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ВЕСТНИК

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1

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THE MODEL STATUS OF THE HEAD OF THE SUBJECT OF THE RUSSIAN FEDERATION

Abstract. The relevance of the topic is determined that the highest official of the subject of the Russian Federation are central in the system of regional public authorities and has a significant impact on the performance of Federal state functions. The Federal structure of the Russian Federation provides for different levels of governance.

The effectiveness of solving state problems depends on the quality of management in the regions. The legislation defines only the basic principles of the requirement of the organization of power in the subject of the Russian Federation. Subject of the Russian Federation can regulate the organization of management. Federal legislation provides the subjects of the Russian Federation with relative freedom in determining the system, structure, order of formation and functioning of the Executive power. The subjects of the Russian Federation are different models of governance, which determine the status of the head of the subject of the Russian Federation. The article identifies two models for realizing the principle of separation of powers in the subjects of the Russian Federation.

The place of the head of the subject of the Russian Federation in the power system is considered from the position of the scope of powers. The article describes the status of the head of the subject of the Russian Federation when using different models, highlights the features of organizational models. The practical application of the management model depends on the characteristics of the territory (area, population, socio-economic situation). In contrast to the Federal model, the head of a subject of the Russian Federation in fact included in the system of Executive power regardless of the model. The article deals with discussion issues. The article highlights the main disadvantages and offers suggestions on the advantages of models.

Key words: Federal structure, legislation of the subject of the Russian Federation, the highest official, the head of the subject of the Russian Federation, the system of Executive power.

The relevance of the topic. The Federal system is used in less than 10% of the countries of the world. The Federal structure assumes the presence of a complex system of management, the separation of powers between levels of government. In the Russian Federation the legislator establishes only the basic principles of the organization of management in subjects of the Russian Federation, providing thus the opportunity independently on places to regulate some questions.

Therefore, in the subjects of the Russian Federation there are different models of management. Management issues in the subject of the Russian Federation in the scientific literature are considered from the position of organizational aspect [2,4,5] and functional aspect [3,4,7]. The aim of the study is to highlight the features of the position of the highest official in the system of state power of the subject of the Russian Federation under different organizational models.

Materials and methods of research. The method of analysis of the legislation of subjects of the Russian Federation and existing practice was used. The research was conducted using legislation and scientific papers on the research topic.

Research results. On the example of the Siberian Federal District, organizational models of the status of the head of the subject of the Russian Federation were identified.

The status of the highest official of the subject of the Russian Federation is not fully regulated. In addition, to allocate as an independent position – the position of the head of the highest executive body of state power of the subject of the Russian Federation, working on a professional competitive basis.

The management system in the Russian Federation is under reform. The basic principles of governance were laid down in the Constitution of the Russian Federation. Until 1999, the subjects of the Russian Federation, independently determined the management system, based on constitutional principles. After the adoption of the Federal law «On General principles of organization of legislative (representative) and executive bodies of state power of the subjects of the Russian Federation» dated 06.10.1999 (hereinafter the Federal law «On General principles...»), the process of unification of management began. The Federal law established the general principles of the organization of state power of the subjects of the Russian Federation. The change of the Federal legislation testifies to reduction of independence of the subject of the Russian Federation in the decision of organizational questions of management [2,5,6].

The provisions of the law allow the subjects of the Russian Federation to take into account regional peculiarities. The scientific literature suggests that with the adoption of this law there was a strengthening of the vertical of power and as a consequence it affected the degree of independence of the regions in determining the management structure [5, p.93]. Despite the presence of Federal regulations, the structure of Executive power in the subjects of the Russian Federation is very diverse both in organizational and functional sense. There are different approaches in determining the status of the higher official of the subject of the Russian Federation (hereinafter the head of the subject of the Russian Federation) in the system of authorities of subjects of the Russian Federation. And also, the structure by types of bodies and a combination of powers differs [7, p.139].

The legislation of the Russian Federation ambiguously fixes existence of a post of the head of the subject of the Russian Federation. So, according to article 2 of the Federal law «On General principles...» the position of the higher official of the subject of the Russian Federation may be established by Constitution of the subject of the Russian Federation. The legislator doesn't include this position in the number of mandatory. Besides, this position is not specified in the List of standard state positions of subjects of the Russian Federation approved by the decree of the President of the Russian Federation of 04.12.2009 № 1381 «About standard state positions of subjects of the Russian Federation».

According to article 17, paragraph 4 «the structure of executive bodies of state power of a subject of the Russian Federation is determined by the highest official of the subject of the Russian Federation (head of higher executive body of state power of a subject of the Russian Federation) in accordance with the Constitution (Charter) of the subject of the Russian Federation». Thus, in the absence of this official, the question arises: «what body or official will be determine and / or change the structure of the Executive power?». In practice, the position of the highest official is provided in all subjects of the Russian Federation.

The fundamental principle of the organization of power is the principle of separation of powers [1, p.278]. In contrast to the Federal model of management, in the subjects of the Russian Federation the highest official is part of the Executive power system. The Federal law uses the following construction «the highest official of the subject of the Russian Federation (head of higher executive body of state power of a subject of the Russian Federation)». Based on generally accepted rules of legal technique, the terms «the highest official of the Russian Federation subject» and «the head of the higher executive body of state power of a subject of the Russian Federation» are equivalent in this legal act. In fact, the legislator includes the head of the region in the system of Executive power of the subject of the Russian Federation as a head.

The status of the head of the Russian Federation subject in the Executive power of the Russian Federation varies. In the subjects of the Russian Federation, the following options are used.

1. Combination of two positions (the head of the region and the head of Executive power). The title indicates the double status of the head of the subject of the Russian Federation and the head of the executive body of the subject of the Russian Federation (for example, the Head of the Republic of Khakassia – The Chairman of the Government of the Republic of Khakassia; Altai territory Governor, the Chairman of the Government of the Altai territory);

2. The head is included in the system of Executive power, while the functions of the head of the highest executive body are performed by the first Deputy head of the subject of the Russian Federation (for example, Krasnoyarsk territory, Irkutsk region).

The first variant involves direct leadership of the highest executive body of the subject of the Russian Federation. In the second variant, another official performs the management function of the Executive power of the subject. At the same time, the head of the subject of the Russian Federation retains «leverage», because the head of the executive body is directly subordinate to the highest official of the subject of the Russian Federation.

Analyzing the status of the head of the subject of the Russian Federation, V. A. Hmara and E. A. Psarev come to the following conclusion. Direct inclusion of the head of the subject of the Russian Federation in the highest executive body as the head «provides centralization of the power and is characteristic for mobilization or «manual» type of management» [4, p.373]. Another variant, providing for a special post of the head of the executive body of the subject of the Russian Federation, «leaves more opportunities for separation of powers, specialization in management and seems more promising» [4, p.373]. In large subjects of the Russian Federation, the second variant is more preferable, since it allows to distribute the authority to manage the subject of the Russian Federation.

Allocation of a separate position of the head of the highest executive body of the subject of the Russian Federation allows to appoint the head proceeding from professional qualities and experience. The position of the head of the subject of the Russian Federation is elective. Therefore, the scientific literature discusses the need to refuse the election and appointment of the head to the post [8]. Therefore, the requirements for the presence of experience in the field of management or economic activity to the candidate for the post of head of the subject of the Russian Federation can't be presented. When using the second variant, possibly appoint a head based not on party or other political preferences, but on professional characteristics, taking into account the existing experience of economic or managerial activities. Thus, the elected head will be able to concentrate the efforts on other directions of work.

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РЕСЕЙ ФЕДЕРАЦИЯСЫ СУБЪЕКТІСІНІҢ БАСШЫСЫ МӘРТЕБЕСІНІҢ МОДЕЛЬДЕРІ

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МОДЕЛИ СТАТУСА ГЛАВЫ СУБЪЕКТА РОССИЙСКОЙ ФЕДЕРАЦИИ

Аннотация. Актуальность темы обусловлена тем, что высшее должностное лицо субъекта Российской Федерации занимает центральное место в системе региональных органов государственной власти и оказывает существенное влияние на выполнение общефедеральных государственных функций. Федеративное устройство Российской Федерации предусматривает наличие разных уровней управления.

Эффективность решения государственных задач во много зависит от качества управления в регионах. Законодательство определяет только основные принципы требования организации власти в субъекте Российской Федерации. Регионам предоставляется право регулировать вопросы организации управления.

Федеральное законодательство предоставляет субъектам РФ относительную свободу в определении системы, структуры, порядка формирования и функционирования исполнительной власти. В субъектах РФ используются разные модели организации управления, которые определяют статус Главы субъекта РФ. В статье выделяется две модели реализации принципа разделения властей в субъектах Российской Федерации.

Место Главы субъекта РФ в системе власти рассматривается с позиции объема полномочий. В статье дается характеристика статуса Главы при использовании различных моделей, выделяются особенности организационных моделей. Практическое применение модели управления зависит особенностей территории (площади, численности населения, социально-экономического положения). В отличие от федеральной модели, Глава субъекта Российской Федерации фактически включен в систему исполнительной власти независимо от модели.

Выделение отдельной должности руководителя высшего исполнительного органа субъекта Российской Федерации позволяет назначать руководителя исходя из профессиональных качеств и опыта. Должность главы субъекта Российской Федерации является выборной. Поэтому в научной литературе обсуждается необходимость отказаться от избрания и назначения руководителя на должность [8]. Поэтому требования к наличию опыта работы в сфере управления или хозяйственной деятельности кандидату на должность главы субъекта Российской Федерации не могут быть представлены. Также возможно назначение руководителя исходя не из партийных или иных политических предпочтений, а по профессиональным характеристикам, с учетом существующего опыта хозяйственной или управленческой деятельности. Таким образом, избранный руководитель сможет сосредоточить свои усилия на других направлениях работы.

В статье рассматриваются дискуссионные вопросы, а также выделяются основные недостатки и формулируются предложения о преимуществах моделей.

Ключевые слова: федеративное устройство, законодательство субъекта РФ, высшее должностное лицо, глава субъекта РФ, система исполнительной власти.

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