place of residence, should be considered a disadvantage of the model under consideration.

Another problem is related to the fact that the proposed options for clarifying regulation and methodological, reference, and other materials developed at the local and sometimes regional level can contribute to the formation of distorted ideas about the purpose and legal nature of the relevant institutions.

The model of organizing interaction presupposes a specification of activities of territorial public self-government, while local self-government bodies substantiate the priority areas of their work in a particular municipality, forms of interaction with government officials, and categories of activities in respect of which priority organizational, financial, and consulting support is provided by the administration. A distinctive feature of the model is the consistent definition of rights and obligations, as well as guarantees for the activities of self-government bodies, which are traditionally associated with the exercise of public control over the implementation of initiative projects independently or as part of advisory bodies, and the provision of financial resources to local communities for the implementation of projects (including on a competition basis).

For example, the model under consideration can unite residents of settlements located within the boundaries of the Trans-Baikal Territory, where model statutes have been developed for territorial public self-regulation bodies, legal entities, and other public formations, as well as a regulatory legal act of local self-government on territorial public self-government. The main activities of local communities are formulated in the following

manner: 1) substantiation of the strategy for the socio-economic development of a particular municipality (preparation of proposals for local self-government bodies, plans and development programs that are consistent with the strategy, preparation and submission of draft municipal regulatory legal acts to municipal representatives); 2) direct participation in the improvement of a particular territory (involving citizens in activities aimed at ensuring the safety of housing facilities, compliance with sanitary rules, and creation of recreation areas); 3) information mediation (participation in conducting surveys of citizens for the purposes of public opinion research, informing citizens about the decisions of local and territorial self-government); 4) public control in various forms (in the field of allocation and use of land plots, compliance with fire safety measures, etc.); 5) assistance to local self-government bodies in solving the fundamental tasks of ensuring the life of the population (participation in measures to prevent and eliminate the consequences of emergencies, protect public order); 6) cultural and leisure activities (holding events for young people, sports competitions, etc.).

On the upside, it is necessary to assess the consolidation in municipal legal acts and agreements of specific obligations of local self-government to provide territorial self-government bodies with methodological and organizational assistance and support, whose content is not limited to the formal participation of officials in procedures that mediate their legal registration. For example, local self-government bodies of Stavropol are obliged not only to assist initiative groups of citizens in organizing meetings and/or conferences for the establishment of territorial public self-government but also to prepare draft charters and other constituent documents, regulations (job descriptions) for future bodies, basic financial and business documentation. There is a clear danger of considering such territorial bodies as structures subordinate to municipalities, i.e. “public assistants” of public authorities capable of mobilizing the population to perform certain tasks for the development and improvement of a particular territory in case of insufficient resources.

As in the case of the mechanisms of intersectional interaction, the implementation of the described model of joint work between local and territorial self-government suggests that the main source of funding for public initiatives is the municipal budget. The fundamental difference lies only in the more consistent definition of local self-government activities or even individual activities, whose financial support is provided by the allocated budgetary resources. For instance, the Regulations on the territorial public self-government of the Zaborievsky rural settlement (the Ryazan Region) contain the conditions for providing local communities with budgetary funds: 1) the registration of territorial self-

government as a legal entity; 2) the availability of the necessary budgetary funds of the rural settlement for the current financial year; 3) the implementation of specific economic activities for the improvement of the territory; 4) the conclusion of an agreement between territorial self-government bodies and the administration of the municipality, describing the scope and timing of the necessary work (services), the procedure for their financing, and provisions on the mutual responsibility of the parties.

The model of supporting interaction is focused on the freedom of choice by local communities of forms and areas of activity together with the stimulating effect of local self-government bodies through offering specific measures of financial and organizational support in priority activities for a given municipality (local issues). The implementation of this model is accompanied by a systemic approach to the formation of competences among territorial self-government leaders related to the justification and promotion of initiative projects, submission of applications for participation in competitions at various levels, control over allocated funds, and preparation of financial and statistical reporting.

Without belittling the importance of local self-government in implementing advanced training programs for leaders (activists) of territorial public self-government and assisting the latter in putting forward initiative projects, we should note that the shift in emphasis to activities of local communities related to justifying the need for financial support (as in the case of intersectional and organizing interaction) to a large extent contributes to the growth of dependent attitudes. It is no coincidence that studies on the organizational and legal registration of territorial self-government in certain regions and municipalities show a tendency to create such communities solely to obtain budget subsidies (Nikitina, 2021). In general, the provision of financial resources on a competitive basis does not solve the above-mentioned problems of legal and organizational support for the activities of territorial public self-government. Many communities are forced to self-liquidate in the first years after their establishment due to the difficulties of keeping records of income and expenses, an ill-conceived system of governing bodies that hinder coordinated decision-making, and the overly diverse nature of the tasks set.

The model of partnership interaction focuses on the horizontal interaction between territorial and local self-government as equal, financially and organizationally separate entities solving overlapping, but inherently different tasks, cooperating not only with each other but also with other stakeholders. The main partnerships are usually strategic planning documents in the field of integrated development of territories. Territorial self-government bodies and other local communities are involved in the execution of such documents along

with various non-profit organizations, representatives of business structures, municipal institutions, etc. At the municipal and regional levels, joint platforms are organized for promoting socially significant initiatives and searching for sponsors. Considering the ongoing work in terms of solving many problems of territorial development by attracting extra-budgetary sources, such activities can be supported at the regional level by creating permanent resource centers, i.e. an important link in the infrastructure for the implementation of local initiatives that provides territorial self-government and other non-profit organizations with advisory, legal, and organizational assistance.

The best practices in this area have been accumulated in the Ulyanovsk Region, where most territorial self-government bodies (391 out of 413 operating) are registered as legal entities. All types of legal and advisory assistance to local communities are provided permanently by the Association of Territorial Self-Government the Ulyanovsk Region registered as a non-profit organization and receiving subsidies from the regional budget. A typical feature that distinguishes this Association from other public organizations in constituent entities of the Russian Federation is the establishment of a wide list of responsibilities in relation to local communities, including 1) to form a general training model for territorial self-government chairmen for their participation in grant competitions in order to attract financial resources for the implementation of initiative projects; 2) to provide targeted advisory assistance to territorial self-government activists in the form of training seminars or support chats in popular messengers and conduct specialized educational courses; 3) to provide free legal services related to the registration of the establishment and state registration of territorial public self-government, as well as to protect their rights and legitimate interests in court; legal and organizational support for the process of including territorial public self-government in the register of social service providers; 4) to maintain book keeping and tax recording of territorial self-government registered as a legal entity free of charge; 5) to attract potential social and business partners of territorial public self-government through joint competitive, evaluative, and educational events on the basis of a co-working site and conclude direct contracts with interested institutions and organizations in the activities of local communities (non-profit partnership “ZhKH Kontrol”, Municipal Budgetary Organization “Center Administration of the City under the Head of Ulyanovsk”, Ministry of Youth Development of the Ulyanovsk Region, Municipal Budgetary Organization “Centralized Club System”, etc.); 6) to promote and support the activities of territorial public self-government by posting forms of documents and video manuals about their work on the official website “Resource Center of Territorial

Public Self-Government of the Ulyanovsk Region”, assist local communities in creating their own websites based on this platform, exchange delegations of territorial self-government activists with other regions of the Russian Federation in order to study the existing positive experience, and establish the necessary social partnerships (Development of territorial public self-government in the Ulyanovsk Region, 2022).

One of the available and tested options for stimulating an increase in the financial and labor contribution of territorial self-government members in the total amount of material resources aimed at the implementation of initiative projects is to hold competitions for territorial projects if the share of own and/or sponsorship participation becomes the estimated parameter. This approach has been implemented in the Republic of Karelia, where the support system of territorial public self-government includes financial assistance to newly created local communities, as well as co-financing of public initiatives within the competition of socially significant projects and the “Best territorial public self-government body” competition. It is also worth mentioning the evaluation parameters of the “Best territorial public self-organization body” competition, which include 15 criteria for determining the independence and effectiveness of their activities during the calendar year. These criteria can be grouped into the following areas: 1) holding socially significant events in the territory of territorial public self-government (holidays, sports competitions, patriotic events, etc. with the active participation of the population); 2) the creation and organization of permanent work of socially significant objects based on or with the participation of territorial self-organization bodies (clubs, sections, healthy lifestyle workshops, etc.); 3) the provision of social assistance and support to vulnerable categories of the population (families with children, the disabled, etc.); 4) interaction with local self-government bodies, public authorities of a constituent entity, structural divisions of federal executive powers, etc. (joint meetings, statutory activities); 5) effective participation in the past competitions (awards, implemented projects). This approach combines elements of an organizing impact on territorial public self-organization as special subjects that take an active and direct part in resolving local issues, and partnership cooperation mechanisms focused on working with territorial public self-organization as independent participants in financial and economic activities.

4. DISCUSSION

This analysis of the interaction between territorial and local self-government in resolving local issues determined the basic models of such interaction based on several parameters, including the administrative (free) method of creating territorial public self-government, the degree and quality of legal regulation of their activities, and the amount and format of providing consulting, financial, and other material support from local self-government bodies and state authorities. This approach makes the study different from other works determining the legal status of local communities (Grebennikova & Maslyakov, 2017; Solovev & Titova, 2020; Urc, 2021), their participation in the integrated development of territories (Chekavinskii & Voroshilov, 2015; Safarov, 2021), the specific implementation of initiative projects on certain local issues (Medvedeva et al., 2021; Schmeleva et al., 2021), etc. The results obtained correlate with the main problems in the development of public self-government in Russia, noted in such sources (Mukhachevetal, 2022).

In the legal direction, the main challenge remains the low quality of legal and methodological work at the grassroots level of public authority, whose manifestations are as follows: regulations and clarifications that incorrectly and/or in violation of the current federal legislation determine the statutory goals and activities of territorial self-government, providing local communities unreasonably broad powers in the field of the implementation of municipal and state orders, the creation of controlled legal entities, the establishment of funds, etc., including territorial self-government structures in the local self-government system with the appointment of official salaries, a bonus system similar to the remuneration of municipal employees. Thus, the need for a special legal form of non-profit organization for local communities is confirmed. Its typical features are as follows: unitary nature (lack of membership); binding to a certain territory; activities strictly limited to the goals of socially significant initiatives; financial basis in the form of voluntary contributions by individuals and legal entities; budget funds; a special legal regime of property received (acquired, created) during the implementation of initiative projects (such should be transferred to a specific municipal institution, retained by the owners of a residential building, etc., depending on the category of property and its purpose), independence from local self-government bodies and state authorities.

In terms of organization, there is a lack of high-quality consulting and organizational support for the activities of territorial public self-government. It is improper to attribute

the entire range of tasks related to assisting such communities at the stage of their creation and start-up to local self-government bodies due to the lack of personnel working with public authorities. The most promising experience is the creation of regional resource centers that serve as the central link in the infrastructure to support local initiatives, providing not only training but also targeted assistance in the field of bookkeeping and tax accounting, contract work, meetings with potential sponsors, etc. If such centers are focused on supporting non-profit organizations as a whole, special attention should be paid to the planning of individual training and competitive evaluation activities for territorial public self-government with due regard to the specific organization of public self-government, including the territorial nature of ongoing projects and differences in the statutory goals of their activities and forms of work from those inherent in other non-profit organizations.

Finally, *financial and economic issues* are determined by the lack of common financial and legal policy regarding the priority forms and directions of co-financing the activities of territorial public self-government and the nature of their participation in economic activities in the assigned territory (Pushkarevetal, 2021). This problem is closely related to the choice of organizational and legal forms for territorial public self-government, which does not exclude the need for developing federal, regional, and municipal programs to support local initiatives focused on the competitive method of selecting socially significant projects, supporting, first of all, those territorial self-government bodies that can accumulate labor and material resources of residents and sponsorship funds for developing and improving such territories.

5. CONCLUSION

Each model of the interaction between local and territorial self-government has its advantages and disadvantages. Despite simple implementation, the model of intersectional interaction does not provide local communities with sufficient legal, financial, and organizational guarantees of activity. As a result, they often self-liquidate shortly after creation due to the lack of special knowledge among territorial self-government activists. The model of organizing interaction allows for clarifying the categories of activities in which both parties are interested and planning them with the definition of mutual rights and obligations. However, the main danger is the transformation of public authorities into structural units of local self-government bodies completely dependent on local budgets.

The development of dependent attitudes is also facilitated by the use of a supporting interaction model. Being focused on the free choice of forms and activities, the model does not ensure high-quality legal and organizational support, as a result of which local communities rarely acquire the status of independent civil actors. Finally, the partnership model being implemented in certain regions of the Russian Federation cannot be considered a full-fledged guideline for the legislator and law enforcer since a sufficiently high level of self-organization of local communities is required to establish horizontal links between local and territorial self-government bodies. In the struggle for grant support, the latter often lose to the other non-profit organizations that are more trained in the field of social project planning.

On this basis, it is required to combine the basic principles of partnership and organizing interaction. In our opinion, it is necessary to consider the special, independent, and self-governing nature of local communities (territorial public self-government, etc.) together with the unique role of this institution that participates in one way or another in the implementation of public initiatives in several critical local issues. These principles include: the principle of the complexity of legal, consulting, and financial support provided by public authorities at all levels during the creation of territorial self-government and in the course of their activities (mainly based on a regional resource center); the principle of property and organizational independence of territorial self-government from local self-government; the principle of involving territorial self-government in solving local issues based on a program-target method (within the framework of comprehensive programs to support local initiatives, development of territories, etc.); the principle of competitive evaluation of territorial self-government activities to provide financial support from the budget based on uniform parameters (the validity of initiatives; demand for potential results; the share of own funds and sponsorship).

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