DOI 10.24147/2542-1514.2020.4(4).23-34

THE CONSTITUTIONAL COURT OF THE RUSSIAN FEDERATION AS A SUBJECT OF CONSTITUTIONAL RESPONSIBILITY**

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Article info
Received –
2020 August 30
Accepted –
2020 November 16
Available online –
2020 December 30

Keywords
Constitutional Court, responsibility, President, guarantees of independence, violation principle of equality of judges, term of office of judges, indemnity, legislative initiative, constitutional reform, Russia

The subject of the article is justification of the main elements of the constitutional responsibility of the Russian Constitutional Court in the context of constitutional reform.
The purpose of the article is confirmation or refutation of the hypothesis that the Constitutional Court must be subject to constitutional responsibility.
The methodology. The author uses methods of complex analysis of legislation, synthesis, as well as formal-logical and formal-legal methods.

The main results, scope of application. Russia as a democratic state excludes the existence of legally irresponsible subjects of state power. It concerns the Constitutional Court of the Russian Federation. Legal irresponsibility characterizes only the absolute monarchy. The article comprehensively examines the problem of responsibility of the Constitutional Court of the Russian Federation, the reasons for the poor development of this institution in legislation and academic literature are also considered. The reasons for the Constitutional Court's dependence on the President of the Russian Federation as a "guarantor of the Constitution of the Russian Federation" have been systemized. The author considers duumvirate of guarantors of constitutional legitimacy as a nonsense. The reasons for the Constitutional Court's peculiar use of the law of the legislative initiative are considered. This initiative was used only in the direction of increasing the term of the powers of judges of the Constitutional Court from 65 up to 70 years. The life-long status of the President of the Court is seen as a violation of the principle of equality of judges, which is the most important guarantee of the independence of the Constitutional Court. Constitutional reform–2020 completed the process of dependence of the Constitutional Court on the President of the Russian Federation and the "second government" – the Administration of the Russian President. Some constitutional and legal torts of the Constitutional Court of the Russia are considered also. The author comes to the conclusion that judges of the constitutional court have a special responsibility – political, moral and historical. The main questions are need to be resolved: who has the right to state the torts of the constitutional court and what are the consequences of this statement?

** The reported study was funded by RFBR and SC RA, project number 20-511-05003.

ISSN 2658-4050 (Online)

1. Introduction

According to the doctrine of the rule of law, developed since the bourgeois-democratic revolutions, all subjects of law, including the State and its organs, are subjects of legal responsibility. The sign of legal irresponsibility characterizes only an absolute monarchy. In other words, if Russia is a law – governed state (article 1 of the Constitution of the Russian Federation), all authorities, including the Constitutional Court of the Russian Federation shall be subject to liability. But what is the nature of the COP's responsibility? The constitutional court is perhaps the only public authority for which the issue of legal liability has not been developed. The research was limited only to the disciplinary responsibility of the judges of the Constitutional Court.

N. S. Bondar figuratively calls the Constitutional Court "the constitutional guardian of the legal space" [1, p. 28], without calling the Constitutional Court the guarantor of constitutional legality, apparently recognizing this role exclusively for the President of the Russian Federation.

In this regard, V. V. Lazarev, refers to the innovative activities of the Constitutional Court [2], as well as emphasizing the importance of legislative activity, the COP indicates that lobbying is a common pattern serving state-legal space, as well as substantiates the necessity of legislative consolidation of certain forms of lobbying in constitutional proceedings [3]. Professor V. V. Lazarev was an official representative of the State Duma in the Constitutional Court and knows the problem well from the inside. the characterization of the activities of the cop as innovative, quasi-law-making and subject to lobbying is an additional argument in raising the question of the responsibility of the cop, and not only moral and political.

The question is to what extent the activities of the Constitutional Court to create a "living constitution" are independent of politics and the vertical of power headed by the President. Alas, the answer is ambiguous, because in reality, the concept of "constitutionalization", which is loved by many scientists, figuratively speaking, resembles a pattern of metal shavings formed between two magnets: the actual – presidential – power and the legal power of the "guardian of the constitutional space". No pattern at all can be formed with a weak and dependent CS, when all the metal chips are concentrated around one strong magnet. Meanwhile, constitutional reform 2020 has completed the process of the weakening of the COP and its dependence on the President and a "second government" – presidential Administration of the Russian Federation.

2. Two of the guarantor of the constitutional legality as a political and legal nonsense oxymoron

From a doctrinal point of view, the Constitutional Court is the guarantor of constitutional legality. That's what it was created for. However, the Constitution of the Russian Federation does not define the Constitutional Court as a guarantor of constitutional legality. There is only a general principle established in Part 2 of Article 118 of the Constitution of the Russian Federation: "Judicial power is exercised through constitutional, civil, administrative and criminal proceedings."

The Constitution of the Russian Federation did not declare the Constitutional Court to be the guarantor of constitutional legality: "The President of the Russian Federation is the guarantor of the Constitution of the Russian Federation, human and civil rights and freedoms" (Part 2 of Article 80 of the Constitution of the Russian Federation). This circumstance is connected, in addition to the authoritarian ambitions of Boris Yeltsin, "the constitutional fear", developers of the draft of the 1993 Constitution, embodied in the task of legalization of the correlation of political forces, which formed after a presidential Decree of 21 September 1993 No. 1400, and, as a consequence, in the task of preventing the supremacy of the Constitutional Court over the President, even in the matter of constitutional legality.

Recall that the Constitutional Court, meeting on the night of September 22, 1993, recognized the Decree as unconstitutional, and the courage of the Constitutional Court did not go unpunished. The activities of the Constitutional

ISSN 2542-1514 (Print)

Court were suspended until the adoption of the new law.

The Constitutional Court resumed its work in February 1995 with 19 judges. On the assessment of the constitutional court judges G. A. Gadzhiev, the expansion of the COP was motivated by bn. Yeltsin to ensure the superiority of the nine judges voted for the constitutionality of the Decree No. 1400. From now on, the Constitutional Court was deprived of the right to consider issues of constitutional legality on its own initiative. Moreover, if the previous constitution emphasized the subordinate nature of decrees of the President of the RSFSR (RF), the Constitution of 1993 says only that "decrees and orders of the President of the Russian Federation should not contradict the Constitution of the Russian Federation and federal laws" (Part 3 of Article 90 of the Constitution of the Russian Federation): acts of the President are placed on the same level as federal laws, which also should not contradict the Constitution and previously adopted federal laws.

The doctrine of the "implied powers" of the President of the Russian Federation formulated in the resolution of the Constitutional Court further expanded his ability to form the legal field of Russia [5; 6; 7] and ultimately created such a reality as the instructions of the President of the Russian Federation to the parliament itself. In addition to the decree law of the head of state, which is legally equivalent to federal laws (and in fact even towering over them), the institute of surety law of the President of the Russian Federation has emerged.

The "constitutional fear" of preventing further decisions similar to the one of September 22, 1993, created a de facto and de jure duumvirate of guarantors of constitutional legality in Russia, which, in principle, is nonsense, an oxymoron of "monarchical leaven". At the same time, in terms of guaranteeing constitutional legality, the President of the Russian Federation is in a certain sense even higher than the Constitutional Court, which exercises constitutional norm control and interpretation of constitutional norms only on the appeals of an exhaustive list of subjects. Kravets notes that "in terms of political dominance of the head of state and active role in shaping legislative policy guaranteeing its function is to limit judicial guarantees of the Constitution" [8, p. 5]. And if we take into account that the constitutional policy of balancing interests is one of the main areas of activity of the Constitutional Court [8, p. 6], then the tilt in the presidential direction in this "balancing" is obvious. Baburin, quoting Lassalle's thesis, according to which" if there is no corresponding political force behind the constitutional body, then its actual strength, despite the constitutional norms, will approach zero", emphasizes:" For Russia, this thesis is more relevant than ever " [9, p.8].

The trend of weakening of the CS, which began in 1993 and continues to this day, is obvious. The constitutional reform of 2020, contrary to the official rhetoric about expanding the powers of the Constitutional Court, summed up the dependence of the Constitutional Court on the guarantor of the Constitution. Conversely, despite the fact that the President of the Russian Federation under the Constitution of the Russian Federation has super-strong competence and has numerous powers, their list has been constantly expanding since 1991 [10, p. 116].

3. Other reasons for the dependence of the Constitutional Court of the Russian Federation and the lack of elaboration of the problem of its responsibility

The reasons for the undeveloped responsibility of the constitutional court are explained by the political nature of this sphere of legal relations and, as a result, the predominance of the apologetic function. Critical and predictive functions are less in demand here [11]. The constitutionalists have shifted the study of legal responsibility towards moral and political responsibility, a sense of responsibility, and duty. This trend corresponds to the ideology of imitative constitutional order and facade constitutionalism [12; 13]. As a result, considerable efforts in the study of constitutional and legal responsibility were directed on the "false trail", in the direction of the so-called positive legal responsibility of public legal entities. This trend is being overcome. Thus, G. A. Trofimova formulates more than fifty torts of constitutional and legal responsibility of public legal entities [14; 15]. The terms "positive" and

ISSN 2658-4050 (Online)

"negative" in relation to legal liability are incorrect: legal liability is always negative, retrospective, which is its positive role in society.

The fact that the posts of chairmen of the COP and the Supreme Court became lifelong, is monarchical atavism (article 12 Federal constitutional law of 21.07.1994 N 1-FKZ (further – the Federal constitutional law on the Constitutional Court) was introduced the second part: "the President of the constitutional Court prescribed by this article, as well as other Federal constitutional and Federal laws, the age limit for the office of judge does not apply"). The President, the COP would follow from such a "gift" to give up, because life status of the President of the court violates the principle of equality of rights of judges, which is the guarantee of independence of judges of the constitutional court (article 13 and article 16 of the Federal constitutional law on the Constitutional Court) contradicts the principles of a democratic and legal state (article 1 of the Constitution of the Russian Federation).

Sometimes the judges of the constitutional court show courage and genuine independence. so, on December 2, 2009, the council of judges of the Russian Federation accepted the recusal of judge Yaroslavtsev, who in august 2009 made a sharp criticism of the country's leadership and the vertical of power created by him. But in the status of a judge, he still remained. The judge of the Constitutional Court Anatoly Kononov wrote a letter of resignation from the post from 01.01.2010 due to disagreement with violations of the principle of independence of judges.

4. Unjustifiably high indemnity of judges of the Constitutional Court as a reason for their dependence due to fear of losing the status of a judge

The dependence of constitutional judges is especially evident in cases when a judge of the Constitutional Court is forced to "step on the throat of his own song" in the status of a judge-rapporteur, that is, to invent or support formulations that contradict his own scientific doctrines. We have already cited the example of one of the constitutional judges, which acted as a rapporteur on the complaint of several claimants to the unconstitutionality of the Federal law from 27.05.2014 N 136-FZ "On amendments to the Federal law "On basic principles of local self-government in the Russian Federation" has granted the regions the right to establish the method of election of heads of municipalities, that is, in fact, to cancel their direct election [16, pp. 36-37]. In their scientific works, the judges of the Constitutional Court write that the right of a citizen to participate in the implementation of local self-government is one of the rights, the recognition, observance and protection of which is the most important constitutional value defended by the Constitutional Court. And they also argue that " the specificity of the right to local self-government is characterized by the fact that (...) it can be realized only by the joint efforts of citizens (...) on a collective basis." It turns out that only all residents of the local community can apply to the court for protection of the constitutional right to local self-government, which is not feasible. Such a position of the Constitutional Court creates a dangerous precedent, thanks to which the courts can refuse to accept complaints from citizens about violations of other "collective" rights.

why does the constitutional court more often protect the interests of the state, and not citizens? In the history of Russia, there has already been a case of "punishment" of the Constitutional Court in the form of a one-and-a-half-year suspension of its activities and replacement of its chairman. This punishment was unconstitutional nature, that is, outside the Constitution in force, which, however, according to the Decree of 21.09.1993 G., acted "only to the extent not contrary to the present Decree" , which effectively meant the abolition of the act of the President of the Russian Federation the Constitution in force, the elimination of the constitutional order, the establishment of a "specified autocracy" and, consequently, the meaninglessness of existence of the COP. "Punishment" has long instilled fear in constitutional judges, while a professional sense of constitutional legality and a civil conscience should have prompted them to voluntarily resign, which would have been proof of their independence and subordination only to constitutional legality and conscience. article 12 of the federal law on the constitutional court proclaims that " the

ISSN 2542-1514 (Print)

independence of a judge of the constitutional court of the Russian Federation is ensured by his independence, inviolability, equality of rights of judges, (...) the right to resign (...)". a similar rule was in the previous law on the constitutional court.

However, there was no voluntary resignation, which could be due to the ultra-high immunity of the judges of the Constitutional Court, although this issue is quite sensitive.

5. The principle of "reasonable restraint" as an excuse "flexibility" of the Constitutional Court

G. Z. Jawatan believes that doctrinally formulated the principle of "reasonable restraint", allows the COP to withdraw from the assessment of a Federal law or presidential decree as unconstitutional [17] or, according to A. A. Uvarov, in favor of political interests to change the previously adopted legal position, to reconsider its own decision" [18].

Analyzing the evolution of party legislation, S. A. Avakian writes: "Being political competitors, parties with a sufficient number of members wish "death" to their rivals, and if necessary, they bring such "death" closer. And there is a vivid example of this: under the slogan of creating several strong political parties in Russia – instead of many small ones – the "ER" carried out a novel in the Law "On Political Parties", issued by the Federal Law of 20.12.2004. (...) Needless to say, the increase in the minimum number of political parties by five times (!) was a shock for most parties. Their number has dropped to seven. Almost all officially registered parties, including parliamentary ones, have problems with the number of (...) fictitious members and so-called dead souls" [19, p. 204].

Analyzing the position of the COP associated with complaints about the tightening of legislation in relation to the parties, S. A. Avakyan noted the paradox of the conclusions of the constitutional court, failed in the recognition of the unconstitutionality toughening of short stories on the basis of criteria of reasonable sufficiency ensuing from the principle of proportionality, and based on the reminder of the fact that when deciding on the size of the party, the legislator had a reasonable degree of discretion and political expediency. He's writing: "...when the Russian constitutional Court noted that the legislator must establish the number of political parties to be guided by the criteria of reasonable sufficiency ensuing from the principle of proportionality, it clearly did not consider the absence of these factors legal content. The legislator considers reasonable and sufficient what suits either the main political party or the circle of parties that is represented in Parliament (…) On the issue of the size of the party, the Constitutional Court twice failed to find the right legal solution. it is interesting that the federal constitutional court of Germany at the same time (2004) expressed the position that "small parties are also important for the political landscape" (...) the constitutional principle of multiparty as one of the indispensable features of the constitutional system of Russia directly depends on the size of a political party" [19, p.107-108].

In this light, it is rather strange wishes of the Chairman of the constitutional court V. D. Zorkin, "that the opposition has a real possibility of coming to power, under the Constitution, on the basis of fair political competition" [20].

The political fate of V. D. Zorkin is a kind of marker of Russian democracy, when in the end we got, according to S. N. Baburin, the early and late V. D. Zorkin [21], sometimes surprising with courage, though only in his resonant journalistic articles.

6. Can the acts of the Constitutional Court and its inaction harm the constitutional legality?

Yes, they can. In the 1990-ies, when it was destroyed of a single legal space of Russia, the COP not only idle, but also paralyzed the attempts of other entities, including prosecutors, to challenge in the Federal courts, regional legal acts contradicting the Constitution and Federal law. The Ruling stated that courts may not apply such laws, but may not invalidate them. The courts refused to accept declarations of acceptance of regulatory legal acts contradicting the Federal law, citing the decision of the constitutional court, under which courts may not consider cases arising from public legal relations, due to the lack in the CCP rules on invalidation of normative legal acts in whole or in part .

So, the author of these lines, being a deputy of the Samara Provincial Duma, sued the SRS and the Governor of the Samara Region for a year to recognize

ISSN 2658-4050 (Online)

the Law of the Samara Region "On the Mortgage of Agricultural Land" as invalid due to a contradiction to the Federal Law "On Mortgage", which prohibited the mortgage of agricultural land [22].

But at any moment, quantitative changes could turn into qualitative ones, and Russia would share the fate of the Soviet Union. On television, they showed nimble young people dividing the map of Russia into pieces that were supposed to go to the countries adjacent to Russia.

In our opinion, the Constitutional Court should have "rung the bells" in its messages to the Federal Assembly of the Russian Federation. And there were no messages. Note that V. D. Zorkin was not the chairman of the Constitutional Court after his resignation from this position in 1993. The new chairmen (there were three of them) have well learned the lesson taught to the former leadership, which is quite understandable in political and personal terms, but does not justify it in constitutional terms. Before the court of history, the damage caused to the constitutional legality by some decisions of the Constitutional Court and its position of self-removal leaves no chance for its acquittal.

Everyone understands that, despite the legislative formula on the consideration of the Constitutional Court exclusively issues of law, it is inevitably involved in the consideration of any appeal, especially on constitutional issues, in the constitutional conflict and even becomes a party to the conflict [23]. The Constitutional Court should carry out prevention of the constitutional crisis, which is assigned to many authorities [24], but to it - first of all.

The public expected only legal arguments from the constitutional court when considering the appeal of the federation council on the constitutionality of the law adopted in the first reading on the postponement of elections to the State Duma from December to September 2016. But the system of political coordinates paralyzed the courage of the judges of the Constitutional Court and prompted them to adopt a resolution with a very bizarre argument. People who knew a little about politics understood the essence of this political game to weaken the position of competitors of the dominant party. The democratic principle of the periodicity of elections does not allow for changes in the term of office of elected bodies either in the direction of increasing or decreasing. Elections are a kind of public contract between voters and their elected representatives. And an integral part of the contract is its term. Changing the term is a violation of the public contract.

N. A. Bogdanova correctly emphasizes that "the situation with the postponement of elections is a veiled extension of their powers or, on the contrary, a reduction of their powers beneficial for the authorities (...), which may well be regarded as an attempt on the representative nature of the authority and the electoral rights of citizens" [25, p.96].

The technology with the postponement of the election date has been used more than once. The postponement of the State Duma elections from December 4 to September 18, 2016, was obviously needed not to solve urgent problems of state-building, but to ensure the interests of one of the parties. The Constitutional Court found nothing unconstitutional in postponing the election date and legalized manipulative technology. As a justification for the postponement of the election date, it was said that the new budget should be adopted by the new Duma. This explanation seemed logical, and the Constitutional Court adopted a resolution according to which the elections can be postponed once. It turned out, as in that saying: "you can't, but if you really want to, you can." The reasoning of the Constitutional Court repeated the reasoning in the request of the Federation Council: the reduction of the term of office is permissible if a number of conditions are met: 1) such a measure can only be a single, not lead to the violation of the "reasonable frequency" Russia's Duma election; 2) reduce the term of office compared to the established Constitution has to be "minor", i.e. not to go beyond a few months and apply only to MPs of the current convocation; 3) the postponement of elections should be carried out in advance, so as not to limit the possibility of political competition in the elections. The argument of the representative of the Communist Party of the Russian Federation was ignored . The Constitutional Court did not dare to say "no" to the bill initiated in the interests of the dominant party, as a result of which the Federation Council, which sent an appeal to the Constitutional Court, dismissed

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responsibility for the constitutional failure to reduce the term of office of the State Duma of the VII convocation.

Interesting conclusions about the flawed and even erroneous decisions of the Constitutional Court are presented in the article by A.N. Kostyukov "On Law enforcement in Modern Russia" [26].

7. Is the use of the right of legislative initiative by the Constitutional Court effective?

In addition to the constitutional right to address messages to the Federal Assembly, the Constitutional Court also has the right of legislative initiative on issues of its jurisdiction (Part 1 of Article 104 of the Constitution of the Russian Federation). The COP could or himself to address with a legislative initiative, or to achieve the adoption of the Federal law on the liability of the State Duma of the RF President, RF Government and other Federal and regional bodies of state power, if they do not comply with the decision of the constitutional court, does not make (not accept, do not sign) the bill, which needs to be adopted according to the decision of the constitutional court. However, the COP did neither the one nor the other, and withdrew. Meanwhile, the Prosecutor General sent a letter to the President of the Russian Federation in 1999, where he described the terrible situation in which even the prosecutor's office found itself: The courts refused to allow prosecutors to accept applications for invalidation of regional laws that contradict federal laws, due to the lack of procedural norms. In our opinion, the subsequent Chapter 24 of the Civil Procedure Code of the Russian Federation "Proceedings on invalidation of normative legal acts in whole or in part" did not contain such norms, the absence of which previously did not allow courts to recognize normative acts as contrary to federal laws. However, the Constitutional Court, figuratively speaking, "having a hand" in separatist tendencies, subsequently withdrew from solving the problem.

Meanwhile, in matters concerning its own interests, the Constitutional Court shows an enviable speed, for example, in the issue of increasing the term of office of constitutional judges from 65 to 70 years. The legislative novel on increasing the term of office of judges of the Constitutional Court has an interesting background. One of the judges of the Constitutional Court in March 2001 was 65 years old, but the resignation did not follow even after the completion of the cases initiated with the participation of the judge. Colleagues were embarrassed to be reminded of the norm of the law and, accordingly, the obligation to retire upon reaching the age of 65. Everything would have remained that way for any length of time, if not for Judge V. O. Luchin, who reminded that the judges of the Constitutional Court should be an example of the attitude to legality. V. O. Luchin resigned without any reminders when he turned 65 in 2004. And then the COP took the initiative: Federal Constitutional Law No. 2-FKZ of 05.04.2005 increased the age limit for a judge of the Constitutional Court to 70 years. The case described was not the only one. Thus, the Chairman of the Constitutional Court M. V. Baglay turned 70 years old on March 13, 2001, he resigned on February 21, 2003.

Federal Constitutional Law No. 1-FKZ of 29.07.2018 increased the age limit for holding the post of Deputy Chairman of the Constitutional Court to seventy-six (?!) years. This change was introduced in the expectation of use by one of the Vice-presidents of the COP, who turned 70 in January 2019. The question may arise: why such a non-circular figure-76 years? It is timed to 2024 – the end of the powers of the current President of the Russian Federation (it was assumed that the new President would continue to propose candidates for judges).

8. The idea of abolishing the constitutional court and the constitutional reform of 2020 as the completion of the establishment of its dependence

The topic of the possible abolition of the Constitutional Court has existed in the public space since its appearance. After the Supreme Arbitration Court of the Russian Federation was disbanded in 2014, not only representatives of the media, but also high-level statesmen, including the President of the Russian Federation, had to speak out on this issue. The idea of abolishing the Constitutional Court arose "out of the blue": first, this was facilitated by the wide range of changes in the

ISSN 2658-4050 (Online)

judicial system and unfilled vacancies of judges of the Constitutional Court, which created a risk of threatening its efficiency; second, the lack of a legal position of the COP, appropriate for the inviolability of its status. O. N. Krajkova calls even a reason, as the approach of the COP to the resolution of cases, "allowing functionally to identify him with the court of cassation" [27]. It is these arguments that drive the idea of transforming the Constitutional Court into the constitutional chamber of the Supreme Court, although they are not shared by us.

It turns out that the authority of the constitutional court was required in order to once and for all stop talking about the "sensitive moments" of the 2020 reform.

The official rhetoric accompanying the 2020 reform was based on the thesis of strengthening the balance of power, increasing the powers of both houses of parliament and the Constitutional Court. However, the formal strengthening of the powers with regard to the preliminary control the constitutional amendments bizarre kompensiruet, firstly, the decrease is almost twice the size of the Board, and secondly, the introduction of a new order of dismissal of its judges, according to which the jurisdiction of the Council of the Federation includes the termination by the President of the Russian Federation of powers of the Chairman of the constitutional court, Deputy Chairman of the constitutional court and constitutional court judges if they commit an act discrediting the honor and dignity of a judge, and in other stipulated by the Federal law, evidence of the impossibility of the judge's compliance with his powers (clause " L. " of Article 106 of the Constitution of the Russian Federation). The words we have highlighted are key and complete the process of establishing the dependence of all judges of the Constitutional Court on the President of the Russian Federation.

Therefore, the increase in the powers of the COP is only an appearance of strengthening, decorating its finally dependent state. The new power of the Constitutional Court to review draft federal laws at the request of the President of the Russian Federation cannot compensate for the status losses of the Constitutional Court. The majority of members of the Federation Council by virtue of the order of appointment, especially life senators determined by the President (a purely monarchical institution), are dependent on the President, which is why the implementation of the power of the Federation Council to consider the President's submissions on the resignation of judges of the Constitutional Court is absolutely predictable.

The new power of the Constitutional Court to review draft federal laws at the request of the President of the Russian Federation is to impose political responsibility on the Constitutional Court for bills that are unpopular or questionable from the point of view of the principles of democracy. But, I think, the Constitutional Court was saved for another purpose and for this reason it was not transformed into the constitutional chamber of the Supreme Court, as it happened as a result of the 2010 revolution in Kyrgyzstan. The fact is, no president. even the most popular is not immune from the situation of confrontation with the State Duma with the adoption of federal laws that contradict the interests of the president. in this case, the constitutional court can adopt a resolution on the unconstitutionality of the law and thus act as an additional guarantee of the stability of the president's status. I think, first of all, for the realization of this goal, the Constitutional Court has preserved its existence in the updated Constitution of the Russian Federation.

D. G. Shustrov, analyzing the Law on the Amendment to the Constitution of the Russian Federation of 14.03.2020 No. 1 of the Federal Law "On improving the regulation of certain issues of the organization and functioning of public power" and the Conclusion of the Constitutional Court of 18.03.2020. about its constitutionality, States that used the Law on the amendment of the admission, which came into effect on the part of the Act requires the COP to review the constitutionality of the not yet entered into force the Law "is reminiscent of a fairytale story about Baron Munchausen, who was grabbing his pigtail, ... struggling, pulled up and without much effort pulled himself and his horse, which he held tightly gripped with both feet like tongs (...). for such important political and legal issues as constitutional

ISSN 2542-1514 (Print)

reform, such an approach (...) is unacceptable and could easily be avoided. (...) Granting the Constitutional Court of the Russian Federation these powers ad hoc and pro futuro can (...) be assessed as a pragmatic political step that allowed the proposed amendments to be legalized and covered by the authority of the Constitutional Court, which recognized them as corresponding to the provisions of Chapters 1, 2 and 9 of the Constitution of the Russian Federation" [29, p.64].

I. A. Starostina, having analyzed the correlation of the all-Russian vote with other forms of constitutional amendments, also writes: "The constitutional initiative of the President of the Russian Federation on the legitimation of the amendments to the Constitution through the approval of the national vote, despite its high degree of democracy, due to objective and subjective circumstances, was not quite rational, and in this sense unreasonable", stressing that from the beginning "dominated over the political component of constitutional legal institutionality [30, p.22].

The law on the amendment sets aside only 7 days for the adoption of the opinion of the constitutional court on it. The Constitutional Court met in two days, repeating, in fact, the reasoning in the explanatory note to the amendment law. And the rhetoric is the same – not to convince, but to assert. Scientists were perplexed about the incomprehensible haste with which the 2020 amendments were developed and adopted [31].

9. Some conclusions

Henceforth, when assessing the constitutionality of amendments to the Constitution, it is necessary to set for the implementation of this procedure by the COP not only the maximum period, increasing it to 30 days, but also the minimum (at least 15 days), so that the COP has the opportunity to attract experts, study competent assessments made in the media.

The judges of the Constitutional Court have a special responsibility – political, moral, and historical. Responsibility before God, which, in my opinion, is a responsibility before conscience, which unites both believers and atheists. The root of the word "co-message" = "message" + co-participation, co-action with God. All judges, as stipulated in the legislation on them, are guided by the law and conscience. Conscience is a spiritual concept, both secular and divine. According to V. V. Sorokin, " the exclusion of the concept of sin from jurisprudence not only hindered, but closed the way to understanding the offense and legal responsibility (...). Legal science is helpless in justifying legal responsibility and measures to ensure its effectiveness as long as it retains an atheistic orientation. It is the scope of application of legal responsibility that convincingly proves that the arsenal of secular jurisprudence is pathetic and ineffective" [32, p. 7, 8].

The requirement of an impeccable reputation for applicants for the position of a judge of the Constitutional Court is also a special requirement.

The main questions arise: who has the right to state the torts of the constitutional court and what are the consequences of this statement? In our opinion - any concerned citizen, politician, scientist, argumentatively proving the flaws and "sins" of the Constitutional Court. This article is devoted to this. There are no other higher instances before which the Constitutional Court is responsible, in addition to conscience and the people. This leads to a very important conclusion: each candidate, after being nominated for the position of a judge of the Constitutional Court, must pass a competition of the scientific and legal community-through the Interregional Association of Constitutionalists, the Association of Lawyers of Russia, and so on. The names and biographies of candidates for the position of judges of the Constitutional Court should be published in the official publication, the candidates should be subject to open discussion.

ISSN 2658-4050 (Online)

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BIBLIOGRAPHIC DESCRIPTION

Bobrova N.A. The Constitutional Court of the Russian Federation as a subject of constitutional responsibility. *Pravoprimenenie = Law Enforcement Review*, 2020, vol. 4, no. 4, pp. 23–34. DOI: 10.24147/2542-1514.2020.4(4).23-34. (In Russ.).

Правоприменение
2020. Т. 4, № 4. С. 23–34
ISSN 2658-4050 (Online)