

Relationship among the President, Prime Minister and Parliament of Russia under the 1993 Constitution of the Russian Federation

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Abstract

This paper discusses the relationship among the president, the prime minister and the parliament of Russia under the *Constitution of the Russian Federation (1993)*. Although the legal system of Russia recognises independent functions of each state branch based on the principle of separation of power, it fails to provide genuine instruments that can limit the president from accumulating power in the executive branch. It is designed in a way that not only persuades imbalance in power distribution, but also gives a constrict space to the prime minister and the parliament to appear independent in a series of interactions and, therefore, resulting in an undemocratic political process and derailed economic development.

Keywords

Federal Assembly, Constitution of the Russian Federation, Council of the Federation, President, Normative Decree, Prime Minister, State Duma, Separation of Power, Soviet Union

1. Introduction

Russia has been experiencing a long period of autocracy and executive control, especially during the Soviet Union. With the collapse of the aforementioned Union, Russia has gone under a huge social, political and economic transformation (Burnham et al., 2004; Frommeyer, 1999: p. 1). Indeed, a new era of democratisation versus autocratic resistance has started in the country, witnessing a conflict-driven relationship among the state branches, particularly between the president and the legislature, where the legal system has vested a nearly autocratic power in the president (McPherson, 1999). Any opposition between the

president and the parliament may end in the benefit of the president ([Carnegie Endowment for International Peace, 2001](#)).

In the shadow of such a transformation, the institutional choice in Russia has been often marked by power struggle between different government bodies, which put any democratic definition of the state at stake ([Remington, 2001](#); [Kynev, 2011](#)). Indeed, any plural ideas that could have decreased the power of the government have been strongly rejected. Most of the unrests have been caused due to the disagreements on how to distribute constitutionally defined authorities between the president and parliament ([Kynev, 2011: p. 114](#)). Such a power struggle has often exhibited a shaky and an unstable relationship among the president, the prime minister and the parliament.

Considering the above statements and the scarcity of relevant literature, this paper discusses the relationship among the president, the prime minister and the parliament of Russia under the [Constitution of the Russian Federation \(1993\)](#) (henceforth: Constitution). It engages in exploring the following question: How is the relationship among the president, the prime minister and the parliament of Russia under the 1993 Constitution? The main objective is to illuminate the interaction of each of the state branches, as defined by the mutual rights and responsibilities within the organic interface. The paper is consisting of the following five sections: The first section introduces the research background and briefly explains the constitutional principles that serve as a foundation for the relationship among the president, the prime minister with the parliament; the second section discusses the parliament of Russia (Federal Assembly) under the Constitution. In particular, it looks at its interaction with the executive branch; the third and fourth sections elaborate on the legal and constitutional status of the president and the prime minister and their relationship with the Federal Assembly; and finally the paper is summed up by providing conclusions to the corresponding discussions and analyses.

The Russian Constitution, like other founding documents in the world, establishes an organic relationship between the three branches of the state in the Russian Federation. Article 10 of the Constitution provides that “State power in the Russian Federation shall be exercised on the basis of its division into legislative, executive and judicial authority. The bodies of the legislative, executive and judicial authority shall be independent.” This provision manifests two fundamental principles: 1) The principle of separation of power; and 2) independence of each organs of the state during an inter-branch interaction. These two principles not only establish fundamental pillars of democracy, but also pave the ground for modern constitutionalism, ensuring independence and autonomy of the executive, legislative and judicial branches ([Belov, 2007: p. 279](#)). By envisaging such principles, Article 10 proclaims that the regulatory norms of the relationship among the above branches are central to the constitutional system in Russia ([Krylova, 1994: p. 401](#)). Given the historical background and the experiences from the communist era, it can be considered a genuine progress in the constitu-

tional life of Russia (Fogelkou, 2000: p. 232).

It is worth mentioning that during the Soviet Union, the concept of separation of power did not exist within the legal system and was perceived as a restriction to the exercising of peoples' power (Oversloot, 2000: p. 147). The legislative branch, particularly the Communist Party, had unduly controlled all other branches of the state (Yakovlev, 1993: pp. 278-283). Even during the presidency of Michael Gorbachev, who is known for his reform initiatives, the legislature was described as one of the highest state organs and was blamed for controlling the executive branch (White, 1995). This means that the relationship between the state branches was vertical, where the legislature was superior to the other branches.

The year 1993 changed everything and established a new phase of democratisation versus autocracy, which has been often highlighted by a power struggle running through the blood of almost every constituent body for decades, and manifested as an eminent challenge to the Russian legal system (Yakovlev, 1993). Among others, the parliament and the prime minister of Russia have been suffering from interference of the president (Yakovlev, 1993). Indeed, the notion of separation of power as it is enshrined in Article 10, has been largely replaced by the power vertical, which allows the president to influence the above organs (Dresen & Pomeranz, 2004). To understand the essence of the interaction between the president and prime minister with the parliament and to find out whether the aforementioned pillars of democracy within Article 10 are applied in the legal system of Russia, the sections below look at the formation and authority of the Federal Assembly vis-à-vis the president and prime minister and *vice versa*.

2. The Federal Assembly

Under the Constitution, the legislative power is bicameral, consisting of two chambers: The State Duma (the lower house); and the Council of the Federation (the upper house) (Federal Const. Art. 95 [1]). The right to legislate has been exclusively granted to the Federal Assembly of Russia, although the right to initiate a piece of legislation is broadly given to different entities. Article 94 of the Constitution explains that "The right of legislative initiative shall belong to the president of the Russian Federation, the Council of the Federation, members of the Council of the Federation, Deputies of the State Duma, the Government of the Russian Federation, and legislative (representative) bodies of constituent entities of the Russian Federation. The right of legislative initiative shall also belong to the Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation and the Supreme Arbitration Court of the Russian Federation on issues within their competence."

Notwithstanding, the Federal Assembly as an exclusive legislative body has two important instruments to use against the president and prime minister during their institutional interaction with each other: 1) Impeachment of the presi-

dent; and 2) can voice disagreement on the appointment of the prime minister (Federal Const. Arts. 102 [2] & 103 [a] [b]). Perhaps these are some of the strongest tools to for the Federal Assembly to keep the balance with the president and prime minister in exercising state power (Mazot, 2005: p. 154). To analyse the specific environment based on which the Federal Assembly interacts with the president and prime minister, the formation and authorities of the State Duma and the Council of the Federation is separately studied.

2.1. The State Duma

The State Duma is the representative of the people, which gains its legitimacy from the people through direct elections (Federal Const. Art. 96). There are 450 Deputies (members) in the State Duma, who serve in office for a period of five years (Federal Const. Art. 95 [3]). The Constitution forbids them from holding any government positions (Federal Const. Art. 103 [4]). Article 103 of the Constitution describes the duties of the State Duma on the basis of which it establishes a permanent relationship with the president and prime minister of Russia. In accordance with Article 103, the State Duma interacts with the president and prime minister through the followings: 1) It confirms the appointment of the prime minister proposed by the president; 2) decides on the issue of confidence in the government of the Russian Federation; and 3) brings charges against the president of the Russian Federation for his impeachment.

As mentioned above, the State Duma expresses a vote of confidence on the issues of the government. The Constitution provides the ground for application of such a vote of confidence, i.e. the government should submit annual reports to the State Duma on the results of its work, including on issues raised by the State Duma. If it does not convince the latter, it gets exposed to a vote of no confidence. This does not imply any collective responsibility of the government similar to those with parliamentary systems. Nevertheless, the vote of no confidence to the government in Russia does not seem to be effective, because they presuppose a parliamentarian system (Fogelkou, 2000). Indeed, they display a state of trust between the State Duma and the government as whole in the absence of any legal consequence.

The prime minister, who is appointed by the president, is individually accountable to the State Duma. The later organ confirms his appointment and has the right to cast a vote of no confidence against him. To achieve a vote of no confidence against the prime minister, there should be 226 votes or a simple majority casted by the Deputies (Federal Const. Art. 117). Since the adoption of the Constitution, seven prime ministers have been dismissed. Five of them were removed during the time of President Boris Yeltsin between 1998 and 1999, when Russia was facing extensive social and political problems. Moreover, Article 103 of the Constitution also grants the State Duma the right to advance impeachment of the president. Similar to the system in France, there is no indication of censuring the president within the above provision. In

case, there is a clear majority in the State Duma, it can only initiate charges against the president (Monticone, 1994: pp. 12-13). As it will be discussed in later stages, the impeachment itself is conducted by the Council of the Federation.

In the field of legislation, the State Duma appears very strong in the inter-branch relationship with both the president and prime minister. All Federal laws and bills shall be submitted to, and adopted by the State Duma. In any case, laws shall be considered to be adopted by two third of all Deputies of the State Duma, even if it is vetoed by the president or rejected by the Council of the Federation (Federal Const. Arts. 104 & 105). However, it should be mentioned that there are a number of complications with regard to the unilateral legislative actions of the president, which occasionally put the authority of the State Duma at stake. This issue will be analysed in details with regard to the legislative role of the president and the impact on the relationship with the State Duma.

It can be said that the Constitution grants the State Duma a number of exclusive authorities, when it interacts with the president and prime minister, such as the vote of no confidence on the appointment of the prime minister, confirmation of the government as a whole, and impeachment of the president. However, effective application of the above power, especially in relation to the status of the president, has always been a matter of concern.

2.2. The Council of the Federation

The Council of the Federation is established by the Constitution as an upper house of the Federal Assembly. It includes two members from each subjects of the Russian Federation; one from the legislative and one from the executive body of the state authority (Federal Const. Art. 95 [2]). In terms of holding positions in other branches of the state, the Constitution is silent whether members of the Council of the Federation could be employed by the other branches (Monticone, 1994). However, in the case of the members of the State Duma, as it is mentioned in the previous section, the Constitution clearly bars them from holding any government offices. In comparison to the State Duma, the Council of the Federation has limited legislative authorities (Remington, 2001). It's relationship with the president and the prime minister comes into existence based on a number of duties that include approval of the decrees of the president on martial law, state of emergency, and impeachment of the president in accordance with Article 102 of the Constitution.

The president and his subordinate administrative officials are in no sense responsible to the Council of the Federation (Federal Const. Art. 102). The Council of the Federation has often played a more cooperative role, which facilitated advancement of the political process in Russia. For instance, in 1993 the president issued a decree modifying the administration of the president as a state body. It faced strong opposition by the State Duma, but no disagreements were expressed by the Council of the Federation (Remington, 2001: p. 180). Indeed,

the Constitution leaves no room for the Council of the Federation to voice disagreement against the undue decrees of the president, because it only approves a number of specific decrees that are mentioned by Article 102 (Weisman, 1995).

In terms of the impeachment of the president, the Council of the Federation plays a central role. In other words, if the president commits a serious crime, the Prosecutor General (Attorney General) can file a petition that requires approval of the both chambers of the Federal Assembly (Remington, 2001). Based on the provisions of the Constitution, the crime should be of high treason and grave in nature. The charges shall be brought forward by the State Duma followed by the Constitutional Court or the Supreme Courts' resolution confirming the observation of the charges brought by the State Duma, and then the Council of the Federation can proceed with the impeachment (Federal Const. Art. 93[2][3]). It has to be mentioned that the decision of the Council of the Federation is final, which should be taken within the three months from the time of the initiation of the charges by the State Duma (Federal Const. Art. 117).

The question concerning this issue is, how can immunity of the president be invoked? Article 91 of the Federal Constitution grants immunity to the president, however, it does not specify on which basis such immunity can be invoked. Since Article 91 guarantees immunity of the president without any specifications, it should be read in the light of Article 93, i.e. the president is immune from any charges, except for the cases of high treason or grave crimes. In practices, it is difficult to apply Article 117, because there are no provisions within the legal system of the Russian Federation defining the sphere of grave crimes. The president may get away with any actions for not being defined as a grave crime or high treason.

In sum, the Council of the Federation has been maintaining quite a peaceful and inferior relationship with the president due to its limited authority. The only tool, which can give the Council of Federation a role to play, is the right to decide on the impeachment of the president. Nevertheless, the bureaucratic complexities of the impeachment procedures as well as limited capacity of Article 93 to include actions that harm the competence of other branches, undermine implementation of the impeachment itself.

3. The President

The Constitution equips the president with a lot of power and designates him as the head of state on the top of the hierarchy of the constitutional powers division (Federal Const. Art. 95[2]). Unlike the President of the United States, the Russian President is not manifested by the Constitution as head of the government. However, he possesses indirect government control through his power to appoint and dismiss the prime minister and other members of the government. Indeed, he is the authority who appoints the government and runs the executive branch (Oversloot, 2000). In some cases, he is even stronger than the President of France and the United States. For example, the President of France cannot

veto legislation and go for referenda, whereas the President of Russia holds such an authority (Metcalf, 1997: p. 137). This may indicate the strength and dissatisfaction of the President of Russia from the status quo, when in 1993 the Constitution had to be adopted, because the President of Russia at that time played a strong role in drafting and designing the new Constitution (Dore, 1995: p. 674; Remington, 2001). Contrary to the above idea of presidential dominance, William Burnham et al. argue that:

Though, Russia has experienced extreme abuse of power by its executive, there have been a number of safeguards by the constitution to avoid such abuse. One of the safeguards is the legislative actions of the Federal Assembly; another safeguard will be the separation of the Administration of the President from the government and existence of the human rights and judicial review. The safeguards limit the actions of the president with such strong-hold (Burnham et al., 2004: p. 187).

This statement may be partly true, if the current system is studied in the light of the era during the Soviet Union. However, it should not mean that the system under the Constitution is optimal and does not need improvement. Not only historical controversies between the president and the parliament, but also in the contemporary Russia, the president and the Federal Assembly have been experiencing a conflict-driven interaction, which is a strong evidence for an uneasy relationship between the abovementioned state organs. Eugene D. Mazot says that throughout 1990s, Russia's President and the parliament frequently fought against each other, and at times very violently, in the political arena (Oversloot, 2000). Indeed, most of the conflicts have emerged due to the differences in the reform programs introduced by the president (Sedelius & Mashtaler, 2013: pp. 109 & 1012).

As mentioned above, the Constitution enables the president to appoint the prime minister, who has to be approved by the State Duma. It gives such an extreme power to the president, which can be called a 'Super-Presidential' system. Such an imbalanced power distribution derails the social resolution and economic transition of Russia and impedes the cooperative relation between the executive and legislature (Mazot, 2005). Most of the causes for such an imbalance are rooted in the way the prime minister is proposed by the president and approved by the State Duma. Article 83 of the Constitution indicates that the President of the Russian Federation "shall appoint, with the consent of the State Duma, and the Chairman of the Government of the Russian Federation." Sections (2) & (3) of the same Article go one step further and grant instruments to the president to even control the actions of the government and give him the right to chair its meetings. Once the State Duma approves the prime minister, he largely remains accountable to the president. Due to such an overlap, the Russian system distances itself from those of the European systems, where the head of state is either a monarch or a constitutional president with limited power

(Remington, 2001: p. 180).

The question which adds importance to the analysis on the interaction of the president with the State Duma regarding the appointment of the prime minister is, how many times can the president propose the same candidate, once he is rejected by the State Duma? The text of the Constitution does not highlight the issue. However, examples from practice can clarify the issue. In 1993, President Boris Yeltsin proposed Sergei Kirieynko for the second time, in spite of being already rejected by the State Duma, due to the lack of references within the Constitution or corresponding laws. Yeltsin capitalised on such ambiguity and used it as a weapon to put the State Duma under pressure to act in line with his policies. Later on in the same year, the Constitutional Court of Russia in its opinion on Article 83 of the Constitution held that the president can propose the same candidate even for a third time (*Constitutional Court of the Federation of Russia Dec. No. 28-P, Interpretation of Art. 83*).

Another issue, which further sheds the light on the relationship of the president with the State Duma, is his right to dissolve the latter organ. Perhaps this is one of the strongest tools in the hand of the president. In accordance with Article 117 of the Constitution, the president can dissolve the State Duma under the following circumstances: 1) The State Duma does not consent to the appointment of the prime minister for three successive candidates; 2) the State Duma adopts two votes of no confidence against the government in three months, from the time of the formation of the government; and 3) the State Duma, as a matter of censure, expresses the vote of no confidence for the request of Prime ministers, when he raises against the State Duma. Some scholars believe that this puts the Deputies of the State Duma in a vulnerable position, because they have no other options, but to agree with the choice of the president, which may otherwise lose their positions during re-elections of the State Duma, whereas the government remains in office (*Remington, 2001; Dore, 1995; Metcalf, 1997*).

In 1998, when President Yeltsin proposed Kirieynko and he was refused twice by the State Duma, the president for the third time introduced another candidate and the former organ approved him without any further considerations because there was fear that it may be dissolved by the president (*Dore, 1995: p. 589*). Nevertheless, this right is restricted by Article 109 of the Constitution. According to Article 109, the president cannot dissolve the State Duma within one year before the parliamentary elections for any of the above reasons. Similar limitations apply during the time of martial law and six months before the mandate of the presidential office. Moreover, Article 109 also bars the president from dissolving the State Duma, when the latter advances charges against the president. As mentioned, due to the limited number of crimes defined by Article 93 and the difficulties to reach a two third majority within the State Duma, advancing charges against the president has been often problematic (*Mazot, 2005*). The multiple party characteristic has seldom allowed the State Duma to reach a

majority. During 90's, the number of parties in Russia continued to grow rapidly due to emergence of new political pluralism. For instance, in the 1995 parliamentary elections, 43 parties took part which made it far more difficult for a homogenous opinion to take place inside the State Duma (Oversloot, 2000).

Lack of a strong party system not only negatively affects the political stability in Russia, but also slows down its economic growth (McQuire, 2012: p. 431). Another factor, which is very hard to measure, is related to the Russian society, i.e. the president can be inclined to be held back by the society's temperament. For example, in September 1993 such a temperament sided with the parliament during the negotiations with the president, which made the parliament victorious, and opened a new chapter into the history of executive-legislation relations (McQuire, 2012). Indeed, it largely depends on the president himself whether he establishes strong and friendly relations with the parliament or continues with the confrontation.

In the field of legislation, the president has enormous power in comparison to 88 percent of the popularly selected presidents in the world (Dore, 1995). Based on the constitutional provisions, federal laws, which are adopted by the State Duma or by Council of the Federation, shall be presented to the president within 5 days of the date of the adoption. He has the right to reject (to veto) the laws, but if the State Duma sticks to the previous standing, it can override the veto and adopt the law without president's consideration with a two third majority (Federal Const. 107 [3]). It seems obvious that the president can be overridden, but the challenge for the State Duma is that it rarely reaches a clear majority, due to the heterogeneous characteristics of the latter organ.

In addition, the president also has the right to reject the laws on a procedural basis. In Russia, the practice has shown that most of the laws have been rejected based on procedural grounds (Remington, 2001). For instance, the State Duma has often adopted laws concerning the social programs without a primary assessment by the government, where the Constitution requires the State Duma to go through such a procedure, and the president on many occasions rejected the corresponding law. Article 107 of the Constitution dictates that the State Duma should adopt laws based on the procedures required by the Constitution. The Constitutional Court of Russia in the case concerning the constitutional interpretation of Article 107 of the Federal Constitution concluded that "a law which is rejected on the procedural ground is not considered an adopted law." (Constitutional Court of the Federation of Russia Dec. No. 10-P, VSK No. 3 Interpretation of Art. 83, para. 3).

In addition, under the Constitution, the president has the authority to issue normative decrees, which become law and are binding on the whole territory of the Russian Federation (Federal. Const. Art. 90). Such authority of the president undermines the whole idea of division of powers (Metcalf, 1997). For instance, based on Article 88 of the Constitution, he can announce the state of emergency and only inform the Council of the Federation and State Duma, without any

prior consultation. This situation is further exacerbated by Articles 86 & 87, which give the president the right to lead the foreign policy, appoint the Russian diplomats, access international treaties and stay as the commander and chief of the armed forces.

Today the relationship of the Russian President with the Federal Assembly has been gradually improving. One can always differentiate between the approaches used by President Putin and the previous ones by President Yeltsin. Putin has demonstrated that he can adopt legislation while having friendly relations with the State Duma; however, the Yeltsin era only marks the hardship and conflict between these two organs (Oversloot, 2007). It can be said that the Constitution grants the president the opportunity to control the whole executive branch and occasionally the parliament (Federal Const. Art. 95).

It should be noted that since the dominant political culture in Russia breathes through patrimonial dimensions, it seems hard to consolidate democratic values (Remington, 2001). The Russian culture of centralised authority has been always inherited from one period to another due to the very strong autonomous-interest associations. In the long run, any constitutional arrangements, without establishing a thorough separation of power, would be irrelevant to the transition in Russia, because it always reverts to the central tendency of the political development, where only the president will benefit from it at the detriment of other branches.

4. The Prime Minister

The prime minister in the Constitution of Russia is called the Chairman of the Government, who leads the government of the Russian Federation. The executive branch consists of the Chairman of the Government, deputies of the Chairman of the Government and the federal ministries (Federal Const. Art. 110). As mentioned in the previous sections, the prime minister is proposed by the president and approved by the State Duma. Once the prime minister receives the vote of confidence from the State Duma, there is little obligation to make the prime minister or his cabinet accountable to the State Duma (Federal Art. 11 [1]). The president has the right to dismiss him, and subsequently does not need confirmation of the State Duma or the Council of the Federation (McQuire, 2012). Right from the beginning, one week from the appointment, he shall propose the structure of the government to the president (Federal Const. Art. 112 [1]). Thus, he has no choice, but to submit to the president.

To be approved by the Duma, the prime minister needs a majority votes in the State Duma. Under the Constitution, when a prime minister is proposed to the State Duma, the Deputies consider the issue (Federal Const. Art. 111 [3]). Yuri Luryi explains that in the Russian Encyclopedia the word “to consider” means “having gone into the substance of a matter, to dissect it and discuss it”. When a prime minister is introduced by the president to the State Duma, the Deputies get necessary information about the candidate to think about the consequences

of rejection. They discuss the issue with their advisors and constituency, and then take the decision (Luryi, 1999). However, in practice it does not make a difference, because in case the candidate is rejected three times by the State Duma, the president has the constitutional right to dissolve the State Duma and call for the elections and appoint the minister candidate (Federal Const. Art. 11 [4]). Such constitutional mechanisms decrease the power of the State Duma in making the prime minister accountable.

Moreover, the president can also appoint and dismiss the deputy prime ministers and government ministers with the request of the prime minister (McQuire, 2012). This means that the prime minister and his subordinates are strictly bound to the president, who decides about the fate of these officials and, thus, there is no mechanism to stop the president from forcing his policies on the government. The power and authority of the prime minister is differential, subordinate and constrict. Decrees and edicts of the prime minister are also limited and shall be in line with the edicts of the president, the Constitution and federal law.

The prime minister has very limited legislative power and that shall go through the filter of the president and the State Duma. His interaction with the Duma takes place on the sub-mission of the budget to the latter organ. Article 114 (1) of the Constitution requires the government to provide annual reports from the implementation of the financial policies and issues raised by the State Duma. If the government fails to satisfy the State Duma, it can be summoned and expressed to a vote of no confidence. The prime minister may rise before the State Duma, but if there is still a vote of no confidence, within seven days, the president needs to approve his resignation or dissolve the State Duma (Federal Const. Art. 117 [4]). In the end it has to be stressed that the prime minister needs to be on good terms with the president at any cost, if he wants to have a successful career. A sensible relationship with the president also affects the level of his interaction with the Federal Assembly; it does not matter whether he is struggling with the legislature.

To summarise the discussions in this paper, it can be said that the Constitution empowers the president in excess at the detriment of the Federal Assembly and the prime minister during his interaction with the latter organs. He holds four key instruments in relation to the State Duma and the prime minister: 1) Appointment and dismissal of the prime minister; 2) chairs the meetings of the government; 3) adopts normative decree that become law with any parliamentary approval; and 4) dissolves the Duma. Considering these instruments, the president can capitalise on any situations and turn it in his favour. His normative decrees and the right to reject the laws on the procedural basis make him a super legislator, which puts the Federal Assembly in a rough and fragile position. The Federal Assembly has a few constitutional powers, such as the right to impeach the president and to express the right of no confidence to the government, but the existence of heterogeneity inside the Federal Assembly diminishes this

power. In this scenario, the prime minister loses his importance in relation to the Federal Assembly and appears as an administrative employee of the president. Such a constitutional imbalance in distribution of power makes the system unstable and derails economic transition. If there is a majority inside the Russian Federal Assembly, two crucial results could be drawn from this: 1) Any conflict resolution will not be always concluded in favour of the president; and 2) the president and the prime minister may be forced to coincide with the parliament.

5. Conclusion

In the light of the above discussions and analyses, it can be concluded that the legal system of Russia, in particular the 1993 Constitution, establishes a vertical relationship among the president, the Federal Assembly and the prime minister on an unequal basis, due to the excessive empowerment of the president. This harms the concept of separation of power and autonomy of the legislature, which are pivotal for the survival of democratic values in any federal system of governance. One can easily speculate the tendency of the drafters of the Constitution toward a strong presidential system, which may have had roots in the dissatisfactions with the power of the legislature at that time that had been built upon the experiences from the Soviet era, where the parliament had autocratically governed the country without any genuine division of power. Nonetheless, it cannot justify any unfair distribution of power in the post-Soviet period.

A democratic system of checks and balance based on the theory of separation of power in Russia seems to require modification of the 1993 Constitution. This may include redefinition of the powers and authorities of the president vis-à-vis the Federal Assembly and the government. In particular, a two-fold framework can pave the ground for such a modification: First of all, the prime minister as the head of the government should be released from a direct subordination to the president and may become subject to further scrutiny of the State Duma. Second, in general, the Federal Assembly, and in particular the Council of Federation should be enabled to check the legislative power of the president. Moreover, the conditions based on which the president dissolves the State Duma must be increased. This will serve as the instruments that protect the independence of each state-branch and avoid accumulation of power in the executive branch.

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