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THE PARLIAMENTARY LAW OF THE RUSSIAN FEDERATION

Monograph

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Editor-in-Chief
Academician of the Russian Academy of Sciences
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P18 **The Parliamentary Law of the Russian Federation: Monograph /**
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Presented edition is devoted to the parliamentary law of Russia and reveals its place in the system of domestic law and the role of its doctrinal regulative arsenal in the development of parliamentarism in the Russian Federation. The authors discuss theoretical approaches to the study of parliamentary law, the ways of institutional and regulatory realization of the ideas of parliamentarism in Russia, the main characteristics of constitutional legal status of the Russian Parliament and the legislative bodies of the subjects of the Federation, the mechanism of formation of legislative bodies in the Russian Federation, organizational aspects of their functioning (internal structure, the status of the officials and bodies).

The book lets the reader get acquainted with the types of the Deputy mandate, rights and duties of the members of the Parliament, guaranties of their activity, forms of their responsibility. Chapters on parliamentary procedures, which form the basis of parliamentary law, occupy the central place in the monograph. Various aspects of legal technologies in parliamentary activities, the forms of parliamentary control, items of inter-parliamentary cooperation and providing the functioning of the legislative authorities are analyzed in this book.

This edition is addressed to the deputies, officers of the legislative machinery of legislative bodies, and also to the teachers, post-graduate students, students of law faculties of universities and to those who are interested in the parliamentarism and its problems.

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PREFACE

The Constitution of 1993 and the establishment of the Parliament of new Russia had a decisive influence on the development of democracy in our country. Two decades — is, of course, a very short term according to the history standards. However, during this period the Russian statehood passed a way that other countries were passing for centuries.

Today, when there are active processes of social and political modernization and, in fact, a new lawmaking cycle began, the Russian Parliament has reached a new stage of its activity, characterized by the greater openness to the civil society, growth of interparty dialogue, extensive use of the independent expertise.

A new stage in the strengthening of interparliamentary cooperation is expected as well. The lawmakers of different countries, making full use of existing practices of the parliamentary diplomacy could do a lot more for the modern world.

Currently, the legislative public state power bodies are developing dynamically. It should be noted, that the hot debates about the place, role and functions of the Parliament periodically arise precisely in connection with the search for an optimal model of such state body.

The special place of legislative (representative) authority among the other branches of the state power and the important social and political significance of the decisions made by the Parliament require a comprehensive analysis of the various theoretical and applied issues of functioning of the Federal Assembly of the Russian Federation and legislative (representative) state powers of the regions of the Russian Federation and attract more attention of both scientists and practitioners.

Certainly, there is a need for a comprehensive review of the role and place of the legislative bodies in the system of public power and government of Russia, the status of the parliamentarians and their associations, and the peculiarities of the legislative process in the conditions of new challenges. It can be stated, that analysis of many issues of the parliamentary activity requires more attention, including such as implementation of the parliamentary procedures, the application of the modern legal technologies in the activity of the Parliament, ensuring the operation of the legislative bodies in Russia, etc.

This will require more attention allowing to make a prediction for the development of the parliamentarism in Russia; reveal its role in the democratic processes that are able to strengthen the relationship between society and state.

The Parliamentary Law of Russia

The value of the presented publication is determined by its orientation not only to the audience of the higher schools, but also to the representatives of the legislative bodies in Russia, all those who support the stability of the national parliamentarism. I am confident that this book will promote broadening of the readers' outlook and raising their legal and political culture.

S.E. Naryshkin,
Doctor of Economics,
The Chairman of the State Duma
of the Federal Assembly
of the Russian Federation

INTRODUCTION

The formation of the modern national statehood is inseparably associated with the development of the parliamentarism. Diverse experience of the parliamentary activity is already gained and for today the search for an optimal model of the parliamentarism that is responsive to the needs and interests of the Russian society continues. In the dynamics of the political life of Russia the tendencies of strengthening the role of the Parliament, and increasing the practice of interaction with other state power institutions are obvious. The characteristic feature of the past two decades is the rapid development of a set of rules regulating the status and activities of this body: improvement of the methods and style of work, mechanisms of legislative bodies' formation, development of their control powers, etc.

Certainly, the current changes motivate interest to the study of the modern Russian Parliament's problems. The wide range of studies, which are devoted to the theoretical and practical basis of functioning of the Parliament in Russia¹, is represented in the legal literature. In general, the domestic researchers concentrate their attention on issues related to the theory and history of the legislation and the individual status elements of the Russian Parliament, while the holistic idea of the remedial and procedural aspects of its activity, which is largely determined by the reality of its constitutional status, remains outside the contemporary doctrinal analysis. Not only common problems of the parliamentarism require the further scientific understanding but, in fact, the system of legal rules regulating the process of the parliamentary activity and organizational relations related to it which can be referred to as the parliamentary law also deserves comprehensive study. The clarity of the regulation of these relations and their constitutional reasonableness determine the significance of the Parliament as the supreme legislative body and serve as a guaranty of the principle of the separation of powers.

¹ Ref, e.g.: The constitutional regime of Russia. Ed. 2. Publications of the parliamentary law. Moscow, 1995; V.D. Horobets. The Parliament of the Russian Federation. Moscow, 1998; S.A. Avakyan. The Federal Assembly — the Parliament of Russia. Moscow, 1999; I.V. Hrankin. The Russian Parliament. Moscow, 2001; O.N. Bulakov The two-chamber Parliament of the Russian Federation. St-Petersburg, 2003; E.V. Kovryakova. Parliamentary oversight: foreign experience and Russian practice. Moscow, 2005; Modern Parliament: theory, world experience, Russian practice / Editor-in-Chief O.N. Bulakov. 2005; Parliamentarism and political stability in contemporary Russia / V.N. Kolesnikov; North-West Academy of state service. St-Petersburg, 2010; V.A. Karpov. Russian parliamentarism: monograph. Moscow, 2012; V.E. Chirkin. The Upper chamber of a modern Parliament: comparative legal studies: monograph. Moscow, 2015.

The foundations of the parliamentary law are traditionally taught at the educational courses on constitutional law. It should be recognized that, despite the significant development of the set of rules, regulating the organization and operation of the federal Parliament and the legislative bodies of regions of the Russian Federation, including issues of popular representation, formation of the Parliament, control activities, mechanisms of the legislative process, responsibility of the legislative bodies and parliamentarians etc., there are many urgent problems of the parliamentary law in the Russian legal science that are not sufficiently developed and still remain disputable¹.

This book continues the many years standing author's studies on the problems of parliamentarism and parliamentary law² and aims to justify the methodological approaches to the study of the parliamentary law, its values and place in the system of the branch differentiation of law, identification of its main characteristics and content, prediction of its development. Features of this publication are the expansion of comparative legal research³ and analysis of the parliamentary factor in the implementation of the regional integration⁴.

This study is published as a monograph, the structure of which generally follows the logic of the main institutions of the parliamentary law.

Chapter One is devoted to the general theoretical approaches to the study of the parliamentary law; it shows the main directions of the institutional and normative formulation of the ideas of the parliamentarism in Russia; reveals the main stages and features of formation of the parliamentarism and parliamentary institutions in our country. Significant development of the legal framework of parliamentary activities allowed the authors to separate, as an independent, the paragraph on the sources of the parliamentary law.

¹ By the way, the number of works devoted to the parliamentary law is small. Among them, for example, ref.: O.N. Bulakov., I.N. Ryazantsev. *The parliamentary law of Russia: course of lectures* / Editor-in-Chief O.N. Bulakov, Moscow, 2007; *The parliamentary law of Russia: study guide*. Ekaterinburg, 2008; I.V. Hrankin. *The parliamentary law of the Russian Federation: course of lectures*. Moscow, 2010.

² *Parliamentary law of Russia: textbook* / under the editorship of I.M. Stepanov, T.Y. Khabrieva. Moscow, 1999; *Lawmaking in the Russian Federation: scientific and practical textbook* / under the editorship of A.S. Pigolkin. Moscow, 2000; *Parliamentary law of Russia: textbook* / under the editorship of T.Y. Khabrieva. 2d ed.; rev. and add. M., 2003; Abramova A.I. *Legislative process in the Russian Federation*. Moscow, 2005; *Fundamentals of parliamentary law: scientific and practical guide* / edited by T.Y. Khabrieva. Moscow, 2006; Saidov A.H., Khabrieva T.Y. *Parliamentary Glossary: dictionary*. Moscow, 2008.

³ Talia Ia. Khabrieva, Sergueï Narychkin. *Le statut de l'Assemblée fédérale de la Fédération de Russie* // *Revue française de droit constitutionnel*. Avril 2015. № 101. P. 87–89.

⁴ Ref: S.E. Naryshkin, T.Y. Khabrieva. *To the new parliamentary dimension of the Eurasian integration* // *Russian Law Journal*. 2012. No. 8. 5–15 p.

Chapter Two reflects the main features of the constitutional and legal status of the Russian Parliament and the legislative bodies of region of the Federation. By studying the functions of the Parliament, its competence, issues of relationships with other state authorities, the place and role of the Federal Assembly in the government system are revealed.

Taking into account the new legislation, the authors reveal the mechanism of formation of the legislative public state power bodies in the Russian Federation and the organizational aspects of their work (internal structure, status of officials and bodies).

Collegiality, as the only form of functioning of the Parliament, means exercise its powers through the joint development and adoption of decisions by its members. In this regard, status of the parliamentarian acquires the key importance.

Chapter Three provides to the reader the types of the deputy mandate, rights and responsibilities of the members of the Parliament, guarantees of their activities, forms of their responsibility. The development of the modern Russian parliamentarism in the context of struggle and interaction between political parties and other political groups in process of the formation of the Parliament and during its work, made the authors of the monograph to extend these aspects at disclosing the characteristics of the status of the parliamentarian.

The chapters devoted to the parliamentary procedures themselves, as legally regulated procedure, forming the basis for the competence implementation of the Chambers of the Parliament are an integral part of the study. The study of this variety of legal procedures is carried out in a logical sequence: Chapter Four presents the general procedural issues on the work organization of the Chambers of the Parliament, Chapter Five provides a detailed analysis of the procedures, allowing to systematically introduce the legislative process, each of its stages.

In the modern conditions of lawmaking development, in the process of the formation of legally significant decisions, the probability to achieve a variety of objectives increases significantly when using the system of science-based set of techniques, methods, and other legal instruments. Chapter Six informs about the legal technologies in the parliamentary activities.

Chapter Seven is devoted to the parliamentary control. Along with the well-known forms of control (deputy and parliamentary inquiry, control in budget execution, etc.) such a form as a parliamentary investigation is revealed, as well as the status of specialized parliamentary control bodies is considered.

In the context of globalization and development of regional integration, having a significant influence on the activities of the legislative bodies, the issues of cooperation and activities coordination of their representative

bodies are of a great importance. Chapter Eight is dedicated to the current tendencies of the development of international parliamentarism, the forms of implementation of the inter-parliamentary cooperation at the multilateral and bilateral levels, as well as the basic of the supranational parliamentary bodies' activities.

Chapter Nine finishes the monograph. It is dedicated to the performance by the legislative machinery of the state power. This side of the parliamentary activity is rarely covered in the scientific and educational literature, while the successful implementation of its powers by the Parliament depends largely on the quality of the auxiliary structures, which provide organizational and technical, material, information, financial, legal, expert and analytical and other grounds for its effective functioning.

The parliamentary practice continues to accumulate and improve. The new challenges and problems have occurred that require analysis, doctrinally grounded response and applied skills, so the study of the parliamentary law as in general theoretical, so in practical ways of research will remain an urgent problem of the legal science. This book can be useful for all, who are interested in the problems of the parliamentarianism and the parliamentary law.

The team of authors expresses sincere gratitude to Andrey Aleksandrovich Klishas — Doctor of Law, the Chairman of the Committee on Constitutional Legislation and State-building of the Council of Federation of the Federal Assembly of the Russian Federation, for his help while preparing this volume for being issued¹.

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¹ Коллектив авторов выражает благодарность за помощь при подготовке к публикации этого издания Андрею Александровичу Клишасу — доктору юридических наук, Председателю Комитета Совета Федерации по конституционному законодательству и государственному строительству Федерального Собрания Российской Федерации.

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