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PROBLEMS OF STATE BUILDING IN DAGESTAN AT CUSP

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Abstract

The paper discusses the issues of state building in one of the most multinational regions of the country under the conditions of establishment and development of new Russian statesmanship at the cusp of XX and XXI centuries. The work notes the role of the federal treaty to strengthen and develop new Russian state that secured the interrelations between the federal center and regional government agencies. It highlights the importance of Russian Constitution of 1993 in securing the social, economic and political transformations and changes in the country. The author focuses on the fact that the development of New Constitution of the Republic of Dagestan started in summer of 1990, which considerably accelerated after adoption of the New Constitutional Law of the Russian Federation. It is demonstrated that the prepared project of the New Constitution of the Republic of Dagestan was approved by the Constitutional Assembly on June 26, 1994 which has secured its status of sovereign, unified and democratic state of the Russian Federation. The paper characterizes and notes the peculiarities of the New Constitutional Law of the Republic of Dagestan. Appreciable attention is paid to the review of the operation of the federal center on strengthening the power vertical and Russian sovereignty in 2000s and implementation of its orders in the Republic of Dagestan. In this context, the work pays special attention to the characteristic of the New Constitution of the Republic of Dagestan in 2003.

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Keywords: State, federal center, region, treaty, constitution.



1. Introduction

The progress, rate and results of the Dagestan development were directly affected by liberal market transformations and changes of 90s, complications in economy, escalation of social controversies, multinational specifics, change of geopolitical situation in the Caucasus, local conflicts and military operations in the region. An important role in the strengthening of new Russian state was played by the federal treaty signed on March 31, 1992 in Moscow by B.N. Yeltsin and R.I. Khasbulatov and heads of 18 autonomous republics (Chechnya and Tatarstan did not sign) that determined by interrelations and powers of federal and regional authorities. However, at first, some of the subjects of new state formation and their heads tried to shatter the Russian Federation, move beyond the legal boundaries set by the federal treaty up to declaring themselves a subject of international law.

2. Problem Statement

The problem is to study the process of transformation of state and constitutional building within the Russian sovereignty at the cusp of XX and XXI centuries, study the work of the government authority—State Council of the Republic of Dagestan—providing the interaction of the government authorities of the Republic of Dagestan, analyze the work of the Constitutional assembly of the Republic of Dagestan.

3. Research Questions

The subject of the paper is the state and constitutional building in the republic within the Russian sovereignty transforming together with social, economic and cultural development of the Dagestan society.

4. Purpose of the Study

The main purpose of this article is to unveil the complications and controversies, occurred during the development of post-Soviet Dagestan constitutions of 1994 and 2003; to detect and analyze comparatively and historically the changes in the status, privileges and competences of Dagestan as part of the RF according to Russian and Dagestan constitutions; also, the paper is to show the evolution of national sovereignty of the Republic of Dagestan and the effect of these complex processes on social, economical and political life of the republic.

5. Research Methods

The system of material narration, generalization and analysis envisages a multi-factorial approach to the representation of various theoretical and methodological schemes. Special attention was paid to the dialectic method allowing considering the object and subject of the study as a multitude of connections and relations. The investigation involved the principle of historicism, principle of complex approach, principle of chronological narration of materials, etc.

6. Findings

The development and adoption on nationwide referendum of the New Constitution of the Russian Federation on December 12, 1993 had large effect on the securing of social, economical and political

transformations and changes, extension of the creation of socially oriented mixed economy, further evolution of democratic transformations and changes to the multinational country. It declared the Russian Federation a democratic, rightful, multinational, multiconfessional state that guarantees the political rights and freedoms. The constitution has determined the structure of federal power and that of state subjects, as well as legislative, executive and judicial branches of RF government, their powers and obligations (Sheynis, 2008). The process of development and adoption of New Constitutional Law was performed in the RF republics as well. The practical work on the draft of the New Constitution of the Republic of Dagestan started in summer of 1990 when the Supreme Soviet of the republic has formed the Constitution Commission, which included legal theorists, experts and practisers (Truzhenikova, 2009). The New Constitution of the Republic of Dagestan was prepared and discussed in two stages. The first stage is 1992 when several drafts were prepared, and at a session of the Supreme Soviet (August 1992) the main articles of the summarized draft were approved. In principle, the same solution in terms of this project was adopted on the convention of Dagestan folks (November 1992).

Consequently, in the Russian Federation the preparation and adoption of the Russian Federation Constitution intensified, and the well-known events (1993) occurred in Moscow (Medushevskiy, 2008). In this conditions, the work on the draft of the New Constitution of the republic was suspended.

After adopting the Constitutional Law of the RF (December 1993), the work on the Constitution of the Republic of Dagestan received another impetus. The draft of the Constitutional Law of the Republic of Dagestan prepared by the Constitution Commission was brought up to the discussion of the XXXth session of the Supreme Soviet of the republic, published for public (nationwide) discussion at different levels, refined and presented for the review of the Supreme Soviet of the Republic of Dagestan on June 10, 1994, where it was fully affirmed. The session has approved the draft of the Constitution and decided, with due consideration of the suggestions and comments provided by the deputies, to submit it for the consideration by the Constitutional Assembly (Dandamaeva, 2006).

The decree of the Supreme Soviet of the Republic of Dagestan as of July 8, 1994 “On the conduction of the Constitutional assembly” and the decree of the Presidium of the Supreme Soviet of the Republic of Dagestan as of July 5, 1994 on this question, have triggered the elections of the members of the Constitutional assembly of the Republic of Dagestan. In total, 449 people were elected representing 17 nationalities. They included 222 people's deputies of the Republic of Dagestan and 227 representatives of districts and cities elected on the sessions of representative local governments; the number of the representatives corresponded to the number of the people’ deputies elected into the parliament on a given territory.

On 26-27 of July 1994, the Constitutional assembly of the Republic of Dagestan worked in the republic capital. People's deputies of Dagestan, deputies of city and district assemblies and other representatives elected by the folk assembled to adopt the New Constitution of the republic. The report on the Constitution of the Republic of Dagestan was delivered by the chair of the Supreme Soviet of the Republic of Dagestan M.M. Magomedov. The reporter has outlined the Constitution draft and its discrepancies from previous constitutions. On 26 of July, 1994, the Constitutional assembly has adopted the New Constitution of the Republic of Dagestan. It has secured the status of sovereign, unified, democratic state of the Republic of Dagestan as a part of the Russian Federation.

After the adoption of the new constitutions of the Russian Federation and Republic of Dagestan, the classification of the government bodies of the Republic of Dagestan was as follows: 1. legislative bodies; 2. executive bodies; 3. judicial bodies. According to the Constitution, the first group included the People Assembly which simultaneously was both legislative and representative body, the second group included the government, and the third group included courts. A particular role was played by the State Council of the Republic of Dagestan, a body that primarily was the executive body, but at the same time it was the body providing the interaction between the government authorities of the Republic of Dagestan. A special position was held by the Constitutional assembly of the Republic of Dagestan. On the one hand, it was the executive body since it adopted the Constitution of the Republic of Dagestan, on the other hand, it was the executive body, since it could form State Council, deprive the chair of the State Council, deprive the members of the State Council (DNCRAS, 2005).

The head of the state—chair of the State Council of the Republic of Dagestan—could not be regarded as a representative of only one branch of power. They governed the State Council heading the executive body, participated in the legislative body by signing and manifesting laws and having the right to put a veto on the laws adopted by the People Assembly of the Republic of Dagestan.

The decree of the Supreme Soviet of the Republic of Dagestan as of August 16, 1994 has executed the law “On the State Council of the Republic of Dagestan”. According to the law, the State Council of the Republic of Dagestan is a body that heads the executive body and provides the interaction of the government authorities of the Republic of Dagestan.

The State Council amounted to 14 people and was formed by the Constitutional assembly of the Republic of Dagestan. The State Council included the chair of the State Council, the chair of the government as the deputy of the State Council chair and other persons elected by the Constitutional assembly of the Republic of Dagestan with due consideration of the multinational population of the republic (Khalifaeva & Ismailova, 2017). The State Council was elected for four years. Thirty days before expiration, the Constitutional assembly was convened to elect new composition of the State Council and its chair. The State Council together with the People Assembly were determining the main directions of internal and external policy of the Republic of Dagestan and: - by the suggestion of the chair of the government formed the Government of the Republic of Dagestan; - presented to the People Assembly the candidates for the judges of the Constitutional Court, chairs and judges of supreme and superior arbitration courts, judges of district and city courts of the Republic of Dagestan, suggested the candidates for the position of the procurator of the Republic of Dagestan, etc. The decrees of the State Council of the Republic of Dagestan as of August 16, 1994, have formed the Administration of the State Council and Government of the Republic of Dagestan, Recruitment and Employment Administration, Legal Administration and Control Administration. According to the regulation, the Administration of the State Council and Government of the Republic of Dagestan was establishment supporting the work of the State Council and Government of the Republic of Dagestan, implementation of their constitutional mandates and interaction with the government and control authorities.

The People Assembly—the parliament of the Republic of Dagestan, the representative and legislative body of the government authority of Dagestan—was elected as per the law of the Republic of Dagestan “On elections for the People Assembly of the Republic of Dagestan” adopted at the 29th

(unscheduled) session of the Supreme Soviet of the Republic of Dagestan on October 20, 1994. The first elections for the People Assembly of the Republic of Dagestan took place in March 1995. It finally included 121 people's deputies. At the first session of the People Assembly of the Republic of Dagestan, held on April 18, 1995, a Temporary parliament was adopted. According to the parliament, the beginning of the work of the People Assembly ceased the power of the Supreme Soviet of the Republic of Dagestan on May 30, 1995; also, the establishment and structure of the People Assembly of the Republic of Dagestan were approved. According to them, the structure of the People Assembly included presidium, chair, two deputies and different committees. The organization of work, the operating procedures and competencies of the committees of the People Assembly were defined by the law of the Republic of Dagestan. (Truzhenikova, 2012).

The Government of the Republic of Dagestan, according to the New Constitution of the Republic of Dagestan was the executive and regulatory body of the Republic of Dagestan. It included the government chair, their deputies, ministers, and chairs of the state committees of the Republic of Dagestan.

The State Council of the Republic of Dagestan, as a supreme executive and regulatory body, started extensive work on the stabilization of social and political life, branches of national economy, solution of escalating social problems. For instance, only in 1996, the State Council has considered almost all the issues on social, political, economic and cultural life of the republic, adopted 424 orders (including 29 on the social and economical policies), 190 decrees and 38 instructions (Osmanov, 2007).

Considering the political and economical reforms of 1998, the State Council of the Republic of Dagestan has reconsidered and approved the new system and structure of executive bodies of the Republic of Dagestan, new ministries were formed: Ministry for Industry and Trade of the Republic of Dagestan, Ministry of Government Property, Ministry of Amelioration and Agricultural Water Supply of the Republic of Dagestan. The following were reformed: Administration on Religion into the Committee of the RD Government on religion, Ministry of building and architecture of RD into State Committee of amelioration and water management, State committee on control of government property, RD Government veteran committee.

In 1998, during two sessions of the People Assembly of the republic, 25 laws and 121 deputy's request were adopted. For example, the Assembly has adopted the law "On referendum of the Republic of Dagestan", "On public service of the Republic of Dagestan", "On the empowerment of local governments by certain state powers" and other. The Constitution and following laws of the Republic of Dagestan were amended: "On State Council of the Republic of Dagestan", "On local governments of the Republic of Dagestan", "On elections of the head of local administration" and other.

The draft of the federal law "On amendment into the federal law "On basic guarantee of electoral rights and right for referendum participation of the citizens of the Russian Federation" was submitted to the State Duma as a legislative initiative.

The Government of the Republic of Dagestan took focused measures to implement the strategy on social, economical, political and cultural development of the multinational region. For instance, only in 1999, 16 sessions of the RD Government were held; 296 decrees and 738 instructions were adopted. The republic government has prepared 9 items for the sessions of the RD State Council; 107 items were

submitted for the consideration of the RD State Council and its chair, 43 orders, 39 decrees and 25 instructions were adopted. (Muslimova, 2016).

The election of V.V. Putin as the President of the Russian Federation in 2000 initiated the operations on strengthening of the unified space, power vertical and enhancing the state role in provision of the nationwide interests of the country. At the federal level, general principles of organization of legislative (representative) and executive government and local authorities were legislated; the regulations on the legal status of the subjects of the Russian Federation were defined more clearly. Appreciable alterations were introduced into election legislation, regulation of legal principles of Russian citizenship and several other questions. This necessitated the amendments for legislation the Republic of Dagestan too.

The State Council of the Republic of Dagestan concluded the necessity to review the Constitution of the Republic of Dagestan. It considered reasonable to amend the system of government authorities by identifying the establishment of the position of the policymaker of the Republic of Dagestan elected by the citizens on the principles of equal and direct electorate rights by secret ballot. After considering this item in the State Council of the Republic of Dagestan, corresponding proposals were submitted to the People Assembly of the Republic of Dagestan, which, in its turn, discussed, approved them and decided to convene the Constitutional assembly to reconsider the conditions of the first, second and tenth chapters of the Constitution in effect and to adopt a new Constitution of the Republic of Dagestan (Ragimov, 2013).

The projects of the Constitution and new election legislation were developed under active participation of the representatives of government and local authorities, parties and social associations, scientists and experts, and large layers of republic society (DNCRAS, 2009).

On July 10, 2003, in Makhachkala, a session of the Constitutional assembly of the Republic of Dagestan took place, where the decree No. 10-KS on the Constitution of the Republic of Dagestan was adopted. The new Constitution was enforced at the moment of its publication on July 26, 2003. One of the main results of the adoption of the new Constitution was the established system and legal position of legislative (representative) and executive government authorities of the republic that mainly corresponded to the constitutional system of the Russian Federation and general organization principles of legislative (representative) and executive government authorities of the country's subjects stated by the RF Constitution and corresponding federal law (Mirzabekov, 2014).

One of the most important novelties of the Constitutional Law was the introduction of the position of the President of the Republic of Dagestan. The rights and powers of the RD President are fixed by chapter 5 of the Constitution. According to the Constitution, the President of the Republic of Dagestan is the holder of the highest office of the Republic of Dagestan and heads the executive body of the Republic of Dagestan. (Gabieva, Isaev & Fezliev, 2013).

The Constitution of the Republic of Dagestan has marked a new step in the development of political rights and freedoms. It includes more than 40 articles that establish economical, political, social and cultural rights and freedoms that belong to each citizen. They fully correspond to the international standards. However, in exercising their rights, the citizens often encounter certain difficulties.

Having highly esteemed the importance of the New Constitutional Law of the Republic of Dagestan., the former chair of the RD State Council M.M. Magomedov has noted that the new Constitution is further development and improvement of the Constitution of the Republic of Dagestan of 1994. It reflects those

social and political processes and positive changes that took place in the country and in the republic over the recent years owing to balanced and active internal and external policy pursued under the rule of the President of the Russian Federation V. V. Putin. The consistent course of the federal center towards effective regulation and comprehensive strengthening of the state, provision of unified legal space of the country and improvement of the federal legislation have also requested adequate reaction from the Russian Federation subjects. These conditions have necessitated the development and adoption of the new Constitution of Dagestan (Truzhenikova, 2012; Mirzabekov, 2014).

On February 20, 2006, after premature resignation of the chair of the RD State Council, the 31st (unscheduled) session of the 3rd People Assembly of the Republic of Dagestan, upon the recommendation of the President of the Russian Federation V. V. Putin announced by the presidential plenipotentiary in the Southern Federal District D. Kozak, Mukhu G. Aliev was elected as the first President of the Republic of Dagestan who previously worked as the chair of the People Assembly of the Republic of Dagestan (Sarkarova, 2014).

From 2005 the election of the republic head depends primarily on legal regulations adopted at the federation level. Within the process of state power consolidation, the President of the Russian Federation submits the candidate for the position of the republic head for the approval of the representative (legislative) body of the republic. The rejection of direct elections of the republic heads and participation of the President of Russia in indirect election of the republic heads have decreased the level of their independence and that of local political elites in the federation subjects.

In 2012, the direct national elections of the republic head were restored, so in 2013 a consequent modification of election method was approved, which gave the republics the right to elect the republic head by national elections or through the parliament. In Dagestan, the parliamentary election of the President was accepted, which made him dependent on regional political elites.

Starting from 2000, the RF President has the competence to retire higher public authorities in the national republics. The reason for this is the adoption of a regulation by the head of a republic that does not correspond to the RF Constitution and federal laws or nonfulfillment of a judicial decision on the amendment of such regulation. According to the statutory provisions of 2000, the RF President's order on the retirement of a region head can be appealed in the Supreme Court of the Russian Federation. The federal law as of December 27, 2004 extended the right of the RF President relating to the retirement of a republic head.

On October 22, 1993, the session of the Supreme Soviet of the Republic of Dagestan has adopted the decree on the reformation of the government authorities and local governments which states the reformation of the local governments. In February 1994, the Supreme Soviet of the Republic of Dagestan has adopted the law on the elections for representative local governments in the Republic of Dagestan. According to the law, the elections and assemblies in the regions, cities, districts (in-city), towns and villages should be run on the principles of national equal and direct electoral rights. The elections for the representative local governments of the republic were run on June 19, 1994. The elections were run in 41 regional, 10 city, 3 district (in-city), 15 town and 203 village assemblies.

In total the elections involved 694 thousand electors or 58.7% of total population included into the voting lists. In total, 2375 deputies were elected (92.6% of the listed candidates). (DNCRAS, 2009).

In 1999, new elections for the People Assembly of the republic were run. The list of candidates amounted to 450 persons per 121 deputy positions. In the first round (March 7), the elections involved 66.6% of total electorate. In the second round (March 21), the activity risen up to 68.8%. In the first iteration, 75 deputies were elected, i.e. 62% of the total parliament composition. In 19 election districts, the elections were alternative-less.

The new deputy corps included only 35 deputies of the previous calling, i.e. 29%. The new parliament comprised 16 heads of district and city administrations (versus the composition of the 1st People Assembly that comprised 21 head of the city and district administration). Two persons of the new composition had no higher education (Osmanov, 2007).

On March 11, 2007, the elections for the 4th RD People Assembly were run. The novelty in the formation of the parliament was the election of all deputies on the basis of lists from political parties and the alteration of the number of deputies envisioned by the RD New Constitution of 2003. The structure of the People Assembly for this call was somewhat changed. A specific attention to the ecology, building, and housing services and utilities was conditioned by mass violations of regulations in ecology, exploitation of natural resources and unlawful building, which required the development of the legal basis and enhancement of the parliament control over such problems. This lead to the foundation of the Committee on ecology and natural resources, the Committee on the building and housing services and utilities and other. Over the 18 months of the 4th People Assembly functioning, 95 republic-wider laws and 77 decrees were adopted. A number of laws were amendments which was required by the necessity of their improvement and brining into accordance with the changes in the federal legislation. These and other important changes, transformations in the country and the republic have conditioned the intensification of the political life in the multinational region.

7. Conclusion

The government agencies of the multinational region have organized a focused transformation of state institutes and their operation principles. The progress, rate and results of the Dagestan state development were directly affected by the transformations and changes to the economy, social and political situation in the country and region, escalation of social controversies and multinational specificity.

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