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The Russia's 1993 Constitution: the Principal Advantages and Some Legal Shortcomings

Review. *On the basis of a comparison of foreign and Russian constitutions, the article discusses the legal language of the Russian Constitution. The author especially addresses such questions enshrined in Russian constitution as: the constitutional provisions concerning economic, social, political and spiritual life of the community. However, the article also refers to some shortcomings of the Constitution that were integrated in the text during the adoption of the Constitution in 1993. The author primarily uses the comparative scientific method. Classic legal methods are also were used during this research. The novelty of this work consists in the research of the values of the Russian Constitution in a comparative approach. The author developed the ideas of how the Russian concept should be modified in order to comply with modern standards of legal language used in contemporary connotations.*

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Modern Constitution (if it is not imposed on society by force or psychological pressure) is something like a hypothetical social contract about the fundamentals of public order, the legal status of a person, society and the state. This agreement is of a political nature, and it is clear that in such a Treaty, legally equal, but with different positions of the parties, certain benefits have those social groups that dominate in society economically, socially, politically and spiritually. The same applies to the Russian Constitution, 1993., which, like other basic laws, has not only advantages but also some

disadvantages. In contrast to the approach of American constitutionalists, who, like the general population, brought up in respect to the creation of the “fathers of the Constitution” (which is good) and do not want to see its shortcomings in relation to the requirements of our time (which is hardly correct), in the Russian science, as well as representatives of the authorities (for example, D. A. Medvedev, who was in 2008, the President of the Russian Federation) recognized that there is not ideal constitutions, and Russian is also not ideal ^[1]. It reflects conditions of 1993, when the question of how the country was even more unclear

than now, and the level of our knowledge at the time.

Recognition errors in a democratic constitution (and the vast majority of evaluation researchers, politicians, the Venice Commission esteem the Constitution of the Russian Federation to be a democratic one) must not lead to nihilistic attitude towards her. The Constitution, as an expression of the wills of various strates, groups, individuals, who form the majority in society, must be respected (that is not enough, even the day of adoption of the Constitution is not a public holiday) and is respected by all, particularly of power (the power in Russia is not so carefully observes the constitutional procedures, for example, when making laws on amendments to Constitution as federal constitutional laws, about which more below).

The meaning of the Constitution and its role in society are not, however, the accuracy of the content or language, from the perspective of theoretical approaches any disadvantages are in all the constitutions, because they create by people who are forced to consider many factors in the level of development of science of his time, and his dignity, the social value of the Constitution is whether it meets the conditions of society, expresses the will of the people, contains a coherent institutions capable of correctly implementing this will, legally provide further scientific and technical and social progress of society.

The value of the Russian Constitution can be viewed from different positions. Many of them have already been used in the scientific literature. In this case, we will consider the importance of the Constitution of the Russian Federation from the point of view of axiology, the teaching about values (axios + Greek logos). In the Humanities (originally in philosophy) theory of values was developed in the late 19th and early 20th century as a predominantly historians, recent,

German scientists-neokantiancy V. Dilthey (1883–1911), V. Vildenband (1848–1915) and his student G. Rikert (1883–1936) marked the beginning of axiology as part of the philosophy. In their interpretation of the value represented a particularly the essence of meaning, meaningful event, significance of phenomenon, process for the past and the present, and sometimes individual awareness of this person.

In the Western axiology there are different currents, subjective and objective approaches. Using the latest in its legal relation, taking into account the nature of the Constitution as the fundamental legal document, it can be said that the value of the value of the Constitution of the Russian Federation is determined by three main factors: 1) the Constitution, 1993 is *the legal formulation of the political victory of an antitotalitarian democratic revolution* that has transformed the relations of power and property, personal status, the foundations of social and state order; 2) in difficult conditions of 90-ies the Constitution is, let first brittle (58.4% of the vote in the referendum favoured for its adoption), but agreement on preventing the civil war, on the *“approval of civil peace and harmony”* (preamble of the Constitution); 3) Constitution of 1993) it is *a kind of social contract about the basic values of the constitutional order*, which must be made public progress (among them, and the old values, for example, state unity, and new, for example, the diversity of forms of property, including private property.

The value of the Constitution manifests and developed itself in the basic values for the human being, its associations, the society and the state, legally enshrined by the force of fundamental law.

The Constitution of the Russian Federation has not exhausted its positive potential, but time is moving. The day will come when society will require a new Constitution (the acting-ch. 1, 2 and 9 on the same terms

and conditions cannot be changed, and if required, the need to adopt a new Constitution). Therefore, you must determine the provisions of the Constitution of 1993, which you need to maintain, update and develop; with the provisions of the 1993 Constitution, which he is not, but experience shows their necessity; Finally, with the unsuccessful language that should be excluded in the future.

The integrity of the external and internal system of the Constitution of the Russian Federation

Any consolidated Constitution (there are non-consolidated, consisting of many documents) contains various chapters, sections, parts, etc.). They have different names, volume, include different provisions, but in their totality are external system of the Constitution. In most foreign countries, the external system constitutions expressed clearly (although there are various articulations of the constitutions, different titles, their sequence, for example, Germany's 1949 Constitution, and Chile, 1980. do not begin with General questions, and with the enhancement of human rights). In some constitutions fre not chapter titles, parts, but still the external system of the Constitution can be understood on the basis of regulatory sequences. The external system of the Constitution of the Russian Federation is clearly visible in the table of contents of the Constitution of the Russian Federation. It is about the integrity of the external system, the Constitution of the Russian Federation n its consistency, at least from the 90 "s. In modern terms this system could be improved, taking into account the new data science practices. However, any Constitution has its internal system resulting from the methodological approach to the definition of the object of the constitutional regulation, which is due to the position of the the dominant force in society and is expressed in the preparation

and adoption of the Constitution (on different approaches indicated, for example, the discussion in the constituent Assembly in adopting constitutions Italy 1947, India 1949 or Brazil 1988.). If the mega-social assessment logically synthesize the essence of constitutions in the world, since the first Constitution of the State is the United States, 1787 (and it then followed the other Constitution), we are three fundamentally different approaches to the selection of internal elements (blocks of basic public relations) for the constitutional regulation. The sequence of such blocks for internal system does not have the same value as for the external system, because in the first system there are no direct ties of the development of general provisions of the first chapters in the following chapters, and cross-cutting backward and forward linkages between all its elements (blocks).

The first approach to the internal system of the Constitution (to the units, complexes of constitutional regulation) limits the contents of the Constitution with the two main positions: power and human rights. These are social phenomenae, but they are regulated by the constitutions from the formal legal position. The Constitution of the United States after amending it in 1789, the Bill of rights (the first ten amendments), this approach is most clearly. Regulation of power is limited to fixing the main organs of the State and their terms of office. Not even the phrase "power to the people" (belongs to the people, comes from the people) which, however, is implied. In the Constitution of the United States did not contain provisions of a socio-economic nature (except for private property rights, they are not now), on social and economic rights are not mentioned (not mentioned in our days) ^[2].

Later, after many decades, as a result of the demands of the people and some influence of the totalitarian Socialist Constitutions of Russia and the USSR (especially

after the Second world war) the constitutions of capitalist countries there were some provisions of a socio-economic nature. Some constitutions such texts is quite extensive, but the selection is not enough sometimes to regulate relations justified, and they do not constitute a coherent block of all necessary for the constitutional regulation of the basic relations (the most clear example of this is the 1988 Constitution of Brazil).

The second approach has the socio-political character with underestimation of legally regulating qualities of the Constitution. He is represented by former and current constitutions of totalitarian socialism. Focused on the socio-economic provisions and norms of a fundamental political nature. Were tied to the Elimination of private property (now the totalitarian socialism it considered necessary, but under State control), the target and then the actual elimination of exploiters, were tied to the structure of the society, the leading role of the working class, the dictatorship of the proletariat (in some constitutions of the totalitarian socialism of the dictatorship of the proletariat was not, in the other they were then eliminated, but there are provisions of the democratic dictatorship of the people), the power of workers and peasants (then — power workers, peasants and intellectuals), many other provisions of the economic, social and political nature.).

The system of State bodies has been established (local self-government was not recognized), referred to the rights of the citizen and their material safeguards (legal guarantees there were not enough, a natural-born human rights not recognized), citizens “rights and fulfil their duties connected with the participation in the construction of socialism and communism. On the situation of the people and the States in the world community is not actually mentioned (though in the first constitutions of the RSFSR and the USSR on the World Social-

ist Revolution, on the establishment of the world Soviet Republic, but in the subsequent Soviet constitutions, these provisions were excluded).

Such an approach has its pros and cons, but he created a coherent system all constitutional regulation blocks are required (without determining the status of the people, the state, the country in the world community) and their shape was the apparent advantage of constitutions of totalitarian socialism. However, the content of regulated relations (monotony of their form of ownership, prohibition of free economic activity, ranking classes and social strata, a dictatorship of the proletariat, another другая dictatorship, etc.), the nationalization of the entire economy, giving some momentum to the development of the country as a result of the mass of enthusiastic people, liberated from oppression, eventually led to stagnation. The provisions on citizens “rights were violated by the rule en masse (massacre of “enemies of the people” and dissidents). Was prescribed a common ideology for society and human-Marxism — Leninism (now in the totalitarian socialism with national specificity-the ideas of Mao Zedong and Deng Xiaoping, Ho Shimin, José Martí, etc.) The legal quality of the Constitution have been diminished, and the management of the society and the State was the will of the Communist Party, especially its political Bureau of the Central Committee (another title of supreme authority).

The novelty of the approach to the constitutional regulation of the totalitarian socialism and the fictitious nature of many (not all) of the constitutional provisions mentioned famous foreign constitutionalists. French professor P. Gerard believes that the Soviet period (with appropriate modifications this can be attributed largely to the constitutions of totalitarian socialism)“could cause the creation of a new constitutional model based on fundamen-

tally different principles from the Western principles of constitutional law”, but have not had success, and democratic situation of Soviet constitutions were the only decoration,” potemkiñ s villages “[3].

A third approach is inherent in the post-socialist constitutions (Bulgaria, Hungary, Poland, etc.), which are partly preserved old methodical approach to the system of constitutional regulation, but fundamentally changed its content. This is especially evident in the Constitution of the Russian Federation. She kept the focus on socio-economic and socio-political constitutional regulation, but has removed the elements of a class approach and the totalitarian exclusiveness. The institutions of socio-economic and political reasons, as well as the foundations of the legal situation of human communities and associations of people, the role of the State in the Constitution of the Russian Federation is fundamentally changed.

The Constitution of the Russian Federation establishes not only the fundamental rights of the citizen (as before in Soviet Constitutions). It enshrines the fundamental rights of the person and citizen to the international standards (and sometimes above), their legal guarantees (in particular in article 45–55), but excluded the assurance of rights of socio-economic nature, which is hardly true. An important provision in this block is the thesis about the man as the highest values (art. 2). Without the man everything else loses meaning. The value of the human person stated in the Constitution of Bangladesh, 1972. In p. 6 art. 2 of the Constitution of Iran, 1979. There is a phrase: “the highest value of the person and his freedom”. However, Bangladesh and Iran is a Muslim State, the Supreme value of human contacts the creations of Allah, with adherence to the precepts of Islam. This value, as can be understood from the text of the Iranian Constitution, will finally be revealed at the last judgment, when all

people will be held accountable for their lives before Allah.

In addition to the provisions of the individual, its values, the rights in the Constitution of the Russian Federation has general rules about communities of people (provisions of the multinational Russian people, of the people who have the right of self-determination, of indigenous peoples — arts. 3, 5, 69, etc.), there are general provisions on public associations (many of them in article 13 is, unfortunately, injunctions, and does not define the role of NGOs in society, and also no foreign constitutions (except trade unions but that was in the constitutions of totalitarian socialism. society), the parties named separately (only the word “multi” in article 13). Regulation of these relationships (and some other) in the Constitution of the Russian Federation is not enough, but nonetheless the communities and associations make up a special unit, characterized their identity as special entity, collectives.

The Constitution has incorporated the principally innovative provisions of the socio-economic, political and ideological nature (the variety of forms of ownership, unity of the economic area with free movement of goods, services and capital, freedom of competition and entrepreneurship, social state, ideological diversity and a ban on compulsory ideology, the power of the multinational Russian peopl^[4], political diversity and multi-party system, secular state, position of religion etc. — art. 2, 7, 8, 13, 14, etc., by creating in the internal system of the Constitution consistent block foundations of social order, which also includes the basics of spiritual life areas.

This block includes the basics of the economic system of society, foundations of social system of society, the basics of the political system, society and the foundations of the spiritual life of society. This integrated approach is not in foreign British,

French, German constitutional or public law textbooks [5].

The Constitution of the Russian Federation contains a complex regulatory framework of the State system (description of the different parties State, definition of the forms of Government, form of Government, State Government, State sovereignty, separation of powers, a system of State bodies, their terms of Office etc. — article 1, 3, 5, 7, 10, 14 etc., Chapter 3–7). This approach has long been carried out in foreign constitutional law, but the Constitution of the Russian Federation has introduced some new elements (for example, for the first time in the constitutional law given, though inaccurate, determination of the nature of power in constituent entities of the Federation (article 5, 11.77 etc.), the ratio of state power and local self-government (article 12).

Thus, while the regulation of some relations, mandatory, in our view, the constitutional regulation of the Russian Constitution is missing or is inadequate, however, it created the modern system of five main blocks (components, components) of constitutional regulation: 1) the individual and citizen, their rights and duties; 2) community and association, union, bringing people together; 3) society of the country in general; 4) state; 5) the position of the people and the State in the world community.

In the internal system of the Constitution of the Russian Federation between these blocks of the controlled relations are established cross forward and backward linkages. Because of the nature of the links to the various classifications cannot be installed “Chinese wall” between the basic values in these units. For example, the principle of the social State can apply to society as a whole (the State social security) and the State, the principle of political pluralism in society and to associations of people, the situation of the priority of international law (under certain conditions) can refer to

a person, and associations, and the State (the legislation). This makes it difficult to classify the core values of the Constitution of the Russian Federation, but (at least some of them) are still there.

The core values of the Russian Constitution

I’ve already mentioned some of the basic values of the Russian Constitution (man as supreme value, diversity of ownership, freedom of ideology, etc.) that are likely to be retained in the new Constitution, if it is adopted, and even in the historical period under review. The selection and classification of such values is largely subjective, but by themselves they are supported by the experiences of different countries, including Russia.

If you try to highlight the basic values of the Constitution of the Russian Federation in accordance with the above mentioned five blocks of internal system and to point out those already entered in the norms of Constitution, and those that arise in practice and makes science but not yet entered in it in Russia, it seems, could be described as the following.

1. *The human being.* Along with the positions of the man (human being) as the highest value, article 2 of the Constitution in the same way characterizes his right. In article 7 of the Constitution of the Russian Federation defines the main directions of social policy of the State towards the person, “creating conditions for a dignified life and free development of man”. Constitutions developed foreign countries such language on the basic values related to the person have not, limited with the term “social State”.

To ensure a dignified life and free development of man depends on the capacity of the society and the State. In tropical Africa is not the standard of living, like, say, in the prosperous Sweden. Russia has huge natural resources, but productivity was four times

lower than in the United States and three times lower than in Germany, and resource consumption per unit of product in 3–5 times more. The distribution of public revenue is not always in line with the principle of social justice. This, as well as many other conditions, including climate for the vast territory, discriminatory policies and sanctions from major foreign countries and limit material possibilities of the society and the State to ensure a decent human life.

The concept of the welfare State in the West of the long abandoned (it is impossible to ensure prosperity for everyone), but in the Constitutions has not yet entered and the emerging new science approach to the material relationships of a human being and the state: the State (and therefore the society) shall ensure that the basic human needs (they are specific to each country and establish by laws), but people must exercise economic activity, to take care of yourself and your family. In the waste by juridical language such as basic provisions could enter into pointed out element of the internal system of the Constitution, as well as the duty of the State to protect the person (especially a citizen) on its territory and abroad.

In part 3 article 17 repeated well-known foreign language that apply only to individual's attitudes (in exercising their rights and freedoms, a person must not violate the rights and freedoms of others), and the principles of human relations with society, the State, communities and associations of persons not marked. In the new Constitution of the developing countries, such provisions are sometimes included (usually human relationship and State). But they often exceeds 20 points or more, reducing their value as principles. In some foreign constitutions (Germany, Slovakia, Ghana) there are provisions on the right of the person and citizen to the resistance to the violent overthrow of the democratic system, the unity of the State,

its sovereignty. Such provisions would be included in the Constitution of Russia. Also needed in precise terms the thesis about the unity of rights and duties of man, the rights and obligations of legal entities, legal persons (for example, in connection with the proposed provisions on the criminal liability of letgal persons).

2. *The community and the associations.* The Constitution of the Russian Federation contains specific provisions in Chapter 1 and an entire chapter 8 on local self-government (municipalities), referred to the constituent entities of the Russian Federation (ATEOS-administrative-territorial units with special status that emerged later, and administrative and territorial units are not mentioned in the Constitution). The constitutional regulation in this part is mainly organizational and managerial nature. The subjects of the Russian Federation and municipal entities are not considered territorial public groups (community) as a source of private public local authorities in accordance with the powers assigned to them by the Constitution and laws of the State. Is not in the Constitution of the Russian Federation also certain provisions on the collective rights of groups and communities (refers only to the right of peoples to self-determination within the Russian Federation). This reduces the value of the basic provisions of the communities and associations.

. Above mentioned of the basic provisions relating to the multiparty system and political pluralism. But a few terms. Foreign constitutions (Germany, Spain, France, etc.) there is a special article on the position and role of political parties, and sometimes whole chapters (Brazil). None of the Russian Constitution of the non-partisan public associations (except mainly restraining and general norms of commjn sense, relating as well to parties), and that in the Soviet constitutions were. In some foreign constitutions have provisions (and even the head of the

Colombian Constitution of 1991) on the political opposition, its role and guarantees. In Russia, such constitutional provisions no less needed than in Colombia.

3. *The society.* The Constitution of the Russian Federation contains many basic values, relating to the society. Refers to the diversity and equity ownership, the ideological diversity in society, the unity of the economic space, etc. (such provisions mentioned above), but with respect to private property was not received by the modern formulation of the social function of property, there are no clear provisions in the Constitution on the nationalization and privatization, makes no provision for the socially-oriented economy.

In fact not represented in the Constitution the principles of social relationships (referred to as the right of peoples to self-determination and the rights of indigenous peoples), not the principles of social justice, social partnership (they have some laws of Russia, but not in the Constitution), social responsibility (it should not be limited to business), the Constitution of the Russian Federation has gone from fixing the value of labour and services for workers (such rules laid down for the first time in our country, now, however, with other accents, seen in some foreign capitalist countries) has gone from the principle of distribution according to work done (now it would be slightly modified). Also the wording would be useful against the huge gap in living standards between different segments of the population in the society.

There is no need to restore previous provisions on the social structure of society and the leadership role of the working class, but it could revive the principle of peoples " friendship, responsibility for ethnic discrimination and the principle of real social relations in modern society: the union of the different segments of the population on the main, principal issues

(for example, no one wants anarchy and disintegration of society) and the protection by strates of their own interests through competition, union and peaceful political struggle at the same time. Political competitiveness (this, incidentally, is stated in the Constitution of the Czech Republic 1993) with its results in elected and other public authorities is a necessary complement to economic competition. The proposed wording would give orientation relationship of various social and political forces in the Russian society.

Is not in the Constitution and the fundamental right of the people to change Governments, changes in the social order, which was first included in the fundamental constitutional documents of the American and French revolutions. Currently, such provisions (including the right to revolt for the civilian, but not military) are contained in the constitutions of some Latin American countries (Honduras, Peru, etc.). This does not mean that historical and contemporary Latin American wording should be repeated in the Constitution, but the position of the right of the people to choose their own development path (different wording), in our view, should be in the Constitution. Essentially, this happened in our country at the turn of the 80–90 years.

4. *The State and its organization.* In the Constitution of the Russian Federation referred to the power of the people, many of the fundamental characteristics of the State democratic, social, legal, secular, sovereign State, the federal form State-territorial structure and the Republican form of Government. The State system is built on the model of a presidential-parliamentary Republic with the dominant position of the President of the Russian Federation in the system of power (actually on the established relations in Russia there is a presidential Republic), there are explicit provisions on local government bodies which are not in-

cluded in the constitutional system of the State bodies (art. 12).

In this article, there is no possibility to consider in detail the above basic values of Russian statehood. Note only that disputes on the high or low State (often every panelist understands these qualities in his own way) largely pointless. The State should not be strong or weak, but *effective* and perhaps cheaper for the population. This principle, in one form or another, could be reflected in the constitutions.

Disadvantages of the Russian Constitution

Above considering the basic values we mentioned the space bars of the Constitution of the Russian Federation in hindsight from our days. They are not errors of creators, more than twenty years ago it was not so much an objective clearly. However, the Constitution has some erroneous or inaccurate provisions, sloppy wording subjective origin.

Some of them fixed, for example in 2014 corrected the inclusion of the Procuratorship in judicial power in Chapter 7, while still other such inaccuracies, for example, inaccurate title Chapter 2. It does not take into account the inclusion of core responsibilities, but this disadvantage cannot be corrected because of rigidity of the Constitution, to Ch. 2 the amendment cannot be accepted). There are other errors. We note those pertaining to basic provisions..

One of the major errors of the Constitution is characteristics of part of the subjects of the Russian Federation (Republics comprising the Russian Federation) as States (p. 2 art. 5). Part 1 of this article states that the Russian Federation is made up of Republics, krajs, oblasts, cities of Federal significance, autonomous oblast and autonomous okrugs, and p. 2 states: “the Republic (State) shall have its own Constitution and legislation”. The word “state” describes the differences

between Republics comprising the Russian Federation from other subjects of the Russian Federation.

This position goes from the Federal Treaty 1992, when during a “parade of sovereignties” republics in the Treaty were named even “sovereign States”. The Constitution removed reference to the sovereignty of Republics and under the second part of the Constitution “Final and transitional provisions’ indicated that “in case of inconsistency between the provisions of the Constitution of the Federative Treaty ... act the provisions of the Constitution of the Russian Federation “. Thus the question of sovereignty was settled, but the words “Republic-State” remain. Left and the national language of each Republic (and in some countries of the two), existing alongside the State language of the Russian Federation.

If the wording of the Republic within the Russian is taken literally, that in Russia there are 23 States: 22 Republic (from 2014) and the Russian Federation, what is a legal nonsense. Amendment to the Constitution of the error cannot be corrected: this provision is contained in the “untouchable” chapter. Under current situation the new Constitution, only that can give different wording, is unlikely to be adopted soon. Therefore, one way to change the view about the content of the p. 2 art. 5 might be a message from the President of the Russian Federation, as the guarantor of the Constitution, to the Constitutional Court of the Russian Federation with a proposal to give the official interpretation of this article.

Another major error is related to the nature of the authorities in the constituent entities (subjects) of the Russian Federation. In art. 5, 11, 73, 77, etc. states that the subjects of the Russian Federation is owned by the state power, their bodies exercise their state power. The Republics comprising the Russian Federation may be could understand so, because they are declared

by States. But other subjects of the Russian Federation (total 63) thus not named. From the general wording about the state power of the constituent entities of the Russian Federation one might come to the conclusion that own state power belongs in 2014 to 86 entities — 85 entities are subjects of the Russian Federation and the Russian Federation itself (the most undeniable). Of the constitutional provisions of two types (or any other version of 86 varieties) of state power in the territory of one country-Russia (because Russia and each subject of the Russian Federation has their own power and their own organs of power).

All of this leads to confusion in the current legislation. It appeared the two types of norms about state ownership (of the Federal and constituent entities of the Russian Federation), about 85 public services (own in each subject of the Russian Federation), the “subject”-state educational institutions, on the other “state” objects belonging to the subjects of the Russian Federation etc. ^[6]. Most provisions of own state power of the constituent entities of the Russian Federation are contained in chapters that you can edit, but it's to no avail, since such provisions in invariante Chapter 1 (art.5,11). Therefore, they can only be remedied by adopting a new Constitution, but as a workaround, use the above interpretation of the Constitutional Court of the Russian Federation.

In article 10 of the Constitution establishes the principle of separation of powers. There are three branches of the power: legislative, executive and judicial. However, the following article 11 is not consistent with this. It says that the State power in the Russian Federation exercised by Parliament (the legislature), the Government (the Executive, in accordance with part 1 article 110), the courts of the Russian Federation (judicial power), as well as the President of the Russian Federation, named in the list of article 10 in the first place. The Russian President

is head of state, only the power ministries directly subordinated to him, he appoints the judges (except the Supreme and Constitutional courts) and so hardly anyone would argue, watching the activity of the Russian President that he does not have the power. Thus, it is not clear: we have three or four branches of power?

Error in constitutional terms related to the adoption of the federal laws and amendments to the Constitution of the Russian Federation. P. 1 Article 105 provides that: “the Federal laws shall be adopted by the State Duma.” but is it? The process of adopting the law much more complex, and a statement that the law is passed, drafted not by the Duma. The text adopted by the Duma, could be vetoed by the Federation Council (though rarely, but it happens), and if the Duma does not overcome the veto by a 2/3, the law, which was adopted by the Duma, it actually is not.

Next. The text adopted by the Duma and the Federation Council, goes to the signature to the President of the Russian Federation. He can also use the veto. If it is not overcome qualified majority (2/3) in the Federation Council and the Duma, the Bill either. Date and number of the law are put on it when it signs the President. So whether the wording of the laws were adopted by the State Duma correct?

Not all is well with the language of acceptance and legal registration of the amendments to the Constitution of the Russian Federation. Adoption of amendments to Chapter 3–8 (the other chapters of this is not possible, is it possible to the preamble and to count two of the Constitution, “the final and transitional provisions” is unclear) is governed by various acts: the Constitution itself (arts. 136 and 137), the Federal law on the adoption and entry into force of the amendment to the Constitution of the Russian Federation from March 6, 1995 No. 83-FZ, the decision of the Constitutional

Court from November 28, 1995 15-p. In this judgment, the Court pointed out that the amendments to Chapter 3–8 “can be taken in the form of federal constitutional law, and is sold only in the form of a special legal act- the law of the Russian Federation on the amendment of the Constitution of the Russian Federation (pay attention to the words of the form of the Act).

However, such laws on amendments are indicated in the form and under the numbers of federal constitutional law — FCL and do not have the numbering as the law on amendment. So were the first two of the amended Act on change of the terms of office of the President of the Russian Federation and the State Duma and the supervisory powers of the State Duma of the Russian Federation over Government on-N-6 December 30, 2008 from FCL and no. 7-FCL. Such were the latest acts of this kind, the amendments relating to the unification of the Supreme and High arbitration courts and with clarification of the name and content of Chapter 7 of the judiciary and the public prosecutor’s office No. 2-FCL from February 5, 2014, with the adoption of the Crimea and Sevastopol in the RF-№ 6-FCL from March 21, 2014, with a change in the composition of the Federation Council from June 21, 2014 No. 11-FCL. They are all cited as FCL. Unlikely such designations for special laws on amendments to Constitution were correct.

In Russia the text adopted by the Parliament on amendments to Constitution are already published as the law of the Russian Federation on the amendment (see, for example. “The law of the Russian Federation on the amendment of the Constitution of the Russian Federation to the Council of Federation of the Federal Assembly of the Russian Federation”, published 30 May, 2014 in “rossiyskaya Gazeta” ^[7] before it is signed by the President of the Russian Federation). The text states that a law already passed by the State Duma and approved by the Federa-

tion Council. Moreover, at the bottom of the text contains the words “the President of the Russian Federation, v. Putin “. This can be understood as the signature of the President of the Russian Federation, which is signed by the federal laws and FCL (however, in the text, published May 30, 2014, there is this “law”, and dates). In a notice to subjects of Russian Federation also states that the Act on the amendment already exists, it has been adopted.

And if this is already the law will not be approved by the required majority (2/3) of constituent entities of the Russian Federation? In the USA, Switzerland, Italy like that was before ((Italy is not a federation, the federation’s amendment was rejected in a referendum). Then it turns out that the Act modified the Constitution, which had already been adopted, it was not, it does not exist and not to exist (any procedures for its abolition could not be, it just “goes off” as something of a failure). Therefore, the publication of the text of the adopted amendment by Parliament only under the name of “the law of the Russian Federation on the amendment” before the ratification of its proper number of subjects of the Russian Federation is hardly correct.

A lot of questions about the accuracy of the language associated with the organization of the territory of the State, with relations of organs of authority in constituent entities of the Russian Federation compound. Note only one phrase: on “entering”, as stated in the Constitution, an equal subject of the Russian Federation in the other as an equal subject of the Russian Federation (the remaining autonomous okrugs and the Jewish Autonomous Oblast). This sometimes leads to some friction between the two subjects of the Russian Federation (larger and another that “included) and many unclear questions, for example. whether legislation of a larger subject of the Russian Federation,

which includes another (small) subject of the Russian Federation, on the latter's territory (legally it is a "foreign" law), should citizens participate in the last elections of the Governor and the Legislative Assembly of the larger subject of the Russian Federation, since they have their Governor and their legislature? The Constitutional Court of the Russian Federation replied to these

questions, but doubts have remained. The Court interprets the Constitution, but not its measure, remove errors. But this is life, not abstract-theoretical questions .

The Constitution of the Russian Federation is working. But there are some issues. To solve them, we need solid research, collaborate with representatives of science and practice.

References (transliterated)

1. The Russian newspaper. 2008.17 Nov. P. 1
2. In countries of Anglo-Saxon law, although there is a high level of social protection, such rights are not recognized in reference to the fact that the relevant provisions cannot be executed by a court decision (no court will give work to the unemployed, referencing a constitutional right to work and won't cure the patient, speaking of a constitutional right to health protection).
3. Gerard P. Les spécificités constitutionnelles Russes // L'état et le droit d'est en ouest. Mélanges offerts au professeur Michel Lesage.P. 2006.P. 27. . Potemkin derévni is a historical myth of ersatz villages that were supposedly built on the orders of Prince Potemkin-Tavrishesky (a Favorite of Catherine II) along the route during the Queen's visit in 1787, in the northern Black Sea region is Novorossiju and the Tauride to demonstrate the alleged well-being of farmers during her reign and the role of the Potemkin.
4. State power generated directly or indirectly by the people, is the main form of exercising the power of the people, but the power of the multinational Russian people is provided in other forms (for example, people belong to natural resources, the authority of the people is carried out at different levels of the territorial organization of the State, through the application of national and local referendums, by local government, by mass public events and the pressure of public opinion, causing inogla public authorities adjust their activities etc.
5. Bradley A. W., Ewing K. D. Constitutional and Administrative Law.15th ed. L.2011;; Gicquel J., Gicquel J.— E. Droit constitutionnel et institutions politiques. 25e éd. P. 2011.; Katz A. Staatsrecht. Grundkurs im öffentlichen Recht. 18.Aufl. München. 2010.
6. In science there are opinions according to which the subjects of the Federation are statel (statesimilar) entities, and their power is a public statesimilar power.
7. The Russian newspaper. 2014. 30 May.P. 17