DOI 10.24147/2542-1514.2018.2(3).5-18

QUARTER-CENTURY ANNIVERSARY OF THE RUSSIAN CONSTITUTION

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Article info
Received – 2018 August 02
Accepted – 2018 September 10
Available online – 2018 December 07
Keywords
Constitution, constitutional statehood, reforming, President, Government, Supreme Court, Constitutional Court, local self-government, state services, public initiative

The subject of the paper is the constitutional development of Russia till 1990s up to 2018.
The purpose of the paper is to identify the main trends in development of Russian consti-tutional legislation.
The methodology of the research includes the formal legal analysis of Russian federal laws and their comparison with the decisions of Russian Constitutional Court.
The main results and scope of their application. The author gives the legal assessment to main novelties in Russian constitutional legislation: an increase of the term of office of the President of the Russian Federation and the State Duma of the Russian Federation, the in-troduction of the annual reports by the Government of the Russian Federation to the State Duma of the Russian Federation on the results of their activities, the merger of the Supreme and Supreme Arbitration Courts of the Russian Federation, the strengthening of the posi-tions of the President of the Russian Federation when appointing prosecutors, judges, members of the Federation Council, officials of subjects of the Russian Federation, central-ization of local self-government. The identified trends may be used in future research of Russian constitutional legal order.
The author comes to the conclusion that there is a need for strong state power in the con-ditions of reforming economic, social and state-legal institutions in Russia. The movement towards centralization and strengthening of the power vertical is a historically necessary and justified measure. It will be possible to implement decentralization and reduction of the regulatory functions of the state after the successful modernization of economic and social state and legal institutions.

1. Introduction.

The Constitution of the Russian Federation is 25 years old. It was the Constitution of the Russian Federation of 1993 that was the legal Foundation that preserved the political, economic, territorial integrity of Russia, at the same time outlining the directions of further development of the Russian state. The twenty-fifth anniversary of the Basic Law is a reason for summing up some of the results of the constitutional development of Russia.

Traditionally, constitutional legislation is understood as the Constitution as its core, laws amending the Constitution, as well as legislative acts, the adoption of which is provided for by the Constitution itself. As S. D. Knyazev rightly points out, "the stability of the Constitution in itself, of course, does not mean its absolute immutability. Otherwise, it would be unlikely that any constitutional development would be possible, and the Constitution could become an insurmountable obstacle to any progressive transformation" [1, p. 4].

2. Constitutional and legal development of the Institute of public authorities in the Russian Federation.

Chronologically, the first changes directly to the text of the Constitution concerned the increase in the term of office of the President to 6 years, and the state Duma to 5 years . Taking into account arguments of opponents of the specified changes (N. M. Dobrynin [2, p. 30], A. A. Kondrashev [3, p. 59], V. I. Fadeev [4, p. 1294], N. V. Vitruk [5, p. 130], O. G. Rumyantseva [6, p. 15]), pointing to the undemocratic and hasty nature of their adoption, it appears that these

amendments were timely and appropriate to the new political and legal realities. It is necessary to agree with the developer of the draft Law of the Russian Federation on the amendment to the Constitution of the Russian Federation that, firstly, the increase in the term of office will allow the President of the Russian Federation and the state Duma not only to determine the directions of further development of the state, but also to implement the tasks within one term of office; secondly, in conditions when almost complete replacement of the state power at the Federal level is possible every four years, ensuring the continuity of state policy is seriously complicated. And structural economic and social reforms throughout the state require the stability of the political system.

The following amendments to the Constitution of the Russian Federation obliged the Russian Government to submit annual reports to the state Duma on the results of its activities, including on issues raised by the state Duma of the Russian Federation. The introduction of a new form of parliamentary control over the Executive power should be clearly evaluated positively, since the degree of responsibility of the Russian Government to the State Duma of the Russian Federation, representing the interests of Russian citizens, is insufficient. The introduction of this institution also strengthens the system of checks and balances in the organization of state power. with the approval of the State Duma of the Russian Federation report of the Russian Government, the Russian President will need a strong case for the implementation of his constitutional powers – the resignation of the Government of the Russian Federation.

The following amendment was dedicated to the unification of the Supreme and Supreme Arbitration Courts of the Russian Federation, to clarify the status of the public Prosecutor, to change certain powers of the Russian President and the Federation Council of the Russian Federation . The need to unite the Supreme and Supreme Arbitration Courts of the Russian Federation is caused by life itself. As noted by the President of Russia Vladimir Putin in his annual address to the Federal Assembly of the Russian Federation, the Supreme and Supreme Arbitration Courts of the Russian Federation often disagreed on the interpretation of many laws, sometimes to a considerable extent, handed down different decisions on similar cases, and even in one and the same. As a result, there was legal uncertainty, and sometimes injustice, which affected people. The basis of the existing judicial system was the idea of close cooperation between the Supreme and Supreme Arbitration Courts of the Russian Federation. Unfortunately, this idea was not properly implemented, there was a competition between the courts for influence on judicial practice. Joint sessions of Plenums of the Supreme and Supreme Arbitration Courts of the Russian Federation on controversial issues of judicial practice have practically ceased to be held. As a result, there were contradictions in the interpretation and application of the same rules of law. The unification of the higher courts will strengthen the unity of the judicial system, eliminate contradictions between judicial acts of arbitration courts and courts of General jurisdiction on similar issues, which meets the objectives of judicial constitutionalism.

Moreover, five courts of appeal and nine courts of cassation of General jurisdiction, as well as military courts of appeal and cassation, have been established in the system of courts of General jurisdiction. The appellate courts will consider appeals and submissions on non-effective judicial acts adopted in the first instance by the court of the subject of the Russian Federation in the territory of the relevant judicial appellate district, as well as cases on new and newly discovered circumstances. Cassation courts will consider cassation complaints and submissions to the effective judicial acts of appellate courts, courts of the subject of the Russian Federation, district courts and magistrates in the territory of the relevant cassation judicial district, as well as cases on new and newly discovered circumstances [7, p. 43-47]. This legislative innovation, of course, should be evaluated positively. The creation of structurally separate appeal and cassation courts, which are not bound by the administrative-territorial division of the RF subjects, will seriously strengthen their independence and independence, as it will allow to exclude consideration of the appeal or cassation appeal against court decisions in the same RF subject, as well as in the same court in which these court decisions were made.

Within two decades since the adoption of the Constitution of the Russian Federation among scientists and practitioners there was a discussion about the place of the Prosecutor's office in the system of separation of powers due to the inclusion of article 129 of the Constitution, on the status of the Prosecutor's office, in the Chapter "Judicial power". In 2014, the legislator corrected the inaccuracy and changed the title of Chapter 7 of the Constitution to "Judicial power and Prosecutor's office". The Prosecutor's office is normatively removed from the judicial branch of power and represents a special centralized system of the bodies exercising supervision over legality in all spheres of public relations [8, p. 347-353]. The constitutional and legal status of the Prosecutor's office has been seriously strengthened.

The new edition of article 129 of the Constitution of the Russian Federation fixed a new order of replacement of positions for prosecutors of different levels. Thus, now the Prosecutor General of the Russian Federation and Deputy Prosecutor General of the Russian Federation are appointed and dismissed by the Federation Council on the proposal of the President of the Russian Federation (before the changes, this procedure applied only to the Prosecutor General of the Russian Federation). Prosecutors of subjects of the Russian Federation are appointed and dismissed by the President of the Russian Federation on the proposal of the Prosecutor General of the Russian Federation, agreed with the subjects of the Russian Federation (previously it was the competence of the Prosecutor General of the Russian Federation). The change in the mechanism of appointment and dismissal of the above categories of prosecutors indicates an increase in their constitutional and legal status.

The following amendment to the Constitution gave the President authority to appoint the Federation Council of the Russian Federation representatives of the Russian Federation, the number of which is not more than ten percent of the number of members of the Federation Council of the Russian Federation (no more than 17 members). This innovation is aimed at" ensuring a balance of powers and legitimate interests of the Russian Federation and its subjects." This amendment, like the previous one, is aimed at strengthening the position of the President of the Russian Federation, which is necessary for structural political, economic and social reforms in the context of global challenges.

According to part 2 of Article 96 of the Constitution of the Russian Federation procedure for election of deputies of the State Duma of the Russian Federation is established by Federal law. Since the adoption of the Constitution of the Russian Federation, the electoral system used in the elections of deputies of the State Duma of the Russian Federation has repeatedly changed. Before the adoption of the Federal law of 18 may 2005 № 51-FZ elections to the state Duma of the Russian Federation were held on a mixed electoral system: 225 deputies were elected in single-member constituencies, and the remaining 225 were elected on the basis of a system of proportional representation in the Federal electoral district. Under the Federal law, the mixed electoral system was replaced by a proportional electoral system with the election of deputies exclusively on the lists of candidates nominated by political parties. At the same time, the distribution of Deputy mandates allowed Federal lists of candidates, each of which received 7 percent or more of the vote. Federal lists of candidates with less than 7 per cent of the vote were not allowed to distribute seats. However, Russian society was not ready for the transition to a proportional electoral system of formation of the state Duma of the Russian Federation due to the lack of sufficient experience of participation in political life in a multi-party system. Voting exclusively for party lists led to the depersonalization of the representative power, its separation from the people. A seven percent barrier limited the representation of small political parties in the state Duma, for which five million Russian citizens voted in the 2007 elections. Therefore, the adoption of the Federal law of 22.02.2014 № 20-FZ, which returned the mixed electoral system of elections of deputies of the State Duma of the Russian Federation, as well as reduced the "threshold" for political parties to 5 percent, seems absolutely reasonable. The mixed system allows to take into account both party and individual preferences of voters that allows to estimate it as more adequate to a modern stage of development of Russia.

One of the burning issues of constitutional law and policy is the procedure for empowering the highest official of a constituent entity of the Russian Federation. Prior to 1999, he acted in the procedure, according to which the President of the Russian Federation submitted for the approval of the Council of People's Deputies of the subject of the Russian Federation one or more candidates for the position of head of the relevant administration, and the Council of People's Deputies was to consider them within a month from the date of the submission of the President's submission on the approval of candidates. In the conditions of political, social and economic instability of that time, this order of empowerment is absolutely justified.

Federal Law of October 6, 1999 No. 184-FZ established the procedure according to which the highest official of a subject of the Russian Federation is elected by citizens of the Russian Federation on the basis of universal, equal and direct suffrage by secret ballot for a term of not more than five years and not more than two consecutive terms. In 2004, the Federal Law of October 6, 1999 No. 184-FZ was amended, according to which the proposal for a candidate of the highest official of a constituent member of the Russian Federation to the legislative (representative) body of state power of a constituent member of the Russian Federation made by the President of the Russian Federation, and the representative body of state power of the subject of the Russian Federation made a decision on vesting it with powers. This order was perceived by the majority of scholars as an infringement of the constitutional right to elect and be elected. The new order gave rise to serious contradictions inside The Constitutional Court and the RF. Resolution cm from 21.12.2005 № 13-P The Constitutional Court of the Russian Federation recognized the provisions of Article 18 of the Federal Law of October 6, 1999 № 184-FZ, which do not contradict the Constitution. However, the judge of the Constitutional Court of the Russian Federation A.L. Kononov expressed detailed dissenting opinion, which subjected the legitimate criticism of article 18 of the Federal Law of October 6, 1999 № 184-FZ, and the position of the Constitutional Court on this issue. A.L. Kononov pointed out that the "appointment" of a senior official of a constituent entity of the Russian Federation by the President of the Russian Federation deprived the population of not only the right to elect and be elected, but also the right to defend their rights and interests at the regional level, including by accountability to him of an elected person. In addition, in the Decree of January 18, 1996 No. 2-P, the Constitutional Court of the Russian Federation indicated that "of Art. 3, 32 of the Russian Constitution implies that a senior official of the Russian Federation, forming the executive authority, receives its mandate directly from the people and responsible before him en ... elect the Legislative Assembly of the head of the administration cannot be considered legitimate by an independent representative of the executive power". A.L. Kononov also referred to the opinion of the European (Venice) Commission " For Democracy through Law " and the resolution of the Parliamentary Assembly of the Council of Europe of June 22, 2005 "On the fulfillment by the Russian Federation of its obligations" , which state that innovations are not consistent with the principle of the federal organization of the state, and also undermine the system of checks and balances necessary for the normal functioning of any democracy, which is completely incompatible with the basic democratic principle of separation of powers. Judge of the Constitutional Court of the Russian Federation V.G. Yaroslavtsev, in his dissenting opinion, noted that the main goal of the transformation, in his opinion, is to exclude the people from free elections of the highest official of the subject of the Russian Federation, which directly contradicts the principle of democracy.

The legislative innovations of 2004 were aimed at strengthening the "vertical of state power", ensuring the unity and integrity of the territory of the Russian Federation and preventing "regional separatism" at the cost of infringing the principles of democracy and the federal organization of the state, which cannot be considered acceptable.

However, the new procedure for nominating candidates for the post of head of the subject of the Russian Federation has two features. Firstly, the President of the Russian Federation, on his own initiative, can hold consultations with political parties that nominate candidates for the position of the highest official of a constituent entity of the Russian Federation, as well as with candidates nominated for this position by way of self-nomination. Formally, there are no levers

of pressure on political parties or self-nominated candidates. But, taking into account the peculiarities of the domestic political regime and the authority of the President of the Russian Federation, it is obvious that a candidate informally approved by the President of the Russian Federation will receive priority . In addition, the law establishes a barrier for self-promoted and promoted from a political party to the post of the highest official of the subject of the Russian Federation (the so-called "municipal filter"): their candidatures should support from 5 to 10% of deputies of representative bodies of municipal formations and (or) those elected at municipal elections of heads of municipal formations of the subject of the Russian Federation. If for a federal political party, which may include, among other things, deputies of representative bodies of municipal formations, and (or) elected at municipal elections, heads of municipal formations of the subject of the Russian Federation, most likely it will not be a big problem to collect the necessary number of votes in support of their candidate, then for self-promoted this may be an unattainable barrier. Nothing but an electoral qualification can call it [9, p . 17-25] . And the revival of the Russian pre-revolutionary qualification electoral system can not be attributed to the merits of the constitutional and legal development of Russia.

3. Constitutional and legal development of local self-government in the Russian Federation.

2014 was the beginning of the next stage of local government reform in Russia. Federal law No. 136-FZ of 27.05.2014 in conjunction with Federal law No. 8-FZ of 03.02.2015, Federal law No. 131-FZ of 06.10.2003 On the General principles of the organization of local self-government in the Russian Federation introduced fundamental changes in the territorial, organizational and competence bases of local self-government, which affected all persons residing in the territory of Russia to a greater or lesser extent. The changes resulted in a significant strengthening of the bodies of state power of subjects of the Russian Federation regarding changes in the volume of the competence of local self-government bodies, procedure of their formation, the further the actual deprivation of local authorities ' autonomy. These changes have received an ambiguous assessment and have caused a lot of questions, disputes, contradictions both in the scientific environment and in municipal legal practice [10]. The real (but not declared) objectives of the municipal reform are to strengthen the state's influence on local self – government, to minimize the direct will of the local population, to gradually integrate local self-government into the system of public authorities, since in such conditions it is easier for the state to exercise public administration and ensure the unity and integrity of the territory of the Russian Federation.

Federal law No. 131-FZ, as amended, fixes five organizational models of local self-government. According to the first model (traditional model), the head of the municipality is elected in direct elections and heads the local administration. According to the second model, the head of the municipality is elected by the representative body of the municipality and at the same time replaces the position of the Chairman of the representative body. The head of local administration in the specified model is appointed to a position under the contract signed by representative body of municipality by results of competition for substitution of the specified position (model "Council Manager" or "city Manager"). According to the third model, the head of the municipality is elected in direct elections and heads a representative body, while the head of the local administration is appointed by contract (the model "elected mayor and strong Manager"). According to the fourth model, the head of the municipality is elected by the representative body of the municipality from its composition and heads the local administration (the "leader-Cabinet" model). According to the fifth model, the head of the municipality is elected by a representative body from among the candidates submitted by the competition Commission on the results of the competition and heads the local administration (the "Council-Commission" model).

The municipal legal policy is aimed at limiting direct elections by the population of local self-government bodies, which leads to further alienation of the population from the local government. The traditional model, in which the head of the municipality, which is the administrative center of the subject of the Russian Federation is elected in direct elections and heads the local administration, is preserved only in seven subjects of the Russian Federation (Kemerovo, Novosibirsk, Tomsk, Khabarovsk territory, Republic of Sakha (Yakutia), Republic of Khakassia, Chukotka Autonomous district). In most subjects of the Russian Federation, the head of the municipality is elected by a representative body from among its members or from among the candidates submitted by the competition Commission on the results of the competition. Meanwhile, the head of the municipality, elected directly by the population, receives a mandate of trust from the population and is responsible to him. The head of the municipality elected from the representative body is more dependent on the representative body of the municipality that elected him. The head of the municipality elected by the representative body from among the candidates submitted by the competition Commission on the results of the competition depends on the representative body of the municipality and the highest official of the subject of the Russian Federation. This seriously oscillates the constitutional essence of local self-government as the most important form of democracy and contradicts articles 3, 12, 130, 131 of the Constitution of the Russian Federation.

According to the legislation, the majority, proportional or mixed electoral systems are used in the formation of the representative body of the municipality. The law of the subject of the Russian Federation establishes the types of electoral systems that can be used in municipal elections, and the order of their application, and the Charter of the municipality determines the electoral system that is used in municipal elections in a particular municipality.

The relationship between the local authorities and the inhabitants of the territory concerned is primarily due to their sphere of competence - issues of local importance. In Decisions of November 30, 2000 № 15-P, from January 24, 1997 № 1-P, from January 15, 1998 № 3-P the constitutional Court of the Russian Federation pointed out that from the direct order of part 1 of article 130 of the Constitution of the Russian Federation it follows that issues of local importance should be decided by local authorities or the population directly. In the case of the formation of lists of candidates for deputies by political parties, there is a substitution of the subject of local self-government [11, p. 30]. The population is deprived of the right to form local representative bodies and resolve issues of local importance, which is contrary to article 55 of the Constitution. In addition, as E. S. Shugrina correctly notes, "the application of the proportional electoral system deprives citizens of the opportunity to use one of the most important mechanisms of bringing deputies of the representative body to responsibility - the recall by voters. Excluding the recall of the Deputy, the proportional electoral system does not imply the introduction of any other effective mechanism of influence of the population on the deputies of the representative body of the municipality" [12, p. 45]. In this regard, one of the most important areas of municipal legal policy should be the exclusion of the use of proportional electoral system in the formation of representative bodies of all types of municipalities, not only settlements with a population of less than 3,000 people, as well as representative bodies of settlements and urban districts with fewer than 15 deputies.

4. The development of constitutional legal proceedings.

The Federal constitutional law of 03.11.2010 N 7-FKZ marks the beginning of a new stage of development of constitutional legal proceedings. When the constitutional Court of the Russian Federation was established, it consisted of two chambers (9 and 10 judges, respectively), which have the right to consider and resolve most of the issues subordinated to the Constitutional Court of the Russian Federation almost autonomously. If the majority of the judges participating in the session of the chamber were inclined to adopt a decision that did not correspond to the legal position expressed in the earlier decisions of the constitutional Court of the Russian Federation, as well as in the cases provided for by article 21 of the Federal law of 21.07.1994 No. 1-FKZ "on

the constitutional Court of the Russian Federation", the issue was considered in plenary session of the constitutional Court. Federal constitutional law No. 7-FKZ of 03.11.2010 of the chamber of the constitutional Court of the Russian Federation abolished. The court considers and resolves all cases in plenary sessions of the constitutional Court of the Russian Federation. These changes seem to be correct, since earlier the decision of each of the chambers in the case became the decision of the constitutional Court of the Russian Federation as a whole, although in the case of consideration of the case by the Court in full, the decision could be different. In this regard, the new procedure is fair.

Also, a new organizational form of constitutional legal proceedings - the resolution of cases in the sessions of the constitutional Court of the Russian Federation without hearings (Art. 20, 47.1 of the Federal law of 21.07.1994 № 1-the Federal law "on the constitutional Court of the Russian Federation"). The court may consider and resolve cases without a hearing, if it comes to the conclusion that the issue can be resolved on the basis of the legal positions contained in the previously adopted decisions of the constitutional Court of the Russian Federation and the hearing is not necessary to ensure the rights of the party. It should be noted that there has been a long-term practice of the Constitutional Court of the Russian Federation to issue so-called definitions with positive content. Refusing to accept the applicant's appeal for consideration, the Court without a trial referred to the previously rendered legal positions, resolving the issue on the merits. Now the practice of resolving cases without hearings, based on the application (confirmation) of previously formulated legal positions of the constitutional Court of the Russian Federation, has received legislative consolidation. Of course, the possibility of such a procedure significantly increases the efficiency of the constitutional Court of the Russian Federation. The array of acts of the constitutional Court of the Russian Federation and the legal positions contained in them, formed for more than two decades, allows the Court to extend its conclusions to similar cases by a simplified procedure (without preparation and organization of hearings). The legislative consolidation of this practice is in line with European trends in the development of legislation on constitutional justice, as confirmed by the European Commission for democracy through law (Venice Commission)

5. Constitutional and legal development of the institution of human rights commissioners.

A positive innovation of the constitutional and legal development of Russia is the establishment and specialization of the legal institution of human rights commissioners. Resp. article 103 of the Constitution of the Russian Federation appointment and dismissal of the Commissioner for human rights is the responsibility of the state Duma of the Russian Federation. First Commissioner for human rights in the Russian Federation is appointed by Decree of the State Duma of the Russian Federation dated 17.01.1994, No. 13-I . In accordance with the Federal constitutional law of 26.02.1997 No. 1-FKZ "on the Commissioner for human rights in the Russian Federation", the purpose of establishing this institution is to ensure guarantees of state protection of the rights and freedoms of citizens, their observance and respect by state bodies, local self-government bodies and officials. In 2016 finally concluded with the formation of the Institute of commissioners for human rights in constituent entities of the Russian Federation: at the Federal level, enshrined in the foundations of their legal status, which have developed in the legislation of the constituent entities of the Russian Federation – in each subject of the Russian Federation adopted special laws on the Commissioner for human rights on this subject of the Russian Federation and appointed commissioners. The obvious advantages are geographical proximity, territorial accessibility of regional commissioners for citizens of the Russian Federation, their knowledge of the social, economic, political, national, legal and cultural specifics of their regions, the mental characteristics of the residents living in them [13]. The establishment of the institution of the human rights Ombudsman in the Russian Federation

and its inclusion in the constitutional and political system are aimed at further strengthening the legal status of individuals and citizens and guaranteeing the exercise of their rights and freedoms.

Children have special rights in comparison with adults, which is enshrined in the UN Convention of November 20, 1989 "on the rights of the child". And these special rights need special protection, as well as special mechanisms for their implementation, to ensure that the rights of every child are protected in a targeted and prioritized manner. Since 2002, the office of the Commissioner for the rights of the child has been established in certain regions of the Russian Federation. Decree of the President of the Russian Federation from 01.09.2009 № 986 established the post of Commissioner for the rights of the child . While recognizing the high importance of the institution to ensure and protect the rights and legitimate interests of the child, its shortcomings should be pointed out. First, it seems necessary to adopt a separate Federal law establishing the legal status of the Commissioner for the rights of the child under the President of the Russian Federation. Second, the regional commissioners for the rights of the child formally independent and is not accountable to the Ombudsman under the RF President on the rights of the child. But in fact, the Federal Commissioner is trying to coordinate and control the activities of regional commissioners. It is necessary at the level of Federal legislation to eliminate legal uncertainty in the relationship between the Federal and regional commissioners [14].

The Federal law of 07.05.2013 No. 78-FZ "on commissioners for the protection of the rights of entrepreneurs in the Russian Federation" defines the legal status, main tasks and competence of the Commissioner for the protection of the rights of entrepreneurs under the President of the Russian Federation, as well as the right to establish the position of the Commissioner for the protection of the rights of entrepreneurs in the subjects of the Russian Federation, taking into account the provisions of the Federal law of 07.05.2013 No. 78-FZ. The main tasks of the Commissioner for the protection of the rights of entrepreneurs - protection of the rights and legitimate interests of entrepreneurs in Russia and abroad, as well as monitoring the observance of the rights of entrepreneurs by state and municipal authorities. Federal law No. 78-FZ of 07.05.2013 provides only for the right, not the obligation, of subjects of the Russian Federation to establish the position of regional Commissioner. It should be noted that in the subjects of the Russian Federation the process of formation of this institution began before its legalization at the Federal level. At the time of adoption of the law in some subjects of the Russian Federation already existed Commissioners for the protection of the rights of entrepreneurs, and today this position is established in all 85 subjects of the Russian Federation. Part 6 of article 10 of the Federal law of 07.05.2013 № 78-FZ establishes the obligation of regional Commissioners at the end of the calendar year to send to the Federal Commissioner information (report) on their activities with an assessment of the conditions of entrepreneurial activity in the subject of the Russian Federation, as well as proposals to improve the legal status of business entities.

The Institute of special commissioners for the protection of the rights of certain categories of persons operating in Russia for two decades has proved its importance and necessity, becoming one of the most important elements in the overall system of state protection of the rights of citizens and organizations.

6. Constitutional and legal development of the Institute of citizens ' rights.

Enormous positive changes have taken place in the exercise by citizens of the right to provide state and municipal services. Implementation of the right of citizens to provide state and municipal services in the subjects of the Russian Federation is carried out in accordance with the Federal law of 27.07.2010 № 210-FZ "on the organization of state and municipal services" and adopted in accordance with it and other Federal laws and regulations of the subjects of the Russian Federation and municipalities. According to the Ministry of economic development of the Russian Federation, citizens have the right to provide more than 809 Federal public services, more than 22,531 services in the subjects of the Russian Federation and more than 177,717 municipal services . The practice of remote provision of state and municipal services through a

special portal is expanding . The so-called "single window"regime has become a very popular form of providing state and municipal services. This form assumes that the applicant does not communicate with a civil servant, but with an employee who accepts documents and, if necessary, provides advice on obtaining public services. The "one window" mode is implemented in multifunctional centers of state and municipal services - MFC.

Innovations can significantly reduce the applicant's time to apply for a state or municipal service, processing applications, their unification and accounting, minimize the subjectivity of officials and conditions for corruption offenses.

There are a number of problems in the provision of state and municipal services. Thus, the regulatory authorities identify violations of the terms of state and municipal services, unjustified refusals to provide them, the demand for unnecessary documents, the inconsistency of administrative regulations to Federal legislation. The efforts of law-making and law-enforcement bodies at all levels of government should be directed to the elimination of these problems, as well as to the further development of the sphere of state and municipal services.

The constitutional right of citizens to individual and collective appeals to state and local self-government bodies has been developed. The list of persons who are obliged to consider relevant applications has been expanded by law: state and municipal institutions and other organizations entrusted with the implementation of publicly important functions, as well as their officials, have been additionally included.

In exercising their right to appeal to state and municipal authorities, state and municipal institutions participate in the management of state Affairs, exercise and protect their rights, freedoms and legitimate interests, and receive a channel for feedback from state and municipal authorities, state and municipal institutions. The right of citizens to appeal corresponds to the obligation of state and municipal authorities, state and municipal institutions and their officials to accept, consider citizens' appeals, give timely answers to them and make the necessary decisions. The law defines the rights and guarantees of citizens when considering appeals, the terms and procedure for considering appeals, the procedure for personal reception of a citizen, the responsibility of state and municipal authorities, state and municipal institutions and their officials for violating the procedure for considering citizens ' appeals (including compensation for damages and compensation for moral damage).

Meanwhile, there are a number of unresolved issues in the implementation of the right of citizens to appeal. Thus, in accordance with the previous legislation, public bodies, enterprises, institutions and organizations were among the addressees of appeals. It seems reasonable to include commercial and non-profit organizations, enterprises and institutions among the addressees of citizens ' appeals. Besides, it is necessary to reduce 30-day term of consideration of the address of the citizen to the 15-day term operating earlier. It is also necessary to regulate the consideration of collective appeals of citizens, which directly follows from the provisions of article 33 of the Constitution of the Russian Federation.

There are new forms of realization of the right of citizens to participate in the management of state Affairs. These include public initiatives directed by citizens of the Russian Federation using the Internet resource "Russian public initiative" . Citizens of the Russian Federation who have reached the age of 18 and registered in a special information system can send public initiatives using the Internet resource and vote for them. The public initiative, which received the necessary support during the voting (at the Federal level – 100 000 signatures), is sent electronically by the authorized non-profit organization to the expert working group of the appropriate level (Federal, regional or municipal) for the examination and decision on the feasibility of developing a draft of the relevant regulatory legal act and (or) other measures for the implementation of this initiative. The composition of the expert working group of the Federal level is determined by the Government of the Russian Federation and includes representatives of Federal Executive bodies, deputies of the state Duma, members of the Federation Council, members of the Public chamber of the Russian Federation, representatives of the business community and public associations. Based on the results of consideration of the public initiative,

the expert working group within a period not exceeding two months shall prepare an expert opinion and a decision on the development of an appropriate regulatory legal act and (or) taking other measures for the implementation of the initiative, which shall be signed by the Chairman of the relevant expert working group, and shall notify the authorized non-profit organization in electronic form.

Of course, there are a number of problems in the implementation of public initiatives. The rules of consideration of public initiatives contain very vague and subjective grounds for refusal to place the initiative, such as the contradiction of the Constitution of the Russian Federation, the generally recognized principles and norms of international law, the lack of solutions to the problem or the unreasonableness of the proposed options. But even from almost five thousand public initiatives, supported by one hundred thousand electronic signatures only 10 initiatives, none of which has become a bill. The reason for this is the uncertainty of the consequences of supporting the public initiative. The decree of the President of the Russian Federation No. 183 no mandatory procedures does not contain. It seems necessary to introduce any public initiative supported by 100,000 authorized signatures on the Internet as a draft law to the state Duma of the Russian Federation.

7. Conclusions

Russia is changing in accordance with a set of external and internal factors. The unfavorable foreign policy environment and the systemic economic crisis require economic and political reforms. As the experience of developed countries shows, accelerated modernization requires strengthening the regulatory functions of the state. The search for an optimal model of combining liberal rights and freedoms with a strong state power that ensures the realization of these rights and freedoms remains the main task of constitutional and legal science and practice. Effective management of a large territory in the current political and economic conditions, taking into account the lack of development of civil society require strong state power with the subordination of the bodies of state power of subjects of the Russian Federation to the Federal state authorities and coordination of local self-government bodies - bodies of state power of subjects of the Russian Federation. Strengthening the vertical of power in the context of reforming economic, social and state legal institutions is also necessary for the protection of human rights and freedoms and society. Only a strong state can provide decent conditions for life and development of a person and society. Only a strong state can fight corruption, which has affected all levels of government. The achievement of these goals is served by constitutional and legal changes over the past 25 years [15].

The movement towards centralization and strengthening of the power vertical is a historically necessary and justified measure. Only after the successful modernization of economic and social state and legal institutions will it be possible to raise the issue of decentralization and reduction of the regulatory functions of the state.

The main task of the state remains the implementation of the constitutional human right to a decent life as an element of the social state, which involves ensuring a decent standard of living, including high wages, other incomes, household size, housing, health care and medical care, a high level of education, etc .as of July 2018, the number of Russian citizens with incomes below the subsistence level exceeds 22 million people. Unfavourable trends are observed in the sphere of realization of citizens ' rights to housing, free medical care, public and free education. Only a strong and capable state can guarantee the realization of the human right to a decent life, which indicates the correct choice of the vector of development of the modern Russian state.

One of the urgent issues of constitutional law and policy – the order of investment with powers of the higher official of the subject of the Russian Federation. Until 1999, there were the order according to which the President of the Russian Federation submitted for the approval of the Council of people's deputies of the RF subject one or more candidates for the position of head of the respective

administration, and the Council of people's deputies within one month from the date of the submission of the President of the Russian Federation on approval of candidates had to consider them . In the context of the political, social and economic instability of the time, such an order of empowerment is absolutely justified.

Federal law of 6 October 1999 No. 184-FZ lays down the procedure according to which the highest official of the subject of the Russian Federation is elected by the citizens of the Russian Federation on the basis of universal, equal and direct suffrage by secret ballot for a term of not more than five years and not more than two consecutive terms. In 2004 in the Federal Law of October 6, 1999 № 184-FZ amendments were made, according to which the proposal for the candidacy of the highest official of the subject of the Russian Federation to the legislative (representative) body of state power of the subject of the Russian Federation was made by the President of the Russian Federation, and the representative body of state power of the subject of the Russian Federation This procedure was perceived by the majority of scientists as a violation of the constitutional right to elect and be elected . The new order has generated serious contradictions within the constitutional Court of the Russian Federation. By decree No. 13-P of 21.12.2005 the constitutional Court of the Russian Federation recognized the provisions of article 18 of the Federal law of 6 October 1999 No. 184-FZ as not contradicting the Constitution of the Russian Federation. However, the judge of the constitutional Court of the Russian Federation A.L. Kononov expressed a detailed dissenting opinion, in which he criticized the provisions of article 18 of the Federal law of October 6, 1999 № 184-FZ and the position of the constitutional Court of the Russian Federation on this issue. A. L. Kononov pointed out that the "purpose" of the higher official of the subject of the Russian Federation President of the Russian Federation has deprived the population not only the right to elect and to be elected, but also the rights to defend their rights and interests at the regional level, including through accountability to him of the elective person. Besides, in the Resolution of January 18, 1996 No. 2-P the Constitutional Court of the Russian Federation specified that from Art. 3, 32 of the Constitution of the Russian Federation follows that the highest official of the subject of the Russian Federation forming Executive authority receives the mandate directly from the people and before it is responsible... The head of administration elected by the Legislative Assembly cannot be considered a legitimate independent representative of the Executive branch." A. L. Kononov also referred to the opinion of the European (Venice) Commission on democracy through law and the resolution of the parliamentary Assembly of the Council of Europe of 22 June 2005 on the implementation by the Russian Federation of its obligations, which States that innovations are not consistent with the principle of the Federal organization of the state, as well as undermine the system of checks and balances necessary for the normal functioning of any democracy, which is completely incompatible with the basic democratic principle of the separation of powers. Judge of the constitutional Court of the Russian Federation V. G. Yaroslavtsev in his dissenting opinion noted that the main goal of the reforms, in his opinion, is the rejection of the people from free elections of the highest official of the subject of the Russian Federation, which directly contradicts the principle of dmocracy .

Legislative innovations in 2004 were aimed at strengthening the "vertical of state power", ensuring the unity and integrity of the territory of the Russian Federation and preventing "regional separatism" at the cost of infringing on the principles of democracy and the Federal organization of the state, which cannot be considered acceptable.

In this regard, the decision of the Federal legislator to return to direct elections of the heads of subjects of the Russian Federation should be positively evaluated . However, the new procedure for nominating candidates for the post of head of the subject of the Russian Federation has two features. First, the President of the Russian Federation, on his own initiative, may hold consultations with political parties that nominate candidates for the position of the highest official of the subject of the Russian Federation, as well as with candidates nominated for this position in the order of self-nomination. Formally, there are no levers of pressure on political parties or self-nominating candidates. But, given the peculiarities of the domestic political regime and the authority of the President of the Russian Federation, it is obvious that the priority will be given to the candidate, informally approved by the President. In addition, the law establishes that the threshold for independent candidates and

nominees of political parties for the post of the higher official of the subject of the Russian Federation (the so-called "municipal filter"): candidates must maintain a 5 to 10% of deputies of representative bodies of municipal entities and (or) elected in the municipal elections of heads of municipal formations of the Russian Federation. If for the Federal political party, which may include, among other things, deputies of representative bodies of municipalities, and (or) elected heads of municipalities in the municipal elections of the subject of the Russian Federation, most likely will not be a big problem to collect the necessary number of votes in support of their candidate, for the self-nominees it may be an unattainable obstacle. Nothing other than the electoral qualification, it cannot be called [9, c. 17-25]. And the revival of the Russian pre-revolutionary electoral system cannot be attributed to the merits of the constitutional and legal development of Russia.

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BIBLIOGRAPHIC DESCRIPTION

Kostyukov A.N. Quarter-century anniversary of the Russian Constitution. *Pravoprimenenie = Law Enforcement Review*, 2018, vol. 2, no. 3, pp. 5–18. DOI: 10.24147/2542-1514.2018.2(3).5-18. (In Russ.).