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RFC: ATII20618V12

Revista Dilemas Contemporáneos: Educación, Política y Valores.

<http://www.dilemascontemporaneoseducacionpoliticayvalores.com/>

Año: VI

Número: Edición Especial.

Artículo no.:142

Período: Junio, 2019.

TÍTULO: Riesgos administrativos y públicos del Instituto de Gestión de la ciudad según los expertos de la República de Adygea.

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RESUMEN: Este artículo analiza los riesgos administrativos y sociales derivados de la introducción del Instituto de Administración de la ciudad. Como resultado del estudio, los autores concluyeron que los principales riesgos deberían ser considerados: 1) el temor de ser desleal al gobierno federal, 2) el conflicto entre la administración y el cuerpo representativo del autogobierno local, 3) el crecimiento de prácticas de corrupción debido a la pérdida de transparencia del proceso de ingreso del jefe del municipio en el cargo, y 4) la incapacidad para llevar a cabo la planificación estratégica.

PALABRAS CLAVES: Protección judicial, asistencia jurídica, derechos humanos, normas internacionales, constitución.

TITLE: Administrative and public risks of the Institute of city management, according to experts of the Republic of Adygea.

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ABSTRACT: This article analyzes the administrative and social risks arising from the introduction of the Institute of city management. As a result of the study, the authors concluded that the main risks should be considered are 1) fear of being disloyal to the Federal government, 2) the conflict between the administration and the representative body of local self-government, 3) the growth of corruption practices due to the loss of transparency of the process of entry of the head of the municipality into office and 4) the inability to carry out strategic planning.

KEY WORDS: judicial protection, legal assistance, human rights, international norms, constitution.

INTRODUCTION.

In the current decade, the Russian Federation is actively carrying out a reform aimed at changing the order of entry into office of heads of municipalities. Instead of the mayors elected by popular vote in the territorial communities, as was previously the case, a procedure is being introduced for the appointment of city contract managers.

The procedure of competitive selection for the position of the head of the municipality under the legislation of the Russian Federation has an alternative character. Instead, the mechanism of direct municipal elections or the election of deputies may be applied in municipalities. However, legislative alternatives are one thing, and the desired political practice is quite another. For the modern reality of our country, the second is more priority.

The position of city Manager has been introduced into the Russian municipal management system since 2005. Now it exists everywhere, replacing almost everywhere other possible options. Is this a consequence of its managerial effectiveness or is it the result of political lobbying by the Federal government? The first does not necessarily contradict the second, as is sometimes postulated in some publications [Shmelev, 2014], but any answer, since the Federal political elite at this stage has made its categorical choice in favor of the city management model, suggests the need for an objective, free from political bias assessment of its administrative and social viability [Ochakovsky, et al., 2015; Zare, 2015; Gamarra et al, 2018].

Meanwhile, the introduction of the procedure for the appointment of heads of municipalities under the contract has not led to a significant increase in the efficiency of performance indicators for the management of municipalities, which suggests that this reform has some risks that hinder its viability. The object of the study is the introduction of the Institute of city management in the municipalities of the Republic of Adygea. The subject of the research is administrative and social risks of failure to achieve the solvency of city management.

The purpose of the article is to identify administrative and social risks that act as an obstacle to the achievement of the solvency of the Institute of city management in the municipal government of Russia.

Achieving this goal involves two tasks:

- 1) Identify the administrative risks of the Institute of city management.
- 2) Identify the public risks of the Institute of city management.

DEVELOPMENT.

Methodology.

The main method used to collect and process information for writing an article is an expert survey in the form of interviewing. Geographically, it was carried out in three settlements of the Republic of Adygea: Maikop, Adygeysk, village. Yablonovskoe. Subjects identified as experts:

- 1) The chairmen of the representative body of the municipality, his Deputy (Deputy);
- 2) The chairmen of the permanent and temporary commissions (committees) and his Deputy (Deputy).
- 3) Employees of the administration of the city district (head of administration, Deputy heads of administration in various areas).
- 4) Employees of the administration of the municipal district (representatives of the functional bodies of administration: heads (Deputy heads) of committees, departments, departments).
- 5) Deputies of the representative body of the municipality (city Duma/district Assembly of deputies);
- 6) Representatives of science (teachers);
- 7) Representatives of the media of municipalities, covering the problems of reforming the local government). A total of 30 experts were interviewed on the territory of the Republic of Adygea, holding leading positions in the municipal government system, or having professional knowledge of how the system operates.

In the process of analysis of the obtained database, the principle of dividing the whole body of experts into two main groups was applied: 1) representatives of administrative authorities (municipal employees) – 19 respondents, and representatives of the public (deputies, journalists, teachers) – 11 respondents.

Results and discussion.

We associate the administrative and public solvency of city management with the achievement of the goal set before it by the initiators of the reform, which is to increase professionalism in municipal management and, accordingly, the growth of socio-economic indicators of the territories [Dyatlov, et al., 2017]. We will consider risks as the factors hindering the goal set for the Institute of city management [Dyatlov, et al., 2018]. First of all, let's consider the General group of risks.

Table. 1. What possible risks may arise as a result of the introduction models of city management
(any number of answers) in %.

ANSWER CHOICE	SOCIAL STATUS			
	Municipal employee.	Deputy.	Journalist.	Teacher
Distrust of the population to the appointed, not the elected Manager.	55,6	50,0	100,0	83,3
The increase in corruption in the government.	11,1	0,0	100,0	83,3
Reducing the quality of work of the head of the municipality.	11,1	50,0	50,0	50,0
Reducing the personal responsibility of the head of the municipality to the population.	33,3	50,0	50,0	66,7
There are no grounds for the possible occurrence of the above risks.	33,3	0,0	0,0	0,0

On this issue, we see a wide divergence between the two expert groups. All experts from the public are convinced that the current practice of city management generates risks of a very diverse nature. And to the least extent this applies only to concerns about the decline in the quality of work of the

heads of the municipality, although here the indicators of fear for the occurrence of risks are very high [Gafiatulina, Rachipa, et al., 2018].

Experts are particularly concerned about the decline in confidence in the appointed head, the reduction of personal responsibility and, obviously, the growth of corruption. Experts from the public here have almost complete unanimity. This suggests that even the existing potential of the Institute of city management can hardly be realized in the practice of municipal government. The same problems are partially raised by representatives of the administrative authorities, but a third of the respondents of this group do not see any risks at all.

Since the purpose of city management is focused on increasing the professionalism of property management, then contact risk management nature.

Table. 2. Can we say that the Institute of city management is inherent in the following management risks (any number of answers) in %.

ANSWER CHOICE	SOCIAL STATUS			
	Municipal employee.	Deputy.	Journalist.	Teacher
Detachment from the real needs and concerns of the population of the territories, the dominance of technocracy and imitation practices.	33,3	50,0	50,0	66,7
The inability to carry out medium-and long-term planning (the status of "temporary").	33,3	100,0	50,0	16,7
There is a high probability of conflict between the administration and the representative body of the municipal government.	33,3	50,0	0,0	66,7
None of the above risks are inherent to the Institute of city management.	44,4	0,0	0,0	0,0

The assessment of this type of risk has made some adjustments to the distribution of judgments. First of all, there is a noticeable increase in the number of experts from the group representing the administrative authorities, who see the presence of other risks, except for the loss of confidence on the part of the municipal community. The increase is due to the choice of the answer, such as "the status of a temporary worker" and "the high probability of a conflict between the administration and a representative body of municipal power." These options for municipal employees are becoming almost as popular as the standard response of the majority about the absence of any risks. One third of the respondents are afraid of such a development.

Meanwhile, the problem of the inability to carry out medium-and long-term planning is unlikely to contribute to the effective operation of the city Manager. Concern on the part of municipal employees is not just understandable, but also should be required to be adopted as the most serious. We are talking about practical workers, and who, if not them, to fully understand the scale of the obstacles that city managers will have to overcome. We see another updated threat to the effectiveness of their activities in such a risk as a conflict between the administration and the representative body. This was stated by a third of municipal employees, more than half of teachers and half of deputies, and presumably, this problem is articulated not as hypothetical, but already existing. Its aggravation can lead to a significant decrease in the capacity of city managers.

Since the need to improve the professionalism of city managers is associated with the aim of improving the socio-economic development of the territories, then turn to the risks of socio-economic nature.

Table. 3. Can we say that the Institute of city management is inherent in the following socio-economic risks? (any number of answers in %).

ANSWER CHOICE	SOCIAL STATUS			
	Municipal employee.	Deputy.	Journalist.	Teacher
The removal of the procedure for taking office of the head of the municipality from the electoral space can stimulate the emergence of informal practices of a corrupt nature.	33,3	50,0	100,0	100,0
The cancellation of elections excludes such a source of development of municipalities as pre-election promises, which were previously a mechanism for obtaining funds for municipal development from Federal political parties and high-status politicians.	0,0	100,0	0,0	14,3
Only loyal Federal city managers will receive the necessary amount of funds for the development of the municipality.	11,1	50,0	100,0	42,9
None of the above risks are inherent to the Institute of city management.	55,6	0,0	0,0	0,0

The main split between the two groups of experts again took place on the last issue, fixing the presence or absence of risks from the introduction of the Institute of city management. In this case, socio-economic. However, the first two questions also showed differences of opinion. All interviewed journalists and teachers noted that the existing practice of city management generates corruption mechanisms. Only one third of the administrative authorities of the municipalities agreed. More or less was the agreed position of both groups of experts only on the issue of corruption.

The last aspect that we consider necessary and possible to touch upon in our study is the opinion of the expert community, expressed as if on behalf of the whole society. Since the introduction of the Institute of city management limited the right of the population of municipalities to elect their leader, a question was asked about the attitude of voters to the abolition of the election procedure.

Table. 4. Is it important for the population of municipalities legal mechanism that determines the order of entry into office of the head of the municipality? (answer in %).

ANSWER CHOICE	SOCIAL STATUS			
	Municipal employee.	Deputy.	Journalist.	Teacher
The people are tired of politics and will accept a leader in any capacity, if he will successfully solve the problems of socio-economic development of the territories.	66,7	50,0	50,0	28,6
Socio-economic problems are a priority for the population, but the abolition of the mayoral elections will be assessed negatively by the population.	33,3	50,0	50,0	42,9
For the population, democratic principles are of great importance, so the abolition of the mayoral elections will be evaluated very negatively as an attack on the rights of voters.	0,0	0,0	0,0	28,6

Opinions among experts are divided, which actually reflects the hypothetical nature of these judgments. It is difficult to say unequivocally what the voters think about the cancellation of the mayoral elections. It is even more difficult to put their opinion in the system of values on relevance. In any case, it can be assumed that even "policy fatigue" does not really mean unconditional acceptance of the restrictions on electoral rights.

CONCLUSIONS.

The existing discourse on the results of the reform on the introduction of the Institute of city management allows us to identify several approaches [Dyatlov, Chigrin, 2018; Dyatlov, Gurba, 2014; Dyatlov, Sazhin, 2015; Millanei et al, 2016]. With some degree of conditionality, we can combine them into three basic groups [Gafiatulina, et al., 2018]. The first includes specialists who are critical of the considered legislative innovation [Vodenko, et al., 2018]; the second, allowing in the long term significant institutional benefits from the introduction of a contractual method of replacing the posts of heads of municipalities [Bedrik, et al., 2016]; to the third, proceeding from the fact that the position of city managers can not be assessed unambiguously [Lubsky, et al., 2016]. Within the last group, the main task of the researchers is to study the existing experience, generating both positive processes in

the management of municipal authorities, and negative [Lubsky, et al., 2016]. The attention of the researcher should be directed to overcoming the latter.

The system analysis of the main author's positions on the question of interest to us, allows us to distinguish the following negative judgments of experts about the Institute of city managers. A. N. Neustroev draws attention to the lack of legitimacy in the procedure of the appointment of city managers. L. V. Akopov points out that by its status the city Manager, it is accountable not to the population, whose interests he must represent, but to the representative body of the municipal government. Hence, the potential problem of ignoring the interests and opinions of voters may arise. V. I. Vasilyev emphasizes that the expanding procedure for the appointment of city managers reflects the desire of the state (Federal center) to strengthen the power vertical to the detriment of the democratic beginning in management. Besides, he writes about ignoring in new model of such constitutional guarantor as the right to judicial protection of local government since the city Manager can be removed out of court.

V. A. Ochakov admits the possibility of strengthening in the framework of the analyzed model of corruption, associating it with wide possibilities of collusion of a few interested in the appointment of officials. At the same time, the lawyer writes about the existing corruption scandals in the practice of city managers. V. S. Avdonin proceeds from the fact that the contract model of appointment of city managers can provoke an increase in competition of interests between the representative body and the administration, since the first acts in relation to the second source of legitimacy, but it is practically devoid of control powers [Chernous, et al., 2015; Taubaye et al, 2018].

There is another group of scientists who assess the Institute of city management positively. A. A. Shmelev is convinced that in the work of the city Manager there is a division of political and economic functions, which allows the head of the administration to fully focus on solving the current issues of the municipality. V. L. Tambovtsev draws attention to the fact that the procedure of appointment

under the contract, in which an active role is played by the regional authorities, will unite the efforts of the authorities at all levels in the joint solution of managerial tasks. L. K. Beshieva appeals to successful foreign experience of functioning of city management, praised and politicians in Western Europe (USA), and academics specializing in management issues.

A. A. Volodin proposes to introduce the Institute of city management everywhere, as the abolition of municipal elections will save money for more productive use. V. A. Ochakovsky proceeds in his positive assessments from the presumption of depoliticization of the population, referring to the low turnout in the elections of heads of municipalities. In this regard, transition to contract appointment of heads of administrations, in his opinion, there is a legalization of more thought-over order of formation of local governments [Volkov, et al., 2017; Courtney, 2018; Lin & Chen, 2018].

More careful evaluation of the two groups of opposite positions allows to detect in them when the dialectical nature: the same property of the Institute of city management his opponents or supporters interpreted in diametrically opposed ways; for example, the rejection of the election of A. A. Volodin connects with the possibility of savings, and L. K. Sagieva is sure about the exclusion of parties from participation in elections; on the contrary, will significantly reduce the financial resources of local communities as a result of the loss of the interest in voters.

In General, there are a number of common points for evaluation, within which it would be much more productive not to formally compare positions, but to reach a certain problematic level of their understanding. At least because city managers exist as an alternative for management actions reality for ten years. And then, judging by the initiatives of the Federal government, the General trend will be to approve in practice only this alternative.

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RECIBIDO: 7 de mayo del 2019.

APROBADO: 20 de mayo del 2019.