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ADMINISTRATIVE REFORMS IN THE RUSSIAN FEDERATION

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In the article noted the change in the ratio of application of legal means (laws and subordinate acts) to ensure administrative reform, as well as the development of processes for allocation of powers, including those between the federal bodies of executive power and the bodies of executive power of the subjects of the Russian Federation regarding the matters of joint jurisdiction of the Russian Federation and its subjects.

Argues that depriving the executive authorities of the subjects of the Russian Federation of the most part of management functions, such as coordination, planning, predicting, accounting, information gathering, organization, supplying, etc., has significantly changed the administrative-legal status of the bodies of executive power at the regional level.

The author makes a conclusion that the bulk of excessive functions contained in the federal laws and decrees of the President of the Russian Federation and in the acts adopted by the Government is still preserved.

Keywords: administrative reform, public authority, management reform, transformations in executive branch.

In recent years our country has been conducting reforms in many spheres of state and public life. Reforms have also touched upon the sphere of administration. The current administrative reform is focused primarily on the creation of an optimal system of public administration. Effective state power is necessary to address urgent social and economic problems, to improve the level and quality of life of the population.

Today's world is notable for the trends of a new understanding of the role of the state, its functions, interrelations between society and the state, its bodies. As a result, in some countries, it has become necessary to carry out administrative reforms. Their experience shows that this is a long, difficult task that requires efforts of the whole society and, importantly, openness of government for the dialogue with it. At the same time, hasty and ill-considered decisions can lead to significant economic and social losses.

Reforming of governance – is not only and not so much change in the structure and staff as a revision of the powers of executive authorities, improvement of the mechanisms for the implementation of these powers and functions. On the other hand, reallocation of powers, elimination of duplication, elimination of redundant functions – not an end in itself, but objectively necessary component of administrative reform.

The term of “administrative reform” has been familiar to everybody for many years. But only at the end of 2003, and especially in 2004-2005 these words were given the nature of a real, radical and large-scale state affair. The meaning of “reform” measures in the Letter of the RF President to the Federal Assembly of the Russian Federation for the year 2005 was characterized as follows: “In the last five years, we have been forced to deal with the difficult task of preventing the degradation of state institutes. But, at the same time we were obliged to create the basis for development in the years and decades ahead...” [8].

What are the prerequisites of administrative reform, when has it begun, its content, bills related to the conduct of, and other normative legal acts, results and expectations – this is the range of issues that now require scientific and legal comprehension.

Administrative reform – the most difficult in the history of modern Russia – has been continuing steadily and gradually from 1991, since the end of the Soviet public and state system and the transformation of the socialist planned economy into a market one. The revolutionary course of actions to transform Russia suggested a radical restructuring of the entire state mechanism. Hence is the formation of a new system of legislative power and conducting of judicial reform, which has been

continuing up to this day. It is time to start the reorganization of public administration and, above all, executive authority [8; 9, 29].

Public servants are needed in any state. Efficiency of the entire public administration depends on the efficiency of performance of their duties. Therefore, there has not been actual reduction in the number of public servants, benefits and privileges have not been abolished. While long working hours, increased responsibility, unsafe for life and health nature of official activities, etc. are compelling justifications for the presence of benefits. The task is in their legally regulated and real providing.

Being aware of all this, the political elite carried out administrative reform, adjusting the Soviet executive apparatus to the needs of the country's ongoing political and economic reforms. The general vector of this adjustment was characterized by the words: If you change something, do it minimally.

The Constitution of the Russian Federation defined executive power as an independent branch of state power, introduced the concept of a unified system of executive power, established in the most general terms the order of formation of the Government of the Russian Federation, and left open the issues about the system and structure of the executive power and its functional orientation. Regarding these issues a fierce dispute was started around the Federal Constitutional Law "On Government of the Russian Federation". That is why the elaboration of the draft law was lasting for four years.

Many lawyers, including the drafters of the bill, referring to the lack of proper constitutional basis of executive power, offered in it:

- to consolidate the principles of organization of executive power bodies;
- to determine the essence of a body of executive power;
- to define the criteria for determining each type of executive power bodies;
- to determine the purpose of each type of executive power bodies and their place in the system;
- to formulate the tasks and functions of each type of executive power bodies;
- to reflect the correspondence of body's name to the nature and content of its activity, and so on.

But even in the Law on the Government of the Russian Federation [1] these issues have been left opened. This is no accident. The intention of the legislator was to provide full scope for the formation of executive apparatus adapted to the new type of economy.

Clarity was only in one question: to solve the political task of avoiding the system of global state impact on economy. The legislator refused state-legal and

social concept of “governance” and adopted its interpretation in narrow civil-legal sense – in relation to public property. This has generated a lot of difficulties in the exercising the powers of executive authorities and created a set of problems requiring solutions, both in normative and organizational order: combining the functions of regulation and management, powers of authority and “market power”, responsibilities for the development of competition and the rights of control and oversight over the activities of business structures, etc.

Thus, administrative reform was initially considered as a significant and the most difficult element of economic and social reforms in Russia since 1990.

Reforms conducted in Russia are aimed at creating a real foundation for the transition to the formation of a unified and effective system of power able to make quick and high quality solutions, that is, adequate time requirements agreed in the objectives and consistent in content, and to achieve their strict implementation. At that, ongoing in the executive branch transformations in recent years significantly affect the content and methods of public administration, without changing the application of well-known legal means: legislative regulation and sublegislative rule-making.

However, as the analysis shows, the ratio in application of legal means (laws and subordinate acts) to ensure administrative reform in Russia has recently been changing. For example, if at the first phase were mainly used the legal acts of the President of the Russian Federation, which determined the main directions of the reform: reallocation and the reduction of the functions of executive power bodies, the modernization of the system of executive power, etc., and the Government of the Russian Federation was entrusted with the duty to carry out these activities, then the subsequent phases were planned by the Government of the RF. It endorsed the Concept of administrative reform in the Russian Federation for 2006-2010.

Changes in the executive branch at the federal level could not but affected the level of the constituent entities of the Russian Federation. The more so because constitutional and legal reform conducted in the regions is now directly linked to the administrative one.

In other words we can say that the strengthening of the system of power at all levels has led to development of processes for allocation of powers, including those between the federal bodies of executive power and the bodies of executive power of the subjects of the Russian Federation regarding the matters of joint jurisdiction of the Russian Federation and its subjects. This is, so to speak, “links of the same chain”, what, apparently, was not taken into account in the planning of administrative reform. That is why depriving the executive authorities of the subjects of the

Russian Federation of the most part of managerial functions, such as coordination, planning, predicting, accounting, information gathering, organization, supplying, etc., has significantly changed the administrative-legal status of the bodies of executive power at the regional level.

First, in regions and territories have begun to establish Ministries with sectorial competence, in republics – services and agencies to provide public services; executive authorities of the subjects of the Russian Federation basically have lost the ability to timely and accurately implement regional management, as interconnections (between the federal and regional authorities) have been destroyed and executive bodies of the subjects of the Russian Federation have remained, as they say, “alone with their problems”.

Secondly, in the subjects of the Russian Federation has dramatically increased the number of territorial units of federal bodies of executive power. For example, in the field of ecology and environment protection ministries of natural resources of the Russian Federation were “broken up” regarding the objects of management (regional department for water resources, regional forestry, regional department for subsoil use, etc.)

Thirdly, there has appeared a lack of clarity in the scope of powers of some sectorial bodies of executive power – federal bodies and bodies of the subjects of the Russian Federation to conduct state control and various kinds of examinations. For example, the legislation does not clarify exactly which executive authorities are responsible for conducting environmental monitoring and environmental impact assessment. Moreover, the terminology used in determining the scope of powers of executive power bodies makes a mess of the determination of the subject of management.

While using in the Federal Law No. 166-FL from 20.12.2004 “On Fisheries and Preserving of Aquatic Biological Resources” [2] the concept of “federal executive body responsible for supervising the fisheries and preserving of biological resources and their habitats” we cannot determined either we talk about the Federal Service for Veterinary and Phytosanitary Surveillance or the Border Guard of the Federal Security Service of the Russian Federation.

Fourth, Federal Laws passed as a result of the allocation of powers between the public authorities of the Russian Federation and its subjects and, in fact, already representing the results of the administrative reform change the content (subject) of legal regulation. For example, the change in the scope of powers of the executive power bodies, provided for by the Federal Law of the Russian Federation No. 323-FL from 21.11.2011 “On the Basis of Health Protection in the Russian Federation”

[3], has led to changes in the legal status of the recipients of budget funds. Previously was used the notion of “institution of citizens’ health protection”, and these institutions had the status of state and municipal ones. This notion was replaced by the notion of “organization of citizens’ health protection”, which, as we know, may be private. Consequently, now also private organizations operating in the field of citizens’ health protection act as the recipients of budget funds. The same amendments have also been made in education [10, 14].

So, changes in the executive branch that take place in recent years significantly affect the content and methods of public administration. If the administrative reform will continue to influence on the legislation in such a way, there will be a need to put it in a more or less coherent system. This can be avoided by providing for the above listed steps of conducting the administrative reform.

Administrative legislation did not include officially established typology of the functions of executive power bodies. As a result of the implementation of the decrees of the President of the Russian Federation No. 724 from May 12, 2008 “Issues of the System and Structure of the Federal Bodies of Executive Power” [5] and No. 636 from May 21, 2012 “On the Structure of the Federal Bodies of Executive Power” [6] and review of the functions of federal executive bodies conducted by the Government Commission for Conducting of Administrative Reform [7], the following typology of the functions of executive power bodies was adopted:

- functions of adoption of normative legal acts;
- control and supervisory functions;
- state property management functions;
- functions of provision state services.

Now let’s conduct a comparative analysis of the above-mentioned decrees of the President of the Russian Federation.

Both of the decrees of the President of the Russian Federation in order to form an effective system and structure of federal bodies of executive power optimize the functions of federal bodies of executive power.

Optimization of the functions of federal bodies of executive power means:

- abolition of the functions of excessive public administration;
- avoidance of duplication of functions and powers of the federal bodies of executive power;
- transfer of functions of federal bodies of executive power to self-regulating organizations in the field of Economics;
- institutional separation of functions related to regulation of economic activities, supervision and control, management of state property;

- completion of the process of delineation functions between the federal bodies of executive power and bodies of executive power of the constituent entities of the Russian Federation.

Since August 2003 the Government Commission for Conducting of Administrative Reform has being implemented analysis of the functions of the federal bodies of executive power for determination their future, including in terms of their redundancy and duplication [4].

For all similarities of reasons, objectives and nature of the activities to adapt executive apparatus to market economy, which have been carried out in previous years and now, it is important to note a new emphasis in the approaches to solving the problem. The major emphasis is on thorough analysis and comprehensive evaluation of exactly the functions of the executive apparatus, their adequacy to the requirements of market economy development.

Thus, the tasks, which were being addressed during the analysis, evaluation and streamlining of the functions of federal bodies of executive power, by virtue of more solid reasons required:

- to free the apparatus from old functions of yesteryear;
- to distinctly delineate functions between the federal bodies of executive power by eliminating duplication, overlap and "sagging";
- abolish unnecessary structural subdivisions and/or bodies in general.

Thus, it was assumed that finally it will be possible to "suppress" endless restructuring of the state apparatus, rationally implement centuries-proven principle of "three definitions" of organization the executive apparatus: "functions, structure, staff", - and to start implementation of effective public administration.

The results of work of the Government Commission for Conducting of Administrative Reform were discussed at the meetings of the Government of the Russian Federation, which made the final decisions on optimization the functions of federal bodies of executive power.

In analyzing the activities of federal executive bodies were identified groups of functions proposed to be abolished or transferred to self-regulatory organizations, or re-defined in respect of their content.

The Government Commission for Conducting of Administrative Reform in general reviewed the 5300 functions of the federal bodies of executive power. Of which:

- 800 were declared totally or partially redundant;
- 500 - duplicative;
- for 300 functions was offered to change the scale of exercising.

However, only a small part, which was enshrined only by acts of the Government or by the provisions on departments, was abolished. The bulk of redundant functions, which are contained in the Federal Laws and decrees of the President of the Russian Federation and in the acts adopted by the Government, is still preserved (more than 300 laws, dozens of decrees of the President of the Russian Federation, hundreds of decisions of the Government and acts of departments).

Functions of the federal bodies of executive power were considered by the Government Commission also from other points of view:

- their type designs – political, regulatory, controlling, oversight, monitoring of activity, providing public services, etc.;
- possibility of their transfer to the non-state sector, on the lower level of power – to the subjects of the Russian Federation and municipalities.

The Commission also assessed the extent of implementation of state functions. As a result of this assessment certain state functions have been “rationalized” – some of their components withdrawn from budget funding, transferred to state organizations, privatized, etc.

Commission carried out “depoliticization” of a large number of functions of the federal bodies of executive power through removing them from the jurisdiction of federal ministries and transfer to “lower levels” of exercising of executive power – to the competence of services, agencies, what had to contribute to improve the effectiveness of their implementation

Administrative reform – the most difficult in the history of modern Russia – has been continuing steadily and gradually from 1991, since the end of the Soviet public and state system and the transformation of the socialist planned economy into a market one.

Strengthening the system of power at all levels led to the development of processes for the delimitation of powers, including those between the federal bodies of executive power and bodies of executive power of the subjects of the Russian Federation regarding the matters of joint jurisdiction of the Russian Federation and its subjects.

If the administrative reform will continue to influence on the legislation in such a way, there will be a need to put it in a more or less coherent system. This can be avoided if during conducting the following stages of administrative reform to provide for: its sufficient legal ensuring; planning of events on administrative reform on the basis of statutory norms and regulations; prediction of consequences of carried out measures for the legislation on the competence of public authorities of the Russian Federation and public authorities of the RF subjects.

The success of implementation of the administrative reform mainly depends on the understanding and support by citizens and business of the goals and tasks of the administrative reform, civil society interest in the results of the reform, on the one hand, and the availability of objective information on the progress of its implementation, on the other. Interest in the reform of public servants responsible for ensuring of its implementation is also essential for the successful conducting of the reform.

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