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**INSTITUTION OF THE DEPUTY TO THE HIGHEST-RANKING OFFICIAL
OF A CONSTITUENT ENTITY OF THE RUSSIAN FEDERATION: GENERAL
DESCRIPTION, REGIONAL PECULIARITIES AND PROSPECTS OF
DEVELOPMENT**

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Abstract of the Dissertation
for the degree of Candidate of Legal Sciences

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Research rationale. The rationale of the chosen dissertation research is primarily determined by the theoretical and practical significance of issues related to the essential characteristics of the institution of the deputy to the highest-ranking official, its place and role within the current system of federal government bodies, as well as within the system of regional government authorities.

Given the conditions that have developed up to the present time, the institution of the deputy to the highest-ranking official and, of course, the personality of the deputy head of a region as a distinct subject within the system of public administration is gaining increasing importance considering the ongoing processes aimed at strengthening the integrity of the Russian state, ensuring the protection of its legal space and maintaining the economic and social spheres including the financial system. The activities carried out by the authorities of the constituent entities of the Russian Federation largely determine the stability of the state and are of immense importance for all areas of public life.

The constitutional and legal status of the deputy to the highest-ranking official of a constituent entity of the Russian Federation entails the concentration of numerous powers and functions in their hands. This indicates that this subject of public authority is one of the key figures in the regional governance system, on par with the highest-ranking official of the constituent entity. This is further confirmed by the fact that in May 2024, following the inauguration of President of the Russian Federation V.V. Putin for a new term and subsequent personnel changes in the Government of the Russian Federation and the Presidential Administration, acting governors were appointed in five Russian regions. Notably, two of them had previously held the position of deputy to the highest-ranking official of the respective region¹.

As it is well known, the constitutional amendments introduced into the Basic Law of the country in 2020 necessitated the modernization of the existing legislation. As a result of these large-scale processes, on December 21, 2021, a new Federal Law "The

¹ See: "Vladimir Putin Appointed Acting Governors of Five Regions" – Rossiyskaya Gazeta [Electronic resource]. URL: <https://rg.ru/2024/05/15/reg-dfo/vladimir-putin-naznachil-vriogubernatorov-piati-regionov.html> (accessed on: 15.05.2024).

General Principles of the Organization of Public Authority in the Constituent Entities of the Russian Federation” was adopted. The Law regulates issues related to the organization of public authorities at the regional level. At the same time, Part 1 of Article 77 of the Constitution of the Russian Federation guarantees the right of the constituent entities to determine their own system of state authorities independently and this has a direct impact on the formation of the institution of the deputy to the highest-ranking official of a constituent entity and determines the specific features of the constitutional and legal status of this official.

The above demonstrates the need to find the most optimal model for building relationships between the Federation and its constituent entities, as well as for establishing continuous interaction between these levels of government. In other words, the new system for public administration bodies’ organization requires both the assurance of the unity and the consideration of regional specificities in order to create an effectively functioning mechanism of state governance.

The trend toward strengthening the "vertical of power" necessitates close attention to the executive branch that serves as the basis of public administration. Within this context, the deputy to the head of a region occupies a special place in the administrative hierarchy at the regional level. The success of the establishment and qualitative development of a unified and coherent system of executive authorities directly depends on the synchronization of interactions among all branches of government. In this regard, there arises an objective need to turn to the institution of the deputy to the highest-ranking official of a constituent entity of the Russian Federation, study the specific features of its functioning and to develop measures aimed at modernizing the current domestic legislation governing the status of the deputy head of a region within the Russian Federation.

It is also important to note that nowadays the great significance lies not only in the improvement and strengthening of the state apparatus as a whole, but also in enhancing the effectiveness of the activities carried out by each individual state authority and every official within the structure of public administration in a constituent

entity of the Russian Federation. This includes the development of their professional competencies and the strengthening of their responsibility.

The author believes that all the above factors and circumstances determine the relevance of the chosen research topic and demonstrate the necessity of studying the institution of the deputy to the highest-ranking official of a constituent entity of the Russian Federation as a distinct phenomenon.

The state of research of a problem. The institution of the deputy to the highest-ranking official of a constituent entity of the Russian Federation and the legal status of the deputy head of a region has not yet been the subject of scholarly dissertation research attention. At the same time, a considerable number of studies have been devoted to the highest-ranking official of a constituent entity of the Russian Federation.

Thus, the specific features and problematic aspects of the legal status of the regional head have been analyzed in the works of such scholars as P.I. Garkusha, A.N. Kail, V.Yu. Mazurov, E.A. Orlova, Z.T. Polatov, R.A. Sakhiev, and S.E. Channov. The organizational and legal basics of the activities of the highest-ranking official of a constituent entity of the Russian Federation were presented in the work of T.Yu. Leonova. The role of the regional head within the system of public administration bodies was examined by N.V. Mashyanov. Issues related to the constitutional and legal responsibility of the highest official were addressed in the research of D.E. Tishanin.

A comprehensive analysis of the institution of the deputy to the highest-ranking official of a constituent entity of the Russian Federation required an in-depth study of the legal status of the deputy head of a region. In this regard, various elements of the legal status of individuals and public officials were addressed, which, in turn, have been the focus of numerous scholars. Among them are: M.P. Avdeenkova, V.A. Vinogradov, A.A. Kondrashev, and D. Oreev (constitutional and legal responsibility in Russia); V.N. Ageev, L.L. Belomestnykh, A.V. Dolzhikov, A.A. Zaitsev, A.F. Kvitko, T.O. Moskalenko, A.A. Pereverzev, E.Sh. Rassolova, and P.V. Sokolova (restrictions on fundamental constitutional rights and freedoms of the individual in the Russian Federation); T.V. Milusheva, R.G. Nurmagambetov, M.M. Sultygov, and V.V. Tolmachev (limits, prohibitions, and restrictions of legal status); A.V. Odinkova and

A.A. Stremoukhov (special legal status); and S.N. Sheverdyayev (anti-corruption foundations of the status of public officials).

In addition, the study addressed issues of interaction between government bodies at various levels, which have been explored in the works of S.V. Andreyev, A.I. Devyatkina, S.R. Zaripova, M.M. Mustafin, M.G. Nurkin, D.A. Otuzian, E.N. Selyutina, M.Yu. Sereda, N.I. Solomka, O.A. Somova, G.M. Sukhodolskiy, N.V. Khanov, and O.I. Chepunov. In this context, particular attention was also given to the specifics of conciliation procedures and coordination processes, which were the focus of research by E.E. Bobrakova, O.N. Rachyonkova, and A.A. Tarkhanova.

Purpose and objectives of the research. The purpose of this dissertation research is to conduct a comprehensive study of the institution of the deputy to the highest-ranking official of a constituent entity of the Russian Federation as a distinct phenomenon within the Russian legal system.

The achievement of the stated research objective was made possible through the consistent resolution of a number of specific **tasks**:

- 1) identify the common features and regional specificities inherent in the structural organization of the institution of the deputy head of a constituent entity of the Russian Federation;
- 2) analyze the mechanism of interaction between the deputy to the highest-ranking official of a constituent entity of the Russian Federation and regional public authorities, as well as with local self-government bodies;
- 3) identify the fundamental elements that constitute the legal status of the deputy head of a constituent entity of the Russian Federation (rights, duties, functions, and powers);
- 4) determine the restrictions and prohibitions imposed on deputies to the highest-ranking official of a constituent entity of the Russian Federation and to clarify the specifics of the liability established for this category of public officials;
- 5) characterize the material benefits and preferential provisions granted to the deputy head of a region;

6) highlight the problematic aspects inherent in the contemporary institution of the deputy to the highest-ranking official of a constituent entity of the Russian Federation;

7) outline the main directions for the development of the institution of the deputy to the highest-ranking official of a constituent entity of the Russian Federation.

The object of the research is the set of social relations that arise as a result of the functioning of the institution of the deputy head of a Russian region and from the direct exercise of authority by the deputy to the highest-ranking official of a constituent entity of the Russian Federation. **The subject** of the research comprises the substantive and procedural legal norms governing the existence and functioning of the institution of the deputy head of a constituent entity of the Russian Federation, academic literature on the relevant topic and judicial practice materials related to the issues under analysis.

The theoretical framework for the research is based on the works of scholars who have dedicated their academic inquiries to general issues related to the activities of the highest-ranking officials at the regional level (P.I. Garkusha, A.N. Kail, T.Yu. Leonova, V.Yu. Mazurov, N.V. Mashyanov, E.A. Orlova, Z.T. Polatov, R.A. Sakhieva, D.E. Tishanin, S.E. Channov). In addition, it includes the research of scholars who have examined the specifics of interaction among public authorities at the federal, regional, and local levels (S.V. Andreyev, A.I. Devyatkina, S.R. Zaripova, M.M. Mustafin, M.G. Nurkin, D.A. Otuzian, E.N. Selyutina, M.Yu. Sereda, N.I. Solomka, O.A. Somova, G.M. Sukhodolskiy, N.V. Khanov, O.I. Chepunov).

Methodological framework for the research consists of various methods of scientific inquiry. One of the fundamental approaches applied is the universal dialectical method, which was used to study various social and legal phenomena. This made it possible to provide a general characterization of the institution of the deputy to the highest-ranking official of a constituent entity of the Russian Federation, to identify its regional specificities, to clarify its role within the administrative system, to define its significance as an independent authority structure, to outline the key issues present in the relevant area of social relations and to determine the prospective directions for the further development of this institution.

In addition to the dialectical method of cognition, the author employed other general scientific methods to find optimal solutions to the research objectives. In particular, the method of analysis was used to carry out a comprehensive and in-depth assessment of the regional specificities of the institution of the deputy to the highest-ranking official. This method was also applied in the examination of the regulatory and legal frameworks of certain constituent entities of the Russian Federation, specifically in relation to the number and titles of deputy heads of regions and the particularities of their legal status.

For more precise identification of the specific features of the structural organization of the institution of the deputy to the highest-ranking official of a constituent entity of the Russian Federation the method of periodization was also employed. This method belongs to chrono-discrete monogeographic comparative legal analysis.

The system-structural method was applied to assess the organization of public authorities in the constituent entities of the Russian Federation. The logical method was used to identify problematic aspects and key directions for the development of the institution of the deputy to the highest-ranking official of a constituent entity and to examine the specific features of the interaction mechanism between the deputy head of a region and the regional public authorities and local self-government bodies.

The researcher also employed specific and specialized scientific methods. In particular, the formal legal method and the historical legal method were used to determine the set of rights, duties, functional powers, legal boundaries, and benefits of the deputy to the highest-ranking official of a constituent entity of the Russian Federation.

Information sources of research. The informational resources of the dissertation research encompasses a wide range of sources including a significant number of various level legal acts, repealed legal acts, draft laws, judicial practice materials, scholarly and reference literature (including books, monographs, articles published in periodicals and collected volumes, dissertations and dissertation abstracts), as well as data available on electronic resources.

The scientific novelty of the research lies in the fact that it is the first dissertation attempt to conduct a comprehensive analysis of the institution of the deputy to the highest-ranking official of a constituent entity of the Russian Federation as a unique phenomenon of the national legal system and public administration. As a result, a holistic understanding of this institutional structure has been developed.

In particular, a general characterization of the institution of the deputy head of a region that is part of the Russian Federation is provided and its specific features are identified. The study reveals the peculiarities of the functioning of the interaction mechanism between the deputy to the highest-ranking official of a constituent entity of the Russian Federation and other public authorities at the regional level, as well as with local self-government bodies. The key elements of the legal status of the deputy to the highest-ranking official have been thoroughly analyzed: rights, duties, and powers have been identified; the professional functions of this public official have been disclosed along with legal restrictions, prohibitions, and liabilities; material provisions and benefits have been described. In addition, the most problematic aspects of the institution have been identified and analyzed, and the main prospective directions for the development of this institutional structure have been outlined.

The validity and reliability of the research findings. The reliability of the research results is confirmed by the methodological framework applied in the course of the study to address the stated research tasks. The validity of the conclusions is also demonstrated by the substantial range of sources analyzed, the multifaceted examination of current Russian legislation and the relevant judicial practice materials pertaining to the subject.

Provisions submitted for the defense and representing scientific novelty.

1. It has been established that *the institution of deputy to the highest-ranking official* of constituent entities of the Russian Federation possesses a *unified functional purpose* across different regions of the Russian state. The deputy to the head of a region is tasked with ensuring the exercise of the powers of the regional head during their absence for any reason. The deputy to the highest-ranking official of a constituent entity of the Russian Federation performs the professional duties on a permanent basis,

executing the assigned responsibilities. The status of such deputies within the existing regional system of executive authorities is uniform as in every region of the Russian Federation they form part of the highest executive body of the constituent entity.

The *number* and *titles* of deputies to the highest-ranking officials of the constituent entities of the Russian Federation including the distribution of powers among them vary significantly across regions. Taken together, these aspects constitute the *regional specificities of the institution of the deputy to the head of a constituent entity of the Russian Federation* (as specified in Subparagraphs 2 and 8 of the Certificate of the Academic Major 5.1.2).

2. It has been established that the institution of the deputy to the head of a constituent entity of the Russian Federation represents a classical *example of a chronodiscrete institution* that originated in the 18th century and functioned successfully until the early 20th century. The advent of Soviet power and the simultaneous dismantling of the imperial state apparatus led to the abolition of previously existing state structures, including governors and vice-governors. The year 1917 marks the beginning of a *chronodiscrete pause* in the history of the institution of the deputy governor (as specified in Subparagraphs 1 and 2 of the Certificate of the Academic Major 5.1.2).

3. It has been identified that the *interaction between the deputy head of a constituent entity of the Russian Federation and regional state authorities as well as local self-government bodies (LSGB)* is a dynamic, complex, and multilayered integrative process regulated by various levels of legal acts. Within this process two or more parties come into contact to achieve a specific goal in the field of governance. This interaction can *simultaneously* represent an organizational *principle* of joint *activity* carried out by different governmental structures; the *activity itself*, which involves cooperation and relationship building aimed at achieving socially significant goals; a *stable legal connection* formed through such organized and result-oriented communication; and a *specific legal institution*.

The main principles governing the interaction between the deputy head of a constituent entity of the Russian Federation and regional state authorities as well as

local self-government bodies (LSGB) include: voluntariness; transparency; cooperation and partnership; social responsibility; legality; and non-interference by regional governmental bodies in the activities carried out by LSGB except in cases provided for by the acting legislation.

The main forms of such interaction include regulatory and legal formalization; coordination and organization of administrative activities; building relationships based on leadership and subordination; administrative regulation; and control (as specified in Subparagraphs 2 and 14 of the Certificate of the Academic Major 5.1.2).

4. It has been established that the *essential nature of the institution of the deputy to the highest-ranking official of a constituent entity of the Russian Federation*, namely, the primary purpose of the deputy to temporarily exercise the powers of the region's top official in their absence, entails granting the deputy a wide range of rights and functional duties together with other elements implying simultaneous combination of various benefits and guarantees alongside with restrictions and prohibitions indicates that the deputy to the highest-ranking official of a constituent entity of the Russian Federation *holds a special mixed-type legal status* (as specified in Subparagraph 2 of the Certificate of the Academic Major 5.1.2).

5. It is argued that despite the differences in the characteristics of the existing institution of the deputy to the highest-ranking official of a constituent entity of the Russian Federation across various regions, all public officials within this category are inherently assigned the following *functions*:

- Coordination (carrying out approval procedures and activities aimed at ensuring interaction);
- Supervisory (supervision of the activities carried out by specific institutions, organizations, and officials);
- Control (monitoring the implementation of regional development programs and projects; budget execution control; supervision and oversight of the implementation of the policy of the region's top official in various areas of governance; monitoring the state of the social sector);

- Rule-making function (drafting legal acts of the region's highest-ranking official and the highest regional executive authority on issues within the competence of the deputy to the highest-ranking officials of the constituent entities of the Russian Federation; preliminary review of proposals and draft documents submitted to the head of the region);

- Organizational (conducting meetings, negotiations, and consultative sessions; fulfilling relevant assignments of the head of the constituent entity of the Russian Federation; organizing the activities of structural divisions within executive authorities);

- Planning (developing and implementing measures aimed at the social and economic development of the region; participating in the development and execution of the regional budget; planning activities related to the areas assigned to the deputy);

- Representative (representing the interests of the region and the highest-ranking official at the federal level and in international organizations);

- Executive and administrative (holding meetings; issuing oral or written instructions; signing responses to letters and inquiries addressed to the Governor of the region; performing other executive and administrative duties).

In addition to the aforementioned general functions, each deputy to the highest-ranking official of a constituent entity of the Russian Federation is responsible for a designated "personal" area of competence, carrying out a set of individually assigned powers and duties (as specified in Subparagraph 2 of the Certificate of the Academic Major 5.1.2).

6. It has been established that the *legal restrictions imposed on the status of the deputy to the highest-ranking official of a constituent entity of the Russian Federation* are legislatively defined and imperative exclusion of certain capabilities from the official's legal status. The purpose of these restrictions is to prevent and minimize potentially harmful behavior by this special public official, behavior that could negatively affect both individual citizens and society or the state as a whole.

The restrictions arising from the legal status of the deputy to the highest-ranking official of a constituent entity of the Russian Federation represent a form of legal

regulation established by the state and imperative in nature. These prohibitions are specifically applied to a certain category of citizens in order to prevent potential manifestations of negative conduct, which may arise due to the official powers vested in them. Furthermore, this form of regulation implies the imposition of legal liability in the event of violations of the legislatively prescribed norms.

It has been identified that in various constituent entities of the Russian Federation the degree of the legal boundaries (including restrictions, prohibitions, and liability) applicable to deputy heads of regions differ significantly. In most cases, the key legal acts of the regions of the Russian Federation stipulate that this category of public officials is vested with all the rights and duties of the head of the region, except for certain powers particularly those concerning amendments to the Constitution (Charter) of the region and the dissolution of the highest executive authority. In some regions, a greater number of restrictions may be formally established, while in others, such provisions may be entirely absent (as specified in Subparagraphs 2, 14 and 19 of the Certificate of the Academic Major 5.1.2).

7. It has been established that the system of guarantees extended to individuals holding the positions of deputy heads of the constituent entities of the Russian Federation is a crucial element of their legal status. At present, numerous guarantees of professional activity for deputy heads of Russian regions are provided, and these can be grouped into several major categories:

- *Social and economic* (salaries, health insurance, paid leaves, state pension security and etc.);
- Official and legal (professional retraining, access to further education, provision of protection for the public official and their family members);
- *Official and organizational* (transportation services, provision of housing and official premises for the execution of official duties, informational and analytical, organizational, material and other types of support).

The established system of state guarantees serves as one of the most important conditions enabling a balance between the numerous restrictions, prohibitions, and duties imposed on the position. It consolidates the special legal status of the deputy to

the highest-ranking official of a constituent entity of the Russian Federation, implying the existence of specific mechanisms through which the state can exert a stimulating influence in order to maximize the effectiveness of administrative activity (as specified in Subparagraphs 2 and 14 of the Certificate of the Academic Major 5.1.2).

8. Based on the analysis of all constituent entities of the Russian Federation, it has been identified that *there are currently three main models for appointing and serving in the position of deputy to the highest-ranking official of a constituent entity of the Russian Federation*:

1) *The first model* involves the participation of the regional legislative authority in the appointment procedure (within this model a specific coordination procedure is employed; however, regional legislation lacks uniformity on this issue leading to uncertainty about the exact procedure the national legislator implies for the appointment of deputies to the highest-ranking official of a constituent entity of the Russian Federation: approval or another technical and legal mechanism);

2) Under the *second model*, the deputy to the highest-ranking official of a constituent entity is appointed solely at the discretion of the head of the region, and this decision is formalized by an appropriate decree;

3) The *third model* referred to as the “mixed” model, implies the involvement of the legislative body of a constituent entity of the Russian Federation in the appointment of only certain deputy heads of the region. The remaining deputies may be appointed directly by the highest official of the region without the need for any additional authorization procedures.

The “mixed” model of appointing a deputy to the highest-ranking official of a constituent entity of the Russian Federation is considered the most *optimal and sustainable for separation of powers because makes it possible to take into account the interests of various subjects to the greatest extent and to maintain a balanced distribution of authority* (as specified in Subparagraphs 2, 8 and 14 of the Certificate of the Academic Major 5.1.2).

9. It has been established that *vice governors for internal policy* represent a distinct institutional entity that is a sub-institute within vice governors’ institute created

to ensure internal political stability. Deputies to the highest-ranking official of a constituent entity of the Russian Federation in the area of internal policy hold one of the key positions in the regional administrative hierarchy, alongside the head of the region and the chairperson of the legislative authority. They are tasked with addressing complex issues related to interethnic relations and overseeing electoral processes.

Given the extensive scope of functions assigned to vice governors for internal policy, the full and effective implementation of which requires not only a high level of professionalism, deep and versatile knowledge, and many years of experience, but also certain personal qualities, a significant issue related to the recruitment of suitable personnel arises (as specified in Subparagraph 2 of the Certificate of the Academic Major 5.1.2).

10. It has been established that the institution of the deputy to the highest-ranking official of a constituent entity of the Russian Federation is characterized by several *problematic aspects, which define the respective directions for its development*:

1) *A high risk of committing unlawful and socially dangerous acts* by public officials mainly for the personal enrichment is associated with the special status of deputy heads of regions and the broad range of authoritative powers vested in them thus highlighting the objective need to strengthen *legal liability for deputies of the highest-ranking official* who act as special legal subjects;

2) *The significant dependency of deputy officials on the heads of Russian regions*, along with the possibility for the latter to exert considerable pressure on their subordinates, underscores the need for *clarifying and legislatively regulating specific elements of the legal status of these public officials* and for *addressing the issue of interaction* among the existing branches of government, taking into account the principle of separation of powers;

3) The existing possibility of unrestricted application of political liability measures against deputies of the highest-ranking officials of constituent entity of Russia due to the absence of a well-developed institution of constitutional and legal liability for public officials highlights the *need for national legal specification legal norms governing the characteristics of a constitutional delict committed by this category of*

officials (as specified in Subparagraph 2 of the Certificate of the Academic Major 5.1.2).

Theoretical and practical significance of research. The theoretical significance of the conducted scientific research lies in the fact that the conclusions drawn by the dissertation author substantially expand the existing doctrinal understanding of the institution of the deputy to the highest-ranking official of a constituent entity of the Russian Federation as a unique phenomenon within the national legal system.

The substantive content of the dissertation, which encompasses a wide range of theoretical issues and namely, the specifics of the structural organization of the said institution, the functional characteristics of the mechanism of interaction between the deputy of the highest-ranking official of a constituent entity of the Russian Federation and various governmental bodies, as well as the elements of the legal status of the regional deputy head can contribute to the enrichment of such legal disciplines as Constitutional Law, Municipal Law, the Theory of State and Law and the History of State and Law.

The materials of the dissertation research may subsequently be used in the educational process: in the preparation of lectures, in conducting seminar classes in various legal disciplines studied at higher educational institutions, and for the development of educational, methodological, and didactic materials that address theoretical issues within the framework of the stated topic.

The theoretical provisions and practical conclusions obtained in the course of the research may also be applied in the future to various theoretical and applied developments related to the activities carried out by the deputies of the highest-ranking officials of a constituent entity of the Russian Federation.

The practical significance of the research lies in the opportunity it provides, thanks to the conducted scientific work, to apply the conclusions drawn about the institution of the deputy to the highest-ranking official of a constituent entity of the Russian Federation in practice, specifically within the framework of professional activities carried out by regional deputy heads across Russia. The author has also identified key problems of the current institution of the deputy to the highest-ranking

official of a Russian region and outlined the main directions for its further development, which, in turn, may contribute to the improvement of Russian legislation in this area.

Approbation of research results. The dissertation research was conducted at the Chair of Constitutional and Administrative Law of the Nizhny Novgorod Institute of Management – a branch of the Russian Presidential Academy of National Economy and Public Administration. The theoretical propositions and practical recommendations obtained during the research were presented by the author at the meetings of the Chair of Constitutional and Administrative Law of the Nizhny Novgorod Institute of Management – a branch of the Russian Presidential Academy of National Economy and Public Administration, and are currently being applied in the educational process of the Nizhny Novgorod Institute of Management – a branch of the Russian Presidential Academy of National Economy and Public Administration.

The main conclusions reached during the course of the research were presented in the form of reports at various academic events of both international and all-Russian levels. The fundamental provisions and key research results were reflected in seven scientific publications authored by the researcher including three publications in magazines recommended by the Higher Attestation Board of the Ministry of Science and Higher Education of the Russian Federation. Among them, two articles were published in magazines recommended by the Academic Council of RANEPA for publishing legal research.

The structure of the dissertation is determined by its goals and objectives. The work consists of an introduction, three chapters comprising two, three, and two sections respectively, conclusions and recommendations, as well as a list of references and sources used.