



GRATA
INTERNATIONAL

Local Knowledge
for Global Business

www.gratanet.com

What changes, in the President's opinion, are necessary in Russian legislation?

On January 15, 2020, Vladimir Putin delivered a message to the Federal Assembly in which he raised a question. Is there a "Constitutional revolution" in Russia?

This question is based on numerous proposals of the President regarding the Constitution.

For example, the question of the supremacy of national law over international law is supposed to be changed by article 15, according to which the rules established by international treaties of the Russian Federation, and not by Russian legislation, will be applied in a disputed situation.

However, it is worth noting that the constitutional court itself has repeatedly "hinted" that national legislation has priority over international legal norms. This was stated by the Chairman of the constitutional Court of the Russian Federation Valery Zorkin in 2015. The logic is that our state, of course, recognizes and supports international acts, but they are "embedded" in our legislation, if they do not contradict the Constitution, if they contradict, then you should not rely on such documents, refer to them and base your decisions on them. However, experts believe that this logic will not apply to documents such as decisions of the European court of human rights.

The above-mentioned constitutional court also suffered. First of all, the President proposed to dismiss the judges of the constitutional court and the Supreme Court of the Russian Federation on the basis of the President's submission. Currently, in accordance with article 18 of the Constitution of the Russian Federation, the Federation Council can terminate the powers of judges of the constitutional court only on the initiative of the court itself, if such a decision is supported by 2/3 of the court's composition.

Further, the Constitutional court is supposed to add powers, namely the ability to check for compliance with the Constitution bills adopted by the state Duma and the Federation Council before they are signed by the President, but such verification requires a request from the President himself.

According to many lawyers and political scientists, giving the state Council additional powers is not the right decision, since the powers of the Federation Council have actually been abolished, since this body, according to the President, will be in the hierarchy above the Federation Council. In fact, local self-government bodies should be integrated into the vertical of power, but this contradicts the "European Charter of local self-government" signed by our state, which assumes the independent work of local self-government bodies.

It is also worth paying attention to the fact that the President spoke about a certain vote on the adoption of amendments to the Constitution, after which many took these words as a message about the upcoming referendum. Experts quickly reasoned that, according to the Constitution, such issues can be put to a referendum by the Constitutional Assembly. This was supposed to be a "consultative vote", which is provided for and used in other countries, but not in our country. accordingly, it is necessary to create such an institution, record it, describe its meaning and actions, the grounds for its conduct, etc.

However, this was quickly clarified by some statesmen, including the President's press Secretary, Dmitry Peskov. According to them, the President offers to "consult" with the people, but there will be no "referendum" as such, and voting on some serious issues will still take place, information about them will be published later.

In addition, during Vladimir Putin's address to the Federal Assembly, many other issues were considered, but the most

important of them are related to the Constitution. Based on the above, it is obvious that the main trend of discussions and disputes for the next year will be around the President's proposals for the Constitution.

We need clarity from the head of the Russian Federation on many issues, because the opinions and assumptions of experts may differ radically from how everything will be implemented in the end. In any case, it is always better to contact lawyers during legislative formations, as they can quickly respond to changes made and help you avoid problems.

The team of lawyers and auditors of GRATA International St. Petersburg closely monitors changes in the Russian legal field and is ready to advise You at any time if necessary.

Author: Andrey Matveenko – legal assistant

GRATA International St. Petersburg

Өңірлер

РЕСЕЙ