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FUNCTIONS OF THE PARLIAMENT IN FEDERAL STATES

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Abstract

This study is a comparative analysis of the principle of horizontal and vertical separation of powers in the context of federalism. It substantiates the role of a parliament in the political system. Parliamentarism has special features in federal states. Specificity of parliamentarism is determined by the nature of statehood, depending on the specific form of the political and territorial structure of the state. Federalism, being a subsystem in the constitutional system of Russia, acts as a system in relation to its constituent institutions. The work draws attention to the extraordinary complexity of formation of the Russian parliament in the context of mosaic interests of various social strata and groups, the unstable and influential multi-party system. Parliamentarism is a complex structure of legislative power, a multifunctional subsystem and an integral part of the political system. It is fragile and unstable. The author concludes that the constitutional principles of Russian federalism are a system of federal relations enshrined in the Constitution and constituting foundations of federal relations in Russia. They are developed in other sources of constitutional foundations of the Russian statehood. An integral characteristic of federalism as a political and legal phenomenon is the obligatory existence of the federal and regional levels of legislative power arising from the principle of vertical separation of power.

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1. Introduction

In the context of deepening federal reforms, cardinal changes in Russian society, it is important to identify effective ways to optimize the federal structure. The progressive development of the modern Russian state depends on democratic federal principles. The system of constitutional foundations of Russian federalism is based on the principles which allow us to consider the state to be federal and identify features of the Russian federalism model that distinguish it from other models. The assessment of their constitutional and legal consolidation is manifested in the Russian model of federalism. There are more than 20 federal states. They include a significant number of subjects formed taking into account various factors: national, territorial, historical-territorial, etc. The subjects are state-like formations (or even states). It is the presence of state power that distinguishes them from autonomous entities. They have their own system of government bodies. Almost all subjects have their own legislature. The subjects of the federation have other elements of statehood, in particular, constitutions. The constitutions are based on federal constitutions.

2. Problem Statement

The theory and practice of building a federal state confirm that it is based on the national and territorial principle of organization and can be stable only in conditions of constitutional equality of all subjects. The main problems that affect the process of reforming Russian federalism are associated with the representative government. In a transitional period, the role of parliament as a leading element of parliamentarism increases, representative institutions performing legislative functions become at the center of conflicts and cooperation of various political forces, mobilize political elites, articulate group interests and contribute to the rationalization of political decisions.

3. Research Questions

Russian federalism as a political and legal phenomenon is one of the principles of the modern Russian constitutional system and a direct factor influencing parliamentarism as a way of organizing state power (Usanov, 2007).

There are four main stages in the development of Russian parliamentarism. At the early stage of parliamentarism development, its origin is the advisory body in Kiev, which consisted of boyars and noble warriors. Legislative acts were developed and ratified by the prince with the participation of those who were close to him. Things developed differently in Novgorod and Pskov, where the main legislative body was called people's Veche which elected senior officials, changed laws, made decisions on important social issues. This was the tradition of the military democracy of the tribal period aimed at limiting powers of the prince (Inalkaeva et al., 2017).

The next period was connected with the process of unification of the Russian lands around Moscow. In Russia, there were bodies of estate representation: Boyar Dumas and Zemsky Sobors. Under the autocracy, they exercised powers of social representatives. The third stage includes the period from

the beginning of the 18th century to 1917, which can be described as a movement towards bourgeois parliamentarism.

On April 27, 1906, the First State Duma began its work. It was the first Russian national parliament, which discussed bills on agrarian issues: Cadets and deputies of the Duma labor group. However, on July 9, 1906, the First Duma stopped its work. The Second State Duma worked from February 20 to June 2, 1907 and held only one session. The Third State Duma worked from November 1, 1907 to June 9, 1912. For almost five years, 611 meetings were held, 2571 draft laws were discussed. The main issue was agrarian.

Thus, the attempt to implement the Western version of separation of powers and parliamentarism in Russia failed because tsarism did not want to have a body exercising legislative power and individuals had no real rights and freedoms which determined the stagnant nature of development of the parliamentary principles in Russia.

During the February and October revolutions of 1917, the new system of representative power was formed – the Soviets. On July 10, 1918, the Constitution of the Russian Soviet Federative Socialist Republic was adopted. It included the Declaration of Rights of the Working and Exploited People. For the first time, the concept of federation was proclaimed in a constitutional document. It was a federation, which belonged only to those territories that had a foreign Russian ethnic composition: “Councils of regions, differing in their special way of life and ethnic composition, can unite into autonomous regional unions governed by regional congresses of councils and their executive bodies. These autonomous regional unions are included in the Russian Soviet Federative Socialist Republic” (Inalkaeva, 2019, p. 1339).

Thus, from the very beginning of the Soviet Federation, only those entities were recognized subjects that differed from the Russian national composition of the population. National formations acquired the rights of autonomies, while Russian territories were considered nothing more than administrative-territorial units. “The RSFSR was not a federation in its general meaning” (Baglai, 2006, p. 12).

Due to the atypical nature of Russian federalism of the Soviet type, authors assessed it as fictitious. The RSFSR was a unitary state body, some parts of which have an autonomous status. In current conditions, the revolutionary attitude of people was used by the Bolsheviks to spread the ideas of the world socialist revolution and form an intermediate state-legal basis for this purpose, based on the principle of autonomy of other nations. The Soviet federation was proclaimed a transitional form to the complete unity of workers of different nations (Zakharov, 2008).

The desire to form a federal state with Russia was expressed by many republics that emerged after the collapse of the Russian Empire. In Belarus, Ukraine and the Transcaucasus, this problem became more urgent; intensive negotiations and discussions were conducted, bilateral and multilateral agreements were concluded. As a result, the concept of a union of equal republics in the form of the USSR was approved. The USSR was a voluntary association of peoples, the republics retained the right to secede from the Union. At the same time, the USSR created in 1922 was not considered federal in the classical meaning of this word. It was the Union of sovereign republics, of which two ones were federal – the RSFSR and the Transcaucasian SFSR, in which the sovereignty of the former republics and their right to

withdraw from the Union were preserved. This provision was included into the 1936 Constitution of the USSR. Even in the 1977 Constitution of the USSR, the section was called "The national state structure of the USSR", in which the concept of "federalism" was used, but in a peculiar context: "The USSR is a single union multinational state formed based on the principle of socialist federalism, as a result of free self-determination of nations and voluntary unification of equal Soviet Socialist Republics" (Article 70). The equality of the Soviet republics was proclaimed, but in terms of their legal status, the union republics were not similar to the autonomous ones. The principle of socialist federalism was based only on free self-determination of nations. Unfortunately, the emphasis was placed not on state building. Citizens as representatives of any nation had equal rights and freedoms throughout the territory, but on nation building, which did not coincide with interests of the whole and led to contradictions between nations. The desire to satisfy national interests led to interethnic tensions, and even conflicts. The creation of the USSR weakened the state structure of the RSFSR. By that time, the Constitutions of the USSR (1936) and the RSFSR (1937) were adopted, the state had already become unitary. In the Constitution of the RSFSR, 16 autonomous republics and 5 autonomous regions were named (10 ones having national districts were not named). The autonomous republics were considered to be non-sovereign units. Their constitutions were approved by the Supreme Soviet of the RSFSR. The autonomous regions were indeterminate (Gumashvili, 2009).

In the Soviet period, a new system of representative power was formed – these are the Soviets, they were massive, regularly elected representative bodies of a new socialist type. They were different from bourgeois parliamentary republics. However, with the development of Russian society, they acquired parliamentary features. They did not manage to become real parliaments due to their functions which contradicted the principle of separation of powers and vertical subordination of representative bodies.

In the Soviet Encyclopedic Dictionary of 1984, parliamentarism was defined as "a system of management of society by the bourgeoisie, in which legislative and executive functions are clearly delineated with a privileged position of parliament. In parliamentarism, the government is formed by the parliament from members of the party that has a parliamentary majority and is responsible to it." In order to ensure the supremacy of the Constitution of the Russian Federation and federal laws, and unify legislative activities of the regions, on August 10, 2000, the President signed the Decree "On additional measures to ensure the unity of the legal space of the Russian Federation." It identified prospects for the development of regional legislation, was aimed at improving quality of legislative and other regulatory legal acts of the regions and strengthening the principles and institutions of the rule of law. One of the key components was a system of legislation of the Russian Federation that implements uniform principles throughout the country and takes into account national, cultural and socio-economic characteristics of regions.

Federal relations in Russia are regulated by constitutional and legal acts (Gligich-Zolotareva, 2009). Structurally, the system consists of the Constitution of the Russian Federation; federal constitutional laws; federal laws, ratified international treaties, treaties between government authorities of the Russian Federation and regions on the delimitation of powers, acts of the Constitutional Court of the Russian Federation; bylaws of federal bodies, constitutions, charters, laws of the regions, agreements

between the Russian Federation and the regions on the delimitation of powers, acts of regional constitutional courts; by-laws of government authorities of the regions; local acts.

The main features that characterize the modern Russian federalism were enshrined in the Russian Constitution of December 12, 1993 (as amended in 2008, 2014, 2020). The latest changes showed that there is a tendency to expand powers of the federation by reducing powers of the regions. It is an unitarization of federations. This is due to the desire of central authorities to ensure the same standards of living throughout the federal state, regardless of the economic differentiation of regions. This goal requires centralized legal regulation, unified redistribution of material values, and equalization of interregional differences. Russia's federalism is characterized by the desire to ensure the integrity of Russia, strengthening its vertical and improving the mechanism of interaction between the government authorities of the Russian Federation and its regions.

In Russia, relations between the federal center and the regions have been built on a centralized basis. The legislative competence is concentrated in the federal center. The sphere of joint jurisdiction is approaching the sphere of jurisdiction of the Federation alone. The Center is able to regulate all issues of joint jurisdiction. Perhaps a way out is a dualistic approach to the delimitation of jurisdiction between the Federation and its regions. The main result of the reform should become the establishment of matters of jurisdiction of the Federation and its regions. Residual powers should be transferred to the Federation.

The policy of federalism is of strategic importance for the Russian Federation, its statehood and its multinational people. The ongoing modernization of Russian federalism is aimed at strengthening integration trends and centralized principles of state building. The theory of separation of powers is based on the principle of equality of all branches. At the same time, a special role of the legislative body has been emphasized. The parliament is the body that expresses the will of people. Therefore, the idea of parliamentarism is closely related to the separation of powers.

4. Purpose of the Study

The purpose is to analyze Russian federalism as a political and legal phenomenon, which is one of the principles of the modern Russian constitutional system and a direct factor influencing parliamentarism as a way of organizing state power; to reveal features of the federal state as the two-level nature of government bodies, the two-tier nature of legislation in the federal state; diversity of existing relationships between government authorities of the federation (federal authorities) and government authorities of the regions; diversity of regulatory legal acts.

5. Research Methods

The theoretical and methodological basis of the study was general scientific (dialectical-materialistic, systemic, synergetic, sociological, etc.) and special (comparative-legal, formal-legal, historical-legal, etc.) methods. A comprehensive analysis of cognizable phenomena of state and legal reality requires their consideration in the process of development. The following general scientific research methods were used: analysis and synthesis of the research results obtained, induction and

deduction. In addition, special methods (historical-legal, comparative-legal, system-functional, formal-legal approach), and modeling were used.

6. Findings

This article is of interest to law students and teachers. The theoretical conclusions will contribute to the development of scientific knowledge about features of federalism and parliamentarism.

7. Conclusion

The federation is a territorial organization with a federal government and autonomous governments of subjects of the federation. This reflects the organizational, constituent aspect of the state power in a complex-structured polity, which is a federation (Leksin, 2009). The territorial integrity of the federal state is ensured by the principle of unity of the system of state power (part 3 of article 5 of the Constitution of the Russian Federation).

The principle of unity of the system of state power in a federal state covers a wide range of functions of the state mechanism united by the fundamental concept of a single statehood.

During the development of new federalism, Russian science and practice have paid attention to the study of the world practice of federal relations. In the classical theory of federalism, there are several models of federalism (Gumashvili, 2009).

Certain models of federalism were created taking into account the political, economic, and cultural, unity of countries. Modern Russian federalism also proceeds from the historical, economic, political unity of federal Russian society, which determines the territorial integrity of the state, the optimal combination of centralism and decentralism.

The system of constitutional foundations of Russian federalism, which determines the content of its model, is based on the principles which allow us to consider the state to be federal and identify features of the model of Russian federalism that distinguish it from other models.

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