

Judicial System of the Russian Federation and the Supreme Court of the Russian Federation

The existing judicial system of the Russian Federation was formed and is being developed as a result of a judicial reform carried out in Russia from the beginning of the 90s with the purpose to create and maintain the judicial power in the state mechanism as an independent branch of power, free from political and ideological bias, independent in its activities from the executive and legislative branches of power.

Independent, competent law court is an important component of a democratic state based on a rule of law.

The Constitution of the Russian Federation of 1993 became the main legal basis for the introduction of the judicial reform. For the first time the Constitution contained a Chapter "Judicial Power" according to which the state power in the Russian Federation should be exercised on the basis of its division into legislative, executive and judicial powers, and all these branches of power should be independent.

The structure of the judicial system of the Russian Federation and the sphere of activities of its various parts are determined by the Constitution and federal constitutional laws (paragraph 3 Article 118 of the Constitution of the Russian Federation).

The judicial system of the Russian Federation consists of:

- The Constitutional Court of the Russian Federation and constitutional courts of the republics and other subjects of the Russian Federation.

The Constitutional Court of the Russian Federation considers cases relating to the compliance of the federal laws, normative acts of the President of the Russian Federation, the Council of the Federation, the State Duma, the Government of the Russian Federation, constitutions of republics, charters and other normative acts of the subjects of Russian Federation with the Constitution of the Russian Federation (Article 125 of the Constitution);

- four-tiered system of courts of general jurisdiction. Three-tiered system of the military courts is an integral part of it . The Supreme Court of the Russian Federation is the supreme judicial body of this branch ;

- three-level system of arbitration courts with the Higher Arbitration Court of the Russian Federation as a supreme judicial body competent to settle economic disputes and other cases considered by arbitration courts, exercise judicial supervision over their activities according to the federal law-envisaged procedural forms . The system of the arbitration courts comprises: arbitration

courts of the subjects of the Russian Federation; courts of arbitration districts (10) and the Higher Arbitration Court.

The system of general jurisdiction courts has the following structure:

The first tier comprises all general jurisdiction *rayon* (district) courts -city, intermunicipal and equal to them - acting on the territory of Russia.

Middle tier of general jurisdiction courts includes the supreme courts of the republics, *kray* (*regional*) , *oblast* (provincial) courts, city courts of Moscow and St.-Petersburg, courts of autonomous provinces and autonomous districts.

The main tier of military courts are the military courts of armies, fleets, garrisons and military formations.

The middle tier of military courts consists of military courts of the branches of the Armed Forces, military districts, districts of antiaircraft defence, navy and separate armies.

The Supreme Court of the Russian Federation is the supreme judicial body for all courts of general jurisdiction, both civil and military.

Rayon courts form the basis of the system of general jurisdiction courts of the Russian Federation.

The law attributes to the jurisdiction of *rayon* courts all civil cases, overwhelming majority of criminal cases and cases relating to administrative offences.

Rayon courts act as a higher judicial instance for the Justices of the Peace operating on the territory of the appropriate judicial district.

Justices of the Peace are judges of the subjects of the Russian Federation and form an integral part of the system of courts of general jurisdiction.

The reestablishment of the institute of Justices of the Peace in Russia in 2000 is an important step in the course of development of the judicial and legal reform and provides for more operative and accessible judicial protection for the citizens of the country.

The law entrusts the Justices of the Peace with functions and duties equal for all the judges of Russia: to exercise justice observing precisely and strictly the requirements of the Constitution of the Russian Federation, generally recognized rules , norms and principles of the international law and international agreements concluded or joined by the Russian Federation.

The Justices of the Peace are included into the structure of general jurisdiction courts and participate in the work of its bodies.

Courts of general jurisdiction: of *kray*, *oblast*, city, of autonomous *oblast* and autonomous districts act as higher instance courts for *rayon* courts.

The courts of this tier of the judicial system are empowered to carry out all the powers of a judicial instance, namely to examine cases as a first instance court in the order of cassation, by way of supervision and upon newly discovered evidence. They work in the following composition: presidium of the court, judicial panel for civil cases and judicial panel for criminal cases.

The Supreme Court of the Russian Federation is the supreme judicial body for civil, criminal, administrative and other cases under the jurisdiction of courts of general jurisdiction, carries out judicial supervision over their activities according to the federal law-envisaged procedural forms and provides clarifications on the issues of court proceedings (Article 126 of the Constitution of the Russian Federation). It heads the judicial system of general jurisdiction, representing a supreme tier of this system.

The Supreme Court of Russian Federation has the right of the legislative initiative. The Supreme Court of the Russian Federation acts as a court of first instance for cases of special importance or special public interest when it accepts them for consideration according to the legislation. The law determines a category of cases which are included in the sphere of activities of the Supreme Court of the Russian Federation as a court of first instance .

The Supreme Court of the Russian Federation is a cassation instance in relation to the federal courts of general jurisdiction of republics or *oblast*.

The Supreme Court of the Russian Federation supervises legality, validity and substantiality of sentences and other decisions of courts of lower level.

The Supreme Court of the Russian Federation is composed of its Chairman, first deputy and deputies of the Chairman, the justices of the Court and People's assessors.

The Supreme Court of the Russian Federation has the following structure:

The Plenum of the Supreme Court.

The Plenum of the Supreme Court on the basis of studies and generalisation of the judicial practice and judicial statistics, provides its guidance to courts on the issues of proper application of the legislation of the Russian Federation.

The Plenum hears reports on the activities of the Presidium of the Supreme Court of the Russian Federation, reports by the judicial chambers chairmen . It has the right to present the legislative body with presentations on issues subject to be resolved in the legislative order.

The Presidium of the Supreme Court.

Apart from consideration of cases by way of supervision and upon newly discovered evidences, the Presidium of the Supreme Court considers and hears issues relating to the organisation of activities of judicial chambers, examines materials of the studies and generalisation of judicial practice, analyses judicial statistics, assists lower courts in correct application of the legislation.

Judicial chambers.

There are three chambers in the structure of the Supreme Court of the Russian Federation: Judicial Chamber on Civil Cases; Judicial Chamber on Criminal Cases; and Military Chamber. Within the limits of their powers they consider cases as courts of first instances; in the order of cassation; by way of supervision and on newly discovered evidence, study and generalise judicial practice, analyse judicial statistics.

The Supreme Court of the Russian Federation is assisted in exercising its powers by several offices, departments and other structural units.

At present the Supreme Court has initiated establishment of the all-Russian system of administrative justice . The appropriate draft of a federal law has already been presented to the State Duma.

Administrative courts.

Competence of administrative courts will include appeals and complaints by citizens against unlawful actions of the officials of different levels, normative acts issued by ministries, departments, President's decrees , Government decisions, acts promulgated by the Chambers of Parliament, laws of the subjects of the Russian Federation . Besides, administrative courts will consider cases on violations of electoral and some tax laws and disputes between bodies of state power .

The basic aspect of these new courts, according to the main concept, is to make administrative courts independent of the state bodies. That is why it has been decided that their territorial structure will be different from that of courts of general jurisdiction when the courts traditionally are established according to the existing administrative - territorial division of the country.

Several Federal laws had been adopted to develop further the judicial system of the Russian Federation:

- Law on Judges' Status;
- Law on Judicial System of the Russian Federation