

DOI: 10.12731/2218-7405-2013-8-43

**OBJECTS OF CULTURAL HERITAGE:  
REGIONAL LEGAL ASPECT OF REGULATION**

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The article deals with the regulation of infrastructure of objects cultural heritage, both at the federal and regional levels, including by example of comparing regulations between Khanty-Mansiisky Autonomous District and the Omsk region.

**Keywords:** legal regulation, the hierarchy of statutory instruments, the comparative analysis of regional statutory regulations in the field of cultural heritage.

**ОБЪЕКТЫ КУЛЬТУРНОГО НАСЛЕДИЯ:  
РЕГИОНАЛЬНО-ПРАВОВОЙ АСПЕКТ РЕГУЛИРОВАНИЯ**

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В статье рассматриваются вопросы регулирования инфраструктуры объектов культурного наследия, как на федеральном, так и региональном уровнях, в том числе на примере сравнения нормативно-правовых актов Ханты-Мансийского автономного округа и Омской области.

**Ключевые слова:** правовое регулирование, иерархия нормативно-правовых актов, сравнительный анализ региональных нормативных актов в сфере культурного наследия.

Legal regulation of the issues associated with cultural heritage objects is a topical relevant issue at the present moment, as it refers to historical heritage of our country, which has been the pride and legacy of every citizen of the Russian

Federation. Also, this issue possesses special importance due to the fact that the country is affected by the process of the transition to a market economy, when the whole system of cultural institutions, organizations and the entire sociocultural sector as a whole is undergoing a major transformation in both management and the organization of its activities, and in funding, in the forms of its functioning, and in other aspects. That is why regulatory support of cultural objects should “keep abreast” of these changes.

The hierarchy system of statutory instruments (by their legal force) at this point in the Russian Federation is properly constructed: 1) international treaties and agreements of Russia, as well as generally accepted principles and norms of international law; 2) the Constitution of the Russian Federation, constitutional and federal laws and codes; 3) subordinate legislation (Decrees of the President of Russia, the RF Government Resolutions, acts of federal executive bodies of various ministries and administrative bodies) and local regulations. Therefore, the study and analysis of the legislation, including the regional one, in the field of protection of cultural heritage objects became the target of our research.

In general terms, cultural heritage, as a rule, is understood as typical and unique reference specimens of the material and spiritual activities of the population. Thus, in FZ (Federal Law) No. 73 “On objects of cultural heritage (historical and cultural towering achievements) of the peoples of the Russian Federation” dated June 25, 2002 a clear definition of the term “cultural heritage” is provided (with the help of the method of enumeration): “The objects of cultural heritage (historical and cultural towering achievements) of the peoples of the Russian Federation shall be understood as real estate objects with associated works of painting, sculpture, decorative arts, science and technology objects and other objects of material culture related to historical events and valuable from the historical point of view; also objects being of interest from the point of view of archeology, architecture, urban development, art, science and technology, aesthetics, ethnology or anthropology, social culture and the ones objectivating the information about the origins and

development of culture.”[3]. Also another statutory instrument gives the following definition of the cultural heritage of the Russia peoples: “the material and spiritual values created in the past, as well as towering achievements and historical and cultural areas and objects, that are important for the preservation and development of the identity of the Russian Federation all its peoples and their contribution to world civilization.” [7].

Any actions relating to the objects of culture included shall be governed by the laws of each state. Among the statutory instruments, that govern the protection and development of cultural heritage objects there are: The Constitution of the Russian Federation [1]; FZ of RF No. 3612-1 dated 09.10.1992. “Fundamental principles of legislation of the Russian Federation regarding culture” [7]; FZ of RF No. 73 dated 25.07.2002. “On objects of cultural heritage (historical and cultural towering achievements) of the peoples of the Russian Federation” [3]; FZ of RF No. 74 dated 17.06.1996. “On the national and cultural autonomy” [6]; FZ of RF No. 125 dated 22.10.2004. “On archives of the Russian Federation” [2]; FZ of RF No. 54 dated 26.05.1996. “On the museum Fund in the Russian Federation and museums in the Russian Federation” [5]; FZ of RF No. 4804-1 dated 15.04.1993. “On the export and import of cultural values” [4]; the Civil Code of RF, the Criminal Code of RF, the Code of Administrative Offences of RF and etc.

To date, not all laws and subordinate legislations have real legal effect, most of them have formal nature and some of provisions have no real affect at all. The legal framework of particular subjects of the Russian Federation is rather weak in this respect. For the analysis, we considered two regions: Khanty-Mansiisky Autonomous District and the Omsk region (Table 1):

Table 1

**Comparative analysis of the statutory instruments for regulation of  
 infrastructure of cultural heritage objects (through the example  
 of Khanty-Mansiisky Autonomous District (HMAO) and the Omsk region)**

Subject Criteria	Khanty-Mansiisky Autonomous District	Omsk region
Subjects of the legal regulation	Department of culture of HMAO (Department of culture of Yugra), the legislative and executive authorities of federal subject	The Government of the Omsk region [ ]
Main functions	<ul style="list-style-type: none"> <li>- functions related to implementation of the unified state policy and normative legal regulation in the sphere of culture and art;</li> <li>- functions of providing public services in this field;</li> <li>- functions of managing state property in the sphere of culture, art, history and cultural heritage and cinematography</li> </ul>	
Main subordinate legislations	<p>a) Law of HMAO (Yugra) No. 110-oz (*oz – regional law) dated 20.12.2000. “On Librarianship and mandatory original copy of document provision in the Khanty-Mansiisky Autonomous District –Yugra”;</p> <p>б) Law of HMAO (Yugra) No. 64-oz (*oz – regional law) dated 29.06.2006. “On preservation, use, promotion and public protection of cultural heritage objects in Khanty-Mansiisky Autonomous District – Yugra”;</p> <p>в) Law of HMAO (Yugra) No. 17-oz (*oz – regional law) dated 29.02.2008. “ On the regulation of certain issues in the field of museum affairs in the Khanty-Mansiisky Autonomous District - Yugra”</p>	Law Of the Omsk region “On protection and use of the historical and cultural towering achievements of the Omsk region”
Main content	a) norms guaranteeing the transfer of mandatory original	The following regulations were established:

	<p>copies of printed materials to the public library;</p> <p>б) measures for the preservation, use, promotion and public protection of cultural heritage objects are implemented through the autonomous district authorized body empowered in the field of public protection of cultural heritage objects; HMAO (Yugra) budget and extra-budgetary funds are the main sources of funding for these activities intended for the objects, owned by the autonomous district and for protection of the objects having regional importance; legal entities and private persons, public and religious associations have the right to take part in the conduct of such activities on the territory of the autonomous district with the objective of science, education and other useful purposes, thereby different benefits shall be granted to the legal entities and private persons;</p> <p>в) in the autonomous district the museum activities are regulated; financial support, assistance in search of items and collections of cultural value, get information and learn about objects and collections found by other people is provided, information about objects and collections found by other people is received and scrutinized.</p>	<p>- for the procedure of decision-making regarding traffic ban or its limitation on the territory of the certain object or its neighborhood to prevent cultural heritage objects of exposure to possible damages;</p> <p>- for the development and realization of target programs for preservation, use, popularization and public protection of cultural heritage objects having regional importance and also for cultural heritage objects having local (municipal) importance. The benefits for private persons and legal entities who invest in preservation of cultural heritage objects are provided; Supervision of performing land-use planning, ground-works, construction, melioration and other activities within territory of any cultural heritage object and protection areas of the cultural heritage object is exercised; the penalties for violation of the requirements established for preservation, use and protection of cultural heritage objects having the regional importance and cultural heritage objects having of local (municipal) importance are fixed. Such violation invokes administrative fines for private persons at the rate of from ten to fifteen minimum statutory monthly pays (MROT), for officials – from twenty to thirty minimum statutory monthly pays, for legal entities – from two hundred to three hundred minimum statutory monthly pays.</p>
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In general, it should be noted that, nevertheless, the major role in legal regulation for preservation of cultural heritage objects, both at the national and regional levels belongs, in the first place, to the federal legislation. The magnitude of relations it regulates is much wider, but it reflects the basic principles of this

regulation. At the regional level, the legislation often regulates specific kinds of relations for preservation and protection of cultural heritage objects and it may differ in scope and content in various subjects of the Russian Federation.

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