

**FEDERAL STATE EDUCATIONAL INSTITUTION
OF HIGHER PROFESSIONAL EDUCATION
«THE RUSSIAN PRESIDENTIAL ACADEMY OF NATIONAL ECONOMY
AND PUBLIC ADMINISTRATION»**

as the manuscript

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**REGIONALIZATION PROCESS IN THE STATE-TERRITORIAL ORGANIZATION
OF EUROPEAN COUNTRIES: CONSTITUTIONAL-LEGAL ANALYSIS**

12.00.02 - constitutional law; constitutional litigation;
municipal law

The summary of the dissertation

for a degree of the candidate of juridical science

Scientific supervisor:

Doctor of juridical sciences,

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Moscow - 2019

The relevance of the thesis. The form of the state-territorial organization, as one of the integral elements of the form of the state and a comprehensive legal institution, is increasingly becoming the subject of research by many foreign and domestic legal scholars. The search for optimal solutions to such crucial problems as the stability of the state and its territorial integrity, the effectiveness of the organization of state power and administration in relation to the territory, the prevention of regionalist and separatist tendencies in multinational countries, the self-government of territorial (political) autonomies has always been on the agenda, as for European states, and for the Russian Federation.

The form of the state-territorial organization, despite its external static nature - constitutional consolidation - is a dynamically developing phenomenon. This is evidenced by the transformations of classical models of unitarism and federalism that have taken place in recent years in European countries, changes in their constitutional regulation, theoretical justification and the adoption in practice of new forms of state-territorial structure (for example, a regionalist state).

At the present stage of the historical development of the state-territorial structure of the multinational countries of Europe, a tendency towards the process of regionalization is clearly observed. Therefore, the task of updating the model of the territorial organization of the state, achieving the optimal level of self-government in autonomies, the effectiveness of state power and its democratization in order to prevent threats of domestic destabilization and the collapse of statehood in general, related to the focus of regions on territorial and political self-determination, is becoming increasingly important.

Today, in certain regions of European states characterized by national, religious, ethnic and linguistic identity, economic self-sufficiency and geographical isolation, there are calls for referendums on the provision or expansion of the status of autonomy, changes in constitutional status, independence.

There are practically no legal studies of the regionalization process in the development of the state-territorial organization of modern European countries. In addition, the problem of regionalization was not previously the subject of a comprehensive constitutional and legal study or research on the specifics of individual modern regionalist states.

The degree of development of a scientific problem. The problems of the form of state-territorial structure and organization as a legal institution were considered through the prism of theoretical and legal generalizations (N.I. Grachev, A.V. Malko, G.V. Maltsev, V.S. Nersesyants, B.A. Strashun, O. I. Chistyakov), as well as interpretations of constitutional legal norms (S.A. Avakyan, I.A. Alebastrova, M.V. Baglai, D.A. Kerimov, I.V. Levakin, I.V. Leksin, S .V. Narutto, V.E. Chirkin), including foreign ones (Bogdanor V., Cassese A.,

Gerring J., Hakli E., Keller A., Lijphart A., Loughlin M., Malloy TH, McCrone D., Mitchell J., Riker WH, Stephenson GV, Steen T., Tkacik M., Toonen TAJ, Walker G., Waterman RW, Witte E., Wrede M., Yoder JA).

Important aspects of the problems of the territorial integrity of states, secession, regionalism, the principle of national self-determination are reflected in the scientific works of A.V. Baranova, A.S. Bukhanova, A. Vozhenikova, V.I. Lafitsky, V.V. Mansurova, S.M. Meshcheryakova, E.V. Miklukho, L.A. Musayelyana, S.A. Romanenko, O.A. Smirnova, I.A. Subbotina A.Yu. Tamarovich, K.R. Shafieva.

The dissertation works of the following scholars affect only some aspects of the problems under consideration: A.Yu. Beloded, A.S. Blinova, Yu.P. Boyko, T.A. Vasilyeva, M.Kh. Gukepshokova, J.V. Guseva, T.A. Demina, M. Zeynu, A.E. Irinina, N.A. Kasatkina, S.I. Kodaneva, N.B. Komovoi, S.A. Levoshchenko, N.V. Lukasheva, A.R. Mkrtumyan, A.V. Orekhovich, A.V. Prokhorova, P.M. Silinova, G.V. Sintsova, P.V. Ulyanischeva, N.N. Fedoshcheva and others.

The goal of the research is a theoretical and comparative constitutional analysis of the process of regionalization of the state-territorial organization of modern European countries through the study of its constitutional and legal content and features of legal consolidation.

The purpose of the study predetermined the formulation and solution of the following **tasks**:

–conducting constitutional and legal analysis of the current features of the legal institution of the state-territorial organization, identifying the historical-state and legal prerequisites for its formation in the countries of the European continent, as well as determining the stability factors and the dynamics of the form of the state-territorial structure;

–development of the concept and disclosure of the constitutional and legal content of the process of regionalization of the state-territorial structure of European states, justification of the types of regionalization process;

–identification and analysis of the causes of the emergence and development of the regionalization process in European countries;

–definition of legal forms in which the processes of regionalization of the state-territorial organization find their practical expression and consolidation;

–conducting constitutional and legal analysis of the legal regulation of the characteristics of each type of regionalization process;

–comprehension of constitutional and legal features of regionalist states on the example of individual European countries, analysis on whether a regionalist state is a form of state-territorial organization or one of the processes of regionalization.

The object of the research is public relations, emerging as a result of the influence of the regionalization process on the state-territorial organization of European countries in the period from the 90s. XX century - beginning of the XXI century.

The choice of the process of regionalization of the state-territorial organization of precisely European countries as an object of study is not accidental. In some European countries that have a long history of regionalism, at the present stage of historical development - from the 90s. XX century - beginning of the XXI century. - transformations of the state-territorial organization are clearly observed due to the pronounced national self-identification of their territorial units, geographical isolation or intensive economic development of the regions. These are countries such as Belgium, Great Britain, Denmark, Spain, Italy, Portugal, Finland, France, as well as the former Czechoslovakia and Yugoslavia.

The subject of the research is the constitutional legal analysis of the content of the regionalization process in the state-territorial organization and the features of its legal regulation in European countries.

The scientific novelty of the thesis is determined by the author's approach to the constitutional and legal study of the regionalization process in the development of the state-territorial organization of European countries, which allowed the author to confirm the conclusion that regionalization has a legal, mainly constitutional and legal content.

In many multinational countries of Europe today there is a real danger of separatism, leading not only to territorial fragmentation, but also to domestic destabilization, which is the result, on the one hand, of non-compliance and neglect by the authorities of the rights of nations and national minorities in a multinational state, unification policies, and the other is ignoring territorial units (regions) of legal norms governing the foundations of the constitutional system of the state, the principles of international law, other provisions of the country's constitutional laws (referendum legislation, decisions of constitutional justice bodies).

It is assumed that the simultaneous maintenance of state integrity and the realization of the rights of nations in the multinational countries of Europe will become possible provided that the constitutional and legal regulation of the territorial organization of the state is optimized and improved. Including, a detailed interpretation of the principles of international law, excluding their contradiction to each other, for each particular state, taking into account national, cultural, ethnic, linguistic and religious characteristics; detailed regulation of the procedure for changing the constitutional and legal status of regions, transformation of the form of state-territorial organization and its individual elements; improvement of the legislation on the referendum on the issue of independence (separation); improving the state-territorial structure through the provision of limited autonomy (self-government) in the field of finance to individual territorial

units of the state; updating the self-government system in the once geographically remote regions of the state due to the development of a common infrastructure and the availability of management, etc.

Based on the results of the research, the thesis to be defended includes the following provisions:

1. The author conducted an analysis of the historical development of the state-territorial organization of European countries, which allowed to identify the following historical-state and legal prerequisites for its formation in the countries of the European continent:

–the first prerequisite that predetermined the formation of the territorial structure of the states of the European continent is the peculiarities of the state-legal development of nations on its territory and the results of the collapse of the great world empires during the formation and formation of the state picture of the world in Europe (XV-early XX centuries);

–the second prerequisite for the formation of the state-territorial organization of the countries of Europe is their constitutional and institutional and institutional consolidation as a result of the adoption of the principles of international law (1945 - the end of the 80s of the XX century);

–the third prerequisite that influenced the formation of the state-territorial organization of European countries, in our opinion, is the further development of the form of state-territorial organization in Europe from the end of the 20th century. - until now.

Stability of the state-territorial organization is ensured by such factors as:

–the influence of the legal mentality characteristic of a certain national-ethnic community (territory) as a historically established and stable system of worldviews (attitudes) on objects of state legal reality, in particular, on the form of state-territorial organization;

–approval of international legal principles for the formation of the state-territorial organization of European countries;

–the absence in the constitutions of European states of the right to secession of their territorial units.

The dynamics of the form of state-territorial organization is determined by the following factors:

–the existence of world empires: their origin, development, decolonization, as well as the outcome of the collapse, and world wars, which in general formed the modern state-legal picture of the world in the course of historical development;

–approval of international legal principles for the formation of the state-territorial organization of modern European countries.

2. Based on the analysis of doctrinal and regulatory sources, the author found that the term «regionalization» must be used to refer to the process of redistribution (movement) of state-power authority from the national (central) level directly to the regional level, to identify the causes of its occurrence and development, and also definitions of constitutional legal forms in which this process proceeds. In contrast to decentralization, which leads to the reorganization of state power, the regionalization process leads to the reform of the state-territorial organization as a whole or its individual elements. As a result of regionalization, not only executive, but also legislative powers are subject to transfer to the regional level, elected legislative bodies are formed in the regions, a system of regulatory legal acts is consolidated, and regions become relatively independent in financial and economic terms.

Based on this, decentralization and regionalization have one direction - the redistribution of state-power powers, but are characterized by different results: the first leads to the reorganization of state power, the second - to the transformation of the state-territorial organization as a whole or its individual elements. Domestic processes of regionalization lead to qualitative changes in the form of state-territorial organization: the transformation of the form as a whole (a unitary state becomes federal or regionalist), or a change in its individual elements (structural change in the organization of state power, political or administrative-territorial division, the legal status of territorial units state, etc.). Based on this, it can be concluded that regionalization includes not only the problems of state power, but also the state-territorial organization as a whole.

3. In the constitutional legal sense, «regionalization» is a modern tendency in the development of the state-territorial structure of European countries, which is an intrastate process of changing the constitutional-legal status of territorial units, aimed at redistributing state-power powers (legislative, executive, financial) from the national level to the regional, carried out in constitutional legal forms, and the result of which is the transformation state-territorial organization as a whole or of its individual elements.

The process of regionalization of the state-territorial organization in Europe is not uniform and proceeds in different directions, which allows us to distinguish the following types of regionalization process:

- 1) the formation of territorial (political) autonomy within the state;
- 2) the transformation of a unitary state into a regionalist state;
- 3) the transformation of a unitary state into a federal state.

4. The author substantiates that the process of regionalization in the development of the form of state-territorial organization is caused by several groups of reasons - features of state-

legal development, leading under certain conditions to the emergence and development of this process:

1) The reasons associated with the processes of state-legal development of nations (the people, being the constitutional source of power in most modern republics, are multinational; nations uniting one state are at different stages of state-legal development (natiogenesis); the formation of a single state through (voluntary or «artificial») unification of several countries and peoples at the same stage of natiogenesis).

2) The reasons associated with the development of the economy of the regions (imbalance in the socio-economic development of the regions; self-sufficiency of the regional economic potential to enter the international market and create an independent state).

3) The reasons associated with the territorial (natural-geographical) features of the regions (natural inaccessibility of the territory; natural-geographical isolation of the region - overseas territory, islands from the main part of the state).

5. The author ascertains that the types of regionalization process represent the content of regionalization. They determine the forms in which various social relations are fixed (expressed, objectified). The form of the process of regionalization of the state-territorial organization is a legal form, since the content of this process entails certain legal consequences - the reform of the territorial structure of the state, which inevitably needs legal registration. Each type of regionalization process ends with the adoption of an appropriate regulatory legal act.

The significance of the legal form of the regionalization process lies in the fact that it allows you to objectively express the type of this process, in particular, to consolidate the redistribution of state-powers (legislative, executive, financial) from the national level to the regional one, as well as the modification of the state-territorial organization state as a whole (its form) or its individual elements. The forms of the regionalization process are mainly constitutional and legal.

6. The dissident conducted an analysis of the provisions of the constitutions and legislation of European countries, which allowed highlighting the features of constitutional regulation of regionalization processes.

Features of the legal regulation of such a regionalization process as the formation of territorial (political) autonomy within the state are enshrined in constitutional acts, a separate statute and special laws:

- the legal status of autonomy for a separate territorial unit of the state (several units);
- state signs: the establishment of official symbols, an additional official language, a system of regulatory legal acts, the structure of autonomy authorities;
- subjects of competence and authority - the exclusive competence of autonomy;

- descriptions of territories and borders of autonomies;
- parliamentary competence on the issue of approval and adoption of political and administrative statutes of autonomies;
- procedures for holding a referendum on the issue of granting / expanding the status of autonomy.

Features of the constitutional legal regulation of the regionalization process, which consists in the transformation of a unitary state into a federal one, are:

- constitutional reform of the entire state-territorial organization as a whole;
- constitutional assignment to the territorial units of the state of the status of subjects of the federation, their internal organization;
- constitutional consolidation of the delimitation of objects of competence and authority between two levels of state power - federal and regional.

7. The identification and analysis of the constitutional and legal features of regionalist states within the framework of such groups of relations as the state and territorial structure has led to the conclusion that regionalism is not fixed by any constitution of a foreign state, unlike unitarism or federalism, as a form of state-territorial organization, which confirms the fact of the absence of this legal institution in constitutional law. The regionalist form has its own characteristics through a combination of the features of both unitary and federal forms of state-territorial structure, however, in our opinion, it does not have «specific» signs that allow it to be distinguished as a separate form of state-territorial organization. The term «regionalist» should be used as a characteristic feature of such a state itself, a state-autonomy, consisting of relatively separate (independent) autonomies - regions, and not in order to single it out as a separate form of the territorial structure of the state.

The characteristic features of the constitutional and legal regulation of the regionalization process, which is the transformation of a unitary state into a regionalist one, in our opinion, are:

- consolidation in the constitution of the signs of a regionalist state and the division of the entire territory into autonomous entities (regions);
- adoption by the state parliament of constitutional laws on the approval of the political and administrative statutes of autonomies.

We believe that a regionalist state is not a form, but a separate process of regionalization in the state-territorial organization of modern European countries, as well as a characteristic tendency of their development. The constitutionally fixed (classical) forms of the state-territorial organization at the present stage of historical development are characterized by imperfection and inability in their pure form to effectively meet the needs of a constantly developing society and state and, as a result, are subject to revision and reform. According to the dissertation, this is the

result of the initially unsolved problems of multinational countries: the problems of the coexistence of national, linguistic and religious groups, the problems of the socio-economic component of various regions within a single state, and the territorial remoteness of regions from the center. The tendency in the development of the classical forms of the territorial structure of modern European states - unitary and federal - is the transformation of individual elements of their state-territorial organization: the constitutional reform of the territorial organization, which consists in changing the status of regions.

The theoretical importance of the research is due, first of all, to its novelty, and also consists in the constitutional legal understanding of previously not thoroughly and thoroughly studied problems regarding the content of the regionalization process of the state-territorial organization, the driving causes and development and legal forms in which this process finds your expression and reinforcement. The author's scientific and legal approach significantly deepens and broadens the vision of various aspects of constitutional and legal regulation of the state-territorial organization in European countries.

The practical importance of the dissertation is determined by the fact that its results can be involved in the educational process of teaching the following courses: «Theory of State and Law», «Constitutional Law of Foreign Countries», «Constitutional Law of Russia», «International Public Law». Meanwhile, in further studies of the state-territorial structure the materials of this dissertation can also be used.

Approbation of the results of the dissertation. The main conclusions and provisions of the dissertation are reflected by the author in scientific publications, as well as discussed and approved at meetings of the Department of Constitutional Law of the Faculty of Law named after M.M. Speransky Institute of Law and National Security FSBEI HPE «Russian Presidential Academy of National Economy and Public Administration».

On the topic of dissertation research, 12 scientific papers were published, including: 6 scientific articles (3 articles published in legal journals from the list of Higher Attestation Commission of the Ministry of Education and Science of the Russian Federation, 1 article in a journal from the Scopus list); a number of reports at international scientific-theoretical and scientific-practical conferences.