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PUBLIC PARTICIPATION IN LEGISLATIVE ACTIVITIES OF
THE PARLIAMENT

Kazban Samatovna Inalkaeva (a)*

*Corresponding author

(a) Chechen State Pedagogical University, Grozny, Russia, Kazban1961@mail.ru

Abstract

The article discusses the issue of public participation in the legislative process. The legislative process is determined by the level of legal consciousness of subjects, moral attitudes, awareness of their mission as creators of legislation. One of the essential conditions for improving the legislative process is the development of requirements that are imposed on it. One of the important directions for improving the legislative process is to increase the legislator's attention to public opinion, i.e. public examination. The role of the Public Chamber of the Russian Federation and the Public Chamber of the Chechen Republic is examined. The need for such forms of public participation results from the lack of well-established mechanisms of interaction between public authorities in the process of developing draft laws, which leads to managerial defects in the implementation of state policy. Draft legal acts are examined in order to assess their quality and determine conditions for their implementation. The examination bodies need to look for acceptable and effective forms that ensure the legality of regulatory legal acts of all levels of the legal system. Based on the analysis of scientific approaches, the author concludes that one of the important directions for improving the legislative process is to increase the legislator's attention to public opinion, active participation of citizens in legislative activities.

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1. Introduction

The relevance of the issue is due to the fact that the reform of the legal system of Russia requires perfect laws. This problem is of paramount importance because the adoption of effective laws, timeliness and accuracy of legislative decisions determine economic, political and social development. Ineffective laws are the basis for imperfect legislation which has a negative effect on public life. It is quite possible to assume that this circumstance has become one of the reasons for the idea about the non-binding nature of laws and unpunished violations. Another point confirming the relevance of this study is that federal relations are dynamically developing in Russia; the regions use their right to create their own legislation.

2. Problem Statement

The rapid development of regional legislation and requirements for compliance with federal laws pose complex tasks for regional parliaments due to the need to adopt effective laws that meet interests and needs of the region. Thus, the relevance of this study is determined by the possibility to improve the legislative process both in the Russian Federation and in its regions on the basis of an analysis of its features, contributing to the timely and thorough adoption and implementation of social laws. A regional law is a normative legal act adopted by a regional parliament which forms the basis of the system of normative legal acts of a region of the Russian Federation, defining the nature of by-laws and aimed at regulating social public relations that meet interests of residents of the region. However, the degree of participation of the public in the regional legislative process is insufficiently studied and characterized by the lack of comprehensive systemic studies on this issue,

3. Research Questions

Society can participate in the legislative process in various forms: participation in referenda, public discussions, including on the adoption or amendment of laws, participation in elections of authorities (Artamonov, 2013).

National discussions have existed for decades in the Soviet Union. However, by the end of the 1980s, the institution of public discussion became formal, and by 1990 it had turned into a mechanism of informing citizens about draft laws (Shovkhalov, 2019).

The legislative process is determined the level of legal consciousness, moral attitudes of citizens, awareness of their mission as creators of legislation. In e scientific and practical literature, there are discussions on the effectiveness of independent examination, the status of expert opinions. For example, Isakov (2015) argues that the status of an expert opinion in legislation cannot be imperative: it is sufficient for a regulatory legal act, including a law, to be adopted by a legally authorized person or a body. In terms of the definition of legitimation, public expert opinions have the highest status of all possible documents.

This could be a way for representatives of the public to participate in legislative activities, taking into account the requirements for having a legal education, work experience in the profession, if there is an active position of holders of such accreditation certificates as independent experts.

The legislative initiative of citizens, capable of establishing the parity of interests of citizens and government bodies, may acquire particular relevance, since, unlike a referendum, a popular legislative initiative does not assume a direct solution of issues by citizens (Mikheeva, 2015). For example, part 6 of article 119 of the Rules of Procedure of the State Duma stipulates the possibility of submitting a draft law adopted in the first reading for public discussion.¹ However, this norm does not have a mechanism for being implemented. The current trend in the development of the legislative process in Russia expands the public participation to the stage of public examination of draft laws. There is any doubt that the authorities need feedback, an approval or disapproval of the draft law.

Citizens can formulate problems, and the final decision should be made by the parliament.

Reflecting on the degree of participation of public associations in federal lawmaking, Avakyan (2017) writes: there are a lot of public associations, and if everyone gets the right to initiate legislation, the State Duma will suffocate from the influx of draft laws.

According to Avakyan (2017), the public examination conducted by the Public Chamber of the Russian Federation requires special attention. Conclusions of the Public Chamber on the results of examination of draft laws on amendments to the Constitution of the Russian Federation, draft federal constitutional laws and federal laws, draft regulatory legal acts of the Government of the Russian Federation and federal executive bodies, draft laws and regulatory legal acts of regions, draft legal acts of local bodies are advisory and sent to the President of the Russian Federation, the Federation Council, the State Duma, the Government of the Russian Federation, federal executive bodies, state authorities of the regions, local self-government bodies. The conclusions of the Public Chamber are subject to obligatory consideration at plenary sessions of the Federation Council and the State Duma. The presence of members of the Public Chamber is mandatory during the examination of their opinions.

The public chambers of the regions are being created. There is no developed and applied uniform methodology for conducting a public examination in the Chechen Republic, which makes it difficult to assess its effectiveness. In addition, according to the Law of the Chechen Republic "On the Public Chamber of the Chechen Republic", any decisions of the Public Chamber of the Chechen Republic are advisory. Nevertheless, its recommendations are binding on the relevant authorities. Conclusions of the Public Chamber of the Chechen Republic based on the results of public examination of draft laws of the Chechen Republic, draft federal laws on subjects of joint jurisdiction of the Russian Federation and the Chechen Republic are subject to mandatory examination at meetings of the Parliament of the Chechen Republic. Conclusions of the Public Chamber of the Chechen Republic based on the results of the examination of draft regulatory legal acts of the Government or other executive bodies of the Chechen Republic are subject to mandatory consideration at meetings of the Government of the Chechen Republic and other executive bodies of the Chechen Republic (Inalkaeva, 2015).

Public examination involves the creation of a working group of members of the Public Chamber with subsequent consideration of the draft document. To exercise these powers, such forms of expertise as participation of members of the Public Chamber in the work of the Parliament committees, meetings of the Government or other executive bodies are used.

The vast majority of laws adopted by the Parliament of the Chechen Republic are aimed at protecting human and civil rights and freedoms and regulating other issues arising in the socio-economic

and cultural spheres. This is evidenced by an analysis of 300 laws of the Chechen Republic of 2012-2019. The issue of improving quality of adopted laws is relevant, since this is the main indicator of activities of the regional parliament.

Deputies determine the main directions of social and economic development, approve republican taxes and budget expenditures. Departments have been created as structural subdivisions of the Office of the Parliament. One of these departments is the department for legislation and work with security forces of the Office of the Parliament of the Chechen Republic. Its main tasks are as follows:

- providing assistance to the committees of the Parliament of the Chechen Republic;
- interaction with law enforcement agencies;
- analysis of citizens' appeals to the Parliament of the Chechen Republic about violations of the law by law enforcement agencies;
- preparation of documents based on the results of analysis of the operational situation in the republic for the Chairman of the Parliament of the Chechen Republic;
- consideration of complaints and applications received by the Parliament of the Chechen Republic against the Chairman of the Parliament, vice-chairmen and other subdivisions about the violation of the law on the territory of the Chechen Republic by law enforcement agencies and security forces.

The socio-political situation in the country requires that the deputies pay close attention to the prevention of terrorism and extremism, countering corruption in the Chechen Republic. The deputies hold extended meetings with the participation of representatives of law enforcement agencies in order to determine priority measures to prevent terrorism and extremism, develop a mechanism for interaction between law enforcement agencies and the Parliament of the Chechen Republic, explain the political course of the Head of the Chechen Republic on the socio-economic development of the republic, spiritual and moral education of youth and neutralization of terrorism and religious extremism (Inalkaeva, 2019).

The parliament should meet interests of the population. When participating in the legislative process, it is necessary to remember about responsibility for the results of legislative activities.

The failure to implement the potential of interaction between the government and society creates problems for citizens and public authorities: a low degree of public confidence in public institutions; difficulties in implementing socio-economic transformations and their increased conflict potential; low efficiency of government regulation; low quality and insufficient availability of public services (Grib, 2010). The need for public participation was a consequence of the lack of mechanisms of interaction between public authorities in developing draft laws, which leads to managerial defects in the implementation of state policy.

One of the important directions for improving the legislative process is to increase the legislator's attention to public opinion, active participation of citizens in legislative activities. Public opinion should serve as a source for laws. Deputies of the Parliament of the Chechen Republic determine directions of the republic's development in social and economic spheres, approve republican taxes and budget expenditures.

4. Purpose of the Study

The purpose of the article is to determine the role of the Public Chamber in the adoption of federal and regional legislation as one of the important directions for improving the legislative process. The approaches are an analysis of the regional legislation, a study of scientific literature; correlation of the legal framework and real state of affairs. It is necessary to formulate and substantiate theoretical provisions and practical recommendations for improving the current legislation of Russia and law enforcement practice in the legislative process. The scientific developments can be used in research work and in the constitutional law course.

5. Research Methods

The solution of these tasks predetermines the use of the dialectical and legal-logical methods used to analyze legal norms regulating social relations; the comparative legal method was used to compare the content of stages of the legislative process; the analytical method was used to process information about the legislative activity of the parliament in order to obtain new knowledge; the statistical method was used to systematize numerical information and data on qualitative characteristics of the phenomenon.

6. Findings

The theoretical conclusions drawn will contribute to the development of scientific knowledge about features of legislative activities.

7. Conclusion

The end result of the legislative process is a document about advantages or disadvantages of management functions, such as conducting transparent discussions (determining whether the issues raised in the draft are relevant) by communicating information to policymakers and the public (Petrova et al., 2018). Legislation and legislative activities are deepening their democratic nature. Taking into the federal nature of Russia, legislative activities are performed at federal and regional levels. Taking into account specific historical conditions, the draft law should include those legal means that would make it possible to neutralize such factors as a low level of legal culture, legal nihilism, etc. To prevent errors, the draft law should be sent for examination to the Public Chamber. The theoretical conclusions drawn will contribute to the development of scientific knowledge about features of the lawmaking process.

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