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Abstract

The authors attempt to conduct an in-depth analysis of the problems associated with cultural heritage as a spiritual, cultural, and economic capital of irreplaceable values. It is established that the physical condition of more than half of the state-protected monuments of history and culture of Russia continues to deteriorate, and currently is characterized as unsatisfactory. Monuments of nature, history, and culture of Russia make a significant contribution to the cultural and natural heritage of the world ensuring the sustainable development of the country and human civilization in general that predetermines the highest responsibility of the peoples of Russia and the state for the preservation of their heritage and its communication to subsequent generations.

Keywords

Cultural heritage – Legislation – Protection – Entities – Cultural values

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Introduction

Federal law "On sites of cultural heritage (monuments of history and culture) of peoples of the Russian Federation", dated 25.06.2002 No. 73-FZ (further referred to as FZ-73), contains the norms regulating relations in the field of preservation, use, popularization, and state protection of sites of cultural heritage (monuments of history and culture) of peoples of the Russian Federation. It is aimed at exercising constitutional right of everyone to access to cultural values, as well as constitutional duty of everyone to take care of the preservation of historical and cultural heritage, to protect historical and cultural monuments, and to exercise the rights of peoples and other ethnic communities in the Russian Federation to preserve and develop their cultural and national identity, to protect, restore, and preserve the historical and cultural environment, as well as to protect and preserve information sources concerning culture origin and development.

Cultural heritage is the aggregation of all the cultural achievements of society, its historical experience, preserved in the arsenal of public memory. Such a legacy has a timeless value for society, as it includes the results of the past, as well as achievements that preserve the ability to move in new eras to new generations.

Several ideological and theoretical directions were revealed in numerous discussions on the issues of cultural heritage, which took place in developing countries, as well as in Russia during the period of economic restructuring called "perestroika". Thus, specialists in the humanities often manifest the classical attitude to heritage, which is focused on the careful maintenance and development of "undying treasures of transcendent importance"¹. In the course of professional learning of culture of the past, an idea appears that through a competent and thorough investigation, as well as in-depth description of the past achievements of culture, one can make sense of what has been achieved. And the recognition that such research receives in the scientific world and in the international arena, that is, the prizes and awards that are given to researchers of cultural heritage, serve a visible confirmation of a worthy appeal to the past.

The protection and absorption of cultural heritage, organization, and maintenance of museums, libraries, archives, etc. are an important part of the activities of public organizations and a mandatory task of the state.

Problems related to the protection and absorption of cultural heritage are reflected in the works of A.V. Kostina², A.D. Gronsky³, I.K. Kuchmaeva⁴, and others.

Issues related to the development of proposals for the improvement of legislation in the field of cultural heritage are considered in the works of T.V. Abankina⁵, V.P. Grinev⁶, and others.

¹ V. S. Zhidkov y K. B. Sokolov, *The cultural policy of Russia: theory and history* (Moscow: Academic Project, 2001).

² A. V. Kostina, *Kul'turnaya politika sovremennoj Rossii* (Moscow: LKI, 2007).

³ A. D. Gronsky, *Kul'turno-istoricheskoe nasledie Rossii v blizhnem zarubezh'e i nacionalizm v nachale XXI veka*. *Museology and Historical and Cultural Heritage*, collected papers. 2018. 46-51.

⁴ I. K. Kuchmaeva. *Kul'turnoe nasledie. Sovremennyye problemy* (Leningrad: Nauka, 1987).

⁵ T. V. Abankina, "Modeli gosudarstvennoj podderzhki kul'tury: teoreticheskie osnovaniya i finansovye instrumenty", *Journal of the New Economic Association* num 4 Vol: 24 (2014): 185-189.

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Methods

In the course of the research, the authors used theoretical approaches, general philosophical methods (dialectics, system method, analysis, synthesis, analogy, deduction, observation, and modeling), traditional legal methods (formal-logical), as well as methods used in specific sociological studies (statistical, expert assessments, etc.). The main method used was system-structural approach, which allowed identifying the most pressing aspects related to the issues of cultural heritage protection, as well as increasing the level of legal and political culture of citizens, the right of everyone to access cultural values and the constitutional obligation of everyone to take care of the historical and cultural heritage, to protect historical and cultural monuments.

Using the dialectical method, the authors were able to prove that the cultural process dialectics consisted in a constant transition from the past to the present and the future. The accumulated experience is opposed by everyday practice, which requires constant deciphering of previous experience, its adaptation, selection, interpretation, and enrichment. In this field between the past and the future, the present can be featured by attachment to the usual rituals, constantly reviving the past, as well as immersion in everyday life with its practical concerns, or focus on future achievements⁷.

Using a combination of the above methods, as well as applying the generalization method allowed identifying and defining the general features, characteristics, and shortcomings associated with the implementation of certain provisions, including the Federal law "On sites of cultural heritage (monuments of history and culture) of the peoples of the Russian Federation", as well as formulating a series of measures aimed at strengthening the spiritual, cultural, economic, and social capital of irreplaceable value.

Results

It is known that Russia has a large number of historical and cultural monuments. Some of them are considered sites of World Cultural and Natural Heritage. However, not all of them are in good condition. Unfortunately, to date, a significant number of the monuments of national history and culture have been destroyed, are under threat of destruction, or sharply reduced their value due to direct or indirect impact of economic activity, as well as insufficient protection against the destructive effects of natural processes.

In the course of study it has been revealed that the severity of this situation is largely due to the sharp decrease in the recent decade of volume and quality of work on the maintenance of monuments (repair, restoration, etc.), as well as due to increasingly widespread ownerlessness, a marked decrease in the overall effectiveness of state and public control in this area, and reduced funding. According to experts of the Russian Academy of Sciences, the condition of historical and cultural monuments under state protection is almost 80% characterized as unsatisfactory. About 70% of their total number needs urgent measures to save against destruction, damage, and annihilation due to

⁶ V. P. Grinev, *Pravovoe regulirovanie gradostroitel'noj deyatel'nosti na osobo ohranyaemyh prirodnyh territoriyah i ozelenennyh territoriyah, a takzhe na territoriyah ob"ektov kul'turnogo naslediya i v istoricheskikh zonah* (Moscow: GASIS, 2009).

⁷ A. S. Kazennov, *Dialektika kak vysshij metod poznaniya* (St. Petersburg: Publishing House of Polytechnic University, 2011).

various negative phenomena and processes, including environmental ones. Among them are architectural complexes well-known in Russia, such as the of white-stone architectural monuments of the Vladimir Region included in the UNESCO's World Heritage List; the Kremlins of Veliky Novgorod, Nizhny Novgorod, and Astrakhan; the Kirill-Belozersky Monastery in the Vologda Region, and many others. The problem of preservation of wooden architecture monuments is extremely acute. Between 1996 and 2001 alone, at least 700 sites of cultural heritage of the peoples of Russia were irretrievably lost.

The authors believe that the emerging civil society in Russia requires a higher level of education, economic and political culture of people, the ability to navigate independently in various ideological and spiritual traditions and trends. This requires not only a high degree of mass assimilation of culture but also the ability of citizens to widely use the achievements of mankind in the field of culture.

Based on the analysis of normative legal acts adopted in the entities of the Russian Federation and municipalities on the issues of protection of cultural heritage, it is concluded that a significant array of such acts contradicts the Federal legislation. The problem concerns not only the absence of a formally entrenched scope of powers of local governments in the field of protection of cultural heritage but also the absence of rules governing the order and limits of municipal rulemaking on the joint jurisdiction of the Russian Federation and its entities.

Discussion

Not a few scientists have addressed the issue related to the protection of cultural heritage in the Russian Federation. This is due to the fact that Russia possesses, without exaggeration, a huge cultural heritage, whose potential is almost not taken into account, except for the sites of cultural and historical real estate in Moscow, St. Petersburg, and major regional centers, despite the generally accepted rhetoric about the importance of cultural heritage for achieving sustainable socio-economic development of Russia⁸.

At present, the highest potential for cultural heritage has been fully perceived. The loss of cultural heritage will inevitably lead to spiritual impoverishment, and the rupture of historical memory⁹. Since, currently Russia is going through fundamental social, economic, and spiritual changes, deep study and comprehensive use of cultural heritage monuments are of particular importance.

Sites of cultural heritage (historical and cultural monuments) of the peoples of the Russian Federation (hereinafter cultural heritage) represent sites of real estate with associated works of painting, sculpture, decorative-applied art, sites of science and technology and other items of material culture resulting from the historical events, and representing value from the standpoint of history, archeology, architecture, urbanism, art, science and technology, aesthetics, ethnology or anthropology, and social culture, and being an evidence of epochs and civilizations, the true sources of information about the culture origin and development.

⁸ O. V. Efimova; O. S. Smagina; R. R. Lenkovskaya; A. A. Neznamova y M. A. Volkova, "Peculiarities of a land plot legal status as an item of immovable property", *International Journal of Civil Engineering and Technology* Vol: 7 (4.38) (2018): 140-144.

⁹ R. Jesse, *Cultural heritage* (Moscow: 2013).

The authors consider it necessary to start with the fact that in accordance with FZ-73:

1) cultural heritage sites may include buildings, structures, memorial apartments, burial grounds, works of monumental art, sites of archaeological heritage, groups of the above sites, as well as places of existence of folk arts and crafts, centers of historical settlements or fragments of urban planning and development, memorable places, cultural and natural landscapes, cultural layers, remains of buildings of ancient cities, site of ancient towns, settlements, sites, and places of religious ceremonies;

2) all types of cultural heritage sites, such as monuments, ensembles, and places of interest have been identified;

3) sites of cultural heritage are divided into categories of historical and cultural significance, namely, federal, regional, and local (municipal);

4) a particular site of cultural heritage may be of value in terms of history, archaeology, architecture, urban planning, art, science and technology, aesthetics, ethnology or anthropology, and social culture;

5) regardless of the category of historical and cultural significance, sites of cultural heritage may be in federal property, the property of the Russian Federation entities, municipal property, private property, as well as in other forms of property, unless a different procedure is established by Federal law;

6) sites of cultural heritage may be used for administrative, residential, socio-cultural, socio-political, religious, industrial and other purposes if this does not contradict the established requirements for their preservation;

7) in accordance with the established procedure, land plots within the boundaries of the cultural heritage sites belong to the lands of historical and cultural purpose, whose legal regime is regulated by the land legislation and FZ-73;

8) the federal budget, budgets of the Russian Federation entities, local budgets, as well as extrabudgetary receipts are sources of funding measures aimed at state protection, preservation, and popularization of cultural heritage sites;

9) users and owners of cultural heritage sites, who have invested their funds in the preservation of cultural heritage sites, can get certain benefits and compensations;

10) condition monitoring of the cultural heritage sites is provided.

In accordance with the Constitution of the Russian Federation, the protection of cultural heritage (historical and cultural monuments) is the subject of the joint jurisdiction of the Russian Federation and the Russian Federation entities.

Federal legislation provides for the possibility of delegating federal powers for the state protection of cultural heritage to the relevant regional bodies responsible for the protection of cultural heritage.

The implementation of the above Federal law as well as Land Code of the Russian Federation, dated 25.10.2001 No. 136-FZ, Urban Planning Code of the Russian Federation, dated 29.12.2004 No. 190-FZ, the Decree of the President of the Russian Federation of 24.12.2014. No. 808 "On the approval of the Fundamentals of State Cultural Policy" and other normative legal acts in this field is still not fully implemented.

In recent years, the issues of preservation of cultural heritage sites have been very acute in Russian society, despite regular discussions on this topic. This suggests that in the era of globalization, the formation of the image of the country is largely due to the historical heritage, its cultural and natural resources. For Russia, the humane attitude to cultural values and their preservation become the most important factors for the further development of territories and the revival of small towns and other inhabited localities.

It is necessary to remember that cultural and historical heritage is a resource of social and economic development of the Russian regions, capable of creating both cultural and economic value. The unlocking of the cultural potential of the region can be carried out through the use of resources of historical heritage, which in turn can become a factor contributing to the development of tourism.

Cultural and historical heritage is a priority basis for Russia's national self-esteem. It is a socio-economic and spiritual capital of irreplaceable value, forming a mentality and affirming the continuity of cultural heritage as well as preserving traditions¹⁰.

Preservation of cultural heritage can be considered as a factor of the social health of the nation. However, these days in Russia, sites of cultural heritage are destroyed with frightening frequency and permanence.

Comparing the lists of historical settlements of Russia in 2002 and 2016, one can state that the number of such settlements has been reduced by more than ten times. And this is due to the fact that there is nothing to save since cultural sites are demolished, set on fire, and destroyed in favor of the economic interests of society.

Academician of the Russian Academy of Sciences, philologist, and art critic D.S. Likhachev¹¹ wrote: "...The preservation of the cultural environment is no less important than the preservation of the surrounding nature. While nature is necessary to man for his biological life, the cultural environment is no less necessary for his spiritual, moral life, for his "spiritual settlement", for his attachment to his native places, following the precepts of his ancestors, for his moral self-discipline and sociality. Meanwhile, the issue of moral ecology is not only not studied but even not put on the agenda. Certain types of culture and the remains of the cultural past, the restoration of monuments and their preservation are studied, but the moral significance and influence of the entire cultural environment on the person in general, its influencing power are not studied... If a person does not like old buildings, old streets even if they are poorish, then he has no love for his city. If a person is indifferent to the historical monuments of his country, then he is indifferent to his country... It is not even a building that a person needs, but a building in a certain place. Therefore, a monument and a landscape need to be preserved together, rather than separately. One should keep the structure in the landscape in order to keep both in his soul. Human is a moral being, settled... Only an immoral person is not sedentary and is capable of killing the

¹⁰ V. P. Maksakovsky, *Vsemirnoe kul'turnoe nasledie* (St. Petersburg: 2002).

¹¹ D. S. Likhachev, *Zametki o russkom* (Moscow: KoLibri, Azbuka-Atticus, 2014).

sedentism in others. Streets, squares, canals, individual houses, and parks remind again and again... The impressions of the past penetrate into the spiritual world of man unobtrusively and unsteadily, and a man with an open soul emerges into the past. He learns respect for ancestors and keeps in mind that in turn the same will be needed by his descendants. He begins to learn responsibility, moral responsibility to the people of the past and at the same time to the people of the future".

Is there a humane attitude toward cultural heritage in contemporary Russia?

Thus, the preservation of cultural heritage is the basis for the further development of society, being the constitutional duty of every citizen of the country.

Polls have shown that the theme of preserving old Moscow occupies the second place after issue concerning traffic jams in terms of sharp discussions in society¹².

Over the previous 20 years, more than a thousand historic buildings were destroyed in the city, many of which were demolished under the guise of reconstruction and restoration. As an example, we can cite the building of Voentorg, erected in 1912-1913, which was completely destroyed in 2003. A quite similar commercial and office building was built in this place but devoid of features that were peculiar to the original building as a monument of Viennese Art Nouveau of the 20th century¹³.

Another example is the Moscow Hotel, recreated in exact accordance with the original drawings of architect Shchusev. The same can be noted with respect to the burned building of the Manege, and the Martha and Maryinsk Monastery in Zamoskvorechye, which was restored with serious violations. The ensemble of buildings near Red Square, between Ilyinka Street, Bogoyavlensky and Vetoshny lanes, called Warm Trade Rows, was also demolished. The reconstruction of the children's mall called "Detsky Mir" caused the wave of criticism since all the unique interiors were destroyed during its reconstruction.

Here is one more example. By the end of the 20th century, only a small section of the wall and a two-storeyed building for the abbots along Maly Zlatoustinsky lane remained of the ensemble of the Zlatoust Monastery, which was demolished in 1996¹⁴.

At the same time, according to some experts, the situation has not changed much in the last decade. Thus, one June night in 2011, called "Night of the long buckets", the last remaining at that time the wing of Glebovs'-Streshnevs'-Shahovskys' manor in the Big Nikitsky Street was demolished, as well as Feoktistovs' house of the merchants in the Big Ordynka Street.

The destruction of cultural heritage sites takes place in the regions as well. One may talk endlessly about inhumane attitude to these monuments in Russia¹⁵.

¹² V. P. Grinev, *Pravovoe regulirovanie gradostroitel'noj deyatel'nosti na osobo ohranyaemyh prirodnyh territoriyah i ozelenennyh territoriyah, a takzhe na territoriyah ob"ektov kul'turnogo naslediya i v istoricheskikh zonah* (Moscow: GASIS, 2009).

¹³ V. A. Savin, *Arhivnoe nasledie Rossii. Gosudarstvennyj arhivnyj fond RSFSR. Upravlenie i kommunikacii. 1918-1941* (Moscow: Russian State University for the Humanities, 2009).

¹⁴ B. A. Erengross; R. G. Apresyan y E. A. Botvinnik, *Kul'turologiya. Textbook for universities*. 2007.

¹⁵ V. R. Krogus, *Istoricheskie goroda Rossii kak fenomen ee kul'turnogo naslediya* (Moscow: Progress-Tradition, 2009).

Thus, the list of architectural attractions of the World Monuments Fund, which are threatened by the destruction, includes a Russian monument, namely, Church of Holy Virgin of Sign in the town of Podolsk. The Church built in 1704, has not been repaired for 80 years and is on the verge of destruction.

Russia has lost 40 cultural heritage sites over the past year. This is five more than, for example, in 2016. Thus, 31 architectural and 9 archaeological monuments were lost. The number of cultural heritage sites being in good or satisfactory condition increased during the year by 19%.

Leather Trading Rows, which are part of the architectural monument of the 19th century were demolished in Vologda.

The old Russian site of ancient settlement Rostilavl in Ozersk District of the Moscow Region is threatened with destruction. It is the remains of a unique medieval Russian city of the 12-16th centuries, which until recently was not affected by any economic activity. In 1995, the settlement was declared a federally significant monument of cultural heritage. Despite this, in April 2011, the agricultural firm Sosnovka carried out earthworks that destroyed more than 400 square meters of cultural layer¹⁶.

In the Tomsk Region, a unique archaeological site is destroyed. It dates back more than four thousand years. On the place where this archeological monument, named Timiryazev Archaeological Complex, is located, construction of a cottage settlement was illegally started in 2009. In this region, there are several dozen archaeological sites, whose age is more than four thousand years, belonging to the Bronze Age and the late middle ages.

The Decree of the President of the Russian Federation No. 808 "On approval of the foundations of the state cultural policy" (Hereinafter referred to as Foundations) was adopted on December 24, 2014. This suggests that cultural policy has recently become of particular importance both for the state in general, and its constituent entities. Among other things, according to the Fundamentals "the state cultural policy proceeds from the understanding of the most important social mission of culture as a tool of transferring a set of moral and ethical values that form the basis of national identity to new generations. Knowledge of one's culture and participation in cultural activities lay the basic moral guidelines in a person, such as respect for the history and traditions, spiritual foundations of peoples populating Russia, and allow revealing the talents and abilities of each person.

The content of the today's state cultural policy of Russia concerns the creation and development of a system of education and enlightenment of citizens based on traditional Russian moral values, civic responsibility, and patriotism through the acquisition of historical and cultural heritage of Russia, world culture, the development of creative abilities of the individual, and the ability to aesthetic perception of the world.

In the context of the state cultural policy, the understanding of moral values traditional for Russia is based on the norms and requirements developed by mankind and common to all world religions that ensure the fulfilling life of society.

¹⁶ E. L. Anoshkina, "Razvitie social'nogo kapitala krupnejshih gorodov Rossii", *Regional Studies* num 4 Vol: 42 (2013): 48-52.

These, above all, are honesty, justice, law-abiding, love for the Motherland, unselfishness, family values, chastity, kindness and mercy, faithfulness to the word, respect for elders, and honest work, and rejection of violence, theft, slander, and envy.

The condition of contemporary Russian society makes it necessary to allocate educational and enlightenment functions of culture as priority goals. This will allow significantly strengthening the impact of culture on the processes of personality formation, humanization of education, successful socialization of young people, creating a quality information environment, favorable for the development of personality.

State cultural policy should be based on the following principles:

- the influence of culture on all aspects of state policy and social life;
- the priority of the society's right to preserve the material and intangible cultural heritage of Russia over the property interests of individuals and legal entities;
- territorial and social equality of citizens when exercising the right to access to cultural property and to participate in cultural activities.

The aim of cultural policy is to make people's lives spiritually rich and multifaceted, to open a wide scope for the identification of their abilities, to provide opportunities for familiarization with culture and various forms of creative activity. At the center of this policy is a human¹⁷.

The concept of cultural heritage includes not only movable and immovable material objects¹⁸, but also all that is included in the spiritual culture, and in the fusion of material and spiritual; moral and aesthetic norms of different peoples who lived in different historical epochs and in different geographical conditions; norms and patterns of behavior; languages, dialects and subdialects; national customs and traditions; customs and traditions formed depending on geographical conditions of human habitation; historical toponyms, folklore, arts and crafts, etc.

Today, not only Russia but also the world community, in general, face a serious problem, which concerns not allowing destruction of sites of cultural heritage, and development of ways to preserve and possibilities to use them.

Conclusion

The conducted analysis of regulations in the field of protection of cultural heritage has shown that despite the availability of important documents at national level, such as the Land Code of the Russian Federation of 25.10.2001 No. 136-FZ, the Urban Planning Code of the Russian Federation of 29.12.2004 No. 190-FZ, the Federal Law "On objects of cultural heritage (monuments of history and culture) of the peoples of the Russian

¹⁷ T. V. Abankina; E. V. Kushtanina; V. V. Romanova, et al., Gosudarstvennaya podderzhka kul'tury v Rossii (Moscow: Publishing House of the National Research University Higher School of Economics, 2014).

¹⁸ A. A. Smagin; S. J. Starodumova; G. N. Kuleshov; M. A. Volkova y R. R. Lenkovskaya, "Legal and regulatory aspects of separate immovable properties", International Journal of Civil Engineering and Technology, Vol: 9 num 10 (2018):1602–1609.

Federation", and the Presidential Decree of 24.12.2014 No. 808 "On the approval of the Fundamentals of State Cultural Policy", the today's legal framework is still featured by a transient nature. There is an urgent need to develop at the regional level regulatory documents that would reflect the problems of a particular entity of the Russian Federation in area under consideration, as well as regional features of historical and cultural heritage, and specifics of the attitude of citizens and local authorities to the monuments of urban planning and architecture.

Preservation of cultural monuments forms the basis for the future development of the country. Therefore, people must change the monument's management system, and create public and state forms to monitor the use of cultural heritage. Now it is important to create conditions ensuring interest in the preservation of cultural heritage, rather than craving for benefits from obtaining the ownership of a historical site. For this purpose, the site of cultural heritage should be protected in all cases, in all dealings made with this site.

The noted problems require the full implementation of the current regulatory legal acts at the federal level, as well as the update of the current legislation at the regional level. At that, regional target programs should become documents to implement measures in the field of protection of cultural heritage, taking into account the peculiarities of the Russian Federation entities.

Not all issues related to the protection of cultural heritage in the Russian Federation were raised in the framework of the present study. The remaining issues will be addressed by the authors in further studies.

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