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Transparency and Informational Openness of Municipalities

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Abstract: Transparency and openness acts as fundamental principles of local self-government's implementation. Due to them not only local problems can be solved openly and without interference from state bodies but local authorities also can become closer to people in municipalities in order to solve these problems. The aim of the research is study of the informational openness as an obligatory element of transparency in the work of municipalities. Informational openness cannot receive proper development without appropriate legal regulation. Therefore, the researcher of the constitutional and legislative provisions, creating a legal basis for public access to municipal information about the activities of local government are analyzed. In existing legislation the fixed different ways of bringing this information to the attention of the municipal community are revealed. In a study of the municipal print media received a legal assessment as instruments of informational openness. However, on the web sites of the municipalities publishing information about their activities is deemed most appropriatly to modern challenges. Electronically active implementation of providing of municipal services has been received characteristics in this row. Made analysis allowed revealing the existence of gaps in the current legislation which regards to the authority of local self-government. A number of changes in the federal legal acts were proposed by the researchers within the study. Conclusions of the work can be used in research for problems' study of informational openness of municipalities as well as they will be useful to the legislative activity.

Key words: Local self-government, transparency, informational openness, municipalities, legislative

INTRODUCTION

Questions about accessing of the population of municipalities to information about the activity of local governments remain valid. These issues are closely connected with the publicity which the researchers note as an instrument linking local government with the residents of municipalities (Mikheev, 2014). Informational openness is an essential component of transparency and condition of getting information about the work of local authorities. It allows the local community, not only to get an idea about the activities of these bodies but also to identify shortcomings in their work (Belousov *et al*., 2015a). Scientists also point out transparency as a priority direction of public control (Mikheev *et al*., 2015). The implementation of informational openness in the activities of the municipalities is closely linked with the problem of a sufficient legal framework in this area. In this connection, the need for the study of informational openness becomes obvious. The legal basis, fixed in the Russian constitution is interesting because they provide the basis for further development of the legislation. There is the need to have a legal analysis of the types of informational openness their realization in municipalities. The interoperability of residents with local authorities seems to be important in this part, because municipalities within the daily task of ensuring quality of life of citizens are solved (Belousov *et al*., 2015b) to provide them with of municipal services. The scope of municipal services is the most dynamic and rapidly developing, new ways of delivering these services through the internet testify to this (Yakhina *et al*., 2015). At present, electronic democracy has become an integral part of informational openness. In this connection, the researchers focused their attention on one more direction of openness and transparency at the municipal level, considered the legal aspects of information support of municipal control. Everything written indicates the absolute urgency of the research topic from both the theoretical and practical sides (Mikheeva and Likhoshva, 2016).

MATERIALS AND METHODS

The set of methods were used to solve research problems. The central place is given to scientific methods including the method of dialectical cognition. Application of analysis, synthesis, analogy allowed to evaluate the current state of studied problem. Structural and systemic method made it possible to create a general characteristic of informational openness of the institute. In the research,

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the doctrinal and comparative legal methods were used during research. Doctrinal method allowed revealing the views of legal scholars on the problem. The comparative legal method was used in evaluating the various legal acts regulating informational openness in the sphere of local self-government. Among the special legal means used in the study legacy belongs to the legal technique which is understood as a special language used for the formulation of legal norms for filling the legal gaps in the legislation. The starting material for the study of raised issue became domestic legislation, scientific works of leading scientists and practical examples of municipalities.

RESULTS AND DISCUSSION

The right of receiving information acts as one of the most important constitutional rights of citizens. It seems natural to get missing information on the activities of a body today in the age of information for many people and it can be done through the web site. Institute of access to information is particularly relevant at the municipal level as local governments are closest to the people; their activities are connected with the solution of local issues, satisfaction of citizens' interests of the municipality. In this connection the question of realization in the system of local self-government principle of transparency is particularly important (Kudryavtsev and Mikheeva, 2015).

In development of the constitutional provisions a significant number of legal acts were passed which regulate access to information as the state authorities and local self-government. Federal law "on providing access to information about the activity of state bodies and local self-government" became a real legal break through in this direction. From this it follows that under the information on local government activities is understood information created within their powers by local authorities or their subordinate organizations or entered into these bodies and organizations. From this it follows that under the information on local government's activities it is understood information which is created within their powers by local authorities or their subordinate organizations or entered into these bodies and organizations. Municipal legal acts also refer to such information.

Ways of providing access to such information have been established with law, one of which is its publication of (public) media which is tested for a long time. Furthermore by Article 17 of the Federal Law "on general principles of organization of local government in the Russian Federation" the establishment of the printed media is referred to the powers of local governments by decision of local issues for publication of municipal legal acts, discussing their projects other information on the development of the municipality. It should be noted that local periodicals play an important role in the life of municipalities. They are time-tested and familiar to the people, especially older people in rural areas as they are means of get information about the diverse aspects of the municipal reality. For example, in the municipal districts of the Republic of Mari El "Yurinskiyrabochiy", the newspaper "Kray Gornomariysky" and other print periodicals published by local administrations continue to be popular.

Meanwhile, the Federal Law "on providing access to information about the activities of state bodies and local self-government bodies" named more meeting modern challenges of a method for providing public access to information about the activities of government institutions-placing information about their activities by local self-government on the internet.

V.V. Pylin believes that one of the important factors of the successful municipalities' modernization is active and rapid integration in these modern, constantly developing world standards of global informational society.

Getting information on the activities of municipal authorities through the internet repeatedly expands opportunities of citizens for interaction with the local authorities, simplifying procedural matters such as communication and so the preconditions for activation of the population are created in the affairs of the municipality.

Excluding direct contact with officials of the local government and long standing in queues obtaining the necessary information at any time for the user, the ability to send any request to the municipal authority and receiving a response without visiting the local authorities this is not a complete list of benefits of access to information about activities of municipalities through the internet.

Important benefits of this information's exchange are the exception of direct citizens' contacts with officials of the municipal authorities, the opportunity of sending questions and getting answers without visiting local government agencies and so, the problem of traditional queues are solved.

In accordance with the Federal Law of 9 September 2009, the information of almost three dozen areas of the organization and activities of local authorities should be placed on the internet. Among the very important information should be noted:

- Information on the placing orders for goods, works and services for municipal needs
- Administrative regulations, standards of municipal services
- Establishing forms of applications, statements and other documents adopted by the local authority for consideration
- Procedure for appealing municipal legal acts
- Statistical information characterizing the condition and dynamics of development of economic, social and other municipality's spheres of life, the regulation which is referred to the competence of the local self-government
- Information about the results of inspections conducted by the local self-government, subordinated organizations within the limits of their powers as well as about the results of inspections carried out in the local authority, subordinated organizations

The law of named rules created sufficient legal basis for the transparency of municipal bodies and insurance access to information by population and with that it created the conditions for public control over the work of the authorities and citizens' influence the production of decisions by local governments.

In recent years, thus the basic necessary legal conditions have been created for publicity and awareness through electronic media and the internet and in order to render municipal services which significantly affect the quality of the relationship of local self-government with the representatives of the local community.

Also one cannot see another positive side in the informational openness. Illusions dispersed among a certain part of local self-government's officers it is possible to satisfy the personal interests behind "closed doors" as before. Such loopholes became much less with legal regulation of this sphere of municipal relations. It is necessary to agree with Mikheev (2013) in this part who notes that the proper level of freedom in the modern state of law is determined by an adequate system of protection of the public interest.

In the municipalities trend is observed not only for creating your own internet sites, offering them information about their activities.

Analysis of the internet sites of some municipalities of the Republic of Mari El shows that they are informatively rich, continuously are updated with new information, providing users, especially the residents of municipalities with the operational information.

Website "Yoshkar-Ola City" of the urban district is particularly positive in this regard and besides general information there are texts of all legal acts, approving administrative regulations of municipal services in various fields. Questions about the provision of housing in the social conditions of employment take interest for urban district's residents, who were always topical and they caused a lot of criticism and gave rise to mistrust on the part of citizens. The procedure for granting indicated dwelling acquired openness with the adoption of resolutions by the urban district's administration on the approval of administrative rules "providing information about the sequence of residential premises under the terms of social rent". The resolution was published in the official municipal print edition-newspaper "Yoshkar-Ola" and it was also placed on the internet.

Administration of urban district represented by department of registration and allocation of housing provides these services. Informing of the applicant is carried out by employees of the department in person as well as by mail and telephone, in the form of an electronic document. Execution of municipal service includes the following administrative procedures: receiving and checking documents on the passage of the annual re-registration; registration of request in the management of the Federal Service of State Registration and Cartography of the Republic of Mari El; preparation of inquiries about priority.

A legal act contains a provision for appeal of actions (inaction) of urban district's administration which can be used by the citizen if he thinks that somehow his rights in connection with the appeal for providing of municipal services have been violated.

Some administrative regulations contain special clauses governing the provision of municipal services in electronic form as it was done in paragraph 3.3 of the administrative rules on granting municipal service "organization of rest, rehabilitation and employment of children, adolescents and students during the holidays" by the administration of urban district's "the town Kozmodemyansk".

Considering that this is one of the most successful examples of legal regulation of public access to information about municipal service we'll represent it in full.

"Providing of services in the electronic form is a presenting municipal services with the use of informational and communicational technologies including the implementation of electronic interaction between the local authorities, other bodies and organizations, the applicants including the performance of administrative procedures".

Distancianal provision of general information to the applicants about the service "organization of rest,

rehabilitation and employment of children, teenagers and students during vacation time": the procedure for obtaining services and addresses of receiving documents for providing a service was organized for the applicants. This information is placed in the informational and telecommunication network of internet on the official website of the municipality administration.

The ability to obtain the forms of documents remotely which are necessary for the provision of the service are provided to applicants. These examples of applications are placed in the section of the Department of Education of administration' the official site. The applicant has the ability to arrange the necessary documents for submission to administration's Department of Education of the Municipality "City District" The town Kozmodemyansk "in a convenient place for him".

Information of the applicants on procedures for obtaining municipal services is possible in electronic form when requests are sent to applicants by e-mail.

Numerous examples of municipal legal acts indicate the desire of local self-governments to make the information closer to the recipients-citizens, public organizations in various ways including means of data communication. Possible sending of citizens' request in electronic form placing of necessary information on the websites of municipalities are a completely new forms of manifestation of the principle of local self-government's transparency which should be attributed to informational and legal breakthrough in local self-government.

The enclosed spheres of municipal activity are not left practically generating discontent of the population with a lack of information, unavailability and inaccessibility of local authorities. In the Russian Federation together with the "electronic governmen" a new concept of "e-Municipality" is entered into circulation which is tasked with establishing high-quality, rapid communication of local self-governments with the population through informational and telecommunication internet.

Thus, the municipal authorities become closer to the citizens and citizens have a real opportunity not only to affect the implementation of municipal policies but they feel their involvement in nation-wide processes.

In this regard, the undisputed judgment of V.V. Pylin is represented that if the essential principles and functions of the informational society will not be integrated into the local community we cannot make the appropriate character to the civil society in our country in general because the informational society can only be federal, regional or local in its nature it can only be united within the state.

Therefore, uniform minimum federal standards for accessibility of informational technology should be observed for all Russian citizens irrespective of their place of residence and social status (Pylin, 2012).

One of the types of information for replacing on the internet is the results of checks which are carried out by local self-governments as well as the inspections carried out in these bodies.

As a whole legal regulation of the control at the municipal level is represented a rather varied picture in which the rules of some laws are not always compatible with others including the issues of informational provision of municipal control.

Informational interaction in the sphere of financial control is carried out between the control and accounting bodies of municipalities and inspection bodies at the local level which are regulated by the Federal Law "On general principles of organization and activities of the control and accounting bodies of the Russian Federation and municipalities".

Law enforcement practice also shows that these municipal legal acts are passed which specify municipal control of certain sectors.

For example, administrative regulation administrative regulation was adopted for the regulation of municipal control for ensuring the safety of local roads in the municipality "gornomariysky municipal district" which secured the timing and sequence of administration's actions of the municipality in conducting inspections of compliance by legal entities and individual entrepreneurs for ensuring requirements of the safety of local roads outside the boundaries of settlements within the boundaries of the municipality.

In accordance with the previously named regulations, inspections are carried out in planned and unplanned manner. The annual plan of inspections, approved by the head of administration is brought to the attention of interested parties by posting it on the official site of the administration or by other available means. The draft of check's plan is sent to the prosecutor's office and it is adjusted according to the proposals of the prosecutor's office which is a necessary guarantee for the protection of interests of legal entities and individual entrepreneurs from unreasonable arbitrariness of municipal bodies.

The frequency of scheduled inspections is limited with a period of not more than once every 3 years. Municipal control for the observance of roads' safety can be in the form of documentary check when the supervisory authority is limited with the study of the necessary documents or in the form of site inspection carried out at the location of legal entity, place of business of the individual entrepreneur. In the second case, the equipment used by legal entities or individual entrepreneurs, vehicles, transported goods can be subject to verification. Received by the administration of appeals

from citizens, information from the state authorities, local government and the media about violations, threats of harm to citizens and the environment can serve as bases of unscheduled inspections.

Detailed description of administrative procedures, separate fragments of them arevery important information for citizens engaged in business activities in the municipality. On the other hand, the existence of such municipal functions like control over ensuring the safety of roads encourage other citizens of the municipality to show interest and in the case of violations to contact the local authorities for their elimination.

On the other hand, the existence of such municipal functions like control over ensuring the safety of roads encourage other citizens of the municipality to show interest and in the case of violations to contact the local authorities for their elimination.

They have a right to be informed about the results of internal control conducted by control and audit bodies of the municipality in particular on the execution of the local budget. Although, in many cases researchers noted the high efficiency of the supervisory bodies of municipalities in the control over the expenditure of local budgets. Information about the identified violations, made representations, the regulations, taken measures must be available on the website of control and audit body of the municipality.

Equally, it is connected with results of the control activities carried out by municipalities in respect of legal entities and individual entrepreneurs. Here, information exchange is directed to prevent similar violations in the work of other business entities.

Disclosure of information about the results of checks carried out at the local level should be attributed to one of the important components of the principle of publicity of local self-government. The use of internet resources for this purpose indicates the integration of these principles in the modern municipal information field and its adaptation to the new requirements under the changing conditions of information exchange in local communities.

CONCLUSION

Addition of powers of local self-government on issues of local authorities mentioned in Article 17 of the Federal Law "on general principles of local self-government in the Russian Federation" is represented relevant in order to maintain and expand trend towards disclosure. The formulation: "the creation of the official website in the informational and telecommunication network internet" should be added in order to this paragraph 7 of part 1 of this article after the words "the establishment of the printed mass media."

Modern informational technologies introduced in municipal life will bring the local authorities to members of the local community significantly. They will reduce the distance between them and will make the work of municipal bodies open and transparent.

The results of transparency's study and informational openness of local self-government allowed making several significant conclusions. First of all, the principle of publicity as a key organization in the field of local self-government is based on the openness of municipal organs. In this case informational openness of processes taking place at the local level plays a significant role. Although, a substantial amount of legal rules governing this problem in the legislation some gaps were identified, creating complications for the introduction of informational openness.

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