THE RUSSIAN CONSTITUTION OF 1993
The supreme legal document of Russia is the Constitution of the Russian Federation, adopted by national referendum on 12 December 1993. In post-imperial Russia this was the fifth Constitution although it was the first one to be officially approved by the nation. Its adoption was the subject of drawn-out debate and was preceded by a fierce power struggle, which almost brought the country to the verge of the civil war.

The referendum marked the beginning of a new period for the Russian State. After centuries of tsarist rule followed by 70 years of communist dictatorship, Russia consciously took the path of further democratic development on the basis of the principles spelled out in the Constitution of 1993. Although the inevitable process of democratisation could clearly be witnessed in the latter period of the Soviet Union under the rule of Mikhail Gorbachev, it was only with the adoption of the new Constitution that Russia emerged as a truly democratic country.

In the Constitution, Russia was proclaimed a democratic state based on a separation of powers giving priority to human rights and freedoms. It also guaranteed political and ideological pluralism, promoted ideals of the free-market economy, and recognised the nation as the only bearer of State sovereignty.

As in many other transitional countries, democratisation in Russia has suffered a series of setbacks, characterised by human rights violations, restrictions of political freedoms and tight control over the mass media. To the present day, the country has often been criticised for practising rule of thumb rather than rule of law. In response to this critique, the administration of President Vladimir Putin came up with the concept of ‘sovereign democracy’, which implies that the measures taken by the Russian government that are perceived as illiberal from the outside should not be taken as anti-democratic tendencies but rather as peculiarities of the democratic regime in Russia. The adjective ‘sovereign’ is meant to signify that Russia reserves the right to define what it deems democratic through the prism of its own national interests.

THE FEDERAL STRUCTURE
The status of Russia as a federal state is also guaranteed by the Constitution. Russia presently consists of 83 federative units, these being 21 republics, 46 regions (oblasts), nine territories (krais), one autonomous region (avtonomnaya oblast), four autonomous districts and two cities of federal significance, these being Moscow and Saint Petersburg.

The two main principles of state division in Russia are national-territorial and administrative-territorial. The former rests on the foundation of republics, autonomous districts and autonomous regions. The Russian Constitution of 1993 recognises a nation’s right to self-determination but only as long as it does not undermine the state sovereignty of the Russian Federation. Hence the main ethnic groups of the country have their own subjects (constituent units) in the federation but are still subordinate to the federal authority. Although in many of these subjects Russians comprise the majority of the population, they are still more ethnically and culturally diverse than other parts of the country. The native language of the republics is usually given official status on a par with Russian, the people have their own citizenship besides Russian citizenship, and all the republics have adopted their own Constitution which, however, cannot contradict the main principles enshrined in the Constitution of the Russian Federation of 1993.

All the other subjects of the Russian state (regions, territories and federal cities) were created on the basis of the administrative-territorial principle. These subjects, as well as being autonomous districts and regions are entitled to have their own Charter, which must also comply with the principles of the Constitution of the country.

Although some of these constituent units have a different status, officially they are all equally entitled to the same degree of autonomy. However, the regions are not equal in territory and population. Accordingly, their economic power is not comparable either. With the priority aim of addressing this problem, the map of the federal subjects of Russia was redrawn several times, so that they are better managed and have become less dependent on subsidies from the federal budget.

The political structure of each subject is also based on the principle of separation of powers. Every subject has its own executive and legislative body, the structure of which it is entitled to determine independently, on the basis of the main principles of the federal structure. Members of the legislative body in the federal subjects are elected by their citizens. The number of deputies and their term of office are also determined independently by every subject. However, according to federal laws, a deputy’s term of office in the legisla-
The federal centre is exclusively responsible for the range of issues within the spheres of state administration, economy and finances, protection of human rights and freedoms, social and cultural development, environmental protection, international relations, and defence and security policy.

The area of joint jurisdiction mainly includes such issues as compliance of the regional legislature with the federal one, use of natural resources in the territory of the federal subject, coordination of programmes for social and cultural development, along with those in the sphere of public health, establishment of the legal framework for the system of regional administration and local self-government, and coordination of the international and foreign economic relations of the federal subjects.

In areas lying beyond the sphere of centralised federal and joint jurisdiction, federal subjects enjoy full authority. In general, they are responsible for the formation of their own governing bodies, regional budget approval and law enactment.

Although the Federative Agreement introduced a lot more clarity in the sphere of federal-regional relations, it prioritised the rights of the republics over those of other federal subjects. In order to eliminate this disparity, those parts of the Agreement that contradict the Constitution, have been deemed invalid since 1993.

In the case of Tatarstan, a special Agreement on Mutual Delegation of Authority was signed on 15 February 1994, granting the Tatar Republic the status of a confederate state within the structure of the Russian Federation. In 2000, the Constitution of Tatarstan was amended so that it became an equal subject of the federation and, in 2007, a new agreement on the division of authority between the republic and the federation was signed. Nevertheless, Tatarstan still retains many of its privileges, mainly in the economic sphere.

The case of the Chechen Republic was more complex. A strong separatist movement, largely comprised of former Soviet military men, which was eventually supported by the local people, made the problem of Chechnya’s independence loom large for the federal authorities of Russia. The clash between central federal power and the secessionist republican government led to a protracted military conflict that gradually developed into guerrilla warfare between the Russian military forces and Islamist groups in the North Caucasus region. With the elimination of the main terrorist groups, the installation of a pro-Russian government and an inflow of federal subsidies, the situation in the region has significantly improved and the problem of independence aspirations in the Republic seems to be resolved, at least for the time being.

With the dissolution of the USSR, another subject of the Russian Federation came into being in rather a peculiar situation. That was the Kaliningrad region, which was cut off from Russia’s main territory by the newly established Baltic States, such as Latvia, Estonia and Lithuania. Although it might have seemed to be the area most prone to falling prey to separatist sentiments, the Kaliningrad region never raised the issue of its sovereignty as emphatically as Chechnya or Tatarstan. The main problem that arose revolved around complications of access to the mainland for Russian citizens living in the
region and vice versa. Thus, the problem of the Kaliningrad region not only had a federal dimension, but also an international one. It became especially acute after the Baltic States signed the agreement to join the EU in the spring of 2003. After several months of talks the same year the problem was resolved through establishing a special regime of border crossing through Lithuania and Belarus for Russian citizens going to and from the Kaliningrad region, and to and from the main part of Russia. Although the transit of people to and from this region is still hindered by some formal procedures, which are unavoidable in the current situation, Russia has managed to find responses to most of the demands in relation to the problem. While the solution of the Kaliningrad problem is a good example of fruitful cooperation between Russia and the EU, the geographical position of the exclave opens a lot of possibilities for the development of even closer cooperation between the countries, especially taking into consideration the great significance of the Kaliningrad region for Russia from the strategic point of view.

Nevertheless, the federal centre approaches the possibility of regional cross-border cooperation very cautiously, which might reflect Moscow’s concerns over regional separatism. The first decade of Russian statehood posed the question of state integrity in a very acute fashion and, during the Presidency of Vladimir Putin, one of the top-priority issues on the agenda has been consolidation of central federal control over the federal subjects.

In order to bridge the gap between the regional authorities and the federal centre, in May 2000 the new institution of federal districts was introduced into the federal structure of Russia. According to the Presidential decree of 13 May 2000, all the subjects of the Russian Federation formed seven federal districts, which were to be headed by Presidential Plenipotentiary Envoys, chosen from among the members of the Presidential Administration. Their main responsibility is to ensure implementation of constitutional responsibilities by the President at the regional level, which is to say, they are mainly responsible for control over regional compliance with the decrees and ordinances of the federal centre. Representatives are appointed by the President and their term cannot exceed that of their patron.

On 19 January 2010 a new North Caucasian federal district was created out of seven federal subjects, which had previously formed part of the Southern Federal District. The main purpose of this innovation was, according to the President, to enhance effectiveness of economic and social policy in the region. Alexander Khlopotin, who was put in charge of the district, is known for his good managerial skills which he demonstrated while governing the Krasnoyarsk region. However, it is obvious that the formation of the new district was also prompted by signs of growing instability in the region and the need to separate the problem-free regions of the Southern district from those with potentially unstable situations.

<table>
<thead>
<tr>
<th>Name of District</th>
<th>Area (km²)</th>
<th>Population (2002 est.)</th>
<th>Federal Subjects</th>
<th>Administrative center</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Central Federal District</td>
<td>652,800</td>
<td>38,000,651</td>
<td>18</td>
<td>Moscow</td>
</tr>
<tr>
<td>2 Southern Federal District</td>
<td>418,500</td>
<td>13,973,252</td>
<td>6</td>
<td>Rostov-on-Don</td>
</tr>
<tr>
<td>3 Northwestern Federal District</td>
<td>1,677,900</td>
<td>13,974,466</td>
<td>11</td>
<td>Saint Petersburg</td>
</tr>
<tr>
<td>4 Far Eastern Federal District</td>
<td>6,215,900</td>
<td>6,692,865</td>
<td>9</td>
<td>Khabarovsk</td>
</tr>
<tr>
<td>5 Siberian Federal District</td>
<td>5,114,800</td>
<td>20,062,938</td>
<td>12</td>
<td>Novosibirsk</td>
</tr>
<tr>
<td>6 Urals Federal District</td>
<td>1,788,900</td>
<td>12,373,926</td>
<td>6</td>
<td>Yekaterinburg</td>
</tr>
<tr>
<td>7 Volga Federal District</td>
<td>1,038,000</td>
<td>31,154,744</td>
<td>14</td>
<td>Nizhny Novgorod</td>
</tr>
<tr>
<td>8 North Caucasian Federal District</td>
<td>170,700</td>
<td>8,933,889</td>
<td>7</td>
<td>Pyatigorsk</td>
</tr>
</tbody>
</table>

I. FEDERAL DISTRICTS OF RUSSIA
THE SYSTEM OF LOCAL SELF-GOVERNMENT

The history of local self-government in Russia can be traced back to the reforms of Alexander II, when in the second half of the XIX century, there appeared district councils (zemstva), which were responsible for public administration on the local scale. During the years of the Soviet Union, this institution was discarded and it was only about twenty years ago that the system of local self-government was reinstated.

The first laws on the main principles of local self-government were passed in 1990 and 1991. Thoroughgoing reform of the system of local administration in 1993 and the Constitution of the Russian Federation officially established the system of local self-government as an independent branch of governmental system in the country, one that was situated beyond the system of the organs of state authority.

The law on the main principles of local self-government was adopted in 1995. This law stipulated that every municipality was obliged to have a representative body, the structure of which was to be determined by local citizens in accordance with the Charter of the municipality and the main principles of local self-government as established by the federal centre.

If the position of the Head of the municipal administration was established, he/she was either elected by the citizens of the municipality or by the representative municipal body.

Local self-government bodies were put in charge of local affairs, such as maintaining good social conditions in the territory of the municipality, administration of municipal property and local budgeting. Economic independence was guaranteed by the right to accrue benefits from the use of municipal property and its lending, as well as the work of municipal enterprises.

In 1996 Russia signed the European Charter of Local Self-Government and in 1998 it came into force.

However, in 2003, the state government embarked on a process of municipal reform with the adoption of the new law on the basic organisational principles of local self-government. This time, it stated that every municipality was obliged to have in the local-government structure such elements as a representative body, the Head of administration and a local administrative body. It also stipulated that when the Head of administration was elected by the citizens of the municipality he/she either took the position of head of the local administrative body or that of chairperson of the representative body. If he/she was elected by the members of the representative body, he/she could only become its chairperson. In cases where the elected mayor did not head the local administrative body, this position was given to the city manager, who was chosen on a competitive basis by a commission of which two thirds consisted of the members of the municipal representative body and one third of members of the representative body of the federal subject.

Immediately after the law was passed, the Russian political leaders were engaged in heated discussion concerning the possibility of the governors of the federal subjects appointing mayors. Some experts claimed that abolition of the elections of subjects’ governors was carried out on the basis of an unofficial agreement that the right to appoint city mayors would subsequently be given to the governors. In 2006, the Duma Speaker, Boris Gryzlov, who also chairs the United Russia party, acknowledged that the institution for electing mayors would be left intact.

Nevertheless, this discussion was followed by the growing tendency of municipal representative bodies, dominated by the pro-government party United Russia, to enact laws that reserved for themselves the right to elect city mayors. As a result, at the beginning of 2008 about 69.7% of Heads of municipal administrations were elected by public vote. According to the opposition magazine “New Times”, in 2009 this figure might have been 50%.

Effective governance of the federal subjects and municipalities in Russia is often challenged by clashes between the governor and the mayor of the main federal city, which usually accounts for the greater part of the income financing the budget of the subject. This problem has become more acute with the introduction of the institution of appointed subject governors. At present, among the possible solutions to this problem is the idea that deputies should nominate the variant of city mayor appointees only in those cities with a population exceeding one million people. For instance, today, out of eleven cities falling under this category, only seven have their mayors chosen by public vote.

Another issue that has given rise to public concern is that, as an outcome of this trend, the economic independence of local self-government bodies might be undermined. The mayor elected by the representative body cannot take the post of Head of administration. As a result, all the financial leverage ends up with the city manager, who is elected on a competitive basis. In the meantime, more and more state officials are speaking out in favour of increasing the number of the subject’s representatives in the commission responsible for contracting the city manager, which means that the subject authorities will have increased influence in the process of choosing the city manager and will accordingly tighten their grip on the municipal budget.

Another alternative to the current situation suggests moving the system of local self-government based on popular election to a lower level of municipal districts, while integrating bodies of municipal administration into the structure of state government bodies.

THE PRESIDENT OF THE RUSSIAN FEDERATION

The institution of the Presidency is very young in Russia. In 1990, Mikhail Gorbachev became the first and the only President of the USSR while, in 1991, Boris Yeltsin was chosen as the first President of the Russian Soviet Federative Socialist Republic, which later became the Russian Federation. In establishing this position, Russian officials studied the experience of other countries and, as a result, the country became a presidential republic with elements of mixed government.

According to the Constitution of 1993, the President of the Russian Federation is the Head of State and guarantor of the Constitution. He is above all the branches of power and his most crucial function is facilitation and coordination of cooperation among the different bodies of state power. Although
he is closely connected with the organisms of executive power, the Constitution does not put him at their head. Thus, within the power structure of the country, the President of Russia takes an independent position, which gives him immunity from all the other bodies of state authority, except in the case of impeachment. His role within the structure of power might be compared to that of an arbitrator between the Government and the Federal Assembly, the Russian analogue of a parliament. In case of conflict between them, he is entitled to dissolve either or both of them.

As the person responsible for protecting the sovereignty of the Russian state, the President directs the activity of various federal bodies of executive power that are in charge of defence and security policy, domestic and foreign affairs, law enforcement and several other issues that are crucial for the state. Among others, these bodies include the Ministries of Domestic and Foreign Affairs, the Ministry of Defence, the Ministry of Justice and the Federal Security Agency. Furthermore, the President is Commander-In-Chief of the Russian Armed Forces and Chairman of the Security Council, a consultative body, where the main security issues are discussed and security policy is worked out. The Constitution also vests in the President the right to declare a state of emergency and to impose martial law throughout the territory of the country.

As Head of State, he is also responsible for determining the main directions of domestic and foreign policy. While he is charge of appointing the members of Government and has the right to preside over its meetings, at the same time, the President is not deprived of the right of legislative initiative and is the person to promulgate the laws passed by the Federal Assembly. The State Council, another consultative body that is comprised of the highest officials of the federal subjects and that was established to discuss the most important current affairs, is headed by the President as well.

In the international arena the President represents the country. He is entitled to sign international agreements, to appoint diplomatic representatives of the country and to accept letters of accreditation from diplomatic representatives of other countries.

Only a person who is not younger than 35 years old, who has Russian citizenship and who has been living permanently in Russia for a period of not less than 10 years can become the President of the country. To register as a candidate for the Presidency, any aspirant has to collect two million signatures of citizens of the country (no more than 50,000 signatures for any one federal subject), regardless of whether he or she is nominated by a party or independently.

The President is elected by public vote. If any candidate receives more than 50% of votes, he/she wins the elections. Otherwise, run-off elections take place with the participation of the two candidates with the largest number of votes received in the first round. The one who gets more votes this time round becomes the President.

Before 2006, voter turnout had to be no less than 20% for the results of elections to be officially recognised. Since November 2006, this threshold was abolished for elections at all levels of state power. The same year the Federal Assembly voted to exclude the option 'For none of the above' from the ballots.

Initially, the President of the RFSR was elected for five years. The Constitution of 1993 set the term at four years, while allowing Boris Yeltsin, elected in 1991, to serve out his five-year term. When Dmitry Medvedev came to power in 2008 the Constitution was amended, so that the term of Presidential office was extended to six years. However, in practice this amendment will only take force in 2012 after the next Presidential elections are held. Dmitry Medvedev has stated that this move was prompted by the obvious inability of the President to fulfill all his promises in a four-year term.

According to the Constitution of 1993, the same person cannot occupy the position of the President for more than two consecutive terms.

The President is assisted in his work by the Presidential Administration, which helps him to prepare reports on major issues, drafts of decrees and ordinances; to monitor the enactment of Presidential decrees; to maintain cooperation with political parties, public associations, international organisations and foreign officials; and to analyse data on international events and the internal situation. The array of functions performed by the Presidential Administration has led to its being dubbed the Presidential body of executive power.

THE FEDERAL ASSEMBLY

The Federal Assembly, or the Parliament, is the highest representative and the main legislative body of the Russian Federation. It is bicameral and consists of the Council of Federation and the State Duma.\(^1\)

The main function of the Federal Assembly is law making. The two houses are not on an equal footing in relation to this process. In principle, all laws are passed by the State Duma in three readings. However, in cases specified by law, if a bill does not provoke much disagreement, its adoption may not require all three stages. The role of the Federation Council in law-making procedure is confined to giving its approval or disapproval. In case of the latter, the state Duma can override the veto of the Federation Council if not less than two thirds of the Duma deputies vote in favour of the law. After the law is passed by the Federal Assembly, it requires the President’s signature, which makes the law effective. If the President vetoes the law, it goes back to the legislative body and is subjected to reconsideration and alteration. Nevertheless, the Presidential veto can be overridden by a vote in favour of the law by two thirds of all the members of the Federal Assembly.

Another crucial function of the Federal Assembly is supervision. It monitors how the Federal Budget is spent, the effectiveness of the Government’s work and the work of other state bodies, while also keeping track of the observance of human rights in the country. The controlling authority of the Federal Assembly also presupposes the right to pass a vote of no-confidence in the Government.

Members of both houses elect their own Speaker, who supervises the work of the house. In order to enhance the effectiveness of their work, both houses have committees and commissions, which specialise in certain areas of state activ-
ity and consist of house members. They prepare and evaluate draft laws, report on draft laws to their houses, conduct hearings, and oversee implementation of the laws.

THE COUNCIL OF FEDERATION

The Council of Federation is considered to be the upper house of the Russian Parliament. It was first introduced in 1993 and the members of its first convocation were elected by popular vote for two years on the very day that the referendum on the Russian Constitution took place. It was considered to be transitional pending the federal law that was to be passed later with a view to regulating the process of council formation on a non-elective basis. In 1995, the second Council of Federation was established and, this time, the seats were taken ex officio by the heads of the federal subjects’ executive and legislative bodies; which means that every subject had two representatives in the Federation Council. In 2000, the mechanism of council formation was reformed again and, since then, the heads of the federal subjects’ executive and legislative powers have been sending their representatives to the Council.

The third Council of Federation, which has sixteen committees and eleven commissions, is currently in progress under the chairmanship of Sergey Mironov, the leader of the "Just Russia" party. Since there are 83 federal subjects, the council consists of 166 members. Unlike the Duma, the members of the Federation Council are not allowed to form factions.

Besides having the authority to approve laws, the Council of Federation also has the right of legislative initiative. It gives approval to alterations made to the subjects’ boundaries and to Presidential decrees on the establishment of the state of emergency and the imposition of martial law. It appoints judges of the Constitutional, Supreme and Supreme Arbitration Courts on the recommendation of the President and can impeach the President, if two thirds of its members vote in favour of such a move.

THE STATE DUMA

The first Russian Duma was established in Imperial Russia as the result of the revolutionary events of 1905. However, in 1917 it ceased to exist and only in 1993 was it re-established as the main representative body of the Russian Federation.

Its chief function is law making. Among other authorities, the Duma also approves the appointment of the Prime Minister by the President, hears reports on the work of the Government and initiates the process of Presidential impeachment.

The State Duma consists of 450 deputies who are elected by popular vote. Their initial term of office, as stipulated in the Constitution of 1993, was four years. In 2008, this provision was amended so that the term of office of a deputy is now extended to five years, starting with the sixth convocation of the Duma, which is to say the one that is to be formed in 2011.

Until the 2007 elections, half of the Duma members were elected by proportional representation in the federal constituencies and half by voting in single-member constituencies. In 2005, voting in single-member constituencies was abolished and, thenceforth, all Duma members are elected on the basis of the system of proportional representation.

In 2002, the vote threshold for parties to obtain seats in Parliament was raised from 5% to 7%. These amendments set off a wave of criticism that resulted in a slight liberalisation of the election process, this consisting in lowering the number of party members required for its registration for elections, and abolition of the election deposit.

As the result of 2007 elections, the absolute majority of seats in the fifth Duma went to the members of the United Russia party, which secured the prescribed majority of votes (2/3 of all the members of the Duma) that is required during the decision-making process on most crucial issues. Comparison of the fourth and the fifth Duma structures permits one to assert that the only party to benefit from the amendments to the election procedure was the United Russia Party, which increased its stake in the parliamentary structure by 43%. On the whole, only four parties cleared the 7% barrier for entry to the Duma in the 2007 Parliamentary elections. Clearly, in comparison with the political pluralism that thrived during the first three convocations of the Russian Duma, the current situation seems to be characterised by an apparent tendency to unification of the political processes in the country. However, this should not be perceived as the consequence of the electoral reforms alone but it should also be borne in mind that, taken as a whole, the parties that did not clear the barrier only gained 8.3% of the total votes.

At present, the United Russia Party occupies 315 seats, while 57 seats are taken by the Communist Party of the Russian Federation, 40 by the Liberal-Democratic Party of Russia, while the Just Russia Party has 38 members in the Parliament. The Speaker of the present Duma is Boris Gryzlov, who is chairman of the Supreme Council of the United Russia Party. Members of the State Duma form 32 committees and four commissions.

THE MAIN POLITICAL PARTIES

The United Russia Party

The United Russia Party is objectively the country’s most influential political force for the moment. Although created quite recently, in 2001, it numbers more than one million members today, including some of the most prominent political leaders, public figures, artists and sports personalities. Its members occupy the key positions in the state structure. The Prime Minister Vladimir Putin is the Chairman of the party, the vast majority of seats in the State Duma are held by the United Russia Party and, in 79 federal subjects, the party has the majority of seats in legislative bodies. It also has several forums where the political stance of the party towards the main issues is worked out.

The party promotes the idea of modernisation based on the principles of sovereign democracy and reasonable conservatism. This assumes the development of Russia as a unique civilisation with its own cultural and spiritual heritage, a country with a competitive economy based on innovation and an effective political system built on democratic principles.
The Communist Party of the Russian Federation (KPRF)
The Communist Party of the Russian Federation is the successor to the Communist Party of the Soviet Union. Having won the Parliamentary elections in 1995, its presence is gradually dwindling every four years. The KPRF is presently the biggest left-wing party in Russia. Its ideology is based on Marxist-Leninist teachings and it identifies capitalism as the main threat to the successful development of Russia. The party advocates the idea of restoring the USSR and establishing a new form of socialism that is redefined according to the main national interests of the Russian State. It also supports measures aimed at nationalisation of the major strategic sectors of the Russian economy and the preservation of small and medium-sized businesses as well as improvements in the Government’s social policy.

The Liberal-Democratic Party of Russia (LDPR)
The LDPR is one of the first non-communist parties that appeared in Russia. Despite the political orientation that is declared in its name, the real ideology of the party is often described as populist and nationalistic, due to the contradictory statements of its charismatic leader Vladimir Zhininvsky. More recently, it has often been called the centrist party. Members of this party support the idea of strengthening vertical power and establishing state monopoly in the main strategic spheres of economy. According to its political programme, people of Russian nationality should be considered as the lynchpin of Russian statehood, while Russia should become a unitary state with a structure based exclusively on the administrative-territorial principle.

The Just Russia Party
The Just Russia Party is relatively young. It was officially established in 2006 as a result of a merger with several other parties. Its ideology can be characterised as social-democratic as it gives priority to elaborate and effective social policy of the state. It is often characterised as belonging to ‘the systemic opposition’, which refers to its solidarity with the United Russia Party on most issues. In February 2010, an official agreement was signed between these parties, stating their intentions to take concerted action aimed at supporting the strategic course of the current administration.

THE GOVERNMENT OF THE RUSSIAN FEDERATION
The Government of the Russian Federation is the main executive body of the country. After the collapse of the Soviet Union in 1991 the Russian Council of Ministers took over the position of the chief executive body. In 1993 this authority was vested in the Government of the Russian Federation. Since then it has been subject to reshuffling several times, although the main principles of its organisation have been left intact.

According to the Constitution of 1993 the Government is responsible for implementation of the principles set out as the foundations of this document through effective administration of state affairs. If the President is entitled to determine the main direction of domestic and foreign policy, the Government is responsible for carrying out the edicts coming from the Head of State.

In the sphere of the economy, the Government is obliged to prepare and submit the draft of the federal budget to the State Duma. After it is approved, the Government must ensure its due implementation and also supervises the processes of carrying out of uniform financial, credit and economic policy.

Its executive authority extends to other areas as well, including the social, cultural and political life of the country, where it is once again responsible for ensuring that uniform policy is carried out.

The Government is headed by the Chairman, who is often called the Prime Minister. If the President should die, resign or become incapable of performing his functions, the Head of the Government is the person who replaces him in this position. A person who holds this office is appointed by the President with the consent of the State Duma. All the other positions within the Government are appointed by the President on the recommendation of the Chairman of the Government. Currently, besides the Chairman, the Government consists of two First Deputy Prime Ministers, seven deputy Prime Ministers and seventeen federal Ministers.

Today, thirteen ministries, 24 federal services and 21 federal agencies form the structure of the Government. Five ministries and several other federal bodies that deal with the country’s defence, state security, and implementation of foreign policy come directly under presidential authority and are thus often referred to as the ‘presidential block’. All the executive bodies are divided into the regular federal bodies that are responsible for administration of affairs in the areas under state jurisdiction, and the joint federal departments, which carry out their functions in the spheres placed under the joint authority of the State and the federal subjects. The latter include the Ministry of Education, the Ministry of Labour, the Ministry of Culture and some other institutions, while the former encompass the Ministry of Defence, the Foreign Intelligence Service, the Federal Agency of Governmental Communications and Information and other executive bodies.

JUDICIAL POWER
The judicial system of the Russian Federation is an independent section within the mechanism of separation of powers. It was established on the basis of the Constitution of 1993 and the law on the judicial system of the Russian Federation of 1996.

Depending on the area of competence, three main branches of the Russian judicial system might be distinguished. The first is constitutional courts. It is represented here by the Constitutional Court of the Russian Federation and the constitutional or statutory courts of the federal subjects, which are not subordinate to the former body. The Constitutional Court of Russia, consisting of nineteen judges, exercises control over the compliance of laws passed within the territory of the country and ensures that activities carried out by state bodies comply with constitutional norms and principles. It also resolves disputes between the federal subjects. Con-
stitutional or statutory courts of the federal subjects fulfil similar obligations although only within the territory of the subject and concerning only the subject laws and the activities of the subject authorities.

The second branch is general courts, which are subordinate to the Supreme Court. These courts are mostly in charge of criminal, administrative and civil forms of justice. Municipal courts, as well as district and magistrates’ courts, the number of which is different for every subject depending on the population, are the first instance courts in this branch. The supreme courts of the federal subjects are the second instance courts, while the court of last resort is the Supreme Court of the Russian Federation. The latter supervises the work of the lower-level courts. In cases prescribed by federal law, it acts as the court of first and second instance and also deals with issues pertaining to international agreements signed by the country.

The branch of general courts also incorporates the system of military courts, which deal with issues connected with the activity of the military bodies of the country. The highest echelon in this system is occupied by the military board of the Supreme Court.

The third branch consists of the arbitration courts. Those of the federal subjects, which are situated at the lowest level, consider cases connected with economic and administrative legal relationships between legal entities, individual entrepreneurs and bodies of state authority as courts of the first instance. Appeals in relation to decisions taken by these courts go to the Arbitration Courts of Appeal, of which there are twenty. Then there are ten District Arbitration Courts, which deliberate on the legality and validity of decisions taken by the arbitration courts of federal subjects and the Arbitration Courts of Appeal. The highest-ranking of this branch is the Supreme Arbitration Court of the Russian Federation.

All the courts are also divided into federal courts and courts of the federal subjects. The latter include constitutional and statutory courts of the federal subjects and magistrates’ courts, while the former encompass all the rest. Judges for the Constitutional Court, the Supreme Court and the Supreme Arbitration Court are appointed by the Federation Council on recommendation by the President. Judges for all the other federal courts are appointed directly by the President, while the appointment procedure for judges in courts of the federal subjects, as well as that for magistrates, are determined by the law of every subject.

The right to control law enforcement in Russia is vested in the Prosecutor’s Office, which forms a centralised system of bodies from the federal down to the municipal level. It also carries out criminal prosecution in compliance with the Russian Federation code of criminal procedure.

Since 1 January 2010, trial by jury has been introduced into the courts of the Chechen Republic, which was the last one of all the federal subjects to make this move. Although this is doubtless a positive innovation, it may have simultaneously entailed another significant change in the sphere of justice in Russia. The issue is that, according to the decree of 1999, which had established a moratorium on the use of capital punishment, the ban was to be lifted when all federal
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subjects introduced trial by jury in their courts. Thus, shortly before this amendment went into effect, the Constitutional Court of the Russian Federation issued a decree abolishing capital punishment for once and for all.

At present there is very intense debate concerning another possible innovation in the judicial system of Russia. This is related with the introduction of a juvenile courts system, which was actually provided for in the concept of the development of the Russian judicial system in 1996. In 2002 the State Duma passed a law on the establishment of juvenile courts in the first reading, while the second reading has not yet taken place. In 2008, with regard to the system of juvenile justice, the Supreme Court noted that its effectiveness was affirmed by all the courts of the subjects that had decided to introduce it. However, this initiative is strongly opposed today by the Russian Orthodox Church and a great number of other civil organisations.

The overall efficacy of the judicial system of Russia is reflected in the level of citizens’ confidence in the courts and the number of appeals from Russian citizens to the European Court of Human Rights. Although by December 2009, among all the civil institutions of rights protection, the courts were preferred by the greatest number of people (34%), only 36% consider the judicial system of Russia as being effective, while 38% think the opposite. At the same time, in 2009, Russia topped the list of countries with the largest number of appeals to the European Court of Human Rights. Last year one appeal in every three came from Russia.

The judicial system of the country is also often criticised for the prevalence of non-acquittal decisions taken by courts. For instance, in 2009 for every person who received a verdict of non-guilty there were a hundred others found guilty. However, the Supreme Court challenges such criticism by drawing attention to the fact that 530,000 out of the 900,000 people found guilty were sentenced through a special procedure whereby defendants plead guilty.

Another problem that Russia has to deal with in the sphere of justice is the low level of implementation of rulings. For example, in 2006 only 52% of all the rulings were implemented.

The flaws of the Russian judicial system are officially acknowledged in the Government’s decree on the development of the judicial system from 2007-2011. During the early days of his presidency, Dmitry Medvedev also pointed out that Russian society is plagued by legal nihilism, which is the main root of corruption. The programme of judicial reform, on which the government embarked on his initiative, is mostly aimed at enhancing the transparency of court procedures, eliminating corruption at all levels of the state system, improving the mechanisms for implementing rulings and restoring public confidence in the courts.

Notes
1. From the Russian verb ‘dumat’, which means ‘to think’
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