
Studying the Issue of Preliminary Constitutional Control in the Russian Federation

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Abstract

The definition of the constitution as a legal document for determining the structure and frameworks of governance indicates its importance and special position in the country; Because the constitution, based on the ideals of the nation and the opinion of the people, applies the rule of law, the rule of the nation, the determination of legal institutions and the competences and powers of each. From this point of view, the constitution is a national covenant to share the efforts of the people who strive to achieve their goals and ideals in peace and cooperation. The article examines the corrections to the Constitution that went into force on July 4, 2020. The creators consider changes concerning the lawful status of the Sacred Court of the Russian Alliance and established (legal) courts of constituent elements of the Russian League. The article considers the experience of carrying out starter established control in unfamiliar nations and the chance of involving their powers in the act of the Protected Court of the Russian League and sacred (legal) courts of constituent elements of the Russian Alliance. The article features the positive and negative parts of presenting the establishment of starter protected control into Russian practice. The creator likewise examines the experience of the Established Oversight Board of the Association of Soviet Communist Republics in practicing the ability to practice primer protected control. The development of the powers of the Sacred Court of the Russian League and, running against the norm, the restricting of the powers of the established (legal) courts of the constituent elements of the Russian Organization isn't the main change in that frame of mind of protected equity in the Russian Alliance. In such manner, the issue of changing the design of the Protected Court of the Russian League and muddling the system for residents to document grumblings about infringement of sacred privileges and opportunities was thought of. Accordingly, the creator reaches the resolution that there are brief arrangements in the Constitution of the Russian Organization.

Keywords: Law, preliminary constitutional control, constitutional court, draft law, Constitution, amendments, powers.

Introduction

On July 4, 2020, after the all-Russian vote, Article 1 of the Law of the Russian League on the Revision to the Constitution of the Russian Organization No. 1-FKZ dated Walk 14, 2020 "On working on the guideline of Specific issues of the association and working of public power" [1] went into force. One of the main changes made to the Constitution of the Russian Alliance in the field of legal power is the expansion in the extent of abilities of the Protected Court of the Russian Organization, specifically, the option to practice starter command over draft laws of constituent substances of the Russian League in line with the Leader of the Russian Organization.

Notwithstanding the abovementioned, huge changes in the legitimate status of the Established Court of the Russian Organization are likewise seen with regards to its design. Diminishing the staff of judges of the Established

Court of the Russian Alliance from 19 to 11 is arranged. Clearly, this is because of a decrease in the legal weight, which will happen because of the entanglement of the method for residents to record objections about infringement of established privileges and independences (from here on out, residents will actually want to apply to the Sacred Court of the Russian Organization, gave that any remaining homegrown method for legal security are depleted). Simultaneously, it ought to be noticed that the correction of Section 1 of Article 125 of the Constitution, which changes the quantity of judges of the Protected Court of the Russian Alliance, won't be viable until the term of office of current appointed authorities closes on the grounds accommodated by Government Regulation No. 1-FKZ dated July 21, 1994 "On the Sacred Court of the Russian Alliance". In this association, we can talk about the presence of brief arrangements in the Constitution of the Russian Alliance. The law consists of rules and regulations that are prepared and regulated according to the needs of the society by the discerning people, reviewed and approved by the expert legislators in the parliament and used with the purpose of regulating individual and social relations and creating order, security and justice, after It is validated through legal procedures and the government guarantees its implementation and protection of its privacy and sanctity. It is flourishing, but in its extreme form, it has caused conflict, strife, war and conflict in human life, and as a result, lawlessness. Growth and development in various economic, social, cultural and political dimensions have not been achieved, except in the shadow of creating order and security and of course compliance with the "law".

Compliance with the law and rule of law indicates the stability and cohesion of the society. Healthy relations between citizens and positive interaction will be possible in the light of compliance with the "law". Security as the main need of today's life in its various dimensions is formed only in the shadow of the law. New needs demand new rules and regulations. Social order is the blessed product of rule of law, and lawlessness is considered a kind of orientation towards social norms; A phenomenon that is seen in all societies to a degree of intensity and weakness. In some societies, accepting the law, obeying and respecting it is rooted in the behavioral culture of the people in such a way that it has become "sacred" for them to the point where "all their actions, behavior, deeds and thoughts show themselves." A society that regulates its movement according to the law, more than anything else, it helps the emergence of creativity and in the direction of prosperity within itself; Since the ultimate and ultimate goal of the law is to create order and establish justice in such an environment, the "ruler of the law" has taken steps to determine the limits and boundaries and clearly outline the relationships of individuals from the legal rights of the members of the protection society, prevent encroachment on the sanctity of people's rights, and create discrimination. And he avoids inequality and uses all his harmony to maintain order and observe justice. In such a society, the distribution of wealth and facilities is done according to the ability, talent and merit of people, the rights and duties are necessary and necessary and before the assumption is made that people are familiar with the laws; The principle is placed on the education of rights and duties because it requires a population micro-group, when citizens evaluate the law in line with their personal and social interests, they favor its implementation. Law evasion in many societies is rooted in history and the past due to special conditions, non-compliance and compliance with the law goes back to the weakness in understanding the functions of the law; The responsibility of the government and the government: avoiding task-oriented view, moral weakness, inattention to the place of culture in the regulation, formulation and approval of laws, weakness of the legislative system, conflicts of laws with individual and group interests, diminishing the role of customs, habits and beliefs in laws, fueling the atmosphere of mistrust in the society and as a result discrediting the role and place of public participation and the government's monopoly in affairs.

The Intellectual Grounds of the Formation of The Constitution

Publishing the great and influential works of famous thinkers such as Hobbes, Locke, Montesquieu, Rousseau, and the encyclopedia of public opinion writers to prepare a comprehensive document that includes the structural principles of society and new ideas in the field of man and his rights, lifestyle, ethics, and people's participation. In formulating the institutions and appointing the administrators of the affairs, he encouraged the broad themes of the past. The preparation and arrangement of a formal and ceremonial document was a search for innovation, liberation, support for democracy and the rule of law, and a summary of other values that had taken root in the European society of that era and had inclined the reformists in this direction. It became formal and these laws were a set of rules compiled in a valid national document whose main feature was the formal superiority over all applicable legal norms in a country-state. Therefore, the constitutional movement philosophically originates from liberal philosophy and many of its principles are derived from the concepts of the French thinker Montesquieu. The constitution, especially in its formal sense, is the achievement of the movement that followed the industrial revolution in order to legislate societies.

The main goal of this movement was to end the arbitrariness of the rulers and provide individual freedoms. The basis of the movement (commandism) was sociologically the ability of the bourgeoisie, following the industrial revolution. The relations and relationships of this class required the rule of law and orderly and clear procedure based on which it is possible to manage the society in the form of a new plan. Tradition and customs and based on feelings of honor and honor settled. The standards of the period of feudalism and aristocracy could not meet the new needs alone. These new conditions required a special legal form so that social and economic relations

could be defined and regulated in a more reasonable and thoughtful way. From the ideological point of view, the constitutional movement was influenced by various ideas that emerged one after another and affected the atmosphere of the society. The totality of these thought processes led almost everyone to the conclusion that the ruling group should be subject to clear and clear legal status as well as the ruling group, and both classes should be under the protection and influence of the law.

Today, legal culture is one of the most important concepts in the field of humanities. Legal culture deals with the differences in people's perceptions, perceptions, expectations and feelings about law and its performance in different situations. For example, legal culture indicates that there are fundamental cultural differences between the civil law of European countries and the common law of England. This difference has caused many to consider the harmonization of private laws of European countries as impossible and undesirable. On the other hand, some people believe that the European legal culture already existed and its traditions can be revived, or that European lawyers who share a common culture can increase the possibility of harmonizing European law. In this discussion, culture is considered as a border that divides Europe in terms of law or considered as a field that has the ability to harmonize European law. When legal culture is considered as a context for harmonization, the differences between different European laws and legal systems lose their importance, because the European cultural trend is towards finding common solutions to legal issues. Even if these solutions are presented with different expressions in various legal and national systems. One of the things that make legal assimilation necessary is business needs. Business networks are built based on instrumental, social relationships. As long as the public interests that these business networks provide are the same and the same law governs the relationship between these networks. Culture is considered irrelevant. But as mentioned, in addition to social instrumental relations, culture is made up of other parts. As a result, legal harmonization discussions should consider all aspects of culture. So the main question is how the instrumental and non-instrumental aspects of culture are related and how the science of law can control them.

Methods

The strategy for near legitimate examination permitted to distinguish the highlights inborn in the foundation of fundamental protected control in outside nations.

Utilizing the framework underlying technique for comprehension, we distinguished the highlights of established alterations concerning the exercises of legal bodies that practice protected equity.

The formal lawful technique for research was utilized to decide the substance of such ideas as "sacred control", "primer protected control", "impermanent arrangements", and so on.

Results and Discussion

Relegating the Sacred Court of the Russian Organization to practice starter protected command over draft laws of the constituent substances of the Russian Alliance will imperil the requirement for the working of established (legal) courts in the constituent elements of the Russian League. Such worries, thus, are brought about by the presence in the act of unfamiliar sacred courts of going past the execution of "primer" protected control. It appears to be that the sacred (legal) courts of the constituent elements of the Russian League ought to likewise be offered the chance to practice primer protected control overdraft regulations on changes to the constitutions (contracts) of the constituent substances and other draft laws of the constituent substances, accommodating this power in article 27 of Government Established Regulation No. 1-FKZ dated December 31, 1996 "On the Legal Arrangement of the Russian Organization".

Correction to the Constitution in 2020, specifically, accommodates the expansion of the powers of the established Court of the Russian League because of the presentation of pre-control comparable to the draft laws of the Russian Organization on the change to the Constitution of the Russian Alliance, draft Government protected regulations and Bureaucratic regulations before it is endorsed by the Leader of the Russian Organization, laws of the Russian Alliance to the distribution of a higher authority of the subject of the Russian Organization.

Review that the assemblages of the protected equity of the Russian League (the Sacred Court of the Russian Organization and the established (legal) courts of the constituent elements of the Russian Alliance) under the watchful eye of the reception of Regulation No. 1-FKZ didn't have the position to practice starter command over draft regulations. As A. Bick notes, "judges ready to control demonstrations of Parliament inconsistent with the constitution and strike them down" [2, c. 4].

In this association, one thinks about how dire the requirement for the Sacred Court of the Russian League is to complete fundamental checking of draft laws of the constituent elements of the Russian Organization, when particular courts have been laid out in the constituent substances of the Russian Alliance to manage established equity.

Prior to continuing to the thought of this issue, we think of it as important to take note of that throughout the entire existence of the Russian state, there has been insight in executing primer sacred control. In 1988, a particular body made by the Sacred Oversight Council of the Association of Soviet Communist Republics, liable for consistence with the Essential Law of the nation, was given four blocks of abilities:

- 1) Offering viewpoints on consistence with the Constitution of draft regulations submitted for thought by the Congress of Individuals' Representatives;
- 2) Offering viewpoints on consistence with the Constitution of the Russian Soviet Federative Communist Republic and the laws of the Russian Soviet Federative Communist Republic of demonstrations of the Preeminent Soviet, its chambers, and arranged draft regulating acts;
- 3) Observing consistence with the Constitution and laws of the Russian Soviet Federative Communist Republic of standardizing demonstrations of constituent substances of the Russian Alliance and by-laws of government and local importance;
- 4) offering perspectives on consistence of demonstrations of other state bodies and public associations with the Constitution and laws of the Russian Soviet Federative Communist Republic [3].

Subsequently, fundamental control was recorded exclusively according to draft regulations at the government level. Simultaneously, it ought to be noticed that the activity of these powers could be started both by the Established Oversight Council of the Association of Soviet Communist Republics itself, and by the subjects of regulation making, or at least, authoritative and chief assortments of state power.

Given the outlandish flurry in the readiness and reception of regulating acts, the presence of inconsistencies in demonstrations of similar level, countless reference standards, the absence of a component for executing specific standards, we accept that the issue connected with the execution of starter protected control is especially important.

I. Yu. Ostapovich noticed that the negative pattern of primer protected control is the presentation of components of politicization in the exercises of the Established Court of the Russian Alliance [4, p.304].

As we would see it, with the presence of various, restricting places of agents of the State Duma of the Russian League for a progressions in the regulation because of the way that the established Court of the Russian Organization has the position to determine questions (passage 2 of article 3 of the Government protected regulation dated July 21, 1994 No. 1-FKZ "On the protected Court of the Russian League"), he, running against the norm, it could turn into a ref, guaranteeing the equilibrium of political powers in Parliament.

Simultaneously, assuming the Established Court of the Russian Alliance is given the power to practice primer control, the inquiry will emerge about the requirement for ensuing control according to territorial regulation. For instance, in the worldwide practice there are situations when the established courts with power to talk on individual bills essentially extend the extent of the powers, while resulting treatment and control [5, p. 21]. Jean Riverot, the French attorney and ally of earlier control, contended that ensuing control makes "genuine capriciousness", while earlier control carries request and security to the general set of laws [6, p. 76].

For instance, we can refer to the action of the Protected Court of Moldova, which, as per the Constitution, talks on recommendations for the amendment of the Constitution (passage "c" of section 1 of Article 135 of the Constitution of the Republic of Moldova). [7]. That is, the established regulation of the Republic of Moldova gives just to primer command over draft regulations that revise the text of the Constitution, yet the court's training demonstrates the way that the Court can likewise practice ensuing control.

By a choice dated Walk 4, 2016, the Protected Court of the Republic of Moldova proclaimed illegal Regulation No. 1115-XIV dated July 5, 2000 on revisions and increases to the Constitution of the Republic of Moldova. The justification for the Court's choice was an infringement of the methodology for exploring and embracing the Law on Corrections and Increments to the Constitution. As per the sacred arrangements, the draft regulation was submitted to the governing body along with the Court's viewpoint, however during the time spent thought it was exposed to massive changes that fundamentally changed the substance of the text of the corrections. The Established Court noticed that such a change ought to have involved a second enticement for the Court, since "after the finish of the Protected Court is made, changes to the draft regulation on update of the Constitution are not permitted and overlooking or surpassing the constraints of the end might make the revisions be dropped" [8].

Considering this pattern, it tends to be expected to be that assuming the Sacred Court of the Russian League is given the position to practice fundamental protected command over draft laws of the constituent elements of the Russian Organization, it can likewise practice ensuing command over territorial regulation, yet for this situation the inquiry will emerge about the possibility of working and activity of established (legal) courts in the constituent substances of the Russian Alliance. Until this point in time, out of 85 constituent elements of the Russian Organization, established (legal) courts capability just in sixteen constituent substances of the Russian League, and the consequences of their exercises frequently raise questions among government delegates.

Summary

In this manner, it appears to be important to lay out an unmistakable component for practicing the powers of the Protected Court of the Russian Organization to practice fundamental sacred control. The established courts of Albania, Azerbaijan, Kazakhstan, Ukraine, Romania, the Republic of Turkey and various different nations have comparative abilities. The regulation of the Republic of Kazakhstan lays out a different power of the established equity body to check the lawfulness of regulations embraced by the Parliament before they are endorsed by the President [9]. Under Romanian regulation, the Established Court has the option to settle on the legality of draft

regulations, yet additionally any alterations pointed toward reconsidering the Constitution [10]. Besides, the Established Court of Romania is a moderately youthful protected ward, both inside the public legitimate practice and inside the EU sacred family[11].

In Serbia, for instance, the organization of fundamental sacred survey, as per Nenadich, the Teacher, seems to be just a "protected an open door" [12], since for over 10 years of its presence, the Established Court has not given a solitary choice inside the structure of starter standard control.

In the Russian writing, it is noticed that fundamental control is important for draft government regulations that lay out or reinforce lawful risk. This end can be reached by dissecting the legitimate place of the Sacred Court of the Russian League, formed in its Choice No. 10 dated April 8, 2014. The court perceived the presence of a too high least limit of a managerial fine as conflicting with the standards of the Constitution of the Russian Organization [13].

It is quite significant that as of late the Parliament has embraced regulations that don't have a component for carrying out liability regarding specific offenses. Specifically, the arrangements of the Government Regulation can be referred to Bureaucratic Regulation No. 15-FZ dated February 23, 2013 "On safeguarding the wellbeing of residents from openness to surrounding tobacco smoke and the outcomes of tobacco utilization", which lays out a restriction on tobacco smoking in specific regions, premises and offices.

It is additionally noted in the writing that components of fundamental established control can turn into a successful device for taking out "exorbitant rule-production" when certain advertising are directed by government regulation, despite the fact that they likely could be managed by ordinances" [4, p. 313].

Conclusions

As we would like to think, because of the start of a new "time" of sacred changes, it was proper to embrace the experience of unfamiliar nations in bringing into the act of the protected equity bodies in the Russian League (not just the Established Court of the Russian Organization, yet additionally the established (legal) courts of the constituent elements of the Russian Organization) the activity of primer protected command over draft regulations, through which changes are made to the text of the Constitution of the Russian Organization and the constitutions (contracts) of the constituent substances of the Russian Organization, separately.

Consequently, summing up the abovementioned, we can reason that the Organization of the sacred equity in the Russian League in the exercises of the established (Sanction) courts may before long be disposed of, as the Constitution of the Russian Alliance as changed on 14.03.2020 doesn't accommodate the foundation of the established (Contract) courts of the constituent elements of the Russian Alliance, regardless of the way that the sacred (legal) equity works in the Russian Organization based on constitutions (rules) of the constituent substances of the Russian Organization, the laws of the constituent substances of the Russian Organization on protected (legal) court [14, p. 963].

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