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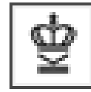

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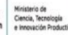

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THE MAIN PROPERTIES OF THE CONSTITUTIONAL AND LEGAL CONSOLIDATION OF THE PUBLIC AUTHORITY SYSTEM IN THE MODERN CONDITIONS OF CONSTITUTIONAL REFORM IN RUSSIA

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Abstract

The purpose of this research is a comprehensive theoretical and legal analysis of the current state of constitutional and legal consolidation of the public authority system in Russia. Normative legal acts that mediate the implementation of constitutional reform in Russia, doctrinal sources, and significant foreign experience relevant to the subject of research have been studied. The following methods have been used: general philosophical, general scientific, special scientific, special. The main properties of the system of public authority system enshrined in the Constitution of the Russian Federation have been determined, considering such parameters as the features of building federal relations as the basis for the vertical delineation of functions and powers of public authorities, the state of the system of separation of powers in the context of the balance of checks and balances, and the degree of legal protection and independence of local self-government bodies. The constitutional reform, in terms of consolidating the system of public authority, made it possible to develop and strengthen the principle of subsidiarity in delimiting the subjects of jurisdiction and powers in the relationship between the bodies of state power of the Russian Federation and its constituent entities and to clarify the spatial limit of a state rule of the RF with the help of constitutional legitimation of federal territories. It created the basis for overcoming the "conflict of competence" between the state and municipal levels of power, ensuring the constitutional and legal balance between the branches of government at the federal level to prevent the development of non-systemic conflicts in the system of "checks and balances "and the emergence of constitutional crises of power.

Keywords

Public authority – Unity – System – Constitutional reform – Constitution – Federal territories

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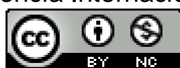

Introduction

The structure of public authority in Russia has undergone the most conceptual changes in the course of the historic constitutional reform of 2020. The obvious evidence of this is the adoption of the Law on the amendment to the Constitution of the Russian Federation (RF) of March 14, 2020, No. 1-FKZ, entitled "On improving the regulation of certain issues of the organization and functioning of public authority". Along with the fact that modern studies most often only state the fateful significance of the amendments concerning the issues of state structure and functioning of state power and their subsequent filling with "fundamentally new content", an objective assessment of the main parameters of the development of such a system in the context of constitutional reform has not yet been made. Moreover, considering the consequences of the constitutional reform in this part, Russian scholars often limit themselves to referring to the position of the Constitutional Court of the RF, expressed as part of the assessment of the constitutionality of the provision of the said Law, to the amendment to the Constitution of the RF, where the concept of a "unified system of public authority" is explained through the identification of the constitutional and legal significance of the existing varieties of power relations and the interaction of their subjects at various levels.

Textual analysis of the updated Constitution of the RF in the context of the functional use of the terms "public authority" and "unified system of public authority" allows identifying the following fundamental changes.

Firstly, setting a list of the exclusive remit of the RF, the Constitution in the new wording of Article 71 (clause "g") refers to those the organization of public authority in the country, delimiting this competence from the establishment of the system of federal bodies of state authority of all kinds, as well as regulate the procedure of their organization and activities, and, in fact, procedures of their formation. The priority of the "public authority" construction in comparison with the previous traditional terminology, as well as the system-forming nature of this term in the very model of the new Russian statehood, is noted.

Secondly, by defining the basis of the legal status of the President of the RF in Article 80, the updated Basic Law of the country emphasizes the importance of this institution in ensuring the coordinated functioning and interaction of bodies that form a single system of public authority, which focuses on strengthening the relationship between individual elements of this system, as well as connecting the coordinating function of the President of the RF to relations with the participation of local self-government bodies. The official inclusion of local self-government bodies in the structure of public authority is directly indicated by part 3 of Article 132 of the Constitution of the RF. At the same time, Article 133 still assumes that they perform "public functions" only in cooperation with state authorities, as a result of which their constitutional and legal status remains not fully defined, at least because it is an "institution of public authority" that, paradoxically, is deprived of the right to independently perform "public functions".

Thirdly, the constitutional reform provides for the legitimation of the federal territories, as well as other areas in the RF for the future as a special object of constitutional legal relations, which may incorporate a mode of implementation of public authority (Article 67, part 3 of Article 131 of the Constitution). The possibility of establishing a specified special regime is itself an important essential feature of the structure of public authority and should be adequately integrated into the system of relations between different levels and branches of state power while maintaining the existing form of government and system of government.

As can be seen, even a cursory acquaintance with the content of the changes indicates the need for a comprehensive theoretical and legal analysis of the current state of the main properties of the constitutional and legal consolidation of the system of public authority in the RF, which is the purpose of this study. To achieve this goal, tasks were set and solved to identify and study key changes in the constitutional consolidation of the foundations of the public authority system in Russia, considering the previous historical milestones in the development of constitutionalism and foreign experience in the relevant part.

Methods

In this article, a comprehensive theoretical and legal study of normative legal acts and doctrinal sources that mediate the consolidation of the system of public authority in Russia, considering the results of the constitutional reform in 2020, was conducted.

The methodological basis of the research was made up of general philosophical (materialistic, dialectical), general scientific (logical, system-structural, axiological), and special scientific (formal-legal, comparative-legal, historical-legal, system) research methods, which were applied in the context of the basic parameters of objectification of the public authority system. Among the latter, the features of building federal relations, the state of the system of separation of powers in the context of ensuring a balance of checks and balances, and the degree of legal protection and independence of local self-government bodies were considered.

Results

Considering the set parameters, the following main properties of the constitutional and legal consolidation of the system of public authority based on the results of the constitutional reform in 2020 can be described.

In the direction of the institutionalization of federal relations, the development and strengthening of the principle of subsidiarity in the delimitation of the subjects of jurisdiction and powers in the relationship between the bodies of state power of the RF and its subjects were noted. The content of this principle, originally laid down in the Constitution of the RF in 1993, assumes not only the existence of a formal division of powers but also the conditions for their implementation in the form of a ban on unjustified interference in the implementation of the powers of the regions by the federal center, giving the regions coordination and support functions in interaction with local governments with a supporting role aimed at satisfying the interests of the entire set of subjects of public authority relations.

It was not possible to create these conditions in a complex in the course of the previous constitutional development. Thus, the first Constitution of the RSFSR did not contain a specific list of exclusive powers of the federal center, and local state authorities were recognized as the conductor and controller of administrative acts of a higher level of power. The 1925 Constitution of the RSFSR, in turn, provided for the procedure for approving the constitutions of autonomous formations by the central bodies of state power and, also, significantly limited the competence of other state-like formations, apart from republics and autonomous regions, referring their authorities to local ones. The same principle was preserved in the Constitution of the RSFSR of 1937, which, despite fixing the list of subjects of the RF by name, did not determine their constitutional and legal status and did not recognize their equality concerning each other and the RF.

It was only in the Constitution of the RSFSR of 1978 that an independent Chapter appeared, defining the constitutional and legal status of territories, regions, and cities of federal significance, and issues of joint jurisdiction of federal state authorities and state authorities within the RF were settled.

The Constitution of the RF of 1993 made a breakthrough in the direction under study, allocating regions their own, inviolable sphere of competence, as well as regulating rival competencies. At the same time, there are very strong claims in the modern science of constitutional law that the novelties of the Constitution of the RF indicate tendencies towards excessive centralization of state power in the country and strengthening of unity in federal relations[1]. Indeed, not only the applicable terminology that forms the model of a unified public authority regardless of its levels speaks in favor of limiting the principle of subsidiarity, but also, in particular, the modification of the composition of the RF Council by including such a category of members as representatives of the RF, the unification of prohibitions and restrictions applicable to senior officials of the subjects of the RF along with members of the RF Council, deputies of the State Duma, federal ministers, etc.

The reform affected both the exclusively federal field of public management (Article 71 of the Constitution of the RF) and the area of joint competence of the RF and its subjects (Article 72 of the Constitution). New constitutional and legal terminology implicitly contains an extra emphasis on "unity". Thus, for the first time, the sphere of exclusive jurisdiction of the RF included the authority to organize a unified system of public authority. This also refers to the establishment of "uniform legal foundations" of the health care system, "uniform legal foundations" of the system of upbringing and education, and introduction of "uniform" restrictions for filling state and municipal positions. The description of the sphere of joint jurisdiction of the RF and its subjects, on the contrary, is replete with multidirectional terminology. It combines "issues" and "general issues" (issues of determining the fate of natural resources and general issues of youth policy), "coordination issues" (for health care), "creating conditions" for the existence and development of certain values and cultural traditions (concerning the values of a healthy lifestyle, protection of the traditional family, etc.) depending on the subject of public administration relations.

The general definitions formulated the prerequisites for further transfer (joint implementation) of powers concern the next level of public authority in the country – local self-government. The basic term "local issues" is used to define the subject competence of the latter[2] and to draw attention to the fact that the most cautious formulations "general issues" or "coordination of issues" are used in the analyzed articles of the Constitution of the RF for those spheres of life of society, where local governments are also involved in the rule-making and organizational-executive process within the municipality. In turn, the constitutional legislator often speaks about "creating conditions" in relation to those spheres of public life that are not fully included in the field of legal regulation as such, i.e. they are significantly affected by the norms of morality and religion. The new constitutional provisions are to some extent aimed at overcoming the "conflict of competence" between the state and municipal levels of government.

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[1] A. V. Shashkova; M. Verlaine y E. Kudryashova, "On modifications to the Constitution of the Russian Federation in 2020", Russian law journal Vol: 1 num 8 (2020): 60-83.

[2] S. S. Gorokhova, "O popravkakh k tretei glave Konstitutsii Rossiiskoi Fed-eratsii: chto novogo?", Pravo i politika num 9 (2020): 1-14.

Another important innovation of federal relations is the clarification of the spatial limit of state power in the RF through constitutional legitimation of the legal status of federal territories. Turning to this institution, which is new for the national science of constitutional law, one should take into account that the existence of special territories in world practice within the boundaries of federal states with a special regime for exercising public authority is not considered a sign of deviation from the principle of territorial unity or a change in the form of state-territorial structure to a unitary one. Prominent examples of federal territories with special status are the Australian Capital Territory – Canberra and Jervis Bay Territory in Australia, within which there is a federal naval base and a capital trading port, the Federal District of Mexico in Mexico, which has its legislature, the head of the executive branch (the head of the district) and the highest court, as well as the metropolitan Federal District of Columbia in the United States, which nominates its representative in the lower house of Congress and represents three electors in the election of the President of the country[3], etc. The main distinguishing feature of federal territories within federal states is their internal autonomy dictated by national interests, as well as the right to form their system of public administration bodies, which is regulated without granting the status of an independent subject of the RF.

Despite the novelty of the term "federal territories", it is not possible to deny the existence of a special regime for the organization of public authority within individual spatial limits within the state in Russia. Firstly, the internal waters, the territorial sea, and the airspace above them were endowed with a special constitutional status even before the introduction of constitutional amendments – such, following Part 1 of Article 67 of the Constitution of the RF were not initially included in the territory of any of the subjects of the country. Secondly, Article 26.1 of Federal law No. 184-FZ of October 6, 1999 "On General principles of organization of legislative (representative) and executive bodies of state power of the subjects of the RF" provides for the adoption of separate federal laws to determine the specifics of the exercise of the powers of state authorities of the RF subjects on the territory of the Skolkovo innovation center, as well as territories of advanced socio-economic development, innovative scientific and technological centers, and the Arctic zone.

Thus, with the help of amendments to the Constitution of the RF, a long-overdue clarification of the spatial limit of state power in Russia has been made by introducing the institution of federal territories, the legal status of which has yet to be specifically specified by the federal legislator. However, the scenario of such concretization requires compliance with a set of conditions aimed at ensuring compliance with the principle of territorial integrity and unity of the federal state, preserving the process of modernization of the state administration system in the constitutional and legal field. In particular, it seems most reasonable to allocate federal territories and determine their legal status based on a bilateral agreement between the RF and the relevant subject of the RF, which is a type of agreement on the division of powers. Other necessary conditions include the creation of special structures within the system of federal public authorities to exercise the powers of the federal center in the field of state administration of federal territories (preferably federal ministries) and the determination of the constitutional and legal status of individuals and legal entities that are residents of federal territories in a unified manner, regardless of the goals of creating a federal territory within the country's spatial borders.

[3] M. M. Mukhlynina, "Sistema publichnoi vlasti i voprosy mestnogo samou-pravleniya v svete popravki 2020 goda v Konstitutsii Rossiiskoi Federatsii", Gosudarstvennaya sluzhba i kadry num 2 (2020): 30-33.

In the direction of constitutional and legal regulation of the degree of legal protection and independence of local self-government bodies, there is an obvious attempt to overcome the *"conflict of competence" between the state and municipal levels of government* by recognizing local self-government as a form of public authority. There is a very strong position in the modern scientific literature on constitutional law that the exclusion of local self-government bodies from the system of public authorities is erroneous, and, insofar as the decisions of such bodies are obligatory and subject to execution to the same extent as the acts of public authorities, it is more expedient to talk about the third level of government, concerning which it is advisable to determine the range of issues that form another sphere of "joint jurisdiction"[4]. Critically evaluating such radical positions, it is important to point out that one of the current problems in the development of the institution of local self-government in Russia is the blurring of the basic terminology, which is of basic importance for understanding its purpose among other public institutions, for securing and implementing its functions by local self-government bodies.

Given these circumstances, the organizational independence of local self-government bodies, which is expressed in the right to independently determine the structure of such bodies, cannot be considered a factor separating local self-government bodies from the system of public authority. In contrast, the use of the term "interaction" by the Constitution of the RF (in the new edition – three times) seems to be most justified precisely in the context of the creation of additional protective mechanisms of local self-government, built into the system of public power to provide a set of guarantees, primarily financial and legal, for joint organizational and managerial support for the development of territories in relation to all significant spheres of life. Instead of legitimizing the institution of public authority, which is deprived of the right to independently perform public functions (only in cooperation with state authorities), it would be much more logical and consistent to determine the scope of "public functions" directly for the level of local self-government.

The doctrine of local self-government, originally inscribed in the constitutional text, remains the same. Moreover, the legal force of decisions taken at the municipal level is emphasized. A basis is created for equal interaction between local self-government and state authorities, the latter mainly concerning the financial component of such interaction. The persisting disproportion of the constitutional and legal status of local self-government bodies in the unified system of public authority, however, involves the absence of competence, clearly defined in the constitutional norms, sources of funding for their activities, and absence of the indirect nature of reimbursement of costs for the performance of public functions (only after their implementation).

Regarding the current state of the system of separation of powers in terms of the subject-functional positioning of its subjects, another achievement of the constitutional reform should not be left unnoticed, which consists in *creating a constitutional and legal balance between the branches of government at the federal level to prevent the development of non-systemic conflicts in the system of checks and balances and constitutional crises*. Initially, the following significant directions for modifying the system of public authority were outlined in the process of developing the amendments: increasing the efficiency of interaction between the representative and executive branches of government, strengthening the role of the RF Council and the State Duma of the Federal Assembly of the RF by changing the procedure for appointing the Chairperson and members of the

[4] A. Bendor y Sh. Yadin, "Regulation and the Separation of Powers", Southern California interdisciplinary law journal num 28 (2019): 357-369.

Government of the RF, strengthening the controlling function of the judiciary by granting the Constitutional Court of the RF the powers of preliminary regulatory control, creating additional guarantees for agreed functioning and interaction of various branches of power by giving constitutional and legal status to a special body – the State Council of the RF.

The proposed changes met with controversy in science. It was noted that the changes were aimed at unilaterally expanding the powers of the head of state, including granting him/her hidden powers based on the "unclassified text of the Constitution of the RF", fixing the "transitional" nature of the Russian Constitution, characterized by a "systemic bias" in favor of a strong executive power[5], etc. Such opinions were largely dictated by specific historical conditions and attempts to compare the political system of Russia with the political systems of other post-Soviet republics and to predict the personal composition of federal government bodies for the next decade[6].

The amendments to the Constitution of the RF established a new mechanism of interaction between legislative and executive powers, giving the President authority for general management over the exercise of executive power by the Government of the RF (Article 110 of the Constitution), as well as providing parity participation of the State Duma and the RF Council of the Federal Assembly of the RF in the formation of the personal composition of the Cabinet of Ministers (sub. "i" item 1 of Article 102 and sub. "a.1" item 1 of Article 103 of the Constitution of the RF). The simple approval by the President of the RF of the candidacy of the Chairperson of the Government of the RF in the State Duma was replaced by the procedure of double approval of this candidate and part of the cabinet by the lower house of the Russian parliament. For the category of ministers of the power bloc, the procedure for their approval by the President of the RF was supplemented by the stage of obtaining advice on each such candidate in the RF Council. The new version of the Constitution of the RF provided for the right of the President of the RF to decide on the resignation of the entire Government of the RF or its members (paragraphs "c" and "c.1" of Article 83 of the Constitution of the RF) and consolidated the existing practice of double subordination of ministries and departments to the Government of the RF and the President of the RF. It provided for the possibility of terminating the powers of the Chairperson of the Government of the RF without the resignation of the entire Government of the RF in the context of the need to ensure the stable functioning of a unified system of public authority and create a resource to overcome potentially possible constitutional crises of power.

Most of the newly introduced powers are not unbalanced from a legal and technical point of view, since the expanded powers of the named federal state authorities are proportional to each other, while the overall leadership role of the President of the RF in the executive power system seems justified considering the constitutionally justified type of Republic[7]. The controversial points are related only to the specification of the grounds for the decision to dismiss the government of the RF or its members by the President of the RF – such a power looks unbalanced dispositive in the absence of such grounds in the constitutional text. The introduction of a new authority for constitutional science and practice to provide the RF Council with "consultations" regarding the candidacies of ministers of the power bloc and foreign affairs also requires substantial concretization.

[5] S. V. Gunich, “Nezhinskaya, K.S. Konstitutsionnye osnovy federativnogo ustroistva Rossiiskogo gosudarstva”, Konstitutsionnoe i munitsipalnoe parvo num 4 (2020): 36-41.
[6] S. V. Gunich y K. S. Nezhinskaya, “Konstitutsionnye osnovy…36-41
[7] V. V. Komarova, “Konstitutsionnaya reforma 2020 g. (nekotorye aspekty)”, Aktualnye problemy rossiiskogo prava num 8 (2020): 22-31.

To avoid upsetting the balance of "checks and balances", it is worth proceeding from the specific content of the formal procedure for giving advice, the consequences of refusing to conduct it by both parties (the President of the RF and the RF Council), the legal significance of the result of the consultation, its legal form, and the possibilities to overcome it.

Further, considering the changed constitutional and legal status of the judicial system, note that the vesting of the President of the RF with powers on the proposal of the RF Council of candidates for chairpersons and deputy chairpersons of the country's higher courts (sub. "f.3" Article 83 of the Constitution of the RF) is equally not a novelty of constitutional development, but rather a way of legal and technical overcoming the gap in the Constitution of the RF. Previously, the case touched on the "judges as a whole", and the procedure for allocating chairpersons and vice-chairpersons from their composition was not fixed[8]. In turn, granting the President of the RF the right to make proposals to the RF Council to remove judges of higher courts from office for committing an offense incompatible with their position, logically coexists with the general direction of amendments to unify the requirements for persons in the public service and aims to overcome the problem of excessive "narrow-corporate isolation" of the judiciary, in respect of which, before the constitutional reform, there was no means of influence from other branches of government in matters of termination of powers[9]. The declared algorithm for terminating powers applies only to one of the grounds for termination; all the others (personal statement of the judge, non-participation in sessions, etc.) are implemented in the same order, i.e. with the direct participation of the bodies of the judicial community[10].

Finally, the empowerment of the Constitutional Court of the RF for preliminary constitutional regulation (subparagraph "a" of clause 5.1 of Article 125 of the Constitution of the RF), even with a large degree of the convention, cannot be attributed to the method of expanding the presidential veto in the legislative process, since the assessment of the bill for compliance with the norms of the Constitution of the RF is a narrowly focused type of activity aimed at ensuring the supremacy of the Basic Law in a state governed by the rule of law. The latter includes basic, very static normative institutions that reflect the key values of society and the state and the system of relations between them, the foundations of the constitutional system, which retains its starting point outside the context of constitutional reform and in some way "above it". The opinions of the authors who consider the preliminary constitutional review as a legal means of the unlimited influence of the institution of the president on the legislative power in the country seem all the more controversial[11].

The greatest complaints from the position of non-compliance with the constitutionally enshrined principle of separation of powers in scientific circles are still caused by the "constitutional registration" of the State Council, which participates in determining the priority directions of domestic and foreign policy, acting as a coordinator of interaction between the existing branches of government[12].

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[8] B. M. Dzhankezov; Z. V. Chimov; A. A. Salpagarova y G. L. Matakaeva, “K voprosu ob institutsionalnoi disproportsii Konstitutsii Rossiiskoi Federatsii”, Pravo i politika num 7 (2020): 85-91.
[9] S. W. Sokhe, “What Does Putin Promise Russians? Russia's Authoritarian Social Policy”, Orbis Vol: 64 num 3 (2020): 390-402.
[10] E. Teague, “Russia’s Constitutional Reforms of 2020”, Russian Politics num 5 (2020): 301-328.
[11] A. N. Medushevsky, “Constitutional reform in Russia substance, directions and implementation”, Forensic Research & Criminology International Journal Vol: 7 num 6 (2019): 286-294.
[12] W. R. Spiegelberger, “Meet the New Boss, Same as the Old Boss: Putin ‘Changes’ the Constitution”, Orbis Vol: 64 num 3 (2020): 374-389.

However, the main message of the State Council's inclusion in the new power configuration is an attempt to give constitutional and legal status to a kind of body of "collegial assistance" of the head of state in ensuring the coordinated functioning and interaction of state bodies, which in itself does not change the balance of powers between the branches of state power and does not entail the transfer to the State Council of specific state-power authorities of any of their existing branches of government.

Discussion

The proposed understanding of the essential features of consolidating the system of public authority in Russia can be criticized mainly based on concerns fueled by statements about the unjustified expansion of presidential power[13], shifting the balance of "checks and balances"[14], depriving local self-government bodies of independence[15], etc. Comparisons of the amended constitutional and legal norms aimed at ensuring the unity of the system of public authority in the country and creating resources to prevent constitutional crises of uncertainty in power seem to be even more incorrect concerning Article 6 of the Constitution of the USSR on the leading and guiding role of the Communist Party[16]. The Constitution of the RF does not endow any of the elements of the political system with similar legal status and set of powers, while the targeted and proportional adjustment of the powers of the federal bodies of state power does not imply an unbalanced concentration of power prerogatives in the hands of the institution-individual (the President of the RF), but an equal and dismantling of the tripartite system distribution of power. Attention is drawn to the editorial nature of the changes in foreign sources, where the preservation of the previous constitutional and legal algorithm for dismissing the President of the RF from office is emphasized, as well as the prohibition for the exercise of presidential powers by one person for more than two terms, excluding the previous wording "in a row"[17]. Despite the peculiarities of this norm in time, it serves as a mechanism for weakening the personalization of the institution of the presidency in the future political perspective. Separately, it should be said about the impossibility of implementing the so-called "Kazakh scenario", in which the State Council, headed by the former president of the country, is transferred to the functions of the supreme body of state power[18]. The structure of the State Council in the updated Constitution of the RF cannot be considered as a center of political power, while the allocation of separate consultative and advisory functions for it does not contradict the existing practices of public administration. Finally, the change in the status of local self-government bodies illustrates the rejection of futile attempts to separate local issues from the sphere of competence of the RF and its subjects, but not the dissolution of such issues in the system of state authorities.

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[13] A. Kovler, "Constitution of Russia as a comparative project (historical background of the drafting of the Constitution of Russian Federation 1993)", Journal of Foreign Legislation and Comparative Law Vol: 5 num 1 (2019): 1-11.

[14] A. Trochev y P. H. Solomon, "Authoritarian constitutionalism in Putin's Russia: A pragmatic constitutional court in a dual state", Communist and Post-Communist Studies Vol: 51 num 3 (2018): 201-214.

[15] Yu. N. Starilov, "Deistvitelno li nastupila epokha renessansa gosudar-stvennogo upravleniya v Rossii? K yubileyu professora L'va Leonidovicha Popova", Administrativnoe pravo i protsess num 7 (2020): 25-37.

[16] M. Güler y A. Shakirova, Constitutional Reforms in Russia. Causes and Consequences. SETA Foundation. 2020. Retrieved from: https://publications.hse.ru/mirror/pubs/share/direct/330827349

[17] B. Lee, "Meaning of the Constitution, Constitutional Amendment and Change in the Constitution", Public Law Journal Vol: 20 num 1 (2019): 241-264.

[18] B. Jones, "Idolatry and Constitutional Change", SSRN Electronic Journal num 1 (2020): 209-215.

Conclusion

The constitutional reform, in terms of consolidating the system of public authority, made it possible to develop and strengthen the principle of subsidiarity in delimiting the subjects of jurisdiction and powers in the relationship between the bodies of state power of the RF and its constituent entities and to clarify the spatial limit of a state rule of the RF with the help of constitutional legitimation of federal territories. It created the basis for overcoming conflict of competence "between the state and municipal levels of power, ensuring the constitutional and legal balance between the branches of government at the federal level to prevent the development of non-systemic conflicts in the system of "checks and balances" and the emergence of constitutional crises of power.

Thus, the system of public authority enshrined in the updated Constitution of the RF retains the necessary discretionary mechanisms for adjusting the mechanism of action of its elements to achieve a balance of public functions, powers, and tasks to be solved.

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