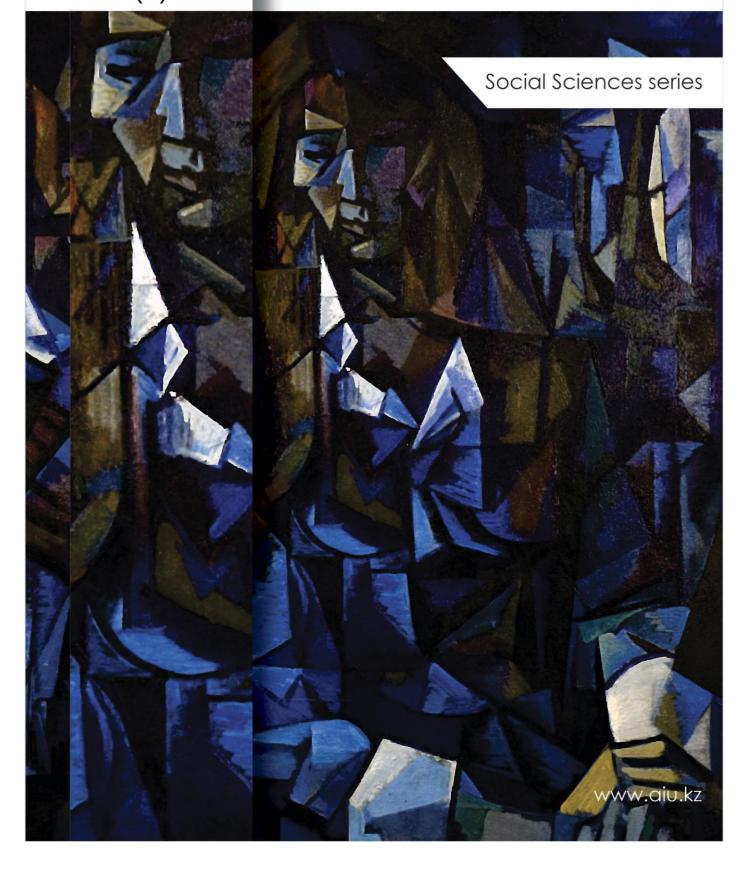
INTERNATIONAL SCIENCE REVIEWS



Nº3 (1) 2020



ISSN: 2707-496X)



International Science Reviews Social Sciences series

Published since 2020

No. 3 (1) / 2020

Nur-Sultan

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International Science Reviews Social Sciences series Owner: Astana International University Periodicity: quarterly Circulation: 500 copies

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DECISIONS OF THE CONSTITUTIONAL COURT OF THE RUSSIAN FEDERATION AS A MEANS OF IMPROVING THE EFFICIENCY OF LEGAL PROCEEDINGS IN COURTS OF GENERAL JURISDICTION

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Annotation. The article deals with the decisions of the constitutional Court of the Russian Federation. The distinctive features of these judicial acts are noted and analyzed. The article considers the significance of decisions of the constitutional Court of the Russian Federation in ensuring uniformity of judicial practice and their implementation by courts of all instances and all jurisdictions. Based on the research, the influence of decisions of the constitutional Court of the Russian Federation is revealed. The article highlights the features of this type of decision and their impact on ensuring legal certainty of legal norms and adjusting the current legislation.

Keywords: decisions of the constitutional Court of the Russian Federation, legal proceedings, judicial protection, court, law.

Judicial acts of the constitutional Court, as decisions that have a special legal status in the system of current legal regulation and law enforcement, constantly arouse interest in the scientific community. Many scientists, both theorists and those directly involved in the practice of constitutional judicial control, have devoted their works to highlighting the theory and practice of constitutional judicial control. Among them are: S. A. Avakyan, G. G. Arutyunyan, M. A. Baglaya, N. S. Bondar, N. V. Vitruk, G. A. hajieva, N. A. Zhilin, V. D. Zorkina, N. M. Kropacheva, V. A. Kryazhkova, L. V. Lazareva, A. A. Liverovskii, Luchina V. O., S. E. Nesmeyanova, L. A. Tkhabisimova etc. The constitutional court of the Russian Federation in its decisions makes a deep understanding, interpretation and adjustment of the current legislation taking into account the actual socio-political situation, which undoubtedly has an impact on the consideration of various cases in courts of General jurisdiction. The purpose of this work is to study the decisions of the constitutional Court of the Russian Federation and identify their impact on improving the efficiency of legal proceedings in courts of General jurisdiction.

The constitutional Court of Russia as a body of judicial constitutional control is designed to ensure the supremacy and direct effect of the Constitution of the Russian Federation in this regard, it makes its decisions in the form of resolutions. The decision of the constitutional Court of the Russian Federation according to the current legislation are not appealable and are final come into force after the Declaration (if the case was heard with the hearing) or from the date of publication (if the case was heard without a hearing) (article 79 FKZ "On the constitutional Court of the Russian Federation").

These judicial acts occupy a special place in the legal system of the state, both in terms of content and regulatory significance, and in terms of legal consequences. The decision of the constitutional Court of the Russian Federation, as a result of which unconstitutional regulations lose their force, have the same scope in time, space and people as the decisions of the legislative body, and therefore, the same as regulations, the total value that is not inherent in law enforcement by its nature, acts of courts of General jurisdiction. The constitutional Court of

Russia, deciding on the case, gives an estimate of the position of the legislator, and its understanding of the law enforcers, based on the interpretation of the provisions of the Constitution, therefore its rulings are final and cannot be revised by other bodies or overcome by re-enacting unconstitutional statutes, and oblige all citizens, including other courts, to act in accordance with the legal positions set out in the decision. According to Professor G. G. Harutyunyan, the decisions of the constitutional court should not have legal force lower than the legal force of laws, taking a place in the system of legal acts that will contribute to the effective implementation of the protection of the constitutional system, human rights and freedoms [16, p. 6]. According to V. A. Kryazhkov, the decisions of the constitutional court as legal acts of a special kind are characterized by generality, binding and normative-interpretative nature [17, p. 207]. The relations regulated by them concern all subjects of legal relations and all spheres of society. Resolutions of the constitutional Court of the Russian Federation are universal in that they cover the spheres of various branches of law.

With regard to the current legislation, the constitutional Court of the Russian Federation has made a significant contribution to improving both substantive and procedural law, which could not but affect the judicial process as a whole. Since the resolution in hearings of various cases (judicial proceedings) shall occur in full compliance with the requirements of procedural law, but also rely on the substantive law identified in the decisions of the judicial constitutional control Russia, the new meaning of certain provisions of the current legislation or the recognition of some norms of the Constitution of the Russian Federation, made the courts of General jurisdiction in new to consider civil, administrative and criminal cases.

So, in the Resolution No. 7-P of 07.04.2015 [3] the Institute of compensation for property damage in the system of current legal regulation was subjected to legal analysis, as a result of which the possibilities of judicial protection of the rights of victims of crimes were expanded. The essence of the stated legal positions is that if the owner (in this case, the owner of the car) lost control of his property as a result of its theft (in this connection, objective conditions may be created for its subsequent theft by third parties), then the person responsible for the theft of the vehicle ipso facto assumes responsibility for the subsequent fate of this property, unless he proves that as a result of his actions, conditions were not created for the subsequent loss of his car by the owner. In the current system of legal regulation and in the sense given by judicial interpretation, the conditions that determine compensation for damage in the case of two consecutive, but at the same time independent criminal acts – theft and theft, do not provide an opportunity to provide compensation for property damage to the owner of the car by a person found guilty of car theft in connection with its theft and subsequent theft committed by another person, whose identity is not established. As a result, paragraphs 1 and 2 of article 1064 of the Civil code and paragraph "a" of part 2 of article 166 of the Criminal code were recognized as not corresponding to the Constitution of the Russian Federation, and legislative regulation in this area, respectively, must be consistent with the legal positions set forth in this Resolution. Within the meaning of this Decree, citizens who have suffered from such crimes now have an objective opportunity to receive compensation for damages under certain circumstances defined by these legal positions, which in turn also affects judicial practice when considering similar cases.

In another Resolution No. 10-P of 27.02.2020 [5], article 324 of the Criminal code of the Russian Federation was analyzed, which includes among the objects of criminal legal protection the order of management in the award sphere, protecting it from encroachments committed through illegal acquisition or sale of state awards. In determining the wrongfulness of such acts, the constitutional Court has pointed out that account should be taken of the legal nature of the state awards in their constitutional, legal and industry value, distinguishing, on the one hand, a state award as a legal act premium rights, reflecting the fact that the official promotion of specific citizen (intangible benefit), and, on the other hand, the sign of this award (e.g., medal or award), who plays her material embodiment and proof of legal status awarded. Also, the Court

noted that in law enforcement practice, it is necessary to establish both the formal criminal wrongfulness of the act provided for in this article, and the real degree of its public danger, determined taking into account the study of the entire set of factual circumstances of the case. The constitutional and legal meaning of this article of the Criminal Code of the Russian Federation, revealed in this Resolution, excludes any other interpretation of it in law enforcement practice. Thus, article 324 of the criminal code of the Russian Federation should be applied by the courts, from the moment of making this decision, only taking into account the legal positions set out in it, which makes a certain adjustment to law enforcement practice.

In its Decision No. 35-P of 23 July 2018 [6], the constitutional Court of Russia orders the Federal legislator to establish a legal mechanism for compensating expenses caused by inflation during the execution of the court decision, in view of the absence of such a mechanism in the current legislation. At the same time, noting that part 1 of article 208 of the civil code of the Russian Federation does not contain criteria for the implementation of indexing provided for in this provision. The decree of December 13, 2016 28-P [7] recognizing provisions certain provisions of the Civil code, the relevant Basic law said that the restrictions imposed by Federal law should not be excessive and to ensure the constitutional meaningful goals, in this connection, the Court pointed out the necessity of relevant amendments to the civil law.

In its Decision of 11 July 2017 No. 20-P [8] recognizing the provisions of article 111, part 5 of article 247 and of paragraph 2 of part 1 of article 248 of the Code of administrative procedure of the Russian Federation not corresponding to the Constitution of the Russian Federation, the constitutional Court established that continue to make necessary legislative changes to the relevant provisions of the administrative procedure Code of the Russian Federation are subject to application taking into account legal positions of the constitutional Court, set out in this Regulation (See also the Decision of the constitutional court of the Russian Federation No11-P/2017 from 13.04.2017) [9].

Thus, the decisions of the constitutional Court of the Russian Federation, as well as the legal positions expressed in them, have a direct impact on civil, criminal and administrative proceedings, since by adjusting the current legislation, they determine the law enforcement practice in courts of General jurisdiction when considering various cases.

In addition, it should be noted that the positive developments of the proceedings that occurred in the law of the state originated due to the work of the constitutional Court of the Russian Federation, which analyzed, improved and brought in line with constitutional regulations, legal acts, and continues to do so in the future, the number of erroneous judicial decisions had decreased considerably.

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