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DOI: <https://doi.org/10.62687/VLJ.1.1.2025.17>**MANDATORY SUBJECTS OF CONSTITUTIONAL PROCEEDINGS IN CASES ARISING FROM CITIZENS' APPEALS TO THE CONSTITUTIONAL COURT OF THE RUSSIAN FEDERATION****T.V. Ryabova*** 

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Abstract. This article is devoted to the study of the subject composition of constitutional proceedings in cases considered by the Constitutional Court of the Russian Federation regarding the constitutionality of laws based on citizens' appeals. The legal status of mandatory subjects — the Constitutional Court of the Russian Federation and the parties involved in the process — is analyzed, as well as their roles at various stages of judicial proceedings. Special attention is given to the specificity of constitutional proceedings as a distinct type of justice aimed at ensuring the supremacy of the Constitution, protecting citizens' rights and freedoms, and verifying the constitutionality of normative legal acts. The article examines the legal foundations and procedural powers of the subjects, their participation in evidence collection and decision-making, as well as comparative aspects with foreign systems of constitutional control. The study emphasizes the importance of adhering to constitutional principles and norms, as well as the unique role of the Constitutional Court of the Russian Federation as the highest body of constitutional oversight.

Within the context of the conducted analysis, the criteria for classifying participants as mandatory subjects are identified and their significance for ensuring the procedural guarantees of the applicant is substantiated. Particular attention is paid to the impact of the composition of mandatory participants on the admissibility of a constitutional complaint, the scope of case consideration, and the quality of the final law-enforcement outcome. The paper proposes directions for improving the procedural status of the parties in order to enhance the effectiveness of constitutional judicial protection.

Key words: Constitutional proceedings, Constitutional Court of the Russian Federation, subjects of the constitutional process, mandatory subjects, parties to the process, rights and obligations of participants, constitutional complaint, protection of citizens' rights, verification of the constitutionality of laws, procedural powers.

РЕСЕЙ ФЕДЕРАЦИЯСЫНЫҢ КОНСТИТУЦИЯЛЫҚ СОТЫ АЗАМАТТАРДЫҢ ӨТІНІШТЕРІ БОЙЫНША ІСТЕРДІ ҚАРАУ КЕЗІНДЕ КОНСТИТУЦИЯЛЫҚ СОТ ІСІН ЖҮРГІЗУДІҢ МІНДЕТТІ СУБЪЕКТІЛЕРІ**Т.В. Рябова***

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Аңдатпа. Мақала Ресей Федерациясының Конституциялық Соты азаматтардың шағымдары бойынша заңдардың конституциялылығын қарастыру кезінде конституциялық сот өндірісінің субъектілік құрамын зерттеуге арналған. Конституциялық Сот РФ және процессқа қатысушы тараптар сияқты міндетті субъектілердің құқықтық мәртебесі, сондай-ақ

олардың сот процестің әртүрлі сатыларындағы рөлі талданады. Ерекше назар конституциялық сот өндірісінің ерекшелігіне аударылады, ол Конституцияның үстемдігін қамтамасыз етуге, азаматтардың құқықтары мен бостандықтарын қорғауға және нормативтік-құқықтық актілердің конституциялылығын тексеруге бағытталған ерекше сот әдісі болып табылады. Субъектердің құқықтық негіздері мен процессуалдық өкілеттіктері, дәлелдемелерді жинау мен шешім қабылдауға қатысу ерекшеліктері, сондай-ақ конституциялық бақылаудың шетелдік жүйелерімен салыстырмалы аспектілері қарастырылады. Мақала Конституциялық принциптер мен нормаларды сақтау маңызды екенін, сондай-ақ Конституциялық Сот РФ-нің конституциялық бақылаудың жоғарғы органы ретіндегі бірегей рөлін ерекше атап көрсетеді.

Жүргізілген талдау аясында қатысушыларды міндетті субъектілер қатарына жатқызу өлшемдері айқындалып, олардың өтініш берушінің іс жүргізушілік кепілдіктерін қамтамасыз етудегі маңызы негізделеді. Міндетті қатысушылар құрамының конституциялық шағымның жол берімділігіне, істі қарау шектеріне және құқық қолданудың қорытынды нәтижесінің сапасына ықпалына ерекше назар аударылады. Конституциялық соттық қорғаудың тиімділігін арттыру мақсатында тараптардың іс жүргізушілік мәртебесін жетілдіру бағыттары ұсынылады.

Түйін сөздер: Конституциялық сот өндірісі, РФ Конституциялық Соты, конституциялық процестің субъектілері, міндетті субъектілер, процестің тараптары, қатысушылардың құқықтары мен міндеттері, конституциялық шағым, азаматтардың құқықтарын қорғау, заңдардың конституциялылығын тексеру, процессуалдық өкілеттіктер.

ОБЯЗАТЕЛЬНЫЕ СУБЪЕКТЫ КОНСТИТУЦИОННОГО СУДОПРОИЗВОДСТВА ПРИ РАССМОТРЕНИИ ДЕЛ ПО ОБРАЩЕНИЯМ ГРАЖДАН КОНСТИТУЦИОННЫМ СУДОМ РОССИЙСКОЙ ФЕДЕРАЦИИ

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Аннотация. Статья посвящена исследованию субъектного состава конституционного судопроизводства при рассмотрении Конституционным Судом Российской Федерации дел о конституционности законов по обращениям граждан. Анализируется правовое положение обязательных субъектов — Конституционного Суда РФ и сторон, участвующих в процессе, а также их роль на различных стадиях судебного разбирательства. Особое внимание уделено специфике конституционного судопроизводства как особого вида правосудия, направленного на обеспечение верховенства Конституции, защиту прав и свобод граждан, а также проверку конституционности нормативных правовых актов. Рассматриваются правовые основы и процессуальные полномочия субъектов, особенности их участия в доказывании и принятии решений, а также сравнительные аспекты с иностранными системами конституционного контроля. Статья подчеркивает значимость соблюдения конституционных принципов и норм, а также уникальность роли Конституционного Суда РФ как высшего органа конституционного контроля.

В контексте проведенного анализа раскрываются критерии отнесения участников к обязательным субъектам и обосновывается их значение для соблюдения процессуальных гарантий заявителя. Отдельное внимание уделяется влиянию состава обязательных участников на допустимость конституционной жалобы, пределы рассмотрения дела и качество итогового правоприменительного результата. Предлагаются направления совершенствования процессуального статуса сторон в целях повышения эффективности конституционной судебной защиты.

Ключевые слова: Конституционное судопроизводство, Конституционный Суд РФ, субъекты конституционного

процесса, обязательные субъекты, стороны процесса, права и обязанности участников, конституционная жалоба, защита прав граждан, проверка конституционности законов, процессуальные полномочия.

Introduction. Constitutional adjudication constitutes a specific form of judicial proceedings conducted in a strictly defined sequence of procedural actions in compliance with constitutional principles and norms. Its principal purpose is to ensure the supremacy, direct effect, and preservation of the Constitution by means of reviewing the constitutionality of normative legal acts and elucidating their meaning in accordance with the Basic Law of the state.

The subject matter of constitutional adjudication makes it possible to identify the range of its participants. In a general sense, the subjects of constitutional adjudication are understood as participants in constitutional judicial proceedings who possess certain subjective rights and bear corresponding legal obligations (Mityukov, Komarova, 2017).

In a narrower sense, a subject of constitutional adjudication should be understood as a state body, natural person, legal entity, or official who, by virtue of specific (constitutional-judicial) procedural norms, is endowed with subjective rights and duties and exercises them within the framework of constitutional proceedings (Berdyugina, 2011).

At the same time, the subjects differ in the scope of their rights and obligations, which depends on their relationship to the purpose and the subject matter of the proceedings. It should be noted that, alongside the concept of a “subject” of constitutional adjudication, legal scholarship also employs the notion of a “participant” in constitutional judicial proceedings. The latter is defined as “a person participating in a case who, irrespective of the degree and motive, has a direct legal interest in the substantive resolution of the case, acts in the proceedings on his or her own behalf, and influences their course by virtue of possessing procedural rights enabling such influence” (Salikov, 2004).

This definition, in our view, is most characteristic of the parties, their representatives, witnesses, experts, and interpreters. With regard to the Constitutional Court, however, the term “subject” appears more appropriate than “participant”, since it is more accurate to characterise it as a “body” rather than a “person”.

Materials and Methods. The study is based on the normative acts of the Russian Federation, including the Constitution and the Federal Constitutional Law “On the Constitutional Court of the Russian Federation”, as well as rulings and decisions of the Constitutional Court in cases concerning the constitutionality of laws. General scientific methods (analysis, synthesis, induction, and deduction), special legal methods (historical-legal and comparative-legal analysis), the method of legal comparativism for comparing Russian and foreign practices, and methods of legal symptomatology and monitoring for assessing the legal status of subjects and their participation in proceedings were employed.

Results and Discussion. It should be noted that the composition of subjects in constitutional adjudication and their legal status vary depending on the type of proceedings. In other words, the subject matter of constitutional adjudication determines the range of participants, as well as their rights and duties.

Since the protection of citizens’ rights and freedoms in the Constitutional Court of the Russian Federation currently represents a востребованное (widely demanded) means of legal protection, this article examines the subjects of constitutional adjudication in proceedings concerning the constitutionality of laws on the basis of citizens’ complaints alleging violations of their constitutional rights and freedoms.

This type of constitutional adjudication is the most widespread in Russia, as the principal focus of the activity of the Constitutional Court of the Russian Federation lies in the examination of cases initiated by citizens’ applications. This is not accidental, since the fundamental purpose of a modern constitutional state is to serve the individual as the highest value. The protection of citizens’ rights and freedoms guaranteed by the Constitution of the Russian Federation constitutes one of the primary aims of constitutional adjudication carried out by the body of judicial constitutional review.

The range of subjects involved in constitutional adjudication when the Constitutional Court of the Russian Federation considers cases on the constitutionality of laws upon citizens’ complaints

is determined and limited by the current legislation, namely the Federal Constitutional Law “On the Constitutional Court of the Russian Federation” of 21 July 1994 No. 1-FKZ (Federal Constitutional Law, 1994).

At present, this range includes: the Constitutional Court of the Russian Federation; the parties and their representatives; witnesses; experts; specialists; interpreters; invited persons; persons wishing to attend court hearings; persons to whom the Court addresses requests pursuant to Article 50 of the Federal Constitutional Law “On the Constitutional Court of the Russian Federation”; academic organisations (and individual scholars) engaged in legal research; and persons responsible for maintaining order during court hearings (Decision of the Constitutional Court of the Russian Federation No. 39-P, 2017).

The subjects of this type of constitutional adjudication are customarily divided into mandatory and optional (facultative) ones. Mandatory subjects are the Constitutional Court and the parties. Optional subjects include the representatives of the parties, witnesses, interpreters, experts, specialists, the Secretariat, and staff ensuring the functioning of the Court. This article focuses primarily on the mandatory subjects, that is, those without whom constitutional adjudication as such cannot exist.

The Constitutional Court of Russia is a mandatory subject of constitutional adjudication, since the administration of justice is impossible without its participation. This follows from its legally defined essential characteristics. Thus, the Constitutional Court is a judicial body of constitutional review that independently and autonomously exercises judicial power through constitutional judicial proceedings.

In legal doctrine, the Constitutional Court as a subject of justice is characterised in various ways. I. A. Kravets defines the Constitutional Court as a judicial body resolving cases concerning constitutional-law disputes (Kravets, 2017).

B. S. Ebzeev regards it as the highest judicial body in the Russian Federation, although it does not exercise supervisory powers over other courts (Ebzeev, 2013).

A similar view is expressed by N. V. Vitruk, who emphasises the leading position of the Constitutional Court within the judicial system (Vitruk, 1998).

At the same time, both B. S. Ebzeev and N. V. Vitruk proceed not from the hierarchical subordination of other courts to the Constitutional Court, since constitutional justice is not based on the principle of judicial instances, but from the implementation of its powers to resolve constitutional disputes and its influence on law-making and law-enforcement practice, as well as from the binding nature of its decisions for other courts. N. S. Bondar considers the Constitutional Court to be a unique public-authority subject that achieves an optimal balance between public and private interests and is capable of protecting the state, society, and the individual from unjustified encroachments (Bondar, 2005: 28-29).

Thus, both from the standpoint of legislation and from that of legal doctrine, the Constitutional Court is an autonomous judicial body whose uniqueness lies in the fact that it alone is empowered to review the constitutionality of laws and other normative legal acts within the framework of constitutional adjudication, the final outcomes of which (judicial acts) are binding upon other courts operating within the territorial jurisdiction of the state.

In the administration of justice, the role of the Court as a subject of constitutional adjudication is active: it participates at all stages of constitutional proceedings; its instructions are binding on all participants; it directs and conducts the proceedings; and it takes part in evidentiary activities by facilitating the collection of evidence. The Constitutional Court of the Russian Federation independently examines all issues necessary for the substantive resolution of a case. In the process of proof, the principal role belongs to the Court, which collects, examines, and evaluates evidence. It is not bound by the evidence, motions, proposals, or explanations submitted by the participants in constitutional judicial proceedings and, on its own initiative, takes measures to obtain the information and materials necessary for the consideration and resolution of the case.

The Constitutional Court of Russia examines cases and adopts judicial acts collegially, composed of the Chairperson, Deputy Chairpersons, and other judges. The Chairperson convenes the sessions of the Constitutional Court of the Russian Federation, presides over them, and supervises their

preparation. In addition, he or she submits for consideration by the Court the issues to be examined in the course of proceedings.

The other mandatory subjects of this type of constitutional adjudication are the parties. Since the Constitutional Court of the Russian Federation is not entitled to initiate cases *proprio motu*, constitutional proceedings may be instituted only upon an application by a party vested with the right to lodge such an application under the legislation on constitutional adjudication. The parties are bodies and persons directly interested in the outcome of the case. The term “party” encompasses both the applicant who submits an application to the Constitutional Court and the subject adopting the position opposite to that of the applicant, namely the body or official who adopted the act whose constitutionality is under review.

In the Russian Federation, the parties to constitutional adjudication are applicants—citizens or their associations whose rights and freedoms have been directly violated by a law—and the bodies or officials who adopted or signed the act whose constitutionality is being reviewed. As the opposing party to the applicant (through official representatives), for example, the plenipotentiary representative of the State Duma before the Constitutional Court of the Russian Federation, the representative of the Federation Council, and the plenipotentiary representative of the President of the Russian Federation before the Constitutional Court participate in hearings (Ruling of the Constitutional Court of the Russian Federation of 8 December 2017 No. 39-P/2017; Ruling of 10 July 2018 No. 30-P/2018).

It is noteworthy that in some states, for example in the Republic of Armenia, under the Constitutional Law “On the Constitutional Court”, the opposing party is referred to as the defendant. In our view, this terminology is not entirely appropriate, since constitutional judicial proceedings possess specific features in comparison with other types of proceedings in which the classical dichotomy of claimant and defendant applies. In Russia, the term “defendant” is most characteristic of civil proceedings aimed at resolving disputes between individuals concerning the exercise of subjective rights and duties (Constitutional Law of the Republic of Armenia, 2018).

Constitutional adjudication has a different legal nature, namely ensuring the supremacy of the Constitution of the Russian Federation through the review of laws for their conformity with the Constitution. Decisions of the Constitutional Court of the Russian Federation have the same temporal, territorial, and personal scope as acts of norm-making bodies. In exercising constitutional adjudication, the Constitutional Court resolves exclusively questions of law and refrains from establishing factual circumstances whenever such matters fall within the competence of other courts. Accordingly, the legal position of subjects in constitutional adjudication differs from that of subjects in criminal, civil, administrative, and arbitral proceedings. This difference is determined by the very nature of the Constitutional Court’s activity and by the character of the interests protected within constitutional proceedings.

Concrete constitutional review exercised by the Constitutional Court of the Russian Federation in cases concerning citizens’ complaints of violations of their constitutional rights and freedoms may reveal both public-law and private-law interests of natural and legal persons. Decisions of the Constitutional Court extend to an indeterminate circle of persons, since, once a normative act is declared unconstitutional, it loses its legal force and may no longer be applied by courts or other law-enforcement bodies throughout the territory of the state. At the same time, such a decision constitutes a ground for the review of the case of a specific natural or legal person, with all ensuing legal consequences for those subjects. Thus, within the framework of constitutional adjudication, disputes between individual persons concerning the exercise of their subjective rights and duties are not resolved, and, accordingly, the term “defendant” is, in our opinion, inappropriate for the party opposing the applicant.

Moreover, although the specific body adopting a normative legal act undoubtedly bears constitutional-law responsibility for its quality, it is difficult to imagine, for instance, the President of a state being designated as a defendant. Therefore, the more neutral wording enshrined in the Federal Constitutional Law “On the Constitutional Court of the Russian Federation” appears more appropriate: “the body or official who adopted the act whose constitutionality is under review”.

Alongside Russian citizens, foreign citizens and stateless persons also enjoy the right to apply

to the Constitutional Court of the Russian Federation. This right derives from Article 62(3) of the Constitution of Russia, according to which these categories of persons enjoy rights and bear duties on an equal basis with citizens of the Russian Federation, except as provided by federal law or international treaties. This practice of applications, regarded as democratic (Narutto, 2016), is reflected in the rulings of the Constitutional Court of the Russian Federation (Ruling of 17 February 2016 No. 5-P/2016).

In Russia, an applicant may be either an individual or a group of persons, since, under the Federal Constitutional Law “On the Constitutional Court of the Russian Federation”, a complaint to the body of constitutional review may be either individual or collective. Associations of citizens exercise their right to apply to the Constitutional Court of the Russian Federation by lodging a constitutional complaint in defence of the interests of citizens for the realisation of whose rights the association was established, as well as in defence of the rights of the association itself, where its purpose is the collective exercise of the rights of its members or founders. Such associations include partnerships and companies established by citizens for entrepreneurial purposes, various types of public associations, and religious organisations.

In recent years, the concept of an “association of citizens” has been considerably broadened by the Constitutional Court of the Russian Federation. In its rulings (Ruling of 2 April 2002 No. 7-P; Decision of 9 April 2003 No. 132-O, etc.), the Constitutional Court recognised the right of local self-government bodies, as territorial associations of citizens, to apply to the Constitutional Court.

Within the scope of this competence, state and municipal institutions and enterprises also currently exercise their right to apply to the body of constitutional review of the Russian Federation (Ruling of the Constitutional Court of the Russian Federation of 11 July 2017 No. 20-P).

Thus, citizens and legal entities, as mandatory subjects of constitutional adjudication, enjoy broad access to the body of judicial constitutional review in Russia, since they possess the right of direct application to that body, unlike, for example, in France and Kazakhstan, where citizens may apply to constitutional councils only indirectly, that is, through courts of general jurisdiction (in which case the court acts as the applicant). However, even while granting citizens broad access to the Constitutional Court of the Russian Federation, Russia nonetheless regulates such access by establishing admissibility requirements for complaints, with the aim of reducing the workload of bodies of judicial constitutional review.

Conclusion and Findings. Constitutional adjudication in the Russian Federation constitutes a specific form of judicial activity aimed at ensuring the supremacy of the Constitution and the protection of citizens’ rights and freedoms. The key subjects of this process are the Constitutional Court of the Russian Federation and the parties to the proceedings. The Constitutional Court enjoys independence and possesses the authority to collect and assess evidence, to adopt decisions collegially, and its rulings are binding on all state bodies. The parties to the proceedings—citizens, associations of citizens, foreign nationals, stateless persons, as well as the bodies and officials who adopted the contested act—exercise the right of application and participate actively in the judicial process, thereby ensuring transparency and accessibility of constitutional review.

Direct access of citizens to the Constitutional Court of the Russian Federation, the clear allocation of procedural powers, and compliance with procedural norms enhance the effectiveness of the protection of rights and freedoms and strengthen the constitutional foundations of the state. The analysis of legislative provisions, judicial practice, and foreign experience demonstrates that the improvement of legal regulation and of the procedures governing the participation of subjects constitutes a necessary condition for the effective functioning of constitutional adjudication and the stability of the legal system.

Thus, the following main conclusions may be drawn: the Constitutional Court of the Russian Federation and the parties to the proceedings are mandatory subjects of constitutional adjudication; the Constitutional Court conducts review of laws and normative legal acts, participates actively at all stages of the proceedings, and adopts binding rulings; the parties to the proceedings ensure direct access to the body of constitutional review and the protection of citizens’ rights; compliance with procedural norms and the transparency of procedures enhance the effectiveness of constitutional

review; and the improvement of normative regulation and the practice of constitutional adjudication contributes to the strengthening of the legal system and the implementation of constitutional guarantees.

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