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FEATURES OF THE LEGAL STATUS OF JUSTICES OF THE PEACE IN RUSSIA

Annotation: This article is devoted to the specifics of the legal status of justices of the peace on the territory of the Russian Federation, as well as to the unified centralized judicial system of Russia, and the legal acts regulating this industry.

Keywords: *judicial system, justices of the peace, status of justices of the peace, features of the legal status of judges, legislation of Russia and its subjects, courts of general jurisdiction.*

The term “Status” comes from the Latin word “status” - this is a state, position) - in the general sense of the word, it means a legal status (a set of rights and obligations stipulated by law) of a citizen or legal entity.¹

The term “legal status” of judges means the totality of all their rights and obligations taken to exercise their justice, as well as their rights and obligations arising from their current situation.²

¹ Т462 Тихомирова, Л.В., Тихомиров, М. Ю., Ph.D. legal Sciences. Legal Encyclopedia / М. Ю. Тихомиров, Л.В. Тихомирова; under the general. ed. М. Ю. Тихомирова. -6th ed., Ext. and reslave. -М.: Ed. Тихомирова М. Ю., 2012. -1088 p. - Bibliogr. : with. 1086 - 1087.

The legal status of judges is determined mainly by: the Constitution of the Russian Federation, Federal Constitutional Law of December 31, 1996 No. 1- Federal Constitutional Law “On the Judicial System of the Russian Federation”, Federal Law of December 17, 1998 No. 188-FL “On Justices of the Peace in the Russian Federation”, and procedural legislation and other regulatory legal acts of our country, taking into account the laws of the regions of the country.

A normative legal act establishes the general legal status of all judges, regardless of their affiliation with specific courts. Other laws may also establish optional rights and duties of judges, requirements for candidates for judicial positions.

According to the requirements and moral principles of his service, a judge is obliged to strictly observe the main sources of legislation of the Russian Federation.

In the performance of his work, as well as in off-duty time, he should always try to avoid that which could diminish the authority of the judiciary, the dignity of the judge’s personality or raise doubts about his objectivity, justice and impartiality in resolving cases.

It has no right to fill other state and municipal posts, municipal service posts, be an arbitrator, arbitrator, belong to certain political parties and their movements, carry out entrepreneurial activities, as well as combine their work as a judge with other paid labor activities, except for scientific, teaching, literary and other creative activities.

Justices of the peace in Russia are judges of the general jurisdiction of the country's subjects and are part of a single centralized judicial system. The powers, duties, order of activity of justices of the peace and the procedure for

² Zavidov B.D. Commentary on the Law “On the Status of Judges in the Russian Federation” (itemized) .- М.: Justicinform, 2003.- 96 p.

creating the posts of justices of the peace are established by the legislation of our country.

The Law “On the Status of Judges in the Russian Federation” determines that justices of the peace are appointed (elected) to a position for a certain period of time, established by the law of the relevant subject of Russia, but not more than five years.

Before assuming office, candidates need to undergo a proper training course, pass qualification judicial examinations and receive a recommendation from the qualification collegium of judges of the constituent entities of the Russian Federation.

The formation of the judiciary and its quality is of paramount importance for each state. For this, a wide involvement of educated, highly moral, and future professionals interested in career growth in their field is necessary.

The need for such training is obvious: on average, about 30% of those wishing to take up the post of judge do not pass these qualification exams.

Justices of the peace, are part of a single centralized system, are financed from the federal budget of the Russian Federation (funding is provided by the Judicial Department under the Supreme Court of the Russian Federation), they participate in the work of the entire judicial community, and the Law of the Russian Federation of June 26, 1992 No. 3132-1 “On Status judges in the Russian Federation. ”

The specificity and peculiarity of the institution of justices of the peace is that these judges act only as first-instance judges and exercise their functions within the territories assigned to each of them judicial sections, which are formed by a decision of the legislative body of a subject of Russia in agreement with the chairman of the subject or equal to him court.

The number of these judicial sections may be equal to (or greater than) the number of district courts, i.e. the territory of one judicial district may be divided into several similar judicial sections. The number and boundaries of these judicial plots within one district are determined by decision legislative authority. Here, the issue of the need to introduce this judicial institution should also be resolved. In practice, the solution of this issue depends on many factors: the workload and working capacity of district judges, the real opportunity to solve the issues of staff selection and material arrangement of justices of the peace (premises, remuneration of labor of technical workers, financing of postal, trucking and other related expenses).

The procedure for administering justice by justices of the peace shall be established by federal law, and as regards the administration of justice in cases of administrative violations of the law, it may also be established by the laws of these constituent entities of the Russian Federation.

For example, in the Republic of Bashkortostan (abbreviated RB), the judicial plots and the posts of justices of the peace are created and abolished by the laws of the Republic of Belarus in accordance with the federal law of Russia.

The division into judicial plots, the number of justices of the peace and judicial plots is determined by the Federal Law of December 29, 1999 No. 218-FL "On the total number of magistrates and the number of judicial plots in the constituent entities of the Russian Federation".

Thus, on the territory of the Republic of Bashkortostan justice is administered by more than 200 (including among which about 60-70 world courts in Ufa) with more than justices of the peace and the corresponding number of judicial sections is in accordance with the judicial legislation of the Russian Federation.³

³ Law of the Republic of Bashkortostan dated July 31, 1998 N 182-z "On Justices of the Peace in the Republic of Bashkortostan" <https://base.garant.ru/17702486/>[Electronic resource].

Justices of the peace in the Republic of Bashkortostan are elected by the State Assembly — the Kurultai of the Republic of Bashkortostan.

In accordance with the legislation of the Russian Federation, special justification requirements are applied to justices of the peace and candidates for justices of the peace, in accordance with the provisions of the Constitution, Federal Laws of the Russian Federation "On the Status of Judges in the Russian Federation", "On Justices of the Peace in the Russian Federation" and other regulatory legal acts. Among which are requirements such as:⁴

- 1) Higher legal education in the specialty "Jurisprudence" or higher education in the direction of preparation "Jurisprudence" qualifications (degrees) "master" with a bachelor's degree in the direction of preparation "Jurisprudence";
- 2) Not having or had no criminal record or criminal prosecution in respect of which was terminated on rehabilitative grounds;
- 3) Not having the citizenship of a foreign state or residence permit or other document confirming the right to permanent residence of a citizen of the Russian Federation in the territory of a foreign state;
- 4) Not recognized by the court as legally incompetent or partially legally incompetent;
- 5) Not registered with a narcological or neuropsychiatric dispensary in connection with treatment for alcoholism, drug addiction, substance abuse, chronic and protracted mental disorders;
- 6) Not having other diseases that impede the exercise of the powers of a judge.

⁴ Federal Law "On the total number of justices of the peace and the number of judicial districts in the constituent entities of the Russian Federation" dated December 29, 1999 N 218-ФЗ (latest revision) http://www.consultant.ru/document/cons_doc_LAW_25451/[Electronic resource].

As well as the mandatory requirements, determined by the qualifications of the judges: this is the age qualification (over 25 years) and at least 5 years of work experience in the field of jurisprudence.

Persons who have been working as a judge of the federal court for at least five years are exempted from passing the qualification exam and submitting recommendations of the qualification collegium of judges of the Republic of Bashkortostan. In relation to these persons, the qualification collegium issues a conclusion on their ability to fulfill the duties of a justice of the peace.

The basis for considering the appointment of a justice of the peace at a meeting of the State Assembly-Kurultay is the submission of the head of the Department of the Judicial Department in the Republic of Bashkortostan, submitted to the regional State Assembly less than 14 days before its meeting.

The personal file of each candidate for the position of magistrate shall be attached to the submission.

The recommendation and the opinion of the qualification collegium of judges of the Republic of Bashkortostan are also attached to the submission. A list of citizens who have not passed the competition for the appointment of a justice of the peace is also presented in the Regional Assembly.

The Constitution of the Russian Federation established guarantees for the independence of judges. One of these guarantees is the irremovability of judges.

The principle of irremovability applies to persons vested with the powers established by the Law on the Judicial System of Russia to administer justice and to perform their duties on a professional basis.

The State Assembly by a majority vote of the elected deputies adopts a resolution on the appointment of a justice of the peace.

The justice of the peace is appointed for the first time for a term of five years. After the expiration of this period, the person holding the position of justice of the peace shall have the right to re-nominate his candidacy for appointment to this position.

Upon repeated and subsequent appointments to the post of justice of the peace shall be appointed each time for a period of five years.

The powers and duties of a justice of the peace shall expire upon the expiration of the period for which he was appointed, or in the cases and manner established by the Law of the Russian Federation “On the Status of Judges in the Russian Federation”.

The powers and duties of a justice of the peace may be suspended by a decision of the Qualification Collegium of Judges. In the event of a temporary absence (vacation, illness, business trip, etc.) of the justice of the peace, the justice of the other court unit or a retired judge is involved in the administration of justice.

The decision to bring to justice a justice of the peace of another judicial unit or a retired judge shall be made: in areas where one judicial unit has been created - by the chairman of a regional (regional) court; in areas where two or more judicial sections have been created, by the chairman of the district (city) court.

Decisions of justices of the peace, which have entered into force, as well as their legal orders, requirements, instructions, challenges and other appeals are mandatory for all, without exception, federal bodies of state power, bodies of state power of the constituent entities of the Russian Federation, local governments, public associations, officials, and others individuals and legal entities and are subject to rigorous execution throughout the Russian Federation.

The justices of the peace and their family members are guaranteed by the independence of the judges, their inviolability, as well as material security and

social protection, established by the Law of the Russian Federation “On the Status of Judges in the Russian Federation” and other federal laws.

The laws of the constituent entities of the Russian Federation magistrates may establish additional guarantees of material support and social protection.

The high mission of the court is emphasized by its special legal status and the establishment of administrative or criminal liability for contempt of court.

One form of disrespect for the court is the failure to comply with the requirements and orders of judges. Those responsible for this may be held administratively or criminally liable.

Disrespect for the court can also manifest itself in the form of non-compliance with the requirements of a judge and a violation of order during a court session. Those responsible (including participants in the process) may be removed from the courtroom. In extreme cases, when a violation of order is widespread and creates obstacles to the normal course of proceedings, the courtroom may be cleared from the public for a while or for the whole time of the hearing. Thus, the open process actually turns into a closed one⁵.

The Code of Civil Procedure of the Russian Federation says that when judges enter the courtroom, all those present in the court stand up. The participants in the process appeal to the judges: “Dear court”.

Recently, participants in the process appeal to the presiding judge with the words “Your Honor,” this appeal to the judge shows a high degree of respect and has existed since the judicial reform of the 19th century. Judges, depending on their position, length of service as judges and other circumstances provided for by law, are assigned qualification classes. Assigning a judge a qualification

⁵ Zaitsev I. M. Judicial power in the civil process // Russian Justice. - 1994. - No. 2. - 2-3 s.

class does not mean a change in his status relative to other judges in the Russian Federation.

In order to maintain the level of qualification necessary for the exercise of judicial powers, a judge has the right to further training once every three years in institutions of higher professional and postgraduate professional education with the preservation of the monetary content for the period of study.⁶

Further training is organized respectively by the Supreme Court of the Russian Federation and the Supreme Arbitration Court of the Russian Federation and is carried out for judges of the federal courts at the expense of the federal budget, and for magistrates at the expense of the budget of the corresponding constituent entity of the Russian Federation.

The State Flag of the Russian Federation is installed on the courthouse, and the image of the State Emblem of the Russian Federation and the State Flag of the Russian Federation are placed in the courtroom.

The national flag of the Russian Federation over the courthouse and in the courtroom, the image of the State Emblem of the Russian Federation are symbols of the state on behalf of which the court administers justice.

The justice of the peace, who was first appointed to the position, solemnly takes the oath of the following content: "I swear to honestly and conscientiously fulfill my duties, to administer justice, obeying only the law, to be impartial and fair, as the duty of the justice of the peace and my conscience tell me."

The oath is taken before the State flag of the Russian Federation and the flag of the region.

⁶ 6. Yamshanov B. Where is your conscience, Your Honor // Russian newspaper. - 2003. [schema type = "book" name = "The legal status of a justice of the peace in modern Russia" author = "Kompaniets Inna Alexandrovna" publisher = "BASARANOVICH YEKATERINA" pubdate = "2017-05-18 " edition = " EURASIAN SCIENTIFIC UNION OF SCIENTISTS_ 28.02 .2015_02 (11) "ebook =" yes "] [Electronic resource].

In the administration of justice, judges put on black robes. The compulsory attire of judges in the mantle is elevated by the legislator to the level of administration of justice in order to give serious significance to justice.

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