

RUSSIAN FEDERATION

(ROSSIYSKAYA FEDERATSIYA)



BACKGROUND AND LEGAL SYSTEM

LEGAL SYSTEM	<p>Based on civil law system with judicial review of legislative acts (significant influence of preexisting Czarist and Soviet legal systems, as well as several Western liberal systems)</p> <p>Note: With regard to USSR legislation – the “accepted position” is that it applies on the territory of the Russian Federation unless “unless it has been expressly repealed or suspended, unless it is contrary to the Constitution... and other Russian legislation adopted after 12 June 1990, or unless it has become obsolete.”</p>
POLITICAL SYSTEM	Federation.
HEAD OF STATE	President. Elected by a popular vote for a four-year term, eligible for a second term.
HEAD OF GOVERNMENT	Premier (Prime Minister).
SUBNATIONAL ENTITIES	Federation of 89 subjects: 49 regions (<i>oblasti</i>), 21 autonomous republics (<i>respubliki</i>), 10 autonomous areas (<i>avtonomnye okrugi</i>), 6 territories (<i>kraye</i>), 2 federal cities (<i>gorodi</i> – St. Petersburg and Moscow), and 1 autonomous region (<i>avtonomnaya oblast'</i>).
TRANSLITERATION SYSTEM	Cyrillic.
LANGUAGES	Russian.

CONSTITUTION

ENACTMENT	Adopted on Dec. 12, 1993 by an all-people’s referendum, the Russian Constitution is the “highest legal force” in the country (art. 15). All other enactments are subordinate legislation.
CITATION FORMAT	KONSTITUTSIYA RF [RUSSIAN CONST.] art. <article>.
EXAMPLE	KONSTITUTSIYA RF [RUSSIAN CONST.] art. 16.

STATUTES

GOVERNMENT STRUCTURE

The legislature is the bicameral Federal Assembly (*Federalnoye Sobraniye*), which is made up by the Federation Council (*Sovet Federatsii*) and the State Duma (*Gosudarstvennaya Duma*).

LEGISLATIVE PROCESS

Laws may be adopted by the legislative branch or by way of referendum. There are two types of law: federal law (*federal'nyi zakon*) and federal constitutional law (*federal'nyi konstitutsionnyi zakon*). Federal constitutional laws are superior to federal laws.

The chambers of the Federal Assembly may also adopt decrees (*postanovlenie*) related to their specific jurisdiction. The Federal Assembly also confirms (by passing a federal law) other so-called normative acts, including statutes (*polozhenie*), code (*kodeks*), and fundamental principles (*osnovi*).

The 1993 Constitution requires that laws be published before they can be applied or have any legal effect (art. 15(3)). With regard to federal constitutional laws and federal laws, official publication must occur within seven days of the President's signature. The first official publication takes place in the Russian Gazette (*Rossiiskaya gazeta*), the Collection of Legislation of the Russian Federation (*Sobranie zakonodatelstva Rossiiskoi Federacii*) or the Parliamentary Gazette (*Parlamentskaya gazeta*). Entry into force occurs throughout the entire territory of the Russian Federation ten days after official publication (unless a different procedure is set forth by the individual laws).

Codes remain the primary source of law in Russia, though there has been an increasing willingness to recognize judicial interpretation of these codes.

The President may issue edicts (*ukazi*) and regulations (*rasporyazhenie*), which constitute a form of subordinate legislation. Edicts represent the most important enactments, while regulations represent "non-normative enactments addressed to individual administrative matters." While there is some tension between edicts and the legislatively-enacted sources of law, under principles of separation of powers, the edicts are treated as equally authoritative within their own sphere as the enactments of the legislature.

LAWS AND DECREES	<p>Federal laws (<i>federal'nyi zakon</i>), constitutional laws (<i>federal'nyi konstitutsionnyi zakon</i>), and decrees (<i>postanovlenie</i>) adopted by the Federal Assembly should be cited to one of the publications below:</p> <p>Sobranie Zakonodatel'stva RF (abbreviate as SZ RF) (Collection of Legislation of the RF)</p> <p>Vedomosti Federal'nogo Sobrania RF (abbreviate as Ved. RF) (Gazette of the Federal Assembly of the Russian Federation)</p> <p>Rossiiskaya Gazeta (abbreviate as Ross. Gazeta) (Russian Gazette)</p> <p>Parlamentskaya Gazeta (abbreviate as Parl. Gazeta) (Parliamentary Gazette)</p>
EDICTS AND DECISIONS OF THE PRESIDENT OF THE RUSSIAN FEDERATION	<p>Cite edicts (<i>ukaz</i>) or decisions (<i>rasporiazhenie</i>) of the President to one of the following:</p> <p>Sobranie Zakonodatel'stva RF (abbreviate as SZ RF) (Collection of Legislation of the RF)</p> <p>Rossiiskaya Gazeta (abbreviate as Ross. Gazeta) (Russian Gazette)</p>
CITATION FORMAT	<p><Name of publication> [<abbreviation of publication>] [<name of publication in English>] <year of publication> <issue number>, <item number>, (<country abbreviation if not evident from context>).</p>
<i>Example</i>	<p><i>Sobranie Zakonodatel'stva Rossiiskoi Federatsii</i> [SZ RF] [Collection of Legislation of the RF] 1995, No. 26, Item 1144.</p>

ADMINISTRATIVE REGULATIONS

ADMINISTRATIVE SOURCES	<p>The Government issues decrees (<i>postanovlenie</i>) and regulations (<i>rasporiazhenie</i>) based on the Constitution, federal law and normative edicts of the President.</p> <p>Decrees have normative force, while regulations are intended to address the more routine matters of administration. Each is binding throughout the Russian Federation. Under a 1996 Edict, administrative regulations must be officially published, except when those regulations may contain State secrets or confidential information. Publication typically takes place within ten days after signature.</p> <p>There are presently forty ministries, state committees, and services through which the administrative process is carried out.</p>
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DECREES (<i>POSTANOVLENIE</i>) AND DECISIONS (<i>RASPORIAZHENIE</i>)	<p>Cite edicts (<i>ukaz</i>) or decisions (<i>rasporiazhenie</i>) of the President to one of the following:</p> <p>Sobranie Zakonodatel'stva RF (abbreviate as SZ RF) (Collection of Legislation of the RF)</p> <p>Rossiiskaya Gazeta (abbreviate as Ross. Gazeta) (Russian Gazette)</p>
REGULATIONS (<i>POLOZHENIE</i>), INSTRUCTIONS (<i>INSTRUKTSIYA</i>), AND CLARIFICATIONS (<i>RAZ'YASNENIYA</i>)	<p>Regulations (<i>polozhenie</i>), instructions (<i>instruktsiya</i>), and clarifications (<i>raz'yasneniya</i>) should be cited to one of the following publications:</p> <p>Biulletin normativnykh aktov federalnich organov ispolnitelnoi vlasti (abbreviate as Biull. Norm. Akt. RF) (Bulletin of the Normative Acts of the Federal Organs of the Executive Branch)</p> <p>Rossiiskaya Gazeta (abbreviate as Ross. Gazeta)</p>
NORMATIVE LEGAL ACTS	<p>Normative legal acts are published in:</p> <p>Biulletin normativnykh aktov federalnich organov ispolnitelnoi vlasti (abbreviate as Biull. Norm. Akt. RF) (Bulletin of the Normative Acts of the Federal Organs of the Executive Branch)</p>
CITATION FORMAT	<p><name of publication> [<abbreviation of publication>] [<name of publication in English>] <year of publication> <issue number>, <item number>, (<country abbreviation if not evident from context>).</p>
<i>Example</i>	<p><i>Biulletin nomativnykh aktov federalnich organov ispolnitelnoi vlasti</i> [Biull. Norm. Akt. RF] [Bulletin of the Normative Acts of the Federal Organs of the Executive Branch] 1998, No. 2, Item 144.</p>

CODES

NAME OF CODE	ABBREVIATION
Grazhdanskii Kodeks (CIVIL CODE)	GK
Grazhdanskii Protsessuanl'nyi Kodeks (CODE OF CIVIL PROCEDURE)	GPK
Ugolovnyi Kodeks (CRIMINAL CODE)	UK
Ugolovno- Protsessual'nyi Kodeks (CODE OF CRIMINAL PROCEDURE)	UPK

Nalogovyi Kodeks (TAX CODE)	NK
Biudzhetni Kodeks (BUDGET CODE)	BK
Kodeks RF ob Administrativnykh Pravonarusheniakh (CODE OF ADMINISTRATIVE VIOLATIONS)	KOAP
Ugolovno- Ispolnitelnyi Kodeks (CORRECTIONAL CODE)	UIK
Arbitrazhno- Protsessualnyi Kodeks (CODE OF ARBITRATION PROCEDURE)	APK
Tamozhennyi Kodeks (CUSTOMS CODE)	TAK
Trudovoi Kodeks (LABOR CODE)	TK
Semeinyi Kodeks (FAMILY CODE)	SK
Zhilischnyi Kodeks (RESIDENTIAL CODE)	ZhK
Gradostroitelnyi Kodeks (CODE OF URBAN ARCHITECTURE)	GRAK
Lesnoi Kodeks (FORESTRY CODE)	LK
Vodnyi Kodeks (WATER CODE)	VK
Zemelnyi Kodeks (LAND CODE)	ZK
Vozdushnyi Kodeks (AIR CODE)	VOK
Kodeks Torgovogo Moreplavaniia (CODE OF MERCHANT SHIPPING)	KTM
CITATION FORMAT	<name of code> [<code in English>] <article number> (<country abbreviation if not evident from context>).
<i>Example</i>	<i>Lesnoi Kodeks RF</i> [LK] [Forestry Code] art. 1 (Russ.).

CASE LAW

JUDICIAL OVERVIEW

Judicial process is inquisitorial with the judge performing the central role in both civil and criminal settings. Historically, the “doctrine of ‘precedent’” was criticized, but existing case law was not ignored. Today, Constitutional Court decisions are given *stare decisis* treatment.

There are three basic court structures. The Courts of General Jurisdiction have jurisdiction over all cases involving physical persons. Justice of the Peace Courts, which are inspired by a similar institution from the Czarist era, have been created to help carry the work load of the District Courts.

The Supreme Court (*Verkhovnyi Sud RF*) is divided into panels focusing on civil, criminal and military cases. The Constitutional Court (*Konstitutsionnyi Sud RF*) has jurisdiction in four main areas: abstract review of federal laws and government actions; cases concerning concrete violations of constitutional rights; disputes among constituent subjects of the Federation; and also may interpret, upon request, various aspects of the Constitution.

Arbitrazh Courts decide economic issues in cases between legal entities, disputes between the state and such legal entities. They also have jurisdiction over bankruptcy cases. Cases originate in the *Arbitrazh* Court of each particular subunit of the Federation and may proceed by appeal to Appellate *Arbitrazh* Courts, where they will be heard *de novo*. From this point, appeal may be had to the Regional Cassation *Arbitrazh* Courts. The Higher *Arbitrazh* Court (*Vysshiy Arbitrazhnyi Sud RF*) is the final arena, though it may abstractly review legislation and administrative regulations pertaining to the *Arbitrazh* court system.

CITATION FORMAT RUSSIAN FEDERATION SUPREME COURT

<name of publication> [<abbreviation of publication>] [<name of publication in English>] <year of publication>, <issue number>, <page>.

Example

Biulleten’ Verkhovnogo Suda RF [BVS] [Bulletin of the Sup. Ct. of the Russian Fed’n.] 2004, No. 9, p. 17.

CITATION FORMAT CONSTITUTIONAL COURT

<name of publication> [<abbreviation of publication>] [<name of publication in English>] <year of publication>, <issue number>, <item number>

Rossiiskaia Gazeta: <name of publication> [<abbreviation of publication>] <date of publication (five per week)> (<country abbreviation if not evident from context>)

Otherwise, cite to a Russian periodical that includes a description of the case.

Examples

Sobranie Zakonadatel’sstva Rossiiskoi Federatsii [SZ RF] [Russian Federation Collection of Legislation] 2004, No. 37, Item 3451.

Rossiiskaia Gazeta [Ros. Gaz.] May 1, 1995 (Russ.).

CITATION FORMAT
ARBITRAZH COURTS

<name of publication> [<abbreviation of publication>] [<name of publication in English>] <year of publication>, <issue number>, <item number>.

Example

Vestnik Vyssego Arbitrazhnogo Suda RF [Vestn. VAS] [The Highest Arbitration Court of the RF Reporter] 1995, No. 9, p. 13

Otherwise, cite to a Russian periodical that includes a description of the case.

SOURCES

W.E. BUTLER, RUSSIAN LAW (2D ED. 2002)

III LEGAL SYSTEMS OF THE WORLD: A POLITICAL, SOCIAL AND CULTURAL ENCYCLOPEDIA 1377-83 (HERBERT M. KRITZER ED., 2002)

Library of Congress Country Studies: Russia

[http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstudy:@FIELD\(DOCID+RU0010\)](http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstudy:@FIELD(DOCID+RU0010))

U.S. Department of State: Background Note: Russia

<http://www.state.gov/r/pa/ei/bgn/3183.htm>

The Bluebook: Russia.

CIA World Factbook:

<http://www.cia.gov/cia/publications/factbook/geos/rs.html>

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