

## The constitutional-legal framework for regulating the social status of State Duma

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**Abstract.** This article explores the constitutional-legal framework for regulating the social status of deputies of the State Duma of the Federal Assembly of the Russian Federation. The article's aim is to define the legal nature of the deputy's material status and establish a uniform stance for opinions and legislative settings in respect of the status of high-ranking officials in the Russian Federation. The author's study into the legal regulation of the social status of high-ranking government officials reveals a mismatch between the theoretical and legislative fundamentals of regulating the legal status of State Duma deputies. The author suggests fine-tuning the fundamentals of the social status of State Duma deputies in corresponding conjunction with constitutional-legal norms. In particular, to remediate said discrepancies in legislation, the author suggests making amendments to the Federal Law "On the Status of Members of the Federation Council and the Status of Deputies of the State Duma of the Federal Assembly of the Russian Federation".

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### Introduction

Lately, issues related to the execution of powers by the highest bodies of state authority have been given great attention by scholars in Russia. Russian and foreign scientific and scientific-feature publications have made special consideration of regulating relations in the area of organizing legislative authority in Russia [1, 2, 3]. Close attention has been given to issues related to the execution of political authority by the President of the Russian Federation in liaison with the lower chamber of the Russian Parliament [4, 5]. Interesting and quite diverse are studies dedicated to effecting the legislative process in the State Duma of the Federal Assembly of the Russian Federation [6, 7] and the process of elections to the State Duma [8, 9, 10]. At the same time, there is a lack of research in respect of the issue of the constitutional-legal status of deputies of the State Duma of the Federal Assembly of the Russian Federation.

The legal status of parliamentarians is established by a set of legislative and regulatory legal acts of the Russian Federation. Social guarantees for the member of the Federation Council and the State Duma deputy are placed on the same shelf with those of federal ministers, those for the Chairman of the Chamber and the Chairman Deputy of the Chamber – with those of the Chairman of the Government of the Russian Federation and the Chairman Deputy of the Government of the Russian Federation, respectively [11].

The issue of social support for parliamentarians is a matter of constant discussion [12, 13, 14]. There arise issues related to the limits of

social support – in particular, material support – for, above all, State Duma deputies. Existing differences in views on executing the funding of deputies' activity are expressed in discontent over various areas. At the same time, this issue has not only political and economic but legal aspects. The issue of the insufficiency of the size of monetary remuneration for deputies has always been a matter of discussion [15]. The social status of State Duma deputies is governed by the volume of social guarantees provided, which are "a crucial condition for and means of ensuring the effective performance of State Duma deputies" [16], so there arises the need for increasing the size of support for deputies. On the other hand, it has been suggested that the volume of social support for State Duma deputies be reduced and reasons have been provided concerning the expediency of "making the pay of deputies and government officials dependent on growth in society's well-being – in terms of average or minimum salaries" [17].

Since discontent exhibited in relation to social support for parliamentarians is exacerbated by the untimeliness of support for this position [18], there is a need to define the legal nature of regulating the provisions of Article 2 of the Law "On the Status of Members of the Federation Council and the Status of Deputies of the State Duma of the Federal Assembly of the Russian Federation". We find it important to explore the issue of equalizing the social status of parliamentarians in accordance with said limits of social support for the highest members of executive power in Russia.

**Main part**

The parliament undergoes internal organization, which is effected within the framework of constitutional-legal settings. This is why the status of State Duma Deputies must be in line with constitutional-legal settings. To define the legal nature of said tenet of law, one needs to conduct an analysis of legal settings on posts within said government bodies. The posts of the federal minister, the Chairman of the Government of the Russian Federation, and the Deputy Chairman of the Government of the Russian Federation are instituted among the Russian Federation's public offices by a Presidential Decree [19]. The same enactment of the President of the Russian Federation provides the following appellations of public offices for parliamentarians:

the Chairman of the Federation Council of the Federal Assembly;

the First Deputy, the First Deputy Chairman of the Federation Council of the Federal Assembly;

the Chairman, the Deputy Chairman of the committee (commission) of the Federation Council of the Federal Assembly;

the member of the committee (commission) of the Federation Council of the Federal Assembly;

the Chairman of the State Duma of the Federal Assembly;

the First Deputy, the Deputy Chairman of the State Duma of the Federal Assembly;

the Chairman, the Deputy Chairman of the committee (commission) of the State Duma of the Federal Assembly;

the Chairman of the subcommittee of the committee of the State Duma of the Federal Assembly;

the Member of the committee (commission) of the State Duma of the Federal Assembly.

The Constitution of the Russian Federation provides for the mandatory structuring of the chambers of the Federal Assembly: electing the Chairmen and Deputy Chairmen of the Federation Council and the State Duma and forming committees and commissions (Article 101 of the Constitution of the Russian Federation) [20]. Note that each parliamentarian has to be a member of one of the structural components of the chamber. This means that the public office status established by the President of the Russian Federation for parliamentarians is of a constitutional nature. Members of the Federation Council and deputies of the State Duma of the Federal Assembly are officials filling public offices of the Russian Federation. Note the absence of the following posts in this consolidated list: the member of the Federation Council and the State Duma deputy. That is, a State

Duma deputy fills a public office – that, for instance, of the member of the Committee of the State Duma.

Said tenet on equalizing the social status of parliamentarians with that of respective posts of executive power has a constitutional-legal basis. To remediate certain theoretical discrepancies, one needs to fine-tune the tenets of law and lay down the definition of parliamentarian posts pursuant to the RF President's Decree on the consolidated list of public offices. It is suggested that Part 2 of Article 2 of the Law "On the Status of Members of the Federation Council and the Status of Deputies of the State Duma of the Federal Assembly of the Russian Federation" be amended to read the following way:

"...2. By the volume of social guarantees, *the member of the committee (commission)* of the Federation Council and *the member of the committee (commission)* of the State Duma are equated to the federal minister, the Chairman of the chamber and Deputy Chairman of the chamber – to the Chairman of the Government of the Russian Federation and the Deputy Chairman of the Government of the Russian Federation, respectively"....

Furthermore, there is a need for additional investigation into the issue of matching public offices of executive and representative power – namely, equalizing in terms of social guarantees within the framework of said tenet of law. Equalizing stands for declarative legislative matching. This means that all the cited public offices must meet uniform requirements imposed on this category of posts.

The constitutional-legal sources of the Russian Federation do not contain requirements that lay down uniform qualification requirements imposed on the highest offices of executive power. Besides, compared with the posts of parliamentarians, who are elected in a strictly prescribed manner [21], the legislation of the Russian Federation does not contain a clear-cut mechanism for regulating the procedure for appointing one to the highest offices of executive power. The highest public offices of executive power in the Russian Federation are established by the President of the Russian Federation pursuant to the procedure prescribed by Articles 111 and 112 of the Constitution of the Russian Federation. What remains obscure in this case is the mechanism regulating the hiring of the highest public offices of executive power in the Russian Federation, which is not regulated in a legislative manner – that is, in terms of what criteria or what qualification level apply to high-ranking officials of executive power.

The practice of appointing to the public offices of the Chairman of the Government, Deputy Chairmen of the Government of the Russian Federation, and federal ministers indicates that persons appointed to these posts are not properly

qualified. According to data from the official website of the Government of the Russian Federation, all members of the Government have a higher education and experience working in government administration. Nevertheless, many officials do not have a corresponding area-specific education. Thus, for instance, Yuri Petrovich Trutnev, the Deputy Chairman of the Government and the plenipotentiary Presidential Representative in the Far Eastern Federal District, is a mining engineer by trade [22].

Qualification requirements imposed on public offices of executive power are preordained at the sublegal level. The majority of federal ministers in operation are former government officials, who must meet corresponding requirements established by office-related regulations. Thus, for instance, in filling the post of First Deputy Minister in the Ministry of Justice of the Russian Federation, there are requirements as to having a higher professional education (professional specifically – i.e., by training), having a record of service spanning at least six years of state civil or any other type of service, and having professional skills [23]. This means that a person who is superior (i.e., a minister) on the subordination ladder must meet qualification requirements which are not lower than those of his subordinates. Thus, the federal minister must possess skills and qualifications which are not lower than state civil service posts (which are immediately subordinate to him) are expected to have pursuant to provisions established in their respect.

No qualification requirements have been laid down at the level of legislation for parliamentarians, who are equated to the highest public offices of executive power. Compared with State Duma deputies, they appoint to the post of member of the Federation Council someone who is an experienced specialist already – an operating government representative of the legislative (representative) or executive body of a constituent of the Russian Federation [24]. The level of qualification, experience, and professionalism of former public officials of constituents of the Russian Federation is undoubted. Whereas the deputy of the State Duma of the Federal Assembly of the Russian Federation is specifically a popular representative of the political elite. Having said that, the legislator equalizes social guarantees for parliamentarians of both chambers.

The equalization of the social status of parliamentarians of both chambers of the federal parliament is not quite justified by the content of their qualification level. The entire law-making activity is concentrated within the State Duma – it is this body that the main potential of establishing the rules of life for the whole country is conferred upon. Therefore, State Duma deputies are highly responsible for the

quality of laws passed. Consequently, State Duma deputies should face special qualification requirements as to the level of one's knowledge, experience, social-moral perception of reality, etc.

### **Conclusion**

An issue in legal provision for higher social, rather material, support for parliamentarians is the absence of sufficient criteria for requirements imposed on deputies as to the level of qualification in a particular area of relations. Law-making activity requires a special qualification, at least in the area of government administration. Deputies ought to be able to not only foresee the need for regulating a certain relation but possess skills in determining the scale of priorities of government administration in the area of law-making. Such activity can be affected by persons who are prepared in a special way, that is, possess a certain level of qualification and experience working in relevant government establishments.

### **Inferences**

It stands to reason the State Duma is a representative body of authority, which concentrates in all the spheres of social representation. Therefore, it is not reasonable to apply uniform criteria to the qualification level of State Duma deputies – even more so, requirements in the area of government administration. Nevertheless, the legislator claims there is equality between the social status of the public office of a federal minister and a parliamentarian. In terms of equalizing these posts, it should be noted that the regulated level of qualification and professionalism of ministers differs from that of State Duma deputies. On the whole, almost all the existing public offices – the federal minister, the Deputy Chairman of the Government, or the Chairman of the Government – possess relevant qualification skills, experience in government administration, and a record of service in the respective area of government activity. Therefore, to actualize the principle of equalizing the social status of State Duma deputies in the system of public offices, which is laid down in said legal norm, one needs to adjust existing legislation in terms of clearly defining the public office of deputies in the system of bodies of state authority.

This article's findings and inferences related to the study of the fundamentals of the legal status of Russia's State Duma deputies call for further research, including at the international level. There are parliaments in many countries, so investigating into the social status of officials (deputies) is the subject of prospective studies by scholars in different countries with a view to establishing a common global standard. Uniform criteria should be applied to

all parliamentarians at the global level, including State Duma deputies. Besides, all these requirements should be laid down at the level of legislation. Therefore, the study of the problematics of the Russian model for regulating the legal status of State Duma deputies can serve as a touchstone for regulating the status of parliamentarians in foreign countries.

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