

## THE PRINCIPLES OF CONTRACTUAL COOPERATION BETWEEN STATE AUTHORITIES OF THE CONSTITUENT ENTITIES OF THE RUSSIAN FEDERATION

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**Abstract:** The scientific development of the issue on contractual principles of cooperation between the state authorities of the constituent entities of the Russian Federation is directly related to several theoretical and applied problems: the improvement of contractual regulation of interregional cooperation in a federal state; the establishment of the specifics of the legal nature of treaties on interregional cooperation between state authorities of the constituent entities of the Russian Federation; identification and strengthening of the role and significance of the principles of contractual cooperation between state authorities of the constituent entities of the Russian Federation. At the moment, the contractual principles of cooperation between the state authorities of the constituent entities of the Russian Federation have not received their exhaustive legislative coverage either at the federal or regional levels. The main principles of interregional contractual cooperation are also rarely enshrined in the compacts between the constituent entities of the Russian Federation and their bodies of state power. Stressing the importance of the principled ideas of interregional interaction between the state authorities of the constituent entities of the Russian Federation and adhering to the normativistic theory on the need to enshrine the principles and their content in normative legal acts, we make a specific proposal aimed at improving the legal mechanism for interregional cooperation between the constituent entities of the Russian Federation and their bodies of state power.

**Keywords:** public authorities of the constituent entities of the Russian Federation; agreement on cooperation; contractual cooperation principles

### 1 Introduction

The scientific development of the issue on contractual principles of cooperation between the state authorities of the constituent entities of the Russian Federation is directly related to several theoretical and applied problems: the improvement of contractual regulation of interregional cooperation in a federal state; the establishment of the specifics of the legal nature of treaties on interregional cooperation between state authorities of the constituent entities of the Russian Federation; the identification and strengthening of the role and significance of the principles of contractual cooperation between state authorities of the constituent entities of the Russian Federation.

### 2 Methods

The work has used both general scientific methods of cognition (analysis, synthesis, generalization, comparison) and particular-scientific methods: formal legal, comparative legal, and structured system methods. The formal legal method of research is aimed at establishing the specifics of the contents of the norms that establish the contractual principles of cooperation between the state authorities of the constituent entities of the Russian Federation. The comparative legal method of cognition makes it possible to establish general and specific matters in acts of federal and regional legislation enshrining norms on contractual interregional cooperation of public authorities. The use of the structured system method of research is aimed at identifying intersystem links between sources of law that establish contractual principles of cooperation between state authorities of the constituent entities of the Russian Federation.

According to the Constitution of the Russian Federation, the regulation of rights of national minorities is under the jurisdiction of the Russian Federation, and the protection of rights of national minorities is under the joint jurisdiction of the Russian Federation and the constituent entities of the Russian Federation (Article 71 (c), Article 72 (b) of the Constitution of

the Russian Federation). The responsibility of the Russian Federation and the constituent entities of the Russian Federation is based on the generally accepted principles of democracy as well as principles of equal rights and self-determination of the peoples of the Russian Federation (Article 1 & 1, Article 5 & 3 of the Constitution of the Russian Federation), obligation of the Russian Federation to protect human and civil rights and freedoms in its territory regardless of nationality (Article 19 & 2 of the Constitution of the Russian Federation), obligation of the Russian Federation to preserve native languages of the peoples of the Russian Federation (Article 68 & 3 of the Constitution of the Russian Federation, Article 8 of Federal Law No. 74-FZ of 17 June 1996 On National and Cultural Autonomy, Article 14 of Federal Law No. 273-FZ of 29 December 2012 On Education in the Russian Federation).

### 3 Results and Their Discussion

In the theory of law, principles are understood as ideas expressed in fundamental legal concepts (Dmitriev,2009; Elazar,1991), in stable legal practice (Ivanov,1996; Fleiner,2002), applied "for determination of legal activity and legal relations arising in the course of it" (Dmitriev,2009); "to create an internally coherent and effective system of legal norms and direct regulation of public relations, with its gaps in the law and contradictions (Ivanov,1996).

We are interested in the contractual principles of interregional cooperation between the state authorities of the constituent entities of the Russian Federation, which we understand as the main guiding ideas that are the basis for concluding, executing and terminating the agreements (contracts) between the state authorities of the constituent entities of the Russian Federation on interregional cooperation.

Thus, at the federal level, contractual principles of cooperation as one of the areas of activity of government bodies of the constituent entities of the Russian Federation are systematically presented in Federal Law No. 184-FZ dated 6 October 1999 "On general principles for the organization of legislative (representative) and executive bodies of state power of constituent entities of the Russian Federation" (para. 1. Art. 1) in the following content: state and territorial integrity of the Russian Federation; spread of the sovereignty of the Russian Federation to its entire territory; the supremacy of the Constitution of the Russian Federation and federal laws throughout the territory of the Russian Federation; unity of the system of state power; the division of state power into legislative, executive and judicial powers to ensure the balance of powers and to exclude the concentration of all powers or most of them in the conduct of one public authority or an official; the delimitation of the subjects of competence and authorities between the bodies of state power of the Russian Federation and the bodies of state power of the constituent entities of the Russian Federation; independent exercise by the bodies of state power of the constituent entities of the Russian Federation of their powers.

Some of the above principles of contractual cooperation between state authorities of the constituent entities of the Russian Federation are reproduced and refined in regional legislation. Thus, in the Omsk region, the basis for interregional cooperation between state authorities of the constituent entities of the Russian Federation is based on the principles of separation of powers and independence of government bodies, including the independence of concluding agreements with other constituent entities of the Russian Federation (Charter (Basic Law) of the Omsk region dated December 26, 1995). The contractual principle of independence is also highlighted in Article 14 of the Orenburg Region Charter as providing the independence of the Orenburg Region on issues beyond the powers of the Russian

Federation and the joint jurisdiction of the Russian Federation and the constituent entities of the Russian Federation.

As to December 31, 2014 TISCs were established on the basis of 116 economic entities (see figure 1) from 63 regions in 9 federal districts of the Russian Federation. The full list of economic

entities rendering services for TISC's areas of activity is available online on the official website of FIPS ([www.fips.ru](http://www.fips.ru)) in the section «Cooperation with regions of the Russian Federation», «Technology and Innovation Support Centers (TISCs)».

**Technology and Innovation Support Centers by federal districts**

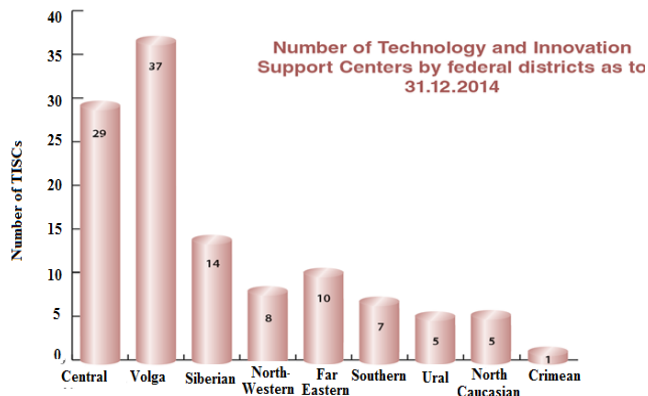


Figure 1: Technology and Innovation Support centers

At the same time, the contractual principles of cooperation between the state authorities of the constituent entities of the Russian Federation are also directly contained in the contractual sources themselves. Thus, according to Article 1 of the Agreement between the Government of the Rostov Region and the Government of the Voronezh Region on trade, economic, scientific, technical, social and cultural cooperation dated December 30, 2015, the principles of developing relations are mutual respect, equality, partnership and economic benefits. In the Agreement between the Government of the Irkutsk region and the Government of the Republic of Tuva on trade and economic, scientific, technical and cultural cooperation dated January 19, 2015, along with the above, the treaty principle of trust is singled out. The Agreement on Cooperation between the State Assembly of the Republic of Mari El and the Legislative Assembly of the Krasnodar Territory dated June 19, 2006 lists the principles of respect, equality and action in the interests of the multinational peoples of the Republic of Mari El and the Krasnodar Territory.

The Russian Federation is a multinational state in the territory of which representatives of more than 190 nationalities live. National policy has been historically considered by the country's leadership as one of the priorities, as the multinational nation of the Russian Federation is the basis of existence of the state, its foundation. The national policy of Russia is based on a coherent system of regulatory acts, consisting primarily of the Constitution of the Russian Federation, federal laws of the Russian Federation and the respective subordinate acts providing for the implementation of measures to combat extremism, incitement to racial and religious hatred and enmity, preservation and development of the culture of national minorities, support of multilingualism, the further development of civil society institutions and the media. The international treaties of the Russian Federation, primarily the Framework Convention for the Protection of National Minorities, the provisions of which are directly applicable in the territory of our country in accordance with Article 15 of the Constitution of the Russian Federation, are an important element of this system. It should be emphasized that the basis for compliance with the provisions of the Convention by the Russian Federation is the effective state policy to strengthen civil unity, preservation of ethnic and cultural diversity and multilingualism.

Let us note that the principles enshrined in the legislation and in agreements (contracts) between the state authorities of the constituent entities of the Russian Federation tend to have a general legal and intersectoral character. We undoubtedly share

the position of the supporters of the normativistic theory on the need to consolidate the principles of law in the law and in other normative legal acts (Proshina,2014; Ouladi,2016) and establishing their definition for understanding the meaning of a particular principle (Samenkova,2012). However, in our view, an equally important task is the observance and protection of contractual principles of cooperation, including within the framework of interregional interaction between state authorities (Burgess,2006) of constituent entities of the Russian Federation. In this connection, we consider it necessary to adopt and consolidate in the special laws of the constituent entities of the Russian Federation the system of agreements (contracts) between the constituent entities of the Russian Federation, as well as in the content of agreements (contracts) between the state authorities of the constituent entities of the Russian Federation on interregional cooperation of the following contractual principles: a) freedom of contract (Buckley,1999); b) good faith in the conclusion of a contract (Ouladi,2016); c) good faith in compliance with the terms of the contract; d) publicity of contracts; e) the apparent authority of state authorities (Burgess,2006) of the constituent entities of the Russian Federation; f) mutual benefit; g) mutual responsibility.

#### 4 Summary

During the research, contractual principles of cooperation between state authorities of the constituent entities of the Russian Federation were identified and systematized; recommendations were formulated aimed at their universal application and protection in the contract practice of interregional cooperation between state authorities of the constituent entities of the Russian Federation.

#### 5 Conclusions

As a result of research of theoretical and practical problems related to the legal definition and scope of application for the contractual principles of cooperation between the state authorities of the constituent entities of the Russian Federation, we come to the conclusion that the constituent entities of the Russian Federation should enshrine contractual principles of cooperation in special legislative acts of a constituent entity of the Russian Federation on the system of contracts (agreements).

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