MODERN PROBLEMS OF PARLIAMENTARY CONTROL
REALIZATION OF THE RUSSIAN FEDERATION

Annotation: There has been analyzed the Russian normative legal base which regulates particularities of the Parliamentary control activity. Fundamental problems of practicing the institute have been specified. It has been concluded that it is necessary to have more concise legislative regulation of its functioning for more effective Parliamentary control implementation.

Keywords: parliamentary control, parliamentary investigation, public control.

Nowadays, the Parliamentary control in the states with such forms of government as a democratic one is one of the key functions of the state power legislation.

One of the current issues is a lacuna in the Law on the Parliamentary control. Despite a sufficient number of the Parliamentary control forms the Federal Law dated May 7th, 2013 No 77 – FZ (Edition of March 28th, 2017 No 47 – FZ) “On the Parliamentary Control” does not specify them, unfortunately, avoiding repetition of the existing legal norms that regulate the area. Nevertheless, there have been occurred principally new forms in the Law. For example, the control for the RF legislation has been toughened up due to

regulation of the transferred by the RF Government to the Federal Assembly Chambers compulsory quarterly data of a setting up process and approximate terms of the normative legal acts adoption, development and implementation of which is provided by the Federal laws.

Generally, it is necessary to emphasize that the document has an extent nature which is mainly specified by the ambit of the legal regulation object. However, the lacuna of legal regulation of the main categories which are connected with the Parliamentary control activity is rather perceptible. Thus, in the Parliamentary control law there is lack of a concise and complex definition of the Parliamentary control and key concepts which are bound to its implementation that does not allow specifying the present legal institution.

In its turn the Law lacks the norms which regulate such important basic structurally – functional components of implementing the Parliamentary control as a reason of realizing and an object; rights and duties of the control participants: as well as there is not a responsibility and its types for non-observance by the subordinate organs and officials of the Federal legislation. Such approach to legal regulation can easily cause occurrence of various legal collisions and conflicts in the process of its implementation.

The next issue to regard is a problem of the Parliamentary control norms’ implementation. The lacuna of the present normative legal base is immediately reflected on efficiency of the Parliamentary control while implementing a number of its forms. Thus, the normative base of the Institute of the RF Yearly Reports on its Performance Results to the State Duma of the Federal Assembly is needed to be improved. Legal construction of the present reports which exist nowadays, to be exact by their results, does not lead for the Parliament to any legal consequences that wholly make this control authority formal which in its turn belongs to the Parliament. Another example of inacting control authority of the Federal Assembly is necessity of setting up the Institute of Parliamentary
Investigations: the Parliamentary investigation has been held only twice within a decade of its performance in the form which is regulated by the specific law: the first investigation was on the tragedy in Beslan in 2004, the second one was on the Sayano – Shushenskaya GES catastrophe in 2009.

The Parliamentary control as well as the public – state control is of the current interest. The Parliamentary control is implemented in the public interests by which it mainly specifies its legal nature as an executive body. The Parliament which is regulated by one of the fundamental constitutional principles of the public power has been ranked the 2\textsuperscript{nd} in the structure of the state power organs. There exists its immediate link with the society which is provided by letting the Parliamentarians to represent the public interests. Due to this, the Parliamentary control should be regarded as a special public – state form of control.

Specifying correlation between the Parliamentary and public control the legal expert T.V. Milusheva has marked precisely: “The Parliamentary control is not supposed to be regarded as entirely the state one. It is an intermediate form of the public control, i. e. it is to some extent “a bridge” between the state and public control as well”\textsuperscript{2}. A.N. Arinin is of the same opinion that the Parliamentary control is a representative way of the public control\textsuperscript{3}.

Besides, common constitutional – legal nature does not allow us connecting the public and parliamentary control within a single institution or a concept. These are absolutely independent elements of the legal system with a completely different mechanism of its functioning and forms of its implementation. In this case we are considering the efficiency of combining the public and Parliamentary control for achieving tasks and goals set by the


legislative acts as well as for improving the effectiveness of legal implementation. Public participation in separate forms of the Parliamentary control has already been introduced by the present normative – legal acts. For example, Part 1 of Article 65 of the Enactment of the State Duma of the RF Federal Assembly provides that the Parliamentary hearings are mainly open both for publicity and Mass Media representatives as well as for public organizations.

The present model of the State and Civil society interaction should be reasonably developed. The model provides a possibility of including citizens and their unions to implementation of separate forms of the Parliamentary control. For example, there is an opportunity to introduce initiation of holding parliamentary investigations of the Federal Assembly by the Public Chamber and integration of its members to the Parliamentary commission.

Bibliographic list


