DOI 10.52468/2542-1514.2022.6(2).19-31

INTERNATIONALIZATION OF DOMESTIC LAW IN THE CONTEXT OF LEGAL POSITIONS OF THE RUSSIAN CONSTITUTIONAL COURT AND THE RUSSIAN SUPREME COURT**

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Article info
Received –
2021 December 29
Accepted –
2022 April 11
Available online –
2022 June 20

Keywords
European Court of Human Rights, international treaty, legal position, Constitutional Court, Supreme Court, domestic law, supranational law, internationalization

The article is aimed at identifying legal positions on the relationship between international and domestic Russian law in the decisions of Russian Constitutional Court and Russian Supreme Court.

The purpose of the article is to confirm or disprove hypothesis that the practice of Russian Constitutional Court and Russian Supreme Court significantly changed the content of norm of Russian Constitution that recognizes generally recognized principles and norms of international law and international treaties as part of the Russian legal system.

The methodological basis of the study was formed by both general scientific methods (dialectical, analysis and synthesis, induction and deduction) and special methods (synergistic, systemic-structural and formal-legal).

The main results, scope of application. The main body of the article covers three interrelated issues. Firstly, the problems of interpretation of Pt. 4 of Art. 15 of the Russian Constitution. These problems are summarized to the ratio of the categories "generally recognized principles of international law" and "generally recognized norms of international law", to possible contradictions between the current international treaty with the participation of Russia and the provisions of the Russian Constitution as well as to exceptions from the priority of international treaties over the domestic law of Russia. Five such exceptions are highlighted: the unconditional primacy of the Russian Constitution; domination of an international treaty only in the event of a conflict of its norms with the internal law of Russia; the presence in an international treaty of dispositive norms that are inferior to domestic law; taking into account the level of legal force when determining the correlation of an international treaty with the sources of national Russian law; implementation of an international treaty as self-executing or non-self-executing, when the priority of the latter directly depends on the adoption of an appropriate normative act of domestic law.

Secondly, the system of legal positions of the Russian Constitutional Court on the relationship between international and domestic law and their target mission is considered. The legal positions on the issue under study are divided into two groups - on the interaction of international treaties with the domestic law of Russia and on the assessment of the prospects for the incorporation of the legal positions of the European Court of Human Rights into Russian legal system and the limits of its jurisdiction. The consolidating basis of all judicial legal positions is the unconditional priority of the Russian Constitution, the need to differentiate the normative content of an international treaty with the participation of the Russian Federation and acts of official interpretation by the authorized body of its norms, as well as the desire to preserve the constitutional identity of Russia.

Thirdly, the subject of reflection was the limits of the internationalization of domestic law.

Conclusions. There is an obstacle to the further internationalization of domestic law. It is the presence of spheres of public and state life that cannot and should not be included in the subject of international legal regulation and are subject exclusively to domestic legal impact. In addition, the framework of internationalization is due to the conflict with the state sovereignty of Russia and the desire to ensure the inviolability of the foundations of the constitutional order and national interests, and to ensure the country's constitutional identity.

** The reported study was funded by Russian Foundation for Basic Research (RFBR), project number 20-511-18002 "Hierarchy and Coordination of Sources of Law in Contemporary National Legal Systems of Russia and Bulgaria".

ISSN 2542-1514 (Print)

1. Introduction. The processes of internationalization of the Russian law, which received their impetus back in the mid-90s of the last century, have become one of the clear patterns of development of the domestic legal system in the post-Soviet period. Despite the sovereignty of the Russian state and the originality of the national legal system of our country, it should be stated that it is significantly influenced by international law. This state is due to a number of factors, including the general trend of globalization of the modern world, Russia's desire to strengthen integration with foreign countries, as well as the provisions of part 4 of Art.15 of the Constitution of the Russian Federation, contributing to the consolidation of supranational and domestic law. At the same time, the general complication of the international situation in recent years, an active anti-Russian sanctions policy and attempts to isolate our country in the international arena, in general, have retained the indicated pattern of development of domestic law, but with some time-related adjustments. Taking into account the convergence of national and international law is one of the directions of the legal policy of our state [1].

As known, part 4 of Art. 15 of the Constitution of the Russian Federation, establishes the following: “The generally recognized principles and norms of international law and international treaties of the Russian Federation are an integral part of its legal system. If an international treaty of the Russian Federation establishes rules other than those stipulated by law, then the rules of the international treaty shall apply”. As seen, the Constitution of the Russian Federation proceeds from the inclusion of generally recognized principles and norms of international law and international treaties in the legal system of Russia and the priority (primacy) of the latter over domestic legislation. This approach is not original and is currently observed in many foreign countries (for example, France, Belgium, Switzerland, Czech Republic, Poland, Ukraine, Bulgaria) [2, 3].

Despite the unambiguous, at first glance, content of this norm, constitutional practice has highlighted the need for its semantic clarifications. In this regard, within the framework of this article, I would like to consider three interrelated and little-studied segments of the stated topic: the problems of interpretation of part 4 of Art. 15 of the Constitution of the Russian Federation; the system of legal positions of the Constitutional Court of the Russian Federation on the relationship between international and domestic law; the limits of domestic law internationalization.

The main discussion adds up to the difference in the views of those who substantiate the absolute nature of the internationalization of Russian law [4, p. 39-40; 5, p. 33; 6, p. 424-425] and those who allow exceptions from constitutional provisions on the priority of international law in favor of internal law [7, 8, 9]. The authors adhere to the second approach, analyzing the cases of the dominance of Russian domestic law over international treaties revealed in the course of the development of the current legislation, as well as the judicial practice of the Constitutional Court of the Russian Federation and the Supreme Court of the Russian Federation.

The main scientific novelty of this article lies in the fact that for the first time in the Russian legal doctrine, the legal positions of the Constitutional Court of the Russian Federation and the Supreme Court of the Russian Federation on the incorporation of international law into the legal system of Russia are systematized and their teleological commonality is deduced. The poor knowledge of the judicial legal positions on the stated topic, the complexity and controversial nature of this issue against the background of its practical relevance undoubtedly indicate the need for further research.

The methodological basis of the study was a wide range of general and special methods of scientific knowledge. Dialectical method, analysis and synthesis, induction and deduction were used as general scientific methods. Synergetic, systemic-structural and formal-legal methods were used as special ones.

General scientific methods, especially dialectical ones, made it possible to study the

ISSN 2658-4050 (Online)

conditions and process of evolution of constitutional and judicial understanding of the interaction of international and domestic law, taking into account the changing socio-political context. With the help of a synergistic method, the analysis of inter sectorial communication of national constitutional law and supranational legal regulation is carried out. The systemic method was used in the study of hierarchical, spatial and subject aspects of the relationship between international and domestic Russian law. Through the formal legal method, a study of doctrinal, legislative and constitutional and judicial sources was carried out, which made it possible to form the logic of the presentation of the material and the conceptual apparatus of the declared topic.

2. Part 4 of Article 15 of the Constitution of the Russian Federation: problems of interpretation.

Despite the 27-year term of the Constitution of the Russian Federation, the provisions of part 4 of Art. 15 still raise some questions that have not found a clear answer in the current legislation, the legal positions of the Constitutional Court of the Russian Federation and the Supreme Court of the Russian Federation and the law enforcement practice of other federal courts. In particular, these questions include the following.

Firstly, the difference between such categories as “generally recognized principles of international law” and “generally recognized norms of international law” is not entirely clear. An attempt to clarify this issue was made in the Resolution of the Plenum of the Supreme Court of the Russian Federation of October 10, 2003 No. 5 "On the application by courts of general jurisdiction of generally recognized principles and norms of international law and international treaties of the Russian Federation." According to paragraph 1 of the Resolution, the generally recognized principles of international law should be understood as "fundamental peremptory norms of international law, adopted and recognized by the international community of states as a whole, deviation from which is unacceptable." Under the generally recognized norm of international law, according to the Plenum of the Supreme Court of the Russian Federation, one should understand “a rule of conduct accepted and recognized by the international community of states as a whole as legally binding”. In essence, there are no noticeable differences in these definitions, perhaps with the only difference that in relation to the principles, the characteristic “fundamental” is additionally used. Accordingly, the border between these legal concepts remains flexible.

The doctrine also considers that the question of the general recognition of the principles and norms of international law in each particular case should be decided by the law enforcement officer with the involvement of experts, if necessary [10, p. 203]. In this regard, M.P. Avdeenkova and Yu.A. Dmitriev reasonably note that this kind of understanding "makes it practically impossible to use the principles in the practice of courts, since the existence of a form of law cannot be indefinite, depending on the subjective opinion of an expert" [11, p. 137].

Secondly, the question of how to proceed in the event that a contradiction of the current international treaty with the participation of Russia with the provisions of the Constitution of the Russian Federation is revealed, remains open? In accordance with subparagraph "g" of paragraph 2 of Art. 125 of the Constitution of the Russian Federation, the Constitutional Court of the Russian Federation is empowered to resolve cases on compliance with the Constitution of the Russian Federation "international treaties of the Russian Federation that have not entered into force." Such cases have already existed in the practice of the Constitutional Court of the Russian Federation, but they did not and could not relate to the verification of the constitutionality of international treaties that had already entered into force. On the contrary, the Constitutional Court of the Russian Federation in numerous refusal definitions emphasized its lack of authority to check the compliance of the Constitution of the Russian Federation with those international treaties in which Russia is already participating. On the other hand, Art. 22 of the Federal Law of July 15, 1995 No. 101-FZ "On international treaties of the Russian Federation" provides: “If an international treaty contains rules requiring changes to certain provisions of the

ISSN 2542-1514 (Print)

Constitution of the Russian Federation, the decision on consent to its binding on the Russian Federation is possible in the form of a federal law only after making appropriate amendments to the Constitution of the Russian Federation or revising its provisions in accordance with the established procedure".

Consequently, in any case, through the introduction of the necessary textual changes to the Constitution of the Russian Federation, or through blocking the outlined participation of Russia in an international treaty, preventive measures are envisaged in order to prevent a conflict between the Basic Law and an international treaty. This is undoubtedly correct, but the possibility of such contradictions cannot be ruled out. They can occur due to the subsequent introduction of amendments to the Constitution of the Russian Federation or its revision in accordance with the established procedure, as well as in connection with the updated official understanding of certain norms of the Constitution of the Russian Federation in the process of changing constitutional practice. Which body in such a situation should resolve this issue and what are the options for its resolving? Apparently, on the part of Russia, it will be necessary to refuse from further participation in the agreement due to significantly changed circumstances, or it is necessary to initiate the procedure for making appropriate amendments to itself international treaty, which is quite feasible with a small number of member states and their interest in the further operation of the treaty.

Thirdly, the constitutional rule of part 4 of Art. 15 of the Constitution of the Russian Federation on the priority application of an international treaty in the event of a conflict of its norms with the norms of the law is formulated and perceived as absolute, although legal practice knows many exceptions to it. Exceptions of this kind introduce semantic corrections to the specified constitutional norm and narrow the scope of its action.

1) The primacy of an international treaty does not affect the Constitution of the Russian Federation, which has the highest legal force within the legal system of Russia (Part 1 of Article 15 of the Constitution of the Russian Federation), which has been repeatedly drawn the attention of researchers [12, pp. 249-253; 13, p. 228] and what from the standpoint of the practice of the Constitutional Court of the Russian Federation will be discussed in more detail below.

2) Proceeding from the literal meaning of Part 4 of Article 15 of the Constitution of the Russian Federation, the primary application of an international treaty and its dominance over the norms of domestic law is relevant only in case of a contradiction between the provisions of an international treaty and the internal norms of law proper. According to S.Yu. Marochkin, "there are no grounds to give preference to an agreement if it does not provide for other rules than the law, it is advisable in this case to apply the law" [7, p. 22]. A similar position was formed in the German legal doctrine [14, p. 25]. However, as we noted earlier [15, p. 76], the synchronous application of an international treaty and law, that is, the simultaneous presence in the law enforcement act of references to both sources of law, seems to be quite admissible.

3) In some international treaties, there are rules that are dispositive in relation to the national legislation of a contracting state. So, according to paragraph 3 of Art. 14 bis of the Berne Convention for the Protection of Literary and Artistic Works (as revised in 1955) "unless otherwise provided by national law, the provisions of the above paragraph (2) (b) do not apply to the authors of scripts, dialogues and musical works ...". Such norms allow for the inclusion in the national legislation of a contracting country of other, that is, incompatible with an international treaty, prescriptions subject to priority application.

4) The level of legal force of an international treaty is of fundamental importance for the correlation of international treaties with internal regulatory legal acts, which has already been indicated in the literature [16, p. 63]. As well known, the Federal Law "On International Treaties of the Russian Federation" distinguishes between interstate, intergovernmental and interdepartmental treaties (paragraph 2, Art. 3). Their differentiation is due not only to the difference in the bodies concluding the agreement, but to the

ISSN 2658-4050 (Online)

different level of legal force of the normative legal acts by means of which the treaties are incorporated into the legal system of Russia: interstate agreements, as a rule, are in the form of a federal law on ratification, and intergovernmental and interdepartmental agreements, on the contrary– are in the form of resolutions of the Government of the Russian Federation and departmental regulations. Consequently, the provisions of an interstate treaty have a higher legal force compared to federal law, and intergovernmental and interdepartmental international treaties have priority only in relation to regulatory legal acts, respectively, at the governmental or departmental levels. This legal position received a pin in the Resolution of the Supreme Court Plenum of the Russian Federation of October 10, 2003 No. 5 "On the application by courts of general jurisdiction of generally recognized principles and norms of international law and international treaties of the Russian Federation" (paragraph 8). In an earlier Resolution of October 31, 1995, "On some issues of the Application of the Constitution of the Russian Federation by courts in the Administration of justice," the Plenum of the Supreme Court of the Russian Federation clarified more specifically: Article 15 of the Constitution of the Russian Federation refers to an international treaty, "the decision on consent to be bound by which for the Russian Federation was adopted in the form of a federal law".

5) The priority of an international treaty operates in different ways depending on the order of its implementation. As well known, according to this criterion, contracts are subdivided into self-executable and non-self-executable. A self-executable agreement does not require the issuance of domestic normative legal acts for its application and directly regulates public relations. The validity of a non-self-executable contract depends on the adoption of the necessary internal regulatory legal acts, in connection with which it depends on the national rule-making. This nuance was reflected in paragraphs 5 and 6 of the Resolution of the Plenum of the Supreme Court of the Russian Federation of October 10, 2003. Thus, international treaties, the norms of which provide for signs of criminal offenses, cannot be directly applied by the courts, since such treaties directly establish the obligation of states to ensure the fulfillment of the treaty obligations by making certain offenses punishable by domestic (national) law (e.g. 1961 Single Convention on Narcotic Drugs, 1979 International Convention against the Taking of Hostages, 1970 Convention for the Suppression of Unlawful Seizure of Aircraft). In this regard, the Plenum of the Supreme Court of the Russian Federation clarifies: “international legal norms providing for signs of corpus delicti should be applied by the courts of the Russian Federation in cases where the norm of the Criminal Code of the Russian Federation directly establishes the need for the application of an international treaty of the Russian Federation (for example, Articles 355 and 356 of the Criminal Code of the Russian Federation)”. In other words, the priority of a non-self-executable international treaty for some time may not be real, but nominal.

3. Legal positions of the Constitutional Court of the Russian Federation on the correlation of national and international law.

Despite the listed problems, it must be recognized that the international legal segment within the Russian legal system occupies a solid place and is in constant and close communication with the domestic legal component. An important role in ensuring such a kind of "dialogue" belongs to the Constitutional Court of the Russian Federation [17, 18, 19], whose decisions occupy a high position in the system of sources of Russian law [20, pp. 381-386]. In our opinion, this manifests itself, in particular:

- in mentioning in the decisions of the Constitutional Court of the Russian Federation of international treaties with the participation of Russia (according to M.A. Amirova, most often in decisions there are references to the International Covenant on Civil and Political Rights 1996, the International Covenant on Economic, Social and Cultural Rights 1966) [21, p. 187];
- in reproducing (citation) in the decisions of the Constitutional Court of the Russian Federation of certain norms of international treaties with the participation of Russia (here the European Convention for the Protection of Human Rights and

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Fundamental Freedoms of 1950 is the leader);
- in using by the Constitutional Court of the Russian Federation of the legal positions of the European Court of Human Rights or references to its decisions, including to strengthen the argumentation of its own decisions [22, p. 280-289];
- in forming of legal positions that develop the meaning of the norms of the Constitution of the Russian Federation and, above all, part 4 of Art. 15.

It is necessary to dwell on the last thesis in more detail. In our opinion, all legal positions of the Constitutional Court of the Russian Federation within the framework of the issue under consideration can be divided into two groups. The first concerns the correlation of international treaties and, mainly, the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 with the domestic law of Russia. The latter are aimed at assessing the legal positions of the European Court of Human Rights [23, p. 490-494, 24, p. 302-307] and the limits of its jurisdiction.

The first group may include the following legal positions:

- "Russia is not entitled to conclude international treaties that do not comply with the Constitution of the Russian Federation, and the rules of an international treaty, if they violate constitutional provisions, cannot and should not be applied in its legal system";

- "the situation when an international treaty with the participation of the Russian Federation initially corresponded to the Constitution of the Russian Federation is not excluded, but subsequently, through interpretation alone, was substantively concretized in such a way that it came into conflict with the provisions of the Constitution of the Russian Federation; in such cases, it is not about the validity or invalidity of an international treaty as a whole for Russia, but only about the impossibility of complying with the obligation to apply its norm in the interpretation given to it by the authorized interstate body in the framework of the consideration of a particular case";

- "generally recognized principles and norms of international law are not only an integral part of the legal system of Russia, but also have priority over domestic legislation";

- "the interaction of the European conventional and the Russian constitutional legal order is impossible in the context of subordination, since only dialogue between different legal systems serves as the basis for their proper balance, and the effectiveness of the norms of the Convention for the Protection of Human Rights and Fundamental Freedoms largely depends on the respect of the European Court of Human Rights for national constitutional identity in the Russian constitutional legal order; the Constitutional Court of the Russian Federation is ready to search for a legitimate compromise, reserving the determination of the degree of its readiness for it, since the boundaries of a compromise in this matter are outlined by the Constitution of the Russian Federation";

- "the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 does not abolish the priority of the Constitution of the Russian Federation and therefore is subject to implementation within the framework of this system only on provided that the Constitution of the Russian Federation is recognized as the highest legal force";

- "the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms is a self-executable treaty and is directly applicable in Russia";

- "the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms is an integral part of the Russian legal system, and therefore should be taken into account by the federal legislator when regulating public relations and law enforcement agencies when applying the relevant legal norms".

Also, for a long time, the question of the admissibility of checking the constitutionality of normative legal acts, through which international treaties received official approval for the participation of the Russian Federation in them, was controversial [8, p. 310-315]. In a number of its decisions on this issue, within the framework of a specific constitutional normative control, the Constitutional Court of the Russian Federation formulated a legal position, according to which, in particular, the federal law on ratification "is aimed

ISSN 2658-4050 (Online)

at the inclusion of an international treaty in the legal system of the Russian Federation and in itself cannot be considered as violating any constitutional rights of citizens", from which followed the determination of the Court on the refusal to accept the complaint for consideration.

The second group also consists of several legal positions of the Constitutional Court of Russia:

- "The European Court of Human Rights only establishes a violation of the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms in the relation to the applicant, but does not have the right to take further measures in order to eliminate it";

- "the competence of the European Court of Human Rights, as a subsidiary by its nature interstate judicial body for the resolution of specific cases, does not include the implementation of normative control, i.e. checking of domestic legislation for its compliance with the Convention for the Protection of Human Rights and Fundamental Freedoms";

- "the judgments and legal positions of the European Court of Human Rights are an integral part of the Russian legal system, but are subject to implementation within this system only provided that the Constitution of the Russian Federation is recognized as the highest legal force";

- "The European Court of Human Rights, the jurisdiction of which is also recognized by the Russian Federation, is not entitled to review the decisions of the courts or other bodies of the states which are parties to the Convention";

- "if the judgments of the European Court of Human Rights unlawfully - from the constitutional and legal point of view - affect the principles and norms of the Constitution of the Russian Federation, Russia may, as an exception, deviate from the fulfillment of the obligations imposed on it, when such a deviation is the only possible way to avoid violation of the Constitution of the Russian Federation";

- "the Constitutional Court of the Russian Federation cannot support the interpretation of the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms given by the European Court of Human Rights, if the Constitution of the Russian Federation (by its interpretation by the Constitutional Court of the Russian Federation) is more complete in comparison with the corresponding provisions of the Convention in their understanding, the European Court of Human Rights ensures the protection of human and civil rights and freedoms".

Despite the different content orientation of the designated legal positions, they are united by several common points: an emphasis on the absolute priority of the Constitution of the Russian Federation, delimitation of the normative content of an international treaty with the participation of the Russian Federation and acts of official interpretation of its norms, and also, as reasonably noted by some researchers [25, pp. 149-165; 26, pp. 191-197] the desire to preserve the constitutional identity of Russia in the face of increasing supranational legal impact.

4. The limits of internationalization of domestic law.

Moreover, the legal positions developed by the Constitutional Court of the Russian Federation were partially approved when adopting large-scale amendments to the national Constitution in 2020 [27, p. 25]. At the level of the constitutional regulation itself, the rule from the Decree of the Constitutional Court of the Russian Federation dated July 14, 2015 No. 21-P was reproduced, as a result of which Art. 79 was supplemented with the following norm: "Decisions of interstate bodies adopted on the basis of the provisions of international treaties of the Russian Federation in their interpretation, contrary to the Constitution of the Russian Federation, are not subject to execution in the Russian Federation". In this regard, the Constitutional Court of the Russian Federation was endowed with a new authority to resolve the issue of the possibility of executing decisions of interstate bodies adopted on the basis of the provisions of international treaties of the Russian Federation in their interpretation that contradicts the Constitution of the Russian Federation (subparagraph "b", paragraph 5.1, Art. 125). If we take into account the possibility of recognizing such decisions as part of the legal system of Russia, as it was done in the above-mentioned Resolution of the Constitutional Court of the Russian Federation dated July 14, 2015

ISSN 2542-1514 (Print)

No. 21-P in relation to the decisions of the European Court of Human Rights, then the semantic adjustment of Part 4 of Art. 15 of the Constitution of the Russian Federation on the generally recognized norms of international law as a segment of the country's legal system and a certain limitation of the scope of its action has become apparent. At the same time, we observe the protective direction for the national Constitution of last year's amendments and the previously formed legal positions of the Constitutional Court of the Russian Federation.

The process of internationalization does not and cannot have a total character, since it is constrained by the rigid framework of the circle of public relations regulated by international law, as well as by the key legal principles and basic values of the Russian legal system. In international law, a stable list of areas and issues regulated at the supranational level has long been formed, as well as a relatively flexible range of issues [28, p. 87] that can potentially become the subject of international legal regulation, depending on the will of states, which, in particular, through an international treaty, can make them a subject of supranational legal regulation. At the same time, there are many spheres of public and state life that cannot and should not be included in the subject of international legal regulation and are subject exclusively to domestic legal mediation. For example, in constitutional law, a significant share is occupied by public relations in the field of organization, functioning and termination of the activities of the highest bodies of state power, as well as the state-territorial structure, which, in principle, are not subject to supranational legal regulation and are traditionally within the scope of national law. In any case, the universal obstacle to the universalization of constitutional law is, in the fair opinion of V.V. Nevinsky, "such a subject of constitutional and legal regulation as public relations in the sphere of organization and exercise of state power on the basis of recognition of state sovereignty, sovereignty of the people and the supremacy of the constitution" [29, p. 53]. Likewise, the exclusively domestic legal niche is occupied by budget law, administrative procedure, judicial system, issues of state and municipal service, etc.

In addition, internationalization in some cases may come into conflict with the state sovereignty of Russia and the desire to ensure the inviolability of the foundations of the constitutional order and national interests, preservation of the country's constitutional identity [30]. Therefore, the processes of rapprochement of supranational and national law, according to the correct remark of N.S. Bondar, “the processes of constitutional and legal sovereignty are opposed, ... awareness of the need to protect sovereign rights, accounting, preservation of the socio-cultural characteristics of national-state constitutional systems ...” [9, p. 29]. In many respects, this motivation determines the majority of the above legal positions of the Constitutional Court of the Russian Federation, which acts not only as a kind of conductor for the internationalization of Russian law, but also as the guardian of its unshakable foundations, including the sovereignty and the supreme legal force of the Constitution of Russia. According to the correct remark of the prominent Bulgarian scientist J. Stoilov, “the so-called institution of constitutional identity essentially offers a compromise, a curtsey to the supreme act of national law” [31, p. 164]. Actually, the domestic Constitution and the legal positions of the Constitutional Court of the Russian Federation and the Supreme Court of the Russian Federation, based on it, formalize this curtsy legally.

5. Conclusions. So, according to the results of the study of the relationship between international and domestic law of Russia in the context of the normative content of the Constitution of the Russian Federation, the legal positions of the Constitutional Court of the Russian Federation and the Supreme Court of the Russian Federation, several conclusions can be drawn. Firstly, it must be admitted that exceptions are possible from the constitutional rule on the primacy of international treaties over the domestic law of Russia, identified in the course of the development of the current federal legislation and constitutional judicial practice. Secondly, all the legal positions of the Constitutional Court of the Russian Federation on the issue under study were classified into two groups: on the interaction of international treaties

ISSN 2658-4050 (Online)

with the domestic law of Russia and on the assessment of the legal positions of the European Court of Human Rights and the limits of its jurisdiction. Thirdly, the key ideas of all legal positions are the unconditional priority of the Constitution of the Russian Federation, the need to differentiate the normative content of an international treaty with the participation of the Russian Federation and acts of official interpretation by the authorized body of its norms, the desire to preserve the constitutional identity of Russia. To a certain extent, the Constitutional Court of the Russian Federation forms a barrier on the path of massive internationalization of domestic law, acting as a guarantor of the inviolability of the Basic Law and the national security of the country.

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BIBLIOGRAPHIC DESCRIPTION

Anichkin E.S., Vasiliev A.A., Usvyat N.D. Internationalization of domestic law in the context of legal positions of the Russian Constitutional Court and the Russian Supreme Court. *Pravoprimenenie = Law Enforcement Review*, 2022, vol. 6, no. 2, pp. 19–31. DOI: 10.52468/2542-1514.2022.6(2).19-31. (In Russ.).

Правоприменение
2022. Т. 6, № 2. С. 19–31
ISSN 2542-1514 (Print)

Law Enforcement Review
2022, vol. 6, no. 2, pp. 19–31