

## TRANSPARENCY IN THE LEGAL REGULATION OF MUNICIPAL SERVICES AS THE FEATURE OF THE SERVICE STATE

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### Abstract

The Constitution of the Russian Federation, which was adopted in 1993, established the idea of social and legal state as a basis of Russian statehood. Currently, however, the idea of the social (welfare) state has expanded considerably, and a lot of researchers are talking about the service state. The research of the service component in the state is important because the characteristics of such a state are still misunderstood. Transparency as public awareness of the benefits that can be provided by the government including through the local authorities is regarded as one of the signs of the service of the state. The aim of the study is the definition and description characteristic of service state, the selection of its components. Scientific methods of analysis, synthesis and classification are used to achieve the goal of the research. The result of the study consist of the selection of various characteristics of the service state and the determination the role of transparency in the municipal services regulation among such features.

**Keywords:** Transparency, municipal services, service state, legal regulation of municipal services

### 1. INTRODUCTION

Modern state and law are dynamic mobile structures, they are forced to follow scientific and technical progress. A feature of this development is that it is based on the constitutional and legal framework, which received its consolidation in a time when the progress of such a level could not be predicted. The correlation of the fundamental legal regulation and modern realities is an urgent research problem. The question of how basics of information and communication interaction between society and the state are fixed in a legal field is the study subject. Such subject is very relevant. New concepts and principles of government are aroused thanks to such development. The object of study in this case is the legal attribution of the modern state on the example of the Russian Federation.

### 2. METHODOLOGY

Research methodology is the system of the methods and principles of their application which are used in the

research. Basic methodological principles of the research are: legality, objectivity, freedom of scientific search, consistency and consistency.

Legality promotes the realization of the study on the basis of the current legislation. The laws which are used in the study of the problem are applicable to the researched relationships.

Objectivism excludes the influence of personal preferences of the authors on the findings of the study. Freedom of scientific research as the principle means independence of the author's position from politics, economy, any ideology, and extraneous unreasoned opinions. The study investigates a problem in its relationship with other legal phenomena. It is provided by the principle of consistency. The research is submitted to the General laws of logic according to the principle of logic.

Analysis is one of the researching methods. Analysis is separation of a studied problem in the conditional parts for a more thorough description. Another method is generalization. Such method allows to unify phenomena into one group and highlight their common features. The comparison allows to bring into confrontation various objects and their groups.

The materials of the research can be divided into two groups. The first group is legal doctrine – writings of leading scientists. Normative legal acts of the Russian Federation constitute the second group of study materials.

### **3. LITERATURE REVIEW**

The concept of the service state had appeared in the 80-90s of the last century in the United States and several countries in Western Europe. The concept includes such statements as widespread service, the purpose of the state is to serve the individual, because of it any activity of the state in interaction with the individual becomes a public service (Kozhenko, 2012, p. 745)

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We can not fully agree with S. A. Koverzneva at the same time, because she notes that domestic and foreign literature do not have a unified approach to the definition of "legal service", "service state", "state service", "network service" (Koverzneva, 2011)

Currently, the institute of public services, including public and municipal services has received legislative fastening. The relationship is regulated by Federal Law of 02.07.2010 # 210-FZ "On the Organization of Provision of the State and Municipal Services". This legal act defines the concept of various types of services and reveals the basics of services the during providing such services.

However, in addition to providing public service, the state is characterized by such features as the presence of ideological diversity, the rule of law in the state, a developed civil society, the social character of the state, as well as the active communication between state and society through different channels. The list of signs of the service state can be distinguished from the work of Sanjarevsky "on the concepts of service and a strong state and modern political governance modernization" (Sanjarevsky, 2014, p.10). The Constitution of the Russian Federation reflected the concept of the service of the state, although it does not contain direct legal rules on it.

Article 2 of the Russian Constitution establishes that the person, his rights and freedoms are the Supreme value. The recognition, observance and protection of the rights and freedoms of man and citizen is the duty of the state. Russia is recognized as the social state in part 1 of article 7 of the Russian Constitution. The state policy is aimed at creating conditions ensuring a worthy life and free development of man emphasizes this article. Article 33 of the Russian Constitution provides citizens with the right to address personally and to submit individual and collective appeals to state bodies and bodies of local self-government.

The Russian Constitution contains legal rule "every man and citizen have the right to information". It is one of the most important rights. This right consists of such abilities as freely to seek, receive, transmit, produce and disseminate information by any legal method (The Constitution of the Russian Federation, 1993, art. 29). However, such a right does not mean transparency of information which are allowed to receive and transmit. Publicity in the modern world means the ability to obtain information freely. First of all, publicity means openness and transparency of information about the activities of bodies of state power and bodies of local self-government, there is no need to look for such information, such data must be published and posted for public access. According to D. S. Mikheev, T. N. Mikheeva and M. A. Mokoseeva the purpose of

transparency is to ensure not only awareness of residents, but also to create conditions for cooperation of citizens with the government (Mikheev, Mikheev, Mokoseeva, 2015, p. 100). D. S. Mikheev approvingly appreciates a modern way of obtaining information on activities of municipal authorities through the Internet, which greatly expands the ability of citizens to interact with these bodies, simplifying procedural matters, such communication also (Mikheev, 2015, p. 65). Scientists note a wide use of potential of information technologies in foreign countries to ensure transparency of the activities of local administrations, the election of the municipal representative bodies of the administration (Mikheeva, Kudryavtsev, Yaichnikova, 2015, p. 16)

In the case of municipal services, the Russian legislation provides, the principle of openness among other principles of their provision. It is fixed in such way: "openness of activity of bodies that provide municipal services, as well as organizations involved in the provision of municipal services" (Federal law, 2010, art. 4)

#### **4. RESULTS AND DISCUSSION**

According to the researchers, the service state combines the ideas of legal and social state and civil society in its concept. However, in our opinion, given features do not fully reflect the idea of the services character of the state. Service state becomes itself when foregoing institutions work closely with each other. Interaction is impossible without the transparency of activities of various public structures. Transparency in the modern state should permeate all the levels, but the beginning needs to be made at the local government level, in that moment, when a citizen addresses to a municipality with the request. Transparency of municipal services is the sign of the service state, because a service from the public bodies becomes available, if a potential applicant knows about it.

The disadvantage of Russian reality is the lack of legal regulation of the principle of transparency. The law on the provision of municipal services contain uncoordinated norms, which indirectly pointing to the publicity. These are such rules as the right of applicants to receive full, actual and trustworthy information on the procedure of providing state and municipal services, including in electronic form (Federal law, 2010, art. 5); provide information to applicants and providing of access of applicants to data on the state and municipal services; the applicant receives information on the progress of the request during provision of state or municipal services (Federal law, 2010, art. 10); allocation of the draft bill of administrative regulations in the information and telecommunications network "Internet" (Federal law, 2010, art.13); provision of unified portal of state and municipal services access for applicants to information about state and municipal services (Federal law, 2010, art. 21).

Thus, there are two conditions which are important for the formation and development of the service state in practice. The first is the consolidation of the institute of public services at the state level and at the level of local self-government. The second, but not less important is ensuring of transparency, because the services themselves without implementation do not make the life of people more comfortable. Potential applicants should know about their rights to benefit from the various authorities and the authorized organizations, they must have the opportunity to comment the existing way of provision of those services and to influence the provision of legal ways.

Currently in the Russian Federation formed the legal basis for interaction of state and society, but it is not perfect, because there is no general rule, providing the transparency of procedures for the provision of municipal services in the legislation. In this regard, we propose to formulate paragraph 4 of article 4 "Basic principles of rendering state and municipal services" of Federal Law of 02.07.2010 # 210-FZ "On the Organization of Provision of the State and Municipal Services" as follows: "transparency of providing state and municipal services, including the openness of activities of bodies and organizations providing such services, publicity of reports on the results of services, ensuring public control over the procedure of rendering of services provision to the population and legal entities the opportunity to participate in improving the legal regulation of the procedure of provision of services".

#### **5. CONCLUSIONS**

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rendering of services provision to the population and legal entities the opportunity to participate in improving the legal regulation of the procedure of provision of services”.

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