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## Some Legal Aspects of Providing Municipal Services in Electronic Form in Russia

Marina A. Dneprovskaya and Sergey A. Abramitov\*

*Institute of Economics, Management and Law  
Irkutsk National Research Technical University  
Irkutsk, Russian Federation*

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**Abstract.** Currently, the provision of municipal services in electronic form, electronic interaction between public authorities and local self-government authorities is being actively developed, and the ease of use of state and municipal information systems and services used in providing municipal services is being improved. At the same time, there are unresolved issues related to the legal regulation of the providing municipal services in electronic form. The article notes the increasing interest of scientists in these issues. In addition to the formal legal method, the method of complex analysis and the method of formalisation were used in the study. In particular, the article shows not fully resolved issues of development and adoption of administrative regulations for the provision of municipal services, establishing the procedure and standard for their provision. There is a need to unify both the terms and descriptions of services provided in different municipalities and the structure and content of the respective administrative regulations of municipal services, taking into account the peculiarities of providing municipal services in electronic form.

**Keywords:** municipal services in electronic form, municipal services, local self-government authorities, information systems.

Research area: law.

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## Некоторые правовые аспекты предоставления муниципальных услуг в электронной форме в России

**М.А. Днепроvская, С.А. Абрамитов**

*Институт экономики, управления и права*

*Иркутский национальный*

*исследовательский технический университет*

*Российская Федерация, Иркутск*

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**Аннотация.** В настоящее время наблюдается активное развитие механизмов предоставления муниципальных услуг в электронной форме, механизмов электронного взаимодействия органов государственной власти и органов местного самоуправления, повышается удобство использования государственных и муниципальных информационных систем, сервисов, используемых при предоставлении муниципальных услуг. Вместе с тем есть нерешенные вопросы, связанные с правовым регулированием предоставления муниципальных услуг в электронной форме. В статье отмечено усиление интереса ученых к указанной проблематике. При исследовании помимо формально-правового метода использовался метод комплексного анализа. В статье, в частности, показаны не до конца решенные вопросы разработки, принятия административных регламентов предоставления муниципальных услуг, устанавливающие порядок и стандарт их предоставления.

**Ключевые слова:** муниципальные услуги в электронной форме, муниципальные услуги, органы местного самоуправления, информационные системы.

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### Introduction

At present, municipal services using remote and digital technologies, electronic interaction between state authorities and local self-government authorities are increasingly being developed, and the ease of use of state and municipal information systems and services and mechanisms of interdepartmental electronic interaction is increasing.

Few recent scientific publications are devoted to the legal issues of providing municipal services in electronic form (Golubeva et al., 2019; Pavlov et al., 2016; Davydova et al., 2019; Dmitrieva, 2012; Petrin, Pogodina, Belokonev, 2017; Tereshchenko, 2018).

The providing municipal services in electronic form and interaction between applicants and authorities (organizations) involved in the provision of such services is based on information systems, including state and municipal information systems. Such information systems that provide municipal services in electronic form include “The Unified Portal of Public and Municipal Services” ([www.gosuslugi.ru](http://www.gosuslugi.ru)) (hereinafter, the Public Services Portal), whose operator is the Ministry of Digital Development, Communications and Mass Communications of the Russian Federation. The Public Services Portal is a federal state information system that provides applicants

not only state, but also municipal services in electronic form and access to information about such services on the Internet throughout the territory of the Russian Federation. A. S. Loginova and E. A. Shubina note that the Public Services Portal is a “guide” between the recipient of the service and the system of interdepartmental electronic interaction, which allows to obtain the service (Loginova, Shubina, 2018).

According to the Public Services Portal, more than 152 million public and municipal services were ordered on it for 2019, and the total number of portal users was 103 million people (Public Services Portal of the Russian Federation, 2019). The share of citizens receiving public and municipal services in electronic form is growing. In accordance with the State Programme of the Russian Federation “Information Society”, approved by Resolution No. 313 of the Government of the Russian Federation of 15 April 2014, the share of citizens using information systems to receive public and municipal services in electronic form was 51.3 % in 2016, 64.3 % in 2017 and 74.8 % in 2018.

The state information systems of the Russian regions – regional portals for public and municipal services – also provide municipal services in electronic form. These portals have been created by the executive authorities of local government. It should be noted that the regions have uploaded their regional public services to the Public Services Portal. Most of the regions in the Russian Federation have switched the interfaces of their regional portals to the Public Services Portal, using the functionality of the unified portal, its services for the provision of public services in electronic form. This integration of regional content into the Public Services Portal has created a “unified entry point” for receiving both federal public services and municipal services in electronic form, which has made it more convenient for applicants to receive these services. To some extent, this has mitigated the effects of the so-called “digital divide”. The digital divide is to be understood as a significant informational difference between municipalities with different statuses, since, for example, the informational potential and the capacities of urban districts or large ur-

ban settlements differ significantly from those of small urban settlements, rural settlements. Thus, E. Styryn, K. Mossberger and A. Zhulin point out that the widespread participation of regional and municipal authorities in the Public Services Portal is a priority aimed at eliminating regional and local differences, and allows the integration of all regions and municipalities on a single platform despite large differences in capabilities and needs (Styryn, Mossberger, Zhulin, 2022).

A.G. Khabibullin, V.K. Barchukov and A.A. Petrogradskaya note that local authorities implement technological solutions in their activities in order to ensure the accessibility of services provided (Khabibullin, Barchukov, Petrogradskaya, 2022). The applicant has the opportunity to receive municipal services in electronic form not only through the Public Service Portal, but also through municipal information systems, on the websites of the municipal authorities that provide the relevant services.

### **Theoretical framework**

In the Russian legal doctrine, services provided by local self-government authorities are studied as activities for the implementation of functions of local self-government authorities that are carried out at the request of applicants. When considering municipal services, we can talk about services provided by local self-government authorities. Municipal services may also be provided by other entities, municipal institutions and other legal entities. These subordinate authorities and other organisations may be involved in the performance of individual administrative procedures, while the decision to provide a service is made by an official of the relevant local self-government authority. Municipal services in electronic form are provided using digital technologies, including the use of the Unified Portal of Public and Municipal Services, as well as regional portals of public and municipal services. The provision of such services involves electronic interaction between state authorities, local self-government authorities, organisations and applicants. This approach is now fairly widely used in legal science.

### **Statement of the problem**

Receiving municipal services in electronic form is becoming more and more popular. At the same time, many issues related to the legal regulation of the providing municipal services in electronic form remain unresolved. The present study considers the concept of municipal services in electronic form, the regulation of the activities of information systems that provide municipal services in electronic form, the development of administrative regulations for providing municipal services under which these services are provided in electronic form.

### **Methods**

The authors used the following research methods: the formal legal method, the method of complex analysis and the method of formalisation.

### **Discussion**

As per the provisions of Federal Law No. 210-FL of 27 July 2010 “On the organisation of providing public and municipal services”, which defines general requirements for these services, their administrative regulation, and the use of digital technologies in their provision, a municipal service is understood as an activity to implement the functions of a local self-government authority. This activity is carried out at the request of applicants within the powers of the authority providing municipal services, to resolve issues of local importance. According to O.S. Sokolova, municipal services are characterised by the following features: they consist in the implementation of the functions of local self-government authorities; they are provided by local self-government authorities that have the powers; they are aimed at resolving issues of local importance (these issues cover such key areas of municipal life as health care, education, housing and utilities, etc.); they are provided at the request of applicants; they are not only provided directly by local self-government authorities but also by organisations involved in their provision, for example, municipal institutions (Sokolova, 2010).

It should be noted that a municipal service, being provided by a local authority, is related to

the implementation of its functions. It is aimed at satisfying public interests and has a public authoritative nature. Municipal services are aimed at meeting the needs of persons living in the territory of the municipality in the social sphere, for example, in such areas as education, culture, health care, social assistance, etc., as well as meeting the needs of residents of the municipality, which they cannot satisfy on an individual basis, for example, related to road maintenance, landscaping, urban land improvement, etc. (Simagina, 2011).

The provision of municipal services in electronic form refers to the provision of municipal services using digital technologies, including the use of the unified portal of public and municipal services (the Public Services Portal), as well as regional portals for public and municipal services, including electronic interaction between state authorities, local self-government authorities, organisations and applicants as part of such provision.

The interaction between authorities providing municipal services and organisations involved in the provision of municipal services is carried out on the basis of information systems, including state and municipal ones. The rules for technological interaction between information systems used to provide municipal services in electronic form, as well as the requirements for the infrastructure that ensures their interaction are established by the Government of the Russian Federation.

In accordance with the provisions of Resolution No. 861 of the Government of the Russian Federation of 24 October 2011 “On federal state information systems that provide public and municipal services (exercise of functions) in electronic form”, the use of the Public Service Portal provides: the possibility for applicants to access information on municipal services; the possibility to file an application in electronic form as well as other documents required to receive a municipal service; the possibility for the applicant to receive information about the progress of the application filed through the portal; the possibility for the applicant to receive the results of the service. In addition, the portal makes it possible to make an electronic appointment, including the submis-

sion of applications and documents required for a municipal service, and to receive the result of such a service.

State and municipal information systems that maintain registers of municipal services, containing information on municipal services provided by local self-government authorities in municipalities, as well as on services provided by municipal institutions and other organisations providing municipal services out of local budget resources, shall provide municipal services in electronic form. These systems, which maintain registers of municipal services in electronic form, primarily include the federal state information system “Federal Register of Public and Municipal Services (Functions)”, operated by the Ministry of Digital Development, Communications and Mass Media of the Russian Federation. The federal register includes a register of municipal services provided by local authorities. Local self-government authorities compile information on the services provided and place it in the federal register on the basis of approved administrative regulations for services and standards for municipal services. The local self-government authority of the municipality determines the formation order and maintenance of the register of municipal services provided by local self-government authorities, the information from which is placed in the federal register. Public authorities of constituent regions and local self-government authorities have the right to create regional information systems and municipal information systems to maintain a register of municipal services. When creating such systems, it should be possible to integrate them with the federal state information system.

The federal state information system “The Unified system of identification and authentication in the infrastructure providing information and technological interaction of state information systems and municipal information systems used for providing public and municipal services in electronic form” (The Unified System of Identification and Authentication) and the unified system of interdepartmental electronic interaction provide information and technological interaction between the existing information systems used in the provision

of municipal services in electronic form. The unified identification and authentication system operated by the Ministry of Digital Development, Communications and Mass Media of the Russian Federation provides authorised access of information interaction participants to the unified identification and authentication system to information contained in state and municipal information systems for the provision of public and municipal services in electronic form, as well as for interdepartmental electronic interaction.

According to S.S. Zenin, the provision of public and municipal services in electronic form, based on state and municipal information systems, has until recently been complicated by the problem of identification of applicants (Zenin, 2014). Currently, in the unified identification and authentication system, authorised access to information is achieved through the use of an electronic signature. In accordance with the provisions of Resolution No. 977 of the Government of the Russian Federation of 28 November 2011 “On the Federal State Information System “Unified System of Identification and Authentication in the infrastructure providing information and technology interaction of information systems used for providing of public and municipal services in electronic form”, the Unified Identification and Authentication System ensures identification of participants of information interaction, including using certificates of keys for verifying electronic signatures, authentication of participants of information interaction including using qualified certificates of keys for verifying electronic signatures, authorization of information interaction participants (confirmation of information interaction participant’s rights to obtain access to the infrastructure ensuring interaction of information systems used to provide municipal services in electronic form), creation of a password for an electronic signature key for applicants in order to apply for municipal services in electronic form.

The technological support of information interaction when providing municipal services in electronic form is carried out by the unified system of interdepartmental electronic interaction, including information databases, as well

as software tools that ensures the interaction of information systems. The operator of this federal state information system is the Ministry of Digital Development, Communications and Mass Media of the Russian Federation. The unified system of interdepartmental electronic interaction ensures the provision of municipal services in electronic form, including the use of information system, the Public Services Portal, and also provides information interaction in the provision of municipal services. Interaction of information systems of local self-government authorities with information systems, to which the results of provision of municipal services are sent with the consent of the applicants, is carried out with the use of the unified interaction system and regional systems connected to it. All regional systems of interdepartmental electronic interaction established in the constituent entities of the Russian Federation in order to ensure the provision of regional public services and municipal services in electronic form are connected to the unified interaction system. According to the provisions of Resolution No. 697 of the Government of the Russian Federation of 8 September 2010 "On the unified system of interdepartmental electronic interaction", the main functions of the unified system are: to ensure the transmission of requests for municipal services filed by applicants through the Public Services Portal to the information systems connected to the interaction system, through which the requested municipal services are provided; to ensure the exchange of electronic messages between authorities and organisations when providing municipal services; to ensure the transmission of requests, other documents and information on the progress and results of municipal service requests to the Public Services Portal; to ensure the provision in electronic form of documents placed in information systems.

Let us consider on what issues in the field of organising municipal services, including those provided in electronic form, local self-government authorities are entitled to issue municipal regulatory legal acts. Thus, the administration of the municipality establishes the procedure for forming and maintaining a register of municipal services, and establishes

the procedure for developing and approving administrative regulations for the provision of municipal services. The administrative regulation of the service is a regulatory legal act that establishes the procedure and standard for its provision, in accordance with which the service is provided. The municipal administrative regulations provide for: the composition, sequence and timing of administrative procedures, requirements for the procedure for their performance, the particularities of administrative procedures in electronic form, as well as the standard for the provision of the service.

The administrative regulations for the provision of municipal services include the standard for the provision of the service, which contains requirements that take into account the particularities of the provision of the municipal service in electronic form. These requirements are connected with the operation of the system of interdepartmental electronic interaction and relate to the provision of documents and the procedures for the provision of the service itself. In fact, the standard of municipal service provision sets the minimum required level to which the main parameters of the service provided in the municipality should correspond. The standard for the provision of a municipal service shall include: the name of the service; the name of the authority providing the service; the result of the service; the term of the service provision; the legal basis for receiving the service; the comprehensive list of documents required for its provision; the list of grounds for refusal to accept documents; the comprehensive list of grounds for refusal to provide the service; the indicators of the service accessibility and quality; requirements, including those taking into account features of providing the service in electronic form.

V.A. Ruban and A.S. Kuznetsova point out that the administrative regulations for providing services are instruments for regulating the provision of municipal services. This regulation organises the activities of local self-government authorities, allows them to specify their results, and establishes ways of interaction between local self-government authorities and residents of municipalities while receiving services (Ruban, Kuznetsova, 2020).



The administrative regulations for the provision of municipal services contain a list of documents required for their provision. It is not permitted to require an applicant who has requested a municipal service to provide a document that is not specified in the administrative regulations. The refusal to provide a municipal service on the grounds of not submitting a document that is not specified in the administrative regulations is unjustified, as confirmed by court practice. Thus, in the Cassation Decision of the Judicial Chamber on Administrative Cases of the Supreme Court of the Russian Federation of 23 October 2019 No. 18-KA19-51, the court pointed out that bodies providing municipal services are not entitled to demand from the applicant the submission of documents and information the submission of which is not provided for by regulatory legal acts governing relations arising in connection with the provision of municipal services.

L.I. Voronina, S.N. Kostina and M.V. Kukartseva point out that the procedure for developing and approving administrative regulations for the provision of municipal services by local administrations is determined independently and the number of administrative regulations for municipal services is increasing. For example, as at 2015, 94,000 administrative regulations had already been approved at the local level in Russia, mostly for services similar in all municipalities and attendant problems related to the development of regulations. They include among such problems: imperfect requirements for the development, approval and adoption of administrative regulations; lengthy approval procedures; cumbersome sentences describing the composition, sequence and timing of administrative procedures; excessive texts of administrative regulations, especially those describing actions or procedures of an operational and technological nature that do not directly affect the applicant. In addition, municipal administrative regulations are often formal, mechanically duplicating provisions of other regulatory legal acts, and there are gaps in the structure of the description of the municipal service provision process (Voronina, Kostina, Kukartseva, 2017).

According to T.M. Ilyushenko and Y.O. Meshkova, due to the fact that the procedure for development and approval of administrative regulations for the provision of municipal services is determined by local administrations independently, this leads to the fact that in practice the same service in different municipalities can be provided in different ways. For example, the name of the service, the result of its provision, the list of documents required from the applicant and the time limits for the provision of the service may differ (Ilyushenko, Meshkova, 2014).

It should be emphasised that the adoption of the list of standard municipal services has to a certain extent contributed to the unification of the names of municipal services provided by local governments, information about which is placed in state and municipal information systems that maintain registers of these services. These registers were approved by the Government Decree of the Russian Federation No. 2113-d of 18 September 2019, which contains recommendations regarding the naming of typical municipal services. In addition, the local administrations' observation of the recommendations on the development of administrative regulations for the provision of public services contributes to unification. Such recommendations are contained in Decree No. 373 of the Government of the Russian Federation of 16 May 2011 "On development and approval of administrative regulations for execution of state functions and administrative regulations for provision of public services" and are applied when developing the procedure for developing administrative regulations for provision of municipal services.

It should be noted that there is a need to unify both the terms and descriptions of services provided in different municipalities and the structure and content of respective administrative regulations of municipal services, taking into account the need for electronic interaction between state authorities, local self-government authorities, organisations and applicants, and the specifics of providing municipal services in electronic form. This is significant for ensuring the provision of municipal services using the State Services Portal infor-

mation system, which allows providing these services in electronic form, as well as access to information about such services provided in various municipalities throughout Russia, and also using regional portals for state and municipal services. It should be noted that it is difficult for specialists of local self-government authorities to unify the legal regulation of municipal services, given their overload, the existence of other powers that require their involvement, and, in addition, they often have little or no relevant professional training in lawmaking and regulation of municipal services. In order to ensure a unified legal space, it seems justified for executive bodies of state authority of constituent entities of the Federation to provide assistance to local self-government authorities of different types of municipalities by preparing model municipal legal acts, which can be used by local self-government authorities in their work to develop relevant draft regulations on the provision of municipal services.

### Conclusion

At present, there is an active development of municipal services using remote, digital technologies, electronic interaction between public authorities and local self-government authorities, the ease of use of state and municipal information systems and services and mechanisms of interdepartmental electronic interaction is increasing. At the same time, some issues related to the legal regulation of the provision of municipal services in electronic form remain unresolved. In particular, these include the incompletely resolved issues of developing, adopting administrative regulations for the provision of municipal services, establishing the procedure and standard for their provision.

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Municipal services in electronic form are provided through the Public Service Portal. The applicant has the opportunity to file a request for the provision of municipal services by contacting directly on the websites of the municipal authorities providing the relevant services. Municipal administrations shall establish the procedure for the formation and maintenance of registers of municipal services, as well as the procedure for the development and approval of administrative regulations for municipal services, which shall establish the procedure and standard for their provision. The provision of municipal services is carried out in accordance with such regulations.

It should be noted that the demand for receiving services in electronic form is largely determined by the ease with which they can be accessed. For example, the interfaces through which the interaction with the authority or organisation providing the service is carried out should be convenient and comprehensible. Requirements for the procedures for the provision of services, aimed at ensuring their convenient and comprehensible use, should be enshrined in the regulations. The applicant should be provided with a convenient identification and authentication service, navigation and search services, and information on the available services, including those related to life situations. It should also be possible to use different methods to receive the same service. It should be both available to file an application in electronic form using an electronic signature through a single portal or official website of the authority or organisation providing services and to apply in person at the same service authority or organization providing services, or multifunctional centers for providing services.



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