

## Vertical of the Public Authority: Experience of Modern Russia

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**Abstract:** This article describes the problems and prospects of building a vertical of the public authority in Russia. The author summarizes the criticism of the construction of the authority vertical and highlights the strengths and weaknesses of the concept. The necessity of translation the problem of the authority vertical into legal plane, registration of the authority vertical and of the results of its operations by legal means are substantiated in the article. The author sees the publication of the unified federal law of the system of legal acts of the Russian Federation as the main direction of the legalization of the vertical authority. The generalization of the Russian experience and author's offers can be useful in the practice of state-building in other countries.

**Key words:** Public authority, The vertical of public authority, The bodies of the State authority, The bodies of the local self-administration, Legal acts, The system of legal acts of the State, Statehood, democracy

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### INTRODUCTION

Public authority, the vertical of public authority, the bodies of the State authority, the bodies of the local self-administration, legal acts, the system of legal acts of the State, statehood, democracy.

The vertical of authority means the interaction, separation of rights and powers, responsibilities and functions between the federal, regional and municipal authority [1]. In a federate State, which the Russia is, there are three levels of the vertical of authority and three levels of administration:

- The State authority presented by the federal center and included the legislative, executive and judicial branches of authority and the Central Bank of the Russian Federation;
- The regional authority, included the bodies of the State authority of the subjects of the Russian Federation;
- The municipal authority, the bodies of the local self-administration [2].

The process of regulation in administration of the State across the vertical of authority in Russia associated with the Decree of the President of the Russian Federation "About the Plenipotentiary Representative of the President of the Russian Federation in the Federal District" on May 13, 2000. Seven federal districts and the

corresponding position - Representative of the President of the Russian Federation in the Federal District were introduced by this document. However, legal regulation and practice of the activities of this Institute of the authority cause complaints.

At the certain moment the vertical of authority appeared as the necessary means of suppression of the separatism's and despotism's trends of the some regional leaders in Russia. The lightness, with which the statehood can be lose, has been demonstrated by the collapse of the Soviet Union and by the subsequent "parade of sovereignties" in the 90th. The famous Yeltsin's phrase, "take as much sovereignty as you can digest" was literally understood by regions, so as a result this situation endangered the existence of the Russian State and plunged the country into the protracted socio-political crisis.

Separatist's tendencies can nullify all the values of the statehood: territorial integrity, defense potentialities and national security, social stability, a unified legal space, the possibility of the formation of the regime of law and protection of the human rights, the stable position in the international arena and as a result, the ability of influence on the global development.

The problem of the constructing of the vertical public authority in Russia is ambiguous. According to Russian sociologists fair, the public benefit from the proclaimed "strengthening of the state" must be estimated from the viewpoint of the situation, when the taken political actions

contribute to the strengthening of the public institutions and to the development of their social content [3]. And from this viewpoints Political scientists, sociologists and lawyers see the whole block of the problems caused by the construction of the vertical of authorities.

First of all, it is uncertain legal status of the Plenipotentiary Representative of the President of the Russian Federation in the Federal Districts and Federal Districts themselves. According to the Russian researcher M. Vorobyov: "... the introduction of a new political institution according to the logic of reform of the public administration had to be accompanied by its legal fixation in the Constitution of the Russian Federation and other constitutional normative acts, but in practice this has not happened." [4]. Formation of a new managerial body occurred without giving him territories, because Federal District is not an administrative-territorial subdivision and "therefore, from a legal point of view it has no territory." [5]. From this comes the repeatedly emphasized in the critical literature the uncertainty of the authorities of the Plenipotentiary Representative of the President. "... The terms of the authorities of the Plenipotentiary Representative of the President is growing, herewith the authorities do not established as normative determined functions as before, they are distributed in the form of political orders", - the well-known Russian political scientist, sociologist, a former employee of the Administration of the President of the Russian Federation Mikhail Afanasyev [6].

The second problem - is the ideological and political fixation on the strengthening of the President's authority. In practice, the concept of the vertical of the authorities transformed into construction of the "presidential vertical" (the term is actively used in the Russian political science literature). In this case, the major dysfunction of the Russian State - a parasitic bureaucracy, coalescence authority with oligarchic capital, clientelism and corruption - Putin's reforms not only do not correct, but even do not affect their foundations. According to the figurative expression of M. Afanasyev, "cure these congenital diseases of the Russian authorities with administrative centralization - is like to extinguish the fire with kerosene" [7].

The third set of problems is associated with the development of civil society in Russia. The participation of citizens in the processes of formation of the society and the State has been and remains as a "weak point" in modern Russia [8]. Rigidly built the vertical of authorities works well in the current Russian conditions, but thereby authority even more distanced from society. As Russian

political scientists pointed out, the Russian society needs "public horizontal", bearing in mind the formation of the institutions of civil society.

Another problem - is a combination of the vertical of authorities with the institution of local government. Well-known Russian economist Marina Liborakina, dealing with issues of the local self-administration considers that the attempt of making local self-administration as a part of the vertical public authorities in Russia, with its vast territories and with variety of economic and socio-cultural conditions is doomed to failure [9]. On the other hand, the analysis of the legislation about local self-administration leads researchers to the conclusion about the devaluation of the idea of self-administration in modern Russia. "... The new legislation - notices A.V. Kolesnikov - keeping the external democratic shell, though is directed on the centralization of the authorities more, than on the decentralization" [10].

The fifth set of problems - is the contradiction between the concept of the vertical of authority and the idea of the democratization of society. The main reproach, which politicians address the idea of the vertical of authority is that in practice this idea is transformed into a simplified mechanism of making power decisions, bypassing the complex of the democratic procedures. This simplified decision-making mechanism assumes the submission of the "subordinate" body or official to "superior" body or official, whereby from the all possible decisions the one is selected, which is corresponds to the interests of the superior instance [11].

The disadvantages of the vertical of authority include the expansion of the state apparatus, associated with the introduction of institute of the Plenipotentiary Representative of the President and the creation of Federal Districts (because in different bodies of the State have new territorial subdivisions now - districts). In addition, the imbalance of the system of the separation of powers can be specified as a negative prognosis. The vertical of authority leads to centralization and strengthening of the executive and presidential authority, which will weaken the uninfluential representative bodies of the Russian State.

Of course, with such prognosis of the development critics see in the vertical of authority an attempt to cross out all the democratic achievements of the latest decades of the Russian State. Negative practice in the realization of the vertical of authority transforms the strengthening of the State in bureaucracy and provokes a split between political elites and the population of the country.

However, we can look at the problem from the other side. Evaluating the perspectives of the discussed directions of the State reforms, it is necessary to take into consideration the specifics of the Russian State. Vast territories, geographic and climatic variety of regions, economic, historical, political, national, cultural and ethnic features - all these are the objective factors of the existence and development of the Russian statehood. On the one hand, decentralization of authority looks like the only one obvious alternative of the progressive development in such conditions.

On the other hand, we can say that practically the same factors, from which the necessity of the decentralization in Russia is flows out, imperatively demands the unity of authority and the strong state administration. Territorial scopes, geographic and climatic variety, heterogeneity of natural resources, unevenness economic development, multinational composition of the population, multi-confessional, the variety of historical, political and cultural traditions and, domestic lifestyles, apartness of the most part of the territory from the administering center, scatter of the time zones - all these make the preservation of the State and administration of it like the most difficult task. And it is solved by the strong centralized administration, expressed in the vertical of authority. "Without the vertical of authority the centrifugal forces will be inevitably increase in the Russian State," - rightly emphasizes political scientist M. Vorobyova [12]. The vertical of authority should play the role of the system-making center of the statehood. The vastness of the territory generates an objective necessity of the effective vertical of authority, without which the historically formed statehood can be lost.

There is another factor, which is necessary to take into consideration - this is the general regularities of the development of the statehood. One of these regularities is that there is a necessity for the prepared society with a high level of general, political and legal culture, with formed and stable democratic institutions and economically developed to form a democratic regime. In an unprepared society, democracy mutates into anarchy and generates social and political instability, which is economically weakens the country that can be seen in the examples of the former Soviet republics today. The value of democracy as an ideal model of state legal development is now almost universally recognized, but incompetent and manipulative use of the separate democratic institutions makes real democracy a very distant prospect at the best way and at the worst - an unachievable illusion and a cynical fiction. The State and

society are undergoing to democratization, but to make this possible, they both must be preserved. The Strong and efficient authorities must cope with the objective of preserving the integrity of the society and the State. The contradistinction of democracy and the vertical of authority - is not a necessity, but sag of the concrete historical practice of their formation.

It seems that today the problem is not in the recognition of the necessity in the vertical public authority, but in the concept of this vertical. To a certain extent, the vertical of authority has become a reality and today's objective is to improve the efficiency and provision its action by legal means. Nowadays the vertical of authority acts largely on the basis of the certain political orders, not on the basis of the regulatory and legal fixation of the bodies' structure, of their functions and powers.

The problem must be converted into legal plane, be formalized direction of legal policy. From this position, in the problem of the strengthening of public authority we can see two manifestations. Firstly, the authority must have a clear concept of the vertical of authority's strengthening, coordinated with the local levels of public authority's interests. Considering the fragmentariness and the blurriness of legal regulation in this sphere, such concept is absent nowadays (or the available concept is not supported by the local elites and other political forces, which does not allow to consequentially fix it in the legislation). Secondly, all the activities of the State in building a vertical of authority, as well as the results of the vertical of authority's activities, must be expressed in legal forms.

To provide effective system and effective activities of the vertical of authority in the conditions of the democratic State there is a necessity in a clear single hierarchy of the legal acts in a state scale. From this point of view, *the creation of the unified complex system of legal acts, in its turn, is part of a state policy in strengthening the vertical of authority.*

The Federal Law about legal acts - is one of the most urgent demands in the modern legal life in Russia. Nowadays, several alternative projects of such law, which were offered by the scientific community and the special group in the Council of Federation of the Federal Assembly of the Russian Federation (Russian parliament), are discussed. The absence of centralized regulation in this sphere generates the outrunning law-making of the federal bodies of the state authority and of the subjects of the federation, which are arbitrarily define the types and forms of legal acts issued by them. In our

opinion, the uniform legal regulation of the spheres of law-making and publication theseveral legal acts in Russia will remove a significant part of the claims madeto the modern model of the vertical of authority. And then not only disadvantages can be appeared, but also advantages and perspective of the concept of the vertical of authority.

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