

УДК 342

DOI 10.24147/2542-1514.2017.1(4).112-116

Урбанизация в России: некоторые проблемы конституционно-правового регулирования и правоприменения

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Статья посвящена ряду проблем конституционно-правового регулирования и правоприменения в условиях урбанизации, роли городов и сел в формировании российского общества и государства, правовым и социально-экономическим особенностям правоприменения в городской и сельской жизни, влиянии научно-технического прогресса на города.

Ключевые слова: конституционное право, городское право, город, село, урбанизация, государство, правоприменение.

Urbanization in Russia: Some Problems of Constitutional Legal Regulation and Law Enforcement

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The subject is constitutional legal issues of urbanization in Russia.

The purpose of the article is to identify main constitutional legal problems of urbanization in Russia and suggest the ways of their settlement.

The methodology. The author uses a dialectical method, a method of analysis and synthesis, a formal legal method, a comparative legal method.

Results and scope of application. Number of problems of constitutional and legal regulation and law enforcement in the context of urbanization were analyzed. The role of cities and villages in the formation of Russian society and the state, legal and socio-economic features of law enforcement in urban and rural life, the impact of scientific and technological progress on cities were studied.

The author believes that the Russian Constitution is "the Constitution of cities" because almost any legal peculiarities of the constitutional legal regulation of the forms of urban and rural life are not incorporated. It is one of the causes of the degradation of the modern village. "City state" formation anticipated a number of negative factors. The author identifies the factors that determine prospects of the development of modern law enforcement in a situation of global urbanization.

Conclusions. The urbanization process cannot be artificially stimulated in favor of doubtful socio-economic achievements. We can't ignore the quality of law-creation from the point of view of realization of interests of the population and ensure effective law enforcement at all levels of government and management

Keywords: constitutional law, city law, city, village, urbanization, state, law enforcement.

Информация о статье:

Дата поступления – 15 сентября 2017 г.

Дата принятия в печать – 10 октября 2017 г.

Дата онлайн-размещения – 20 декабря 2017 г.

Article info:

Received – 2017 September 15

Accepted – 2017 October 10

Available online - 2017 December 20

1. Introduction. Modern Russia is a highly urbanized country. O. Spengler wrote that world history is the history of urban people. Peoples, states, politics and religion, all arts and all sciences rest on the sole phenomenon of human existence, on the city [1, p. 92]. In this case, the origin and history of our country is inextricably linked with the system of the ancient cities. It can obviously be said about the mechanism of the emergence of the Slavic and then the ancient Russian state: their "cradle" was the city.

2. The influence of urbanization on a constitutional legal regulation. Our country includes about 1100 cities, three of which are subjects of the Russian Federation, 12 are megacities and polities with a million population with a total of about a quarter of the total population. The number of urban population is currently around 75%.

On this basis, we can say that our Constitution is "an urban Constitution" because there is virtually no legal characteristics of the constitutional and legal regulation of urban and rural livelihoods in it which is one of the causes of degradation of the modern village. The different nature of urban and rural forms of human actions leads to regulation of the rural life "in the city-like way". Especially characteristic of this effect in the realization and protection of constitutional rights and freedoms of citizens, as it is quite clear that rural residents cannot be equal to the city ones and in their quality and quantity.

We can say that we will continue to implement the well-known Bolshevik slogan of erasing the boundaries between the town and country, which effectively leads to two major negative implications: uncontrolled expansion of urban lifestyles, associated with dependency, consumer interests and artificial nature of the city's socio-legal relationships and forth degradation of natural bases of rural life in the absence of understanding and the desire to protect them and develop them by not only the legal regulation, but also with legal enforcement.

It is known that the city has no or very limited material resources (raw materials, food, energy, etc.), ensuring its activity: it receives them from the outside and with the growth of the city needs them more and more. But the city not only consumes these resources, it converts them into products that have a high consumer value and social utility. The main incentives of the city development are two factors: growth of consumption (wealth accumulation) and introduction into practice of scientific and technological progress, which in turn causes a natural increase in the number of inhabitants and the economy of the city.

This process becomes permanent and irreversible, creating new and new contradictions of economic, legal, political, social and cultural-religious nature. This latent motivation can be called "*the eternal hunger of cities*". Ultimately, this trend in the history of the world led to a change in the State of the first order and formations when it is in the cities accumulated contradictions and above all in the cities there were evolutionary and revolutionary changes states.

Unfortunately, we continue to live today under the fear of revolutions, because in the conditions of a post-industrial state and a high level of urbanization (in developed countries - 80-85%) the abovementioned motivations turn into acute problems. Developed and developing countries require a greater share in the global resource stocks and therefore "eternal hunger cities" cause them to have a rather aggressive economical and often military policy in the world.

The problem of the constitutional and legal regulation of the life of the urban and rural population consists in a universal approach - it is not real (genuine) social relations that are regulated, but certain representations (illusions, simulacra) of those who know about them or their surface signs and consequences , which are realized in the form of legal relations in the draft

legislation, and after their acceptance form new pseudo-relationships and in fact result in a lack of real enforcement.

- обеспечение продовольствием, энергией и водой;

3. Negative factors of the influence of urbanization on legal regulation. "City State" generates a number of negative factors. First, with the development of scientific and technical progress, citizens gradually lose their self-sufficiency as free citizens, because they are increasingly dependent on "state and municipal services" (the theory of the "service state"), the state and business encourage consumerism almost as a main goal of life of its citizens. The city is more fully economically, socially, legally and politically "enslaving" a person. Therefore, the city people are more "important" for the state, because only in a city a person always depends on a certain control system and his life is almost complete dependant on "external" life resources and managerial factors:

- provision of food, energy and water;
- place, type and conditions of residence;
- social differentiation and stratification of urban society based on material features, lack of common interests and goals;
- forced dependence on subjective rules and regulations (laws, regulations, regulations, instructions, etc.) of the organization of the vital activity established by the control system (or its representatives) poorly representing real needs and vital purposes of inhabitants;
- the full economic and household dependence of the townspeople, as well as the administrative and fiscal burden of the control system reproducing all their new forms;
- unreasonable "politicization" or "pseudopolitization" of the public and private life of citizens in order to obtain, continue or resume the management system of their right to manage the city, by discrediting self-management in any form under the slogans: "the population is not ready," "people are not able to understand, "The unity of management and municipal economy is violated," etc.);
- creation of artificial structural complexities (multilevel, non-functional, branching, fragmentation, duplication, opacity, etc.) to build a system of economic and administrative management to strengthen the bureaucratic importance, indispensability and justification of exorbitant expenses for its maintenance;
- significant increase of such negative factors and their consequences as: crime, social defects (alcoholism, drug addiction, prostitution, parasitism, vagrancy, begging, etc.);
- absence of accounting for the real "public opinion", because it is the opinion of either imposed by the media, or view individual m "groups of influence" and experts;
- the commercialization of all social life and activities (especially in a city with a higher standard of living and the volume of social services) -;
- inefficiency and lack of professionalism in law enforcement and administration, and are hidden behind the "invented" problems and closeness, the backstage and complexity of the city's management system and its functioning;
- the principle of parliamentarism "eats" the principle of democracy, because party parliaments actually consist only of deputies who provide their parties, and parties often do not express the interests of the population;
- urbanization processes are artificially stimulated by legal and administrative methods (consolidation of municipalities, inclusion of rural settlements in urban districts from "good" intentions to help the "poor") without a serious scientific and practical assessment of their consequences in favor of "economic development of the region", realistic goals and objectives which is often not defined or is subjective and ill-founded;

- prevalence in the system of public administration of methods of so-called "manual" control, i.e. prompt resolution of emerging problems through command-administrative influence to overcome their consequences, rather than creating a system of prevention and prevention;
- the growth of lack of spirituality, immorality and lack of education in the youth environment, associated with the thoughtless introduction of Western models of education and upbringing, the loss of their own methods and traditions ;
- serious environmental and natural resources problems .

4. Urbanization and application of the norms of constitutional law. AN. Kostyukov, analyzing the practice of law enforcement in all spheres of legal reality, emphasizes the existence of a deep crisis of law enforcement, the widespread deconstruction of the ideas of the rule of law and the rule of law [2, с . 45-49] .

In the situation of global urbanization the perspective of the law enforcement are determined by the following factors:

- suburbanization (expansion) of existing large cities;
- merger of cities (actual and legal);
- economic and infrastructural interdependence of territory which requires its legal regulation;
- the need to ensure equal opportunities for the implementation of the that citizens' rights - inhabitants of different settlements agglomeration;
- the need for scientific and legal support of territorial processes transformations of megacities and urban agglomerations that are becoming subjects of legal, social and economic relationships;
- the need for constitutional and legal protection of rural forms of settlements and the livelihoods of the population within the boundaries of urbanized territories , etc.

These conditions have a direct impact on the provision of the level of constitutional and legal and municipal enforcement.

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| <p><i>Библиографическое описание статьи</i> Таболин В.В. Урбанизация в России: некоторые проблемы конституционно-правового регулирования и правоприменения / В.В. Таболин // <i>Правоприменение</i>. – 2017. Т. 1, № 4. – С. . – DOI 10.24147/2542-1514.2017.1(4).112-116</p> | <p><i>Bibliographic description</i> Tabolin V.V Urbanization in Russia: Some Problems of Constitutional Legal Regulation and Law Enforcement. <i>Pravoprimerenie = Law Enforcement Review</i>, 2017, vol. 1, no. 4, pp. . – DOI 10.24147/2542-1514.2017.1(4).112-116 (In Russ.).</p> |