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IMPROVING THE FORMS OF POPULATION PARTICIPATION IN SOLVING ISSUES OF LOCAL IMPORTANCE

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Annotation. The article discusses the question of the form of the exercise of democracy in Russia. Particular attention is devoted to the need to reform the legislation on public hearings. The author touches upon the issues of the significance of this institution, identifies key problems and proposes a set of interrelated measures to improve the institution of public hearings. The urgency of this problem is dictated by the growing importance of the institution of public hearings in Russia.

Keywords: public hearings and discussions, democracy, the right to citizens' participation in the implementation of local self-government, popular initiative, the procedure for holding public hearings, local government, civil society, legislative regulation of the institution of public hearings, a democratic state, advisory institutions of municipal democracy.

Civic participation in modern science is seen as one of the significant principles of governance in a democratic society.

The problem of developing and improving the institutions of direct democracy is actualized by changes in legislation and the role of these institutions in a dynamically developing democratic society. More and more, it is not the nominal participation of the people in governing the state that is gaining importance, but real participation along with the competent authorities.

Professor S.A. Avakyan defines direct democracy as a set of constitutional and legal institutions through which the people express their will, they themselves exercise state power and the power of local self-government [1, c. 462].

Currently, all the institutions of direct democracy listed in the Federal Law of October 6, 2003 No. 131-FZ «On the General Principles of Organization of Local Self-Government in the Russian Federation» are represented by two types: imperative and advisory. The criterion for dividing is the obligatory acceptance of the people's will by the relevant state body or local self-government body.

The essence of the imperative form is expressed in the mandatory implementation of the power will of the people of a particular municipality, while the consultative form of democracy is carried out on the basis of taking into account the opinion of the population, which can be used as the basis for decisions taken by state bodies or local self-government bodies [2, c. 7].

The law identifies such forms of civic participation as a referendum, elections, recall of deputies and elected officials, polls (consultative referendum), popular discussions, public hearings, people's legislative initiative, meetings, gatherings of citizens at the place of residence.

Speaking about the consultative institutions of municipal democracy, it is worth dwelling in detail on such an institution as public hearings. This institution of direct democracy is a kind of dialogue between a public authority and the population. Its application allows local authorities to reveal the opinion of the population on key issues, such as the draft charter of the municipality, the draft local budget and draft plans and programs for the development of the municipality, etc. [3, c. 47].

Emphasizing the importance of the institution of public hearings for the formation of a full-fledged civil society, it should be noted that the significant practice of using this institution has identified a significant number of problems for theorists today that require detailed study and analysis and, as a result, require the development of recommendations aimed at solving them.

The institution of public hearings in the Russian Federation is regulated by Art. 28 of the Law «On General Principles of Organization of Local Self-Government», which defines the list of mandatory public hearings. Local governments are empowered to mandate public hearings on certain issues.

The legislator also empowered the population of the municipality to initiate public hearings. Public hearings and discussions are also mentioned in Art. 5.1 of the Urban Development Code. The Law «On the Foundations of Public Control» also contains provisions on public hearings and discussions.

Having studied the legal regulation of these issues, it should be stated that the procedures for public hearings and discussions are described in an extremely framework. This contributes to a noticeable dispersion of the rules established for these procedures in different municipalities, and as a result, a large number of unresolved disputes over local territories [4, C. 95].

The Council for the Development of Civil Society and Human Rights under the President of the Russian Federation analyzed the complaints of citizens and municipal deputies on frequent widespread procedural violations. Such violations were recorded, such as the provision of documentation in an incomplete volume; lack of verification of the required documents by the participants; the filling of most of the seats in the hearing

room by unknown people or local officials; denial of admission to hearings of critical active residents; inconsistency of the final conclusion with the real content of the speeches, etc. These violations contribute to the generation of a fair distrust of the authorities on the part of the population, which only increases social tension. Practice knows many such examples of civil confrontation: in 2018–2019 these are Yekaterinburg, Vologda, Sevastopol, Tyumen, Shies, protests against renovation in Moscow.

Systematic disregard for the opinions of local residents, especially on issues related to negative impact on the environment, generates fair mistrust and increases social tension.

In our opinion, the institution of public hearings needs to be reformed, since there are many gaps in the legislation that make it possible to interpret the procedure for holding public hearings in different ways.

It seems necessary to highlight the main and typical problems of public hearings and discussions. Basically, these are issues related to the absence of legal grounds for refusing to appoint public hearings initiated by citizens and criteria for the legality of such a refusal; related to the composition and number of participants in public hearings, which is not regulated by law; lack of wide coverage of the audience interested in solving a specific issue in the media, including on digital platforms; procedural violations.

However, the most important issue, in our opinion, is the non-binding nature of the decisions that were made as a result of public hearings and the issue of transparency in summing up the results of public hearings, since public hearings are not forms of exercising power by the population, but only provide an opportunity for citizens to participate in the discussion of draft decisions. ... The result of citizen participation is the determination of the results of public hearings in the form of recommendations that represent the opinion of the majority of participants in public hearings.

This method of summing up the results of the public hearings that took place seems to be controversial, since in this case the opinions of a certain part of the participants in the public hearings are not taken into account. In addition, the revealed significant violations of the very procedure of public hearings and discussions are not grounds for invalidating them. Hence, there is no responsibility for ignoring the views of the public expressed at hearings and discussions, which makes them an obvious formality.

Taking into account the above problems, it would be advisable to implement a set of the following interrelated measures:

1. Detailed consolidation in the legislation of the procedure for organizing and holding public hearings, which will avoid different interpretations of the implementation of the procedure for these events.

- 2. It is necessary to improve the rules for scheduling public hearings and filing applications, as well as determining the composition of participants in the hearings.
- 3. Legislatively consolidate the results of public hearings when local self-government bodies adopt municipal normative legal acts on issues of local importance.
- 4. To regulate the use of video recording and webcasting devices from the moment of the opening of the hall of public hearings, which will ensure the transparency of the procedure.

The complex of the above measures will improve the status and improve the procedure for holding public hearings. This will give public hearings and discussions not a formal character, but will allow the population to fully exercise their right to participate in solving key issues within their municipality.

Thus, many significant issues that directly determine the effectiveness of public hearings require improvements in the legal regulation of this institution and close attention of the organizers of public hearings. This will make it possible to turn public hearings into an effective mechanism for dialogue between local self-government bodies and the population.

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ЖЕРГІЛІКТІ МАҢЫЗДЫ МӘСЕЛЕЛЕРДІ ШЕШУГЕ ХАЛЫҚТЫҢ ҚАТЫСУ НЫСАНДАРЫН ЖЕТІЛДІРУ

Түйін. Мақалада Ресейде демократияны жүзеге асыру нысаны туралы мәселе қарастырылады. Қоғамдық тыңдаулар туралы заңнаманы реформалау қажеттілігіне ерекше назар аударылады. Автор бұл институттың маңыздылығы туралы сұрақтар қойып, негізгі проблемаларды анықтайды және қоғамдық тыңдаулар институтын жетілдіру бойынша өзара байланысты шаралар кешенін ұсынады. Бұл мәселенің өзектілігі Ресейдегі қоғамдық тыңдаулар институтының маңыздылығының артуымен байланысты.

Кілт сөздер: қоғамдық тыңдаулар мен талқылаулар, демократия, азаматтардың жергілікті өзін-өзі басқаруды жүзеге асыруға қатысу құқығы, халықтық бастама, қоғамдық тыңдауларды өткізу тәртібі, жергілікті мемлекеттік басқару, азаматтық қоғам, қоғамдық тыңдау институтын заңнамалық реттеу, демократиялық мемлекет, муниципалдық демократияның кеңесші институттары.

СОВЕРШЕНСТВОВАНИЕ ФОРМ УЧАСТИЯ НАСЕЛЕНИЯ В РЕШЕНИИ ВОПРОСОВ МЕСТНОГО ЗНАЧЕНИЯ

Аннотация. В статье рассматривается вопрос о форме осуществления демократии в России. Особое внимание уделяется необходимости реформирования законодательства о публичных слушаниях. Автор затрагивает вопросы значимости этого института, выявляет ключевые проблемы и предлагает комплекс взаимосвязанных мер по совершенствованию института общественных слушаний. Актуальность этой проблемы продиктована растущим значением института общественных слушаний в России.

Ключевые слова: общественные слушания и дискуссии, демократия, право на участие граждан в реализации местного самоуправления, народная инициатива, порядок проведения общественных слушаний, местное самоуправление, гражданское общество, законодательное регулирование института общественных слушаний, демократическое государство, консультативные институты муниципальной демократии.

THE CONSTITUTION OF THE RUSSIAN FEDERATION AND INTERNATIONAL LAW: POLITICAL AND LEGAL ASPECTS OF THE INTERACTION