

Comparative Characteristics of the Constitutional and Legal Status of the Chief Government Officials of the Constituent Entities of the Russian Federation – Moscow and St. Petersburg

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ABSTRACT

The article provides a theoretical and comparative analysis of the constitutional and legal status of the chief government officials of the constituent entities of the Russian Federation – the cities of Moscow and St. Petersburg. The author highlighted the main elements of the constitutional and legal status of the chief government official of a constituent entity of the Russian Federation, the classification of which became the basis for the proposed methodology for a comparative analysis of the statuses of the chief government officials of cities of federal significance (Moscow and St. Petersburg) in the context of regional norms.

A comparative analysis based on the proposed methodology led to conclusions about the similarities and differences in the constitutional and legal statuses of the mayor of Moscow and the governor of St. Petersburg.

Keywords: comparative characteristics, constitutional and legal status, the chief government official of a constituent entity of the Russian Federation, mayor of Moscow, governor of St. Petersburg

Introduction.

The issues of formation and implementation of the constitutional and legal status of the chief government officials of the constituent entities of the Russian Federation (regions¹), as well as other public law establishments, seem to be relevant at all stages of the constitutional development of Russian statehood, since the problems of ensuring a balanced regulation of local authorities in accordance with the general provisions of the central government belong to the most important state problems in the entire history of the Russian state. At present, such problems are caused by pragmatic implementation of the principle of delimitation of powers and subjects of jurisdiction between the authorities in order to maintain the constitutional unity of the system of state power of the Russian Federation².

The course taken at the end of the last century for the decentralization of federal power with the principles of non-interference in local affairs has changed in the direction of a balanced federal influence in relation to the regional authorities of the constituent entities of the Russian Federation. This is due to the desire to develop in Russia an optimal model for regulating a hierarchical system of power that ensures territorial integrity, the unity of the state along with the independence and self-sufficiency of Russian regions, which requires the development of a two-tier system of state power regulation with clear instruments for interaction between federal and regional authorities³.

As a result of many years of efforts by the President of the Russian Federation V.V. Putin and his associates, a noticeable strengthening of the system of central government took place, but the problem of balanced interaction of the federal center with the territories whose interests are represented by the chief government officials of the constituent entities of the Russian Federation remains topical due to insufficient constitutional regulation of certain issues. The urgency of this problem is confirmed by the content of the status of the considered subject of state power, since in the norms of the Constitution of the Russian Federation⁴ and constitutional federal laws there is no clear system of elements

¹ In the text of the article, «region» is used in the meaning of «constituent entity of the Russian Federation»

² Andrichenko, L. V. Division of Powers between the Authorities of Different Territorial Levels: Issues of Centralization and Decentralization// Public Administration Issues. 2013. No. 4. Pp. 37-58

³ Orlova, E. A. Constitutional and Legal Status of the Chief Government Official of a Constituent Entity of the Russian Federation: Dis. abstract ... Cand. Jurid. Sciences: 12.00.02 / E. A. Orlova. Moscow, 2006. 24 p.

⁴ The Constitution of the Russian Federation (adopted by nationwide vote on 12.12.1993 with amendments, approved during the all-Russian vote on 01.07.2020) [Online source]. URL: <http://www.pravo.gov.ru>, 07.04.2020 (date of accession: 30.07.2020).

of the constitutional and legal status of the chief government official of the constituent entity of the Russian Federation and legal mechanisms for delimiting the corresponding powers with the federal center⁵.

Despite the equality of the constituent entities of the Russian Federation, proclaimed in art. 5 of the Constitution, there is a different content of powers and other elements of the statuses of chief government officials of the constituent entities of the Russian Federation, which are regulated by the corresponding constitutional and statutory acts of the constituent entities of the Russian Federation. Repeated changes in the status norms of chief government officials of the constituent entities of the Russian Federation make it difficult to effectively and consistently implement the relevant provisions of the constitutions and charters of the constituent entities of the Russian Federation.

However, the content of the status of the chief government official in a constituent entity of the Russian Federation significantly affects the development of the region, ensuring the well-being of its population, the state of law, order and legality⁶, all of which determines the importance of expanding Part 3 of Art. 77 of the Constitution of the Russian Federation, which only defines some restrictions within the framework of the constitutional and legal status of the chief government official of a constituent entity of the Russian Federation and a blanket norm on additional requirements of the federal law to this status.

A comparative analysis of the constitutional and legal status of the chief government official in the cities of Moscow, St. Petersburg shows the differences and peculiarities of developed Russian cities of federal significance, reflecting the most significant problems of the development and implementation of these statuses due to differences and gaps in the constitutional and statutory sphere of legal relations, which also determines the topic of this article.

Thus, the relevance and importance of the comparative characteristics of the constitutional and legal status of the chief government officials of the constituent entities of the Russian Federation – the cities of Moscow, St. Petersburg is determined by the following factors: 1) the need to ensure a balanced regulation of powers of the Russian authorities at the local level and in the center based on the principles of delimitation and delegation of powers using clear instruments of interaction between federal and regional authorities (the factor of balanced regulation);

2) insufficient constitutional regulation of certain issues of the constitutional and legal status of the chief government official of a constituent entity of the Russian Federation both in the provisions of the Constitution of the Russian Federation and in the constitutional and statutory norms of regional legislation (the factor of gap regulation); 3) the importance of establishing differences, gaps in the constitutional and statutory sphere of legal relations on the example of the statuses of the chief government officials in Moscow and St. Petersburg (the factor of comparing the statutory law of the two capitals).

The main elements of the constitutional and legal status of the chief government official of a constituent entity of the Russian Federation

Starting the analysis of the constitutional and legal statuses of the chief government officials of the cities of federal significance – Moscow and St. Petersburg, it is advisable to summarize the main content, a general list of structural elements of the constitutional and legal position of the chief government official of a constituent entity of the Russian Federation (hereinafter also the head of the region), which are the subject of many studies by Russian and foreign lawyers. For example, A.N. Kail⁷ defined the concept of the general legal status of the chief government official of a constituent entity of the Russian Federation as the regulated by legal norms position of such a person, which is characterized by the corresponding elements: the name of the position; the competence of the head of the region with the subject of competence, basic rights, duties; restrictions for the head of the region; guarantees of the chief government official; his/her responsibility; the relationship of the head of the region with other institutions of authority and with the population of a constituent entity of the Russian Federation.

This definition clearly identifies the elements of the general legal status of the chief government official of a constituent entity, which also form the constitutional and legal status. In particular, V.A. Marshalova outlined the concept of the constitutional and legal status of the chief government official of a constituent entity of the Russian Federation (president of the republic) as a relatively stable set of features established by constitutional and legal norms that determine the role of the head of the region as a government body in the mechanism for the implementation of democracy, and the corresponding functioning specifics of such a government body, which includes certain status elements (name of the highest position, powers, content of guarantees, limits of responsibility, functions, competence, general legal capacity, procedure for replacement and characteristics of the position)⁸.

⁵ Urusova, I. O. The Constitutional and Legal Status of Chief Government Officials of the Constituent Entities of the Russian Federation and their Role in the System of Federal and Regional Authorities: Dis. abstract... Cand. Jurid. Sciences: 12.00.02 / I. O. Urusova. Moscow, 2014. 24 p.

⁶ Ishekov, K. A. Implementation of Constitutions and Statutes of the Constituent Entities of the Russian Federation by State Authorities: Constitutional and Legal Research: Dis. abstract... Doct. Jurid. Sciences: 12.00.02 / K. A. Ishekov. Saratov, 2015. 40 p.

⁷ Kail, A. N. The Constitutional and Legal Status of the Chief Government Official of the Constituent Entity of the Russian Federation in the System of Government Bodies: on the Example of the Region, Territory: Dis. abstract... Cand. Jurid. Sciences: 12.00.02 / A. N. Kail. Saratov, 2004. 22 p.

⁸ Marshalova, V. A. Evolution of the Constitutional and Legal Status of the President of the Republic within the Russian Federation: Dis. abstract... Cand. Jurid. Sciences: 12.00.02 / V. A. Marshalova. Kazan, 2007. 26 p.

This complex definition logically characterizes the chief government official as a body of regional government with special functions, reflects the complex nature of the elements of the considered status, which are associated with the position of the head of the region, but does not take into account the differences in legal sources (the Constitution of the Russian Federation, federal legislation, constitutional norms) and the peculiarities of the legal status of a constituent entity of the Russian Federation as a public law entity.

The dissertation research by N. V. Mashyanov⁹ defines the signs of the status of the chief government official as an institutional component of the system of Russian authorities, which characterize the place of the head of the region in the system of authority vertically and horizontally; implement the system-wide principles of structure, integrity, hierarchy, relativity of ties with other participants in power relations, as well as additional principles of legality, democracy, responsibility, consistency in the implementation of goals and objectives; are distinguished by the presence of arbitration, guarantee and general representative powers, as well as the establishment of organizationally formalized institutions of the government or a regional cabinet of ministers, the corresponding prime minister (chair of the government), vice governor (vice president) with the corresponding constitutional and statutory statuses.

That is, N.V. Mashyanov logically substantiated the structural and systemic aspects that are indirectly related to the analyzed constitutional and legal status of the chief government official of the region and characterize the institutional nature of his/her powers, but do not reflect differences in legal sources and peculiarities of the legal status of a constituent entity of the Russian Federation as a public law entity.

The work of I.O. Urusova¹⁰ defines the following elements of the examined constitutional and legal status:

- a formal element of the procedure for obtaining the authority of the chief government official;
- an element of competence in the form of powers of the chief government official in the field of state activity;
- an element of educational qualification in the form of requirements for education and work experience in the field of public administration, which should ensure a sufficient professional level of a candidate for the most responsible post of the regional state authority system and appropriate guarantees of the quality of activity in such a post;
- an element of responsibility to the population in the corresponding territory of the constituent entity of the Russian Federation;
- an element of guarantee in the form of a special mechanism to hold the chief government official accountable.

The content of these and other elements of the status under consideration is presented by I.O. Urusova with a clearer list of status elements with additional features than in the works of A.N. Kail, V.A. Marshalova, and the work defines main peculiarities of the constitutional and legal status of the chief government official of the constituent entity of the Russian Federation but also does not take into account the differences in legal sources and features of the legal status of the constituent entity of the Russian Federation as a public law entity.

Along with this, it is worth pointing out the theses of M.V. Demidov¹¹ on the complex composition of the powers of the head of the region and on the exclusion of the chief government official from the system of executive power, since the current legislation forms the status of the head of the region as the head of the entire system of executive regional power and, at the same time, the highest collegial body¹². At the same time, the position of the chief government official of the constituent entity of the Russian Federation is separated from the position of the head of the supreme executive body of the region, although the content of their statuses is practically the same¹³.

Regarding the complex nature of the powers of the head of the region, the Constitutional Court of the Russian Federation in its resolutions¹⁴ gives an interpretation of the interrelated norms of parts 1, 2 of art. 19, part 1 of art. 77, part 4 of art. 78, parts 1, 2 of art. 80 of the Constitution of the Russian Federation, from the content of which there follows: first, the direct subordination of the chief government official of the constituent entity of the Russian Federation to the President of the Russian Federation, who, as the head of state, must ensure the coordinated functioning of the system of all bodies of Russian

⁹ Mashyanov, N. V. The Chief Government Official (Head of the Supreme Executive Body) of the Constituent Entity of the Russian Federation in the System of State Power: the Main Constitutional and Legal Characteristics: Dis. abstract ... Cand. Jurid. Sciences: 12.00.02 / N. V. Mashyanov. Chelyabinsk, 2007. 23 p.

¹⁰ Urusova, I. O. The Constitutional and Legal Status of Chief Government Officials of the Constituent Entities of the Russian Federation and their Role in the System of Federal and Regional Authorities: Dis. abstract... Cand. Jurid. Sciences: 12.00.02 / I. O. Urusova. Moscow, 2014. 24 p.

¹¹ Demidov, M. V. The Executive Power of the Constituent Entity of the Russian Federation: the Constitutional and Legal Aspect of Its Status // Constitutional and Municipal Law. 2017. No. 1. Pp. 62-65.

¹² Avakyan, S. A. Constitutional Law of Russia. Training course. Tutorial: In 2 volumes, 5th ed., revised. and add. M.: Norma; INFRA-M, 2014. T. 2. 912 p.

¹³ Pribudagova, D. Sh., Gadzhialieva, Sh. S., Umarova, N. E. The Chief Government Official of the Constituent Entity of the Russian Federation in the System of Regional Authorities // Law Bulletin of FENU. 2015. Vol. 15. No. 3. Pp. 51-54.

¹⁴ See: On verification of the constitutionality of part 2 of art. 16 of the Law of the Pskov Region «On the protection of population and territories from natural and man-made emergencies» on the request of the Administration of the Pskov region: Resolution of the Constitutional Court of the Russian Federation of 13.05.2004 No. 10-P // Bulletin of the Constitutional Court of the Russian Federation. No. 4. 2004; On verification of the constitutionality of certain provisions of Federal Law «On general principles of organization of legislative (representative) and executive authorities of the constituent entities of the Russian Federation» due to the complaints of a number of citizens: the decree of the Constitutional Court of the Russian Federation of 21.12.2005 No. 13-P // Bulletin of the Constitutional Court of the Russian Federation. No. 1.

power; secondly, the participation of the head of the region not only in contacts related to the activities of the corresponding constituent entity of the Russian Federation, but also in general federal relations, participation in which is determined by federal laws and other regulatory legal acts of federal authorities.

In this regard, Z.T. Polatov¹⁵ generalized the dual nature of the analyzed status, since initially the chief government official of a constituent entity of the Russian Federation acts as the head of the executive branch, but he/she can also act as the head of a region if the relevant powers are provided for by the regional legislation of the respective constituent entity. Taking into account this duality, the status of the head of the region is presented by the author as a constituent element of the broader institution of the chief government official of the constituent entity of the Russian Federation, including:

1) an element of status attributes of the chief government official (name, place among other authorities; restrictions on rights, knowledge of the state language; possible terms of holding a position; official attributes, symbols of power; procedural acts; requirements for honor and dignity of the head of the region);

2) an element of competence of the head of the region, which is covered by the content of the subjects of jurisdiction and his/her powers:

- subjects of jurisdiction include the range of public relations, which are determined by the socio-political functions of the chief government official in the spheres of internal and external policy, ensuring human rights, freedoms and coordinated interaction of bodies of state regional authorities;
- the list of powers of the head of the region consists of his rights and obligations established by the Constitution of the Russian Federation, federal laws, constitutional and statutory acts and regional laws, the implementation of which by the chief government official makes it possible to exercise organizational and legal influence on the complex of social relations included in the subject of his jurisdiction;

3) an element of legal responsibility of the head of the region in the form of his obligation to be responsible in accordance with constitutional and legal provisions for the discrepancy between his activities (legally significant actions) and the requirements of these provisions, which is ensured by measures of appropriate state impact.

The indicated three-component content of the constitutional and legal status according to the theses of Z.T. Polatov¹⁶ seems to be more integral, since it reflects the institutional characteristics of the head of the region and the three main structural elements of such a status, consisting of many well-known and justified components. However, even this voluminous concept of the constitutional and legal status of the chief government official does not include any norms on the legal status of a constituent entity of the Russian Federation, on behalf of which the head of the region acts.

The absence in the constitutional and legal status of the chief government official of norms of the legal status of the corresponding constituent entity of the Russian Federation implies that the status norms of the head of state do not necessarily correspond to the provisions of the status of the constituent entity of the Russian Federation, including the norms of competence, since the elements of status attributes and responsibility of the constituent entity of the Russian Federation and the head of the region cannot coincide by virtue of their different legal personality.

Compliance of the subject of jurisdiction, powers of the constituent entity of the Russian Federation and its head of the region is necessary to ensure one of the main functions of the chief government official to represent the interests of his/her constituent entity of the Russian Federation. For comparison, one can point to the established in part 4 of art. 80 of the Constitution of the Russian Federation, the duty of the President of the Russian Federation («head of state») to represent Russia in internal and external relations, as well as to implement constitutional legal personality, sovereign rights and functions of the state with the participation of other authorities and officials¹⁷.

This means that the norms of the competence-based element of the constitutional and legal status of the chief government official of a constituent entity of the Russian Federation must comply with the norms on joint jurisdiction (part 1 of art. 72 of the Constitution of the Russian Federation), the status of a constituent entity of the Russian Federation (art. 66 of the Constitution of the Russian Federation) and other norms on the legal status of the corresponding constituent entity of the Russian Federation.

The analysis of these theses allows us to classify the elements of the constitutional and legal status of the chief government official of the constituent entity of the Russian Federation.

1. A hierarchical group of legislative elements of the constitutional and legal status of the head of the region, including:

- basic elements of the status of the constitutional level, which are determined by part 3 of art. 77, and other norms of the Constitution of the Russian Federation, covering the issues of joint jurisdiction and competence of the constituent entities of the Russian Federation;
- additional elements of the status of the federal level, indicated in art. 18 and other norms of the Law No. 184-FZ¹⁸;

¹⁵ Polatov, Z. T. Problems of the Constitutional and Legal Status of the Chief Government Official of a Constituent Entity of the Russian Federation: Dis. abstract... Cand. Jurid. Sciences: 12.00.02 / Z. T. Polatov. Moscow, 2013. 18 p.

¹⁶ Polatov, Z. T. Problems of the Constitutional and Legal Status of the Chief Government Official of a Constituent Entity of the Russian Federation: Dis. abstract... Cand. Jurid. Sciences: 12.00.02 / Z. T. Polatov. Moscow, 2013. 18 p.

¹⁷ Butusova, N. V. Constitutional and Legal Status of the Russian State: Issues of Theory and Practice. Dis. abstract... Doct. Jurid. Sciences: 12.00.02 / N. V. Butusova. Moscow, 2006. 49 p.

¹⁸ On the general principles of the organization of legislative (representative) and executive authorities of the constituent entities of the Russian Federation: Federal Law of 06.10. 1999 No. 184-FZ (as amended on 13.07.2020) // Collected Legislation of the Russian Federation. 1999. No. 42. Art. 5005.

- the main elements of the status of the regional level, which are established by the provisions of the constitutional and statutory acts of the corresponding constituent entity of the Russian Federation.
2. A group of structural elements of the constitutional and legal status of the chief government official of a constituent entity of the Russian Federation, determining:
- a formal element of the status attributes of the chief government official and procedures for entering such a position, which forms a formal element of the analysis of the constitutional and legal status;
 - an element of competence of the head of the region, which is covered by the subjects of jurisdiction and powers of the corresponding constituent entity of the Russian Federation (competence-based element);
 - an element of legal responsibility of the head of the region, the norms of which are enshrined in the Constitution of the Russian Federation, in art. 18 and other norms of Law No. 184-FZ, in the provisions of the constitutional and statutory acts of the corresponding constituent entity of the Russian Federation (the sanctioning element of the analysis of the constitutional and legal status).

Comparison of the constitutional and legal statuses of the mayor of Moscow and the governor of St. Petersburg

The presented classification of the elements of the constitutional and legal status of the head of the region determines the appropriate methodology for the comparative analysis of the statuses of the chief government officials of cities of federal significance (Moscow and St. Petersburg) in the context of the norms of the regional level, which is advisable to carry out according to the following algorithm:

- 1) the establishment and general analysis of the main elements of the constitutional and legal status, which are regulated by the provisions of the constitutional and statutory acts of Moscow and St. Petersburg by highlighting the status norms of the head of the city of federal significance in the charters and other documents of the region;
- 2) generalization of the structural elements of the constitutional and legal status of the chief government officials of Moscow and St. Petersburg – formal, competence-based and sanctioning elements;
- 3) the establishment of similar features and differences, uncertainties and gaps in the content of the constitutional and legal status of the chief government officials of Moscow and St. Petersburg.

That is, it is advisable to carry out a comparative analysis of the constitutional and legal statuses of the mayor of Moscow and the governor of St. Petersburg in three stages: general analysis of sources; highlighting the formal, competence-based and sanctioning elements of the status; establishment of similar and individual characteristics.

In particular, at the first stage of the general analysis of the sources of the constitutional and legal status of the mayor of Moscow, it is worth pointing out that the elements of this status include the main elements of the constitutional and legal status of the mayor of Moscow, regulated by the provisions of the Law of the City of Moscow of 1995 «Charter of the City of Moscow» (hereinafter – the Charter of Moscow¹⁹), which are defined in Art. 40-49:

- 1) the basics of the status of the mayor of Moscow as the chief government official of Moscow, which:
 - is elected by its residents for five years within the framework of universal, direct, equal rights of voters with secret ballot, the features of which are established by a special law of Moscow²⁰;
 - is a citizen of the Russian Federation who has a passive electoral right, does not have foreign citizenship or other document for permanent residence abroad, who has reached the age of 30;
 - takes an oath in the procedure for taking office, including an oath to serve the prosperity of Moscow and the well-being of Muscovites, etc.;
 - has state guarantees for the functioning of the mayor of Moscow in accordance with a special law²¹;
 - is obliged to comply with the prohibitions, restrictions indicated by federal legislation, the laws of Moscow (simultaneously holding the position of a deputy of the State Duma, a member of the Federation Council, a judge, other state positions of the Russian Federation, federal civil service, state positions of a constituent entity of the Russian Federation, municipal service, other prohibitions, restrictions);
- 2) a list of the main powers of the mayor of Moscow to directly or indirectly resolve issues of socio-economic development of Moscow, city management, and other executive and administrative functions within the extended list of his powers;
- 3) the legal mechanism for early termination of the powers of the mayor of Moscow in nine cases:
 - of death; resignation of his own free will; dismissal from office by the President of the Russian Federation due to lack of confidence of the Moscow City Duma and in other cases established by federal law; recognition by the court of incapacity (limited legal capacity); recognition by the court as deceased (missing); entry into force of a conviction; going abroad for

¹⁹ The Charter of the city of Moscow: the Law of the city of Moscow of 28.06. 1995 (as amended on 20.09.2017) // Vedomosti of the Moscow City Duma. No. 4. 1995.

²⁰ Electoral Code of the City of Moscow: the Law of the City of Moscow of 06.07.2005 No. 38 (as amended on 22.05.2019) // Vedomosti of the Moscow City Duma. 19.08.2005. No. 8. Art. 166.

²¹ On the government of Moscow: the Law of the city of Moscow of 20.12.2006 No. 65 (as amended on 26.12.2018) // Vedomosti of the Moscow City Duma, 23.03.2007, No. 2, Art. 385.

permanent residence; loss of citizenship of the Russian Federation, acquisition of another citizenship, other document for foreign residence; recall by Moscow voters in accordance with the laws;

- 4) conditions for the temporary fulfillment of the duties of the mayor of Moscow;
- 5) the basics of the competence of the Moscow government, other executive bodies of Moscow, their officials;
- 6) requirements for the organization of the civil service in Moscow;
- 7) the basics of regulation of legal acts of the mayor and other bodies, officials of the Moscow executive power;
- 8) the legal mechanism of interaction between the mayor of Moscow and the Moscow City Duma.

At the same time, according to the Charter of Moscow, additional elements of the constitutional and legal status of the mayor of Moscow are established by the norms of other laws of Moscow:

- the provisions of the special Law of Moscow No. 74 of 2003²² define the attributive requirements for the official badges of the mayor of Moscow;
- the norms of the Law of Moscow No. 38 of 2005²³ provide for the procedures for electing the mayor of Moscow;
- the provisions of the Law of Moscow No. 43 of 2005²⁴ regulate the powers and guarantees of persons in government positions in Moscow, including the office of the mayor of Moscow;
- the content of the Law of Moscow No. 65 of 2006²⁵ includes the powers of the mayor of Moscow related to the appointment and functioning of the Moscow government;
- The norms of the Law of Moscow No. 76 of 2012²⁶ establish an impressive procedure for recalling the mayor of Moscow, the volume of which is approximately 3-4 times greater than the Charter of Moscow, which reflects the excessive regulation of procedures for recalling the mayor of Moscow.

That is, the main regional elements of the constitutional and legal status of the mayor of Moscow are established by the provisions of the Charter of Moscow, additional regional elements – by the norms of five laws of Moscow, among which the excessive volume of the procedure for recalling the mayor of Moscow, indicated by the norms of art. 61 of the law of the same name, stands out.

As part of a general analysis of the sources of the constitutional and legal status of the governor of St. Petersburg, it is worth pointing out that the main elements of the constitutional and legal status of the governor of St. Petersburg are regulated by the provisions of art. 37-47 of the Charter of St. Petersburg²⁷, which include:

- 1) the basics of the status of the governor of St. Petersburg as the chief government official of St. Petersburg, which:
 - is obliged to comply with the prohibitions, restrictions indicated by federal legislation, the laws of St. Petersburg (simultaneously holding the position of a deputy of the State Duma, a member of the Federation Council, a judge, other state positions of the Russian Federation, federal civil service, state positions of a constituent entity of the Russian Federation, municipal service, other prohibitions, restrictions);
 - is obliged, together with his/her spouse, minor children, to comply with the prohibition on opening, using accounts (deposits), storing funds, valuables in foreign banks outside the Russian territory, possessing, using foreign financial instruments;
 - receives an official salary determined by the law of St. Petersburg²⁸;
- 2) the legal mechanisms for the election of the governor of St. Petersburg, taking office, early termination of powers and temporary fulfillment of the duties of the governor of St. Petersburg;
- 3) an expanded list of 16 main powers of the governor of St. Petersburg;
- 4) the basics of the competence of the government of St. Petersburg, other bodies of executive city government, their officials;
- 5) the procedure for the establishment of the system of executive authorities of St. Petersburg;
- 6) the basics of regulation of legal acts of the governor and other bodies, officials of the executive power of St. Petersburg;
- 7) the legal mechanism for financing the system of executive authority in St. Petersburg.

Along with this, additional elements of the constitutional and legal status of the governor of St. Petersburg are established by the norms of other laws of St. Petersburg:

²² On the official badges of the mayor of Moscow and the chairman of the Moscow City Duma: the Law of the City of Moscow of November 19, 2003 No. 74 (as amended on December 19, 2012) // Vedomosti of the Moscow City Duma. 03.02.2004. No. 1. Art. 352.

²³ Electoral Code of the City of Moscow: the Law of the City of Moscow of 06.07.2005 No. 38 (as amended on 22.05.2019) // Vedomosti of the Moscow City Duma. 19.08.2005. No. 8. Art. 166.

²⁴ On government positions in the city of Moscow: the Law of the city of Moscow of 15.07.2005 No. 43 (as amended on 27.01.2016) // Vedomosti of the Moscow City Duma, 31.08.2005, No. 9, Art. 191.

²⁵ On the government of Moscow: the Law of the city of Moscow of 20.12.2006 No. 65 (as amended on 26.12.2018) // Vedomosti of the Moscow City Duma, 23.03.2007, No. 2, Art. 385.

²⁶ On the procedure for recalling the mayor of Moscow: the Law of the city of Moscow of 26.12.2012 No. 76 (as amended on 25.05.2016) // Bulletin of the mayor and government of Moscow. No. 2. 15.01.2013.

²⁷ The Charter of St. Petersburg (adopted by the Legislative Assembly of St. Petersburg on January 14, 1998, as amended on July 23, 2020) // Bulletin of the Legislative Assembly of St. Petersburg. No. 5-6, 03.06.1998.

²⁸ On the Governor of St. Petersburg: the Law of St. Petersburg of 08.02.2013 No. 55-9 (as amended on 09.06.2016), adopted by the Legislative Assembly of St. Petersburg 06.02.2013 // Bulletin of the Administration of St. Petersburg. No. 2. 27.03.2013.

- the content of Law No. 224-28 of 2005²⁹ regulates the powers of the governor of St. Petersburg related to the implementation of guarantees to persons in public office;
- the norms of Law No. 335-66 of 2009³⁰ determine the powers of the governor of St. Petersburg to appoint and manage the government of St. Petersburg;
- the provisions of Law No. 341-60 of 2012³¹ provide for the procedures for electing the governor of St. Petersburg;
- the norms of six articles of Law No. 610-107 of 2012³² of St. Petersburg establish a relatively small procedure for recalling the governor of St. Petersburg;
- The content of Law No. 55-9 of 2013³³ directly defines guarantees for the governor of St. Petersburg.

Analysis of the main and additional regional elements of the constitutional and legal status of the governor of St. Petersburg indicates their similarity with the status of the mayor of Moscow, since the main elements of this status are established by the provisions of the Charter of St. Petersburg, additional elements are the norms of the five laws of St. Petersburg. At the same time, one of the characteristic differences is the excessive volume of the procedure for recalling the mayor of Moscow, indicated by 61 articles of the law of the same name, while the similarly named Law No. 610-107 of 2012³⁴ of St. Petersburg includes six articles.

At the second stage of a comparative analysis of the constitutional and legal statuses of the mayor of Moscow and the governor of St. Petersburg, the content of the formal, competence-based and sanctioning elements of the analyzed status should be highlighted.

The formal elements of the constitutional and legal statuses of the mayor of Moscow and governor of St. Petersburg determine:

1) the main formal elements, regulated by the provisions of the Charter of Moscow and the Charter of the governor of St. Petersburg, for example:

- the norms of paragraph 6 of Art. 40 of the Charter of Moscow define the text of the oath of the mayor of Moscow: «I swear, while exercising the powers of the mayor of Moscow, to observe the Constitution of the Russian Federation, federal legislation, the Charter and laws of the city of Moscow, honestly and conscientiously fulfill the duties entrusted to me, serve the prosperity of the city and the well-being of its inhabitants»;
- the provisions of paragraph 2 of Art. 39 of the Charter of St. Petersburg reflect the oath of the governor of the following content: «Taking the office of the governor of St. Petersburg, I swear loyalty to the people and the Constitution of the Russian Federation, the Charter of St. Petersburg, I pledge to respect and protect the rights and freedoms of man and citizen, by all means contribute to the prosperity of the city and increase the well-being of its inhabitants»;

2) additional formal elements established by the norms of the laws of Moscow and St. Petersburg:

- the provisions of the special Law of Moscow No. 74 of 2003³⁵ define the attributive requirements for the official badges of the mayor of Moscow, in St. Petersburg there is no similar act and official badges, but Law No. 165-3 of 2003³⁶ is in effect with the norms of a detailed description of the official symbols of the city and the order of their application, which includes, inter alia, the rules for the use of city symbols by the governor;

The norms of the Law of Moscow No. 38 of 2005³⁷ provide for formal norms of the procedures for electing the mayor of Moscow, in which the norms on the mayor are used more than 100 times, and the provisions of Law No. 341-60 of 2012³⁸ provide for the procedures for electing the governor of St. Petersburg, in which the norms on the governor are mentioned 45 times.

²⁹ On guarantees of the activities of persons taking public positions in St. Petersburg: The Law of St. Petersburg of 30.05.2005 No. 224-28 (as amended on 11.07.2019), adopted by the Legislative Assembly of St. Petersburg on 11.05.2005 // Bulletin of the Legislative Assembly of St. Petersburg. No. 7-8. 05.08.2005.

³⁰ On the government of St. Petersburg: the Law of St. Petersburg of 06.07.2009 No. 335-66 (as amended on 08.06.2020), adopted by the Legislative Assembly of St. Petersburg on June 24, 2009 // Information bulletin of the Administration of St. Petersburg. No. 27. 20.07.2009.

³¹ On the election of the chief government official of St. Petersburg – the governor of St. Petersburg: the Law of St. Petersburg of 26.06.2012 No. 341-60 (as amended on 22.07.2020) // Bulletin of the Legislative Assembly of St. Petersburg. No. 23.09.07.2012.

³² On the procedure of the recalling of the chief government official of St. Petersburg – the governor of St. Petersburg: the Law of St. Petersburg of 04.12.2012 No. 610-107 // Bulletin of the Legislative Assembly of St. Petersburg. No. 39.17.12.2012.

³³ On the Governor of St. Petersburg: the Law of St. Petersburg of 08.02.2013 No. 55-9 (as amended on 09.06.2016), adopted by the Legislative Assembly of St. Petersburg 06.02.2013 // Bulletin of the Administration of St. Petersburg. No. 2. 27.03.2013.

³⁴ On the procedure of the recalling the chief government official of St. Petersburg – the governor of St. Petersburg: the Law of St. Petersburg of 04.12.2012 No. 610-107 // Bulletin of the Legislative Assembly of St. Petersburg. No. 39.17.12.2012.

³⁵ On the official badges of the mayor of Moscow and the chairman of the Moscow City Duma: the law of the City of Moscow of November 19, 2003 No. 74 (as amended on December 19, 2012) // Vedomosti of the Moscow City Duma. 03.02.2004. No. 1. Art. 352.

³⁶ On a detailed description of the official symbols of St. Petersburg and the procedure for their use: law of St. Petersburg of 13.05.2003 No. 165-23 (as amended on 11.07.2019), adopted by the Legislative Assembly of St. Petersburg on 23.04.2003 // Bulletin of the Administration of St. Petersburg. No. 6. 30.06.2003

³⁷ Electoral Code of the City of Moscow: Law of the City of Moscow of 06.07.2005 No. 38 (as amended on 22.05.2019) // Vedomosti of the Moscow City Duma. 19.08.2005. No. 8. Art. 166.

³⁸ On the election of the chief government official of St. Petersburg – the governor of St. Petersburg: law of St. Petersburg of 26.06.2012 No. 341-60 (as amended on 22.07.2020) // Bulletin of the Legislative Assembly of St. Petersburg. No. 23.09.07.2012.

The competence elements of the constitutional and legal statuses of the mayor of Moscow and the governor of St. Petersburg include:

1) the main competence elements, regulated by the provisions of the Charter of Moscow and the Charter of the governor of St. Petersburg, in particular:

- an expanded list of 12 main powers of the mayor of Moscow: representing the interests of the city of Moscow in relations at all levels or entrusting such representation to other persons; act on behalf of Moscow in accordance with the competence established by the Charter, or entrusting such action to other persons in accordance with the law; approval by signature and publication of the laws of Moscow or their rejection; conclusion of agreements, contracts in accordance with the law; establishing of the Moscow government, decision-making on its resignation, determination of the structure of the Moscow executive authorities; an annual report to the Moscow City Duma on the activities of the Moscow government; etc.;

an expanded list of 16 main powers of the governor of St. Petersburg: representing the interests of the city of St. Petersburg in relations at all levels with the right to sign the relevant agreements and contracts on behalf of the city; approval by signature and publication of the laws of St. Petersburg or their rejection; demand for an extraordinary convocation of a meeting of the St. Petersburg Legislative Assembly and the convocation of a new composition of the St. Petersburg Legislative Assembly earlier than the established date; formation of the government of St. Petersburg, decision-making on its resignation; creation of permanent, temporary councils, commissions, other advisory and consultative bodies under the governor of St. Petersburg; etc.;

2) additional competence elements provided for by legal norms of Moscow and St. Petersburg:

- the provisions of the Law of Moscow No. 43 of 2005³⁹ regulate the powers and guarantees of persons holding public office in Moscow, including the office of the mayor of Moscow;
- the content of the Law of Moscow No. 65 of 2006⁴⁰ includes the powers of the mayor of Moscow related to the appointment and functioning of the Moscow government;
- the content of the Law No. 224-28 of 2005⁴¹ regulates the powers of the governor of St. Petersburg related to the implementation of guarantees of persons in public office;
- the norms of Law No. 335-66 of 2009⁴² define the powers of the governor of St. Petersburg to appoint and manage the government of St. Petersburg;
- the content of Law No. 55-9 of 2013⁴³ directly defines guarantees for the governor of St. Petersburg.

The sanctioning elements of the constitutional and legal statuses of the mayor of Moscow and the governor of St. Petersburg include:

1) the main sanctioning elements regulated by the provisions of the Charter of Moscow and the Charter of the governor of St. Petersburg, for example:

- provisions of art. 7 of the Moscow Charter define the principle of responsibility of the authorities for independently adopted decisions within the framework of the established powers;
- norms of art. 38 and art. 52 of the Charter of Moscow establish the foundations of the control functions of the Moscow City Duma, the prosecutor's office and the corresponding right to prosecute the subjects of power for violation of the law;

Art. 82 of the Charter of Moscow includes a general rule of responsibility for failure to comply with the norms of the Charter, normative legal acts of Moscow, which is determined by law;

- norms of art. 42 of the Charter of Moscow determine the legal mechanism for the early termination of the powers of the mayor of Moscow in nine cases with the right of the Moscow City Duma to express no confidence in the mayor in three cases;
- in the Charter of St. Petersburg, only one rule is designated concerning the general responsibility of the governor: paragraph 10 of art. 53 reflects the general requirement for mandatory compliance with the provisions of the Charter and the laws of St. Petersburg on the city territory, subject to the onset of administrative responsibility for the failure of such compliance, which is determined by the law of St. Petersburg;

³⁹ On government positions in the city of Moscow: the Law of the city of Moscow of 15.07.2005 No. 43 (as amended on 27.01.2016) // Vedomosti of the Moscow City Duma, 31.08.2005, No. 9, Art. 191.

⁴⁰ On the government of Moscow: the Law of the city of Moscow of 20.12.2006 No. 65 (as amended on 26.12.2018) // Vedomosti of the Moscow City Duma, 23.03.2007, No. 2, Art. 385.

⁴¹ On guarantees of the activities of persons taking public positions in St. Petersburg: the Law of St. Petersburg of 30.05.2005 No. 224-28 (as amended on 11.07.2019), adopted by the Legislative Assembly of St. Petersburg on 11.05.2005 // Bulletin of the Legislative Assembly of St. Petersburg. No. 7-8. 05.08.2005.

⁴² On the government of St. Petersburg: the Law of St. Petersburg of 06.07.2009 No. 335-66 (as amended on 08.06.2020), adopted by the Legislative Assembly of St. Petersburg on June 24, 2009 // Information bulletin of the Administration of St. Petersburg. No. 27. 20.07.2009.

⁴³ On the governor of St. Petersburg: Law of St. Petersburg of 08.02.2013 No. 55-9 (as amended on 09.06.2016), adopted by the Legislative Assembly of St. Petersburg 06.02.2013 // Bulletin of the Administration of St. Petersburg. No. 2. 27.03.2013.

- norms of art. 40 of the Charter of St. Petersburg regulate the legal mechanism for early termination of the powers of the governor of St. Petersburg in nine cases with the right of the Legislative Assembly of St. Petersburg to express no confidence in the governor in three cases;
- 2) additional sanctioning elements established by the norms of the laws of Moscow and St. Petersburg:
- the norms of the Law of Moscow No. 76 of 2012⁴⁴ define 61 articles of the procedure for recalling the mayor of Moscow;
 - the norms of six articles of Law No. 610-107 of 2012⁴⁵ of St. Petersburg establish a relatively small procedure for recalling the governor of St. Petersburg.

The third stage of the comparative analysis is aimed at establishing similar features and differences, uncertainties and gaps in the content of the constitutional and legal status of the mayor of Moscow and the governor of St. Petersburg.

In particular, it can be noted that the comparative analysis of the indicated elements of the constitutional and legal statuses of the mayor of Moscow and the governor of St. Petersburg allows us to draw the following conclusions:

1) the formal elements of the compared statuses are generally similar, but there are some differences: in St. Petersburg, official badges are not used, in Moscow laws, the procedures for electing the mayor are more carefully regulated;

2) the competence-based elements of the analyzed statuses are basically similar, but there are certain differences: the list of expanded powers of the mayor of Moscow according to the Charter is four points less than the powers of the governor of St. Petersburg; in Moscow, unlike St. Petersburg, there is no special law on the mayor's guarantees, which are established by the Law on the general system of guarantees for Moscow civil servants;

3) the sanctioning elements of the status of the mayor of Moscow are of a much larger volume, since the Charter of Moscow contains five articles related to the responsibility of the mayor (in the Charter of St. Petersburg there are two), the Law on the recall of the mayor of Moscow provides for 61 articles (in the similar Law of St. Petersburg there are six articles).

Conclusion

Within the framework of the presented comparative characteristics of the constitutional and legal status of the chief government officials of the constituent entities of the Russian Federation – the cities of Moscow, St. Petersburg, three factors of relevance and importance of the study were initially noted: the factor of the need to ensure a balanced regulation; factor of elimination of gaps in regulation; factor of analytical comparison of the statutory law of the two capitals.

In the course of the theoretical analysis, the main elements of the constitutional and legal status of the chief government official of a constituent entity of the Russian Federation were identified:

a hierarchical group of legislative elements of the constitutional and legal status of the head of the region (basic elements of the Constitution of the Russian Federation, covering the issues of joint jurisdiction and competence of the constituent entities of the Russian Federation; additional elements of the federal level, indicated in art. 18 and other norms of the Law⁴⁶; the main elements of the regional level, which are established by the provisions of the constitutional and statutory acts of the corresponding constituent entity of the Russian Federation);

a group of structural elements of the constitutional and legal status of the chief official of a constituent entity of the Russian Federation (a formal element of the status attributes of the chief government official and procedures for entering such a position; an element of the competence of the head of the region, which is covered by the subjects of jurisdiction and powers of the corresponding constituent entity of the Russian Federation; an element of legal responsibility of the head of the region, the norms of which are enshrined in the Constitution of the Russian Federation, in art. 18 and other norms of the Law, in the provisions of the constitutional and statutory acts of the corresponding constituent entity of the Russian Federation). At the same time, a methodology is proposed for comparative analysis of the statuses of chief government officials of cities of federal significance (Moscow and St. Petersburg) in the context of regional norms in three stages: general analysis of sources; highlighting the formal, competence and sanctioning elements of the status; establishing similar, individual and other characteristics. A comparative analysis based on the proposed methodology led to conclusions about the similarities and differences in the constitutional and legal statuses of the mayor of Moscow and the governor of St. Petersburg.

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⁴⁴ On the procedure for recalling the mayor of Moscow: the Law of the city of Moscow of 26.12.2012 No. 76 (as amended on 25.05.2016) // Bulletin of the mayor and the government of Moscow. No. 2. 15.01.2013.

⁴⁵ On the procedure of the recalling the chief government official of St. Petersburg – the governor of St. Petersburg: The Law of St. Petersburg of 04.12.2012 No. 610-107 // Bulletin of the Legislative Assembly of St. Petersburg. No. 39. 17.12.2012.

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