

MAINTENANCE OF UNITY AND TERRITORIAL INTEGRITY OF RUSSIA: SOME  
CONSTITUTIONAL LEGAL PROBLEMS

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The subject. The article is devoted to the analysis of public authorities' activities in order to strengthen unity of domestic legal space and the people of Russia with regard to constitutional legal support of the state unity and territorial integrity of the Russian Federation.

The purpose of the article is to make a critical analysis of implementing a system that consists of constitutional legal rules and procedures of regulatory impact on the unity of domestic legal space and the people of Russia with the aim of increasing the effectiveness of their implementation.

The methodological basis of the study includes general-scientific methods (analysis and synthesis, system-structural approach) as well as academic methods (formal-legal method, method of interpretation of legal acts).

Results, scope. Consistent constitutional legal support of the state unity and territorial integrity of the Russian Federation requires elimination of defects and gaps in legal regulation and improvement of law enforcement practice. In particular, it is necessary to eliminate the practice of denial of a state registration of political parties on insignificant formal grounds in order to implement guarantees of the unity of the people of Russia.

Conclusions. The consistent strengthening of the unity of domestic legal space and the people of the Russian Federation is of paramount importance to the constitutional and legal support of its state unity and territorial integrity. It is necessary to eliminate a number of legal defects and to make law enforcement practice more effective in order to implement these constitutional values.

Keywords: state unity; territorial integrity; legal space; the people; support

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**1. Introduction .**

Under the constitutional and legal provision (guarantee) of state unity and territorial integrity of the Russian Federation, this work understands organizational and legal activity of the subjects of their security - state authorities of the Russian Federation and its subjects exercising powers to implement security functions in relation to state unity and territorial integrity of Russia .

As objects of constitutional and legal provision, this article examines the state unity of the Russian Federation and its territorial integrity. It is proposed to treat them as elements of the hierarchical system of constitutional values, which have a priority position in it , since the degree of the realization of human rights and freedoms directly depends on the state of state unity and the territorial integrity of the state. The latter, in turn, according to the current Constitution of the Russian Federation, are the highest constitutional value, which is the reason for the existence of a

hierarchically constructed system of these values: "the proclamation of the higher logically implies the presence of a lower one" [1, p. 7]. The priority position of the constitutional values under consideration is revealed by the Constitutional Court of the Russian Federation, according to the legal position of which "state integrity is an important condition for the equal legal status of all citizens ... one of the guarantees of their constitutional rights and freedoms".

In our opinion, the state unity of the Russian Federation is inherently inherent in its inherent quality, manifested in the constitutional indivisibility of the state power of Russia, and is a combination of the following properties: the existence of a single source and carrier of power - the multinational people of the Russian Federation; unity of state power as a property of sovereignty; the unity of state power in its functional division into branches; unity of presidential power; unity of the federal legislature; the unity of the executive power of the Russian Federation and its subjects within the conduct of Russia and its powers in areas of joint jurisdiction of Russia and the Russian Federation subjects; judicial unity power of the Russian Federation; the unity of the Russian prosecutors and supervisors [2, p. 75]. In turn, the territorial integrity of Russia manifests itself in the inviolability of its state borders, the inalienability of the state territory - the spatial limit of the operation of the state sovereignty of the Russian Federation within its state borders, which includes land, water, subsoil and airspace (Article 1 of the RF Law "On State Border of the Russian Federation").

## **2. Constitutional and legal support for the unity and territorial integrity of Russia through strengthening unity of its legal space.**

The state of state unity and territorial integrity of the Russian Federation, first of all, depends on the effective constitutional and legal support for the unity of the national legal space, as well as the principles of observance of the supremacy of federal legislation and the supreme legal force of the Constitution of the Russian Federation, because of their constructive, principled role in the formation of a unified state power will. From the effective implementation of the constitutional and legal guarantees of these principles, the effectiveness and the very possibility of implementing all other guarantees of the objects under investigation depends. As you know, "civilized statehood can rely only on a single market, a common socio-economic space, which objectively requires centralized regulation based on systematized and consistent legislative acts" [3, p. 92]. The unity of each branch of state power is based on the observance of the constitutional principles of recognition and observance of the supreme legal force of the RF Constitution, the supremacy of federal legislation.

At the same time, the effectiveness of implementing constitutional and legal guarantees of the unity and coherence of the domestic legal system also largely depends on the operation of other guarantees of the constitutional values under study - in particular, national ideology. Thus, one of the expressions of the highest legal force of the RF Constitution is its direct action, which finds its embodiment in law enforcement activities. However, in a society with a low constitutional and legal culture, the law-enforcer does not apply constitutional norms, where possible, permissible and necessary, but acts according to laws and by-laws that may contradict the letter and spirit of the country's basic law. Meanwhile, the activity of the law enforcer should be entirely devoted to the implementation of constitutional norms. The task of educating in a society respectful attitude to the Constitution of the Russian Federation, the dissemination of constitutional values among the population should serve as the constitutional and legal foundations of the national ideology of the Russian Federation.

Under the federal legislation of the Russian Federation in the sense attached to the norm of Part 2 of Art. 4 of the Constitution of the Russian Federation, should be understood as a hierarchically organized system of normative legal acts possessing a constitutionally guaranteed supremacy in relation to all other normative legal acts in force in Russia. This system consists of four subsystems, or levels (located according to the degree of decrease of legal force): 1) the Constitution of the Russian Federation; 2) the laws of the Russian Federation on amendments to the Constitution of the Russian Federation; 3) federal constitutional laws; 4) federal laws.

Organizational and legal activity of constitutional and legal provision of higher legal force of the Constitution in the domestic legal system and the rule of federal law in the system of normative legal acts in all areas, except for his own conduct of the RF subjects (Art. 6, Art. 76 of the Constitution), is to apply subjects of constitutional and legal support for state unity and territorial integrity of the Russian Federation, measures of constitutional and legal coercion. The relevant activities of the competent state authorities are aimed at preventing and eliminating violations of the hierarchy of existing legal norms.

In this connection, it seems expedient to single out two types of constitutional and legal guarantees of the supreme legal force of the RF Constitution and the supremacy of federal legislation, depending on the purpose: 1) preventive and 2) restorative. *The warning guarantees* are implemented in order to prevent the violation of the hierarchy of existing legal norms and prevent the adoption and entry into force of acts and public contracts containing norms that are contrary to the higher regulatory requirements. *Restoring guarantees* are aimed at eliminating the violation of the hierarchy of existing legal norms by 1) suspending, canceling, terminating, recognizing as ineffective regulatory legal acts that contradict the higher, as well as unconstitutional and illegal regulatory contracts; 2) legal enforcement of law enforcement agencies and officials to non-application of unconstitutional and illegal norms. The system of these guarantees should be classified depending on which act is the source of the hierarchical collision. Such a classification should be the subject of a separate study, therefore, within the framework of this article, attention should be paid only to certain problem aspects of the implementation of these guarantees.

In the Constitutional legal doctrine, the two-level character of the higher legal force of the Constitution of the Russian Federation is rightly noted, due to the effect of the norm of its part 2 of Art. 16: "no other provisions of this Constitution can contradict the foundations of the constitutional system of the Russian Federation". According to the correct conclusion of E.S. Anichkina, proceeding from this provision of the norm of the first chapter of the Constitution of the Russian Federation "differ the highest legal force" [4, p. 8]. At the same time, this provision is not ensured by law enforcement practice, as a result of which the presumption of compliance of other constitutional provisions with the norms of the first chapter of the Constitution of the Russian Federation is de facto. It seems that the Constitutional Court of the Russian Federation should be empowered to consider cases on the conformity of amendments to the Constitution of the Russian Federation with the fundamentals of the constitutional order. This would be the most important warning guarantee of the highest legal force of the RF Constitution.

At the same time, the legal force of the individual constituents of the constitutional framework of constitutional provisions raises discussions and difficulties. Thus, it seems that the prohibition on depriving a citizen of the Russian Federation of citizenship on grounds of any kind (Part 3, Article 6), formulated in the Constitution of the Russian Federation, has a threatening potential with respect to the state unity of the Russian Federation and its territorial integrity. The return to the country of citizens of the Russian Federation who have gone to regions with increased terrorist activity to join the ranks of members of radical Islamist terrorist structures has become a large-scale threat to national security. "This category of persons serves as moderators and ideological guides of Islamist radicalism, participates in the recruitment and transfer of recruits to the training camps of militants and the zone of armed conflicts" [5, p. 50].

Since the constitutional norm in question belongs to the foundations of the constitutional system of the Russian Federation, it can only be changed by adopting a new Constitution (Article 135 of the Constitution of the Russian Federation). The current state power is between the hammer of another round of a burst of international terrorism and the anvil of the constitutional rule in question, which objectively prevents effectively combating the influx of Russian militants trained abroad. As a result, at the highest level openly committed a desperate attempt to circumvent the Constitution of the Russian Federation, resulted in the adoption of amendments to the existing legislation on the basis of which the entry into force of the sentence for the commission of a crime provided for by the legislator is the basis for the annulment of naturalization perpetrator.

A significant problem is the imbalance in the powers of subjects of constitutional and legal provision of the highest legal force of the RF Constitution and the supremacy of federal legislation. So, the operation of any international treaty of the Russian Federation, the decision on the consent to be bound by it was adopted in the form of a federal law, can be suspended by the President of the Russian Federation (clause 4 of Article 37 of the Federal Law "On International Treaties of the Russian Federation"). In this case, the actual basis for suspension is the occurrence of cases "requiring urgent action". Thus, the President of the Russian Federation, through the adoption of a special decree with the simultaneous introduction of a draft federal law to the State Duma, is able to overcome the supremacy of international treaties over federal legislation in the system of normative legal acts.

These are just some of the current problems of effective maintenance of the unity of the domestic legal space.

### **3. Constitutional consolidation of the status of the multinational people of the Russian Federation as a carrier and the only source of power in Russia.**

The legal consolidation of the constitutional and legal status of the people is an important prerequisite for the formation of the regulatory framework for constitutional and legal support for its unity, as well as law enforcement practice in this area. The multinational people of the Russian Federation are mentioned in the preamble of the Constitution of the Russian Federation and its two articles. In the preamble, the subject is constituted, the result of the will of which became the adoption of the Constitution of the Russian Federation. The norms of Art. 3 of the Constitution of the Russian Federation establishes the basis of the legal status of the people as a carrier of sovereignty and the only source of power in the Russian Federation. In Art. 82 refers to the oath of the President of the Russian Federation, which brings it to the people upon taking office (Part 1). In all other cases, the concept of "people" in the Constitution of the Russian Federation is used in the sense of ethnic community.

The multinational people of the Russian Federation is the main guarantor of the completeness, universality, indivisibility of state power and state sovereignty as a single carrier and the sole source of all public power in the country. The constitutional proclamation of the people in this capacity is one of the main constitutional guarantees of the unity of the Russian Federation and its territorial integrity, since the existence of a unified state-power organization is a necessary condition for the existence of the state within the territorial territory taken in integrity.

The status of a single source and carrier of public political power in the country is ensured by a number of prohibitive constitutional norms. Thus, the destruction of the unity of the multinational people of the Russian Federation by means of propaganda or agitation that incites social, racial, national or religious hatred and enmity is prohibited. It is separately stipulated that propaganda of social, racial, national, religious or linguistic superiority is inadmissible (Part 2, Article 29). The provision on the prohibition of the creation and activity of public associations whose goals or actions are aimed at fomenting social, racial, national and religious discord is an exceptionally clear provision (Part 5, Article 13).

We should point out a number of problems that hinder the effective implementation of this guarantee. First, it seems that the constitutional and legal status of the multinational people of Russia is being questioned in a number of legal acts and political statements of the highest state bodies and officials, as well as in the constituent instruments of certain constituent entities of the Russian Federation. Now in the legal acts of the President of the Russian Federation and the Government of the Russian Federation provisions are fixed that provide for the possibility of using the concept of "Russian nation" as a synonym for the multinational people of the Russian Federation. The mass media are discussing the possibility of adopting the Federal Law "On the Russian Nation". It seems that the consolidation of provisions in the federal legislation on the Russian nation does not comply with the constitutional provisions on the multinational people of the Russian Federation as an exclusive source of public authority in the country. It is hardly permissible to consider these concepts and as synonyms, since a simple formal-logical and semantic

analysis of the category "multinational people" inevitably leads to the conclusion that the concept of "nation" has a smaller volume.

In the Preamble of the Constitution of the Republic of Tatarstan there is an interesting split: "The present Constitution, expressing the will of the multinational people of the Republic of Tatarstan and the Tatar people ..." - this curious dichotomy seems to lead the Tatar people out of the multinational people of Tatarstan, without allowing them to use these concepts as synonyms. This is not found in the constituent acts of other subjects of the Russian Federation and even more so in the Constitution of the Russian Federation. It is curious that the carrier of sovereignty and the only source of power in the subject was proclaimed exclusively by the multinational people of the Republic without mentioning the Tatar people (Part 1, Article 3). It is unacceptable to question the status of the multinational people of the Russian Federation, and the relevant legislative provisions should be found in the response of the Russian Prosecutor's Office and the Constitutional Court of the Russian Federation.

Secondly, it seems that the status of the people as an exclusive source of power in Russia is not fully ensured. In part 4 of Art. 3 of the Constitution of the Russian Federation contains a material constitutional guarantee of this provision: a prohibition of appropriation of power in the Russian Federation is fixed and a provision is made about the persecution of the seizure of power or the appropriation of powers under the federal law. This blanket rule is formulated too broadly and formally allows you to protect the people from encroachments on its power by various legal means that are less effective than criminal liability.

#### **4. Constitutional and legal support of the legal regime of the state language of the Russian Federation.**

Since the people are the largest social community, its existence is inconceivable without language as a single means of communication. Citizens of the Russian Federation speak more than 170 languages, while among more than 138 million respondents during the 2010 All-Russian Population Census, almost 137.5 million indicated that they know the Russian language; Russian is native to more than 118.5 million of them (86%). These circumstances are the socio-demographic grounds for the constitutional approval of the Russian language as a state language throughout the country.

It is important to understand that the function of the Russian language as a language of interethnic communication is not imposed from above, but has, in addition to socio-demographic, also historical, cultural and political-economic grounds. Thus, according to the Constitution of the Republic of Dagestan, the Russian and all languages of the peoples of Dagestan. The name of the Republic does not reflect the names of the titular nation, but is translated from the Turkic as "the country of the mountains" [6, p. 130]. In the Republic there are 37 nationalities, each of which has its own language, 14 of which have a written language [7, p. 36]. In a situation where the languages of all Dagestani nationalities are state, and at the level of custom there is a practice of distributing posts among the nationalities living in the republic [7, p. 36], the existence of a single language of interethnic communication, which has the status of a state, positively affects the unity and territorial integrity not only of Russia as a whole, but of the Republic of Dagestan itself. In this context, the positive impact of the territorial integrity of the constituent entities of the Russian Federation on the effective implementation of the studied constitutional values is also graphically evident. It is characteristic that in the Republic of Dagestan the constitutional legal proceedings are conducted exclusively in Russian.

The Russian language is not just a language of interethnic communication. Some researchers propose to consider it in the series of symbols of the Russian state along with a flag, a coat of arms and a hymn [8, p. 13] and even introduce administrative and legal and criminal responsibility for outraging the Russian language in this capacity [9, p. 3]. However, it is rarely possible to find in the Constitutional legal doctrine the mention of such a function of the constitutional and legal regime of the state language of Russia, as the provision of a communication link between the Russian Federation and the constituent entities and between the subjects of the Russian Federation [10, p. 329].

Communication links are considered in this case as a kind of functional connections that generate and maintain a systemic unity. The social system, which is the state, has the specifics of functional connections between its subsystems and elements. For federated states built on a national or national-territorial basis, the problem of communication links is of particular relevance. If there is no common communication tool for all subjects of the federation (state or official language) or if its constitutional legal and factual position is questioned, with the change of several generations, the state unity and, in the long term, the territorial integrity of the country, will be questioned. In this context, an example of US constitutionalism is very revealing, for which there is a lack of a state (official) language. At the same time, fierce discussions have been taking place from century to century that a particular linguistic minority (whether German-speaking or, for example, Hispanic) is capable of undermining the American national unity based on the use of English [11].

It seems that with respect to languages, the term "legal status" is not applicable, since the latter can only be inherent in a specific subject of law; it is more appropriate to use the term "legal regime of the language" [12, p. 236]. The fundamentals of the constitutional and legal regime of the state language of Russia are established in Art. 68 of the Constitution of the Russian Federation and should be understood in a systematic interpretation with its provisions on the subjective rights of citizens to use their own or any other language. The state language of the Russian Federation in all its territory is Russian (Part 1, Article 68). In this capacity, it represents an important communication basis for the unity of state power and the territorial integrity of the country and is used to create a unified information space in Russia [13, from. 7]. The constitutional establishment of the legal regime of the state language is considered in the doctrine of constitutional law as the most important guarantee of the unity and territorial integrity of modern federal states [14, p. 39]. The position of the Russian language as a state determines its compulsion, which necessitates a careful legislative settlement in order to effectively implement public power in the country, preserve and develop the position of the Russian language in Russia and beyond, with the inadmissibility of discrimination on the basis of language. Therefore, the mandatory use of the state language of the Russian Federation in certain areas should not be interpreted as a denial or derogation of the right to use the state languages of the republics that are part of the Russian Federation and the languages of the peoples of the Russian Federation (Part 7, Article 1, Article 2 of the Federal Law "On the State Language The Russian Federation»).

Ensuring the protection and support of the state language is assigned to the Federal Law "On the State Language of the Russian Federation" on federal bodies of state power that implement norm-setting in this area, implement relevant federal targeted programs, take measures to improve the education system, facilitate the study of the Russian language outside the country and take other measures (Article 4). The Government of the Russian Federation determines the procedure for approving the norms of the Russian literary language when it is used as the state language of the Russian Federation, the rules of Russian orthography and punctuation (Part 3, Article 1), providing a unified communication standard throughout the country.

Effective implementation of the position of the Russian language as a state language of the Russian Federation is complicated by a multitude of problems. Firstly, the right of citizens to use the state language of the Russian Federation and the duty of public authorities and officials throughout the country are not constitutionally fixed. The constitutional duty of citizens to master the Russian language or at least to assimilate it within the educational system is not fixed. The experience of the constitutional construction of XX century has enriched the world legal culture with constitutions directly reflecting in its content the rights and duties of citizens of the state in terms of owning and using the state language of the country. Thus, the Constitution of the Republic of Bulgaria proclaims that the study and use of the Bulgarian language is the right and duty of Bulgarian citizens (Part 1, Article 36); citizens for whom the Bulgarian language is not native, have the right, along with the obligatory study of the Bulgarian language, to study and use their native language (Part 2, Article 36) [15, p. 400]. The first of these provisions meaningfully duplicates the norm of Part 1 of Art. 3 of the Constitution of Spain, according to which all Spaniards are required to know the official - Castilian - language, and have the right to use it [16, p. 51].

Secondly, the competence of the republics within the Russian Federation to establish their own state languages is controversial (Part 2, Article 68 of the Constitution of the Russian Federation). This power is limited by the reservation that these state languages can be established only along with the state language of the Russian Federation and develops one of the foundations of the constitutional system, according to which the republics have the status of states within the Russian Federation (Part 1, Article 5, Article 5 of the Constitution of the Russian Federation). However, the procedure for establishing state languages, enshrined in the Constitution of the Russian Federation, is not only different from the prevailing world practice [17, p. 226], but also seems unjustified from the theoretical and legal point of view. As the judge of the Constitutional Court of the Republic of Adygea A.M. Shadzhe and his co-author on the scientific article A.V. Margiev, "since the republics are not states in the classical sense of this concept ... it would be better to use other terms, for example, "official language", "language of record keeping, "working language, "etc." [17, p. 231] in part 2 of Art. 68 of the Constitution.

### **5. Formation and implementation of the constitutional ideology of the Russian Federation is a factor of preserving its state unity and territorial integrity.**

The state is a form of achieving public consensus on key issues of domestic and foreign policy, which can only be achieved if there is a nationwide idea shared by the people or with total physical or mental violence; therefore the state without a national ideology is the same as a rider without a head [14, from. 45]. However, according to Part 2 of Art. 13 of the RF Constitution, no ideology can be established in Russia as a state or mandatory. This norm does not stand up to criticism from the standpoint of compliance by the legislator with the limits of legal regulation: it is impossible to legally deprive the state of its own ideology. This provision of the Constitution of the Russian Federation is not able to prevent legislative regulation of the definition of postulates of ideology, the subject of which is the state: in lawmaking in this area it is quite possible to avoid using the wording "state ideology".

In modern science of constitutional law, a discussion has begun on the validity of the constitutional ban on the establishment of state ideology in the context of the a priori existence of "constitutional ideology"; while individual researchers refer to the ideology of the state, in essence, the totality of all provisions of domestic legislation [18, p. 33]. It is difficult to agree with this position, since far from every legislative regulation regulates social relations in the sphere of defining the principal issues of domestic and foreign policy.

The Constitution of the Russian Federation itself contains normative provisions regulating the relevant relations. Thus, it refers to agitation and propaganda, albeit in an exclusively negative sense (Part 2, Article 29). The Russian state is carrying out a systematic struggle against ideologies aimed at undermining the unity of the country's multinational people. These provisions are developed in art. 6 FZ "On the perpetuation of the Victory of the Soviet people in the Great Patriotic War of 1941-1945", where a decisive struggle against the manifestations of fascism is proclaimed as one of the directions of state policy. The same article prohibits the use in any form of Nazi symbols as an insult to the multinational people of the Russian Federation and the memory of the victims suffered in the Great Patriotic War. This prohibiting norm is provided by measures of legal responsibility - adherents of the fascist Nazi ideology hostile to the Russian state, expressing their views by the act of propaganda or public demonstration of Nazi attributes or symbols, the state involves administrative liability (Article 20.3 of the Code of Administrative Offenses of the Russian Federation). It seems that only a subject with his own ideology is capable of fighting with propaganda.

The main postulates of the national ideology of Russia are expressed in the preamble of the Constitution of the Russian Federation and the symbols of the Russian Federation. In the science of constitutional law, the opinion was expressed that the preamble of the Constitution of the Russian Federation is a concentrated expression of the ideology of domestic constitutionalism [19, p. 15; 20, p. 4]. The multinational people of the Russian Federation proceed from the need to honor the memory of their ancestors, who gave us love and respect for the Fatherland, faith in good and justice, aspirations to ensure prosperity and prosperity of Russia. State symbols have a purely

symbolic, ideological influence: the state flag, the emblem and the hymn symbolize the sovereignty of Russia, the completeness and independence of state power, inspire citizens with respect for state power [21, p. 200]. State flag and coat of arms, fanned by the glory of many generations of Russians and are the historical symbols of the Russian state, embody this relationship with common ancestors.

Finally, several authors argue that the Constitution of the Russian Federation establishes the principles of liberal ideology as a state ideology [22, p. 7], liberal contemporary content of Russian constitutionalism has been formed [23, p. 8, 25]. Some scholars consider domestic federalism as an ideology [24, p. 25-38].

It is necessary to eliminate the constitutional prohibition of proclaiming an ideology as a state ideology beyond the limits of legal regulation (Part 2, Article 13). Let us note that a number of foreign constitutions explicitly fix the norms on state ideology and, moreover, note the direct dependence between the ideological function of the state and the state of national security of the country. Thus, Article 9a of the Constitution of the Republic of Austria of 10 November 1920 proclaims: "1. Austria recognizes its responsibility for the comprehensive defense of the country. The defense is aimed at ensuring external independence, as well as the inviolability and integrity of the territory of the Federation, in particular - to maintain and protect the permanent neutrality ... 2. The country's comprehensive defense includes military, ideological, civil and economic defense of the country" [15, p. 28].

#### **6. Constitutional and legal support for the real expression of the will of the multinational people of the Russian Federation.**

Guarantees of citizens' electoral rights and their right to participate in a referendum should not serve to ensure the possibility for citizens to visit the precinct election commission every few years on a Sunday morning and exercise their will. The notion of "real will" is found in the decisions of the Constitutional Court of the Russian Federation. They refer to the real will of voters, the deputies, the representative body as a whole. Under the real will of the multinational people of the Russian Federation, this work is the identification of the actual results of federal elections and referenda. To achieve a reliable will, a system of constitutional and legal guarantees should be effective, not only preventing distortions of the people's will in the course of voting and summarizing, but also contributing to holding elections and referendums on the territory of Russia on truly democratic principles. The ineffectiveness of these guarantees or their absence entails a crisis of legitimacy of state power. Thus, the constitutional status of the people as the carrier and sole source of all public political power in Russia, which constitutes its state unity, becomes a fiction, constitutional nihilism develops.

It is no accident that modern constitutionalists are developing an original concept of such constitutional and legal value as people's confidence in elections [25]. The preamble of the 1947 Constitution of Japan solemnly proclaims: "state power is based on the people's unshakable confidence, its authority comes from the people, its powers are exercised by the representatives of the people, and its benefits are enjoyed by the people. This is a principle common to all mankind" [26, p. 381]. The people's confidence in state power is impossible in the situation of its mistrust towards the institutions of direct democracy.

Russian speech is characterized by the expression "justify trust", which plays new colors in the constitutional law - trust (legitimacy) should be provided by constitutional legal methods. The Government of the Russian Federation, which did not justify the confidence of the State Duma, risks to retire after the federal parliament expresses its distrust (Part 3, Article 117 of the Constitution of the Russian Federation). The loss of trust of the President of the Russian Federation is one of the grounds for the constitutional and legal responsibility of the highest official of the subject of the Russian Federation (cl. 1, item 1, Article 19 of the Federal Law "On General Principles for the Organization of Legislative (Representative) and Executive Bodies of State Power in the Subjects of the Russian Federation"). The trust of the multinational people of the Russian Federation to state power should be "justified" through the operation of constitutional and legal guarantees that ensure the holding of real, and not fictitious, elections of all levels. On the real will



of the elections, unthinkable in the situation of people's distrust of this institution, one can speak, proceeding from the following factors: 1) the quality of the legal regulation of electoral public relations; 2) the adequacy of registration barriers; 3) openness of information about candidates; 4) the availability of media for all candidates in the conduct of election campaigning; 5) elimination of violations in the course of voting and in counting and summarizing the voting results [27, p. 428-432].

At the same time, the desire to legislatively ensure the existence of genuine political competition is often met with increased resistance of law enforcement officials, called upon to implement normative potential in life. As A.N. Kostyukov, "the real, not declarative, provision of political competition in the name of creating a civilized party system in the country requires reforming from this point of view every step of the party's functioning. And at many stages it is necessary to change not legislation, but the nature of law enforcement" [28, p. 10]. In the literature it is noted that any mistake in the documents, up to the wrong date of the birth of the activist, may result in refusal to register the party [28, p. 9]. Judicial practice shows that signatures of voters in support of candidates on subscription lists are recognized as invalid on absolutely formal grounds - for example, the absence of the name of the subject of the Federation in the address of the citizen's place of residence.

The analysis of the current constitutional legislation makes it possible to conclude that the unity of the legal space of the Russian Federation and its multinational people is not adequately provided, which directly affects the state of its state unity and territorial integrity.

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