

CHIEF EDITOR'S NOTE ON 2013 RUSSIAN LEGAL EVENTS

DMITRY MALESHIN,
Lomonosov Moscow State University (Moscow, Russia)

The title 'Russian Law Journal' has different meanings. It could denote a journal of Russian law, or else be understood to refer to a Russian journal of law. This is no coincidence; indeed, it is the very idea behind this journal. We are simultaneously both a comparative and a national journal. Both types of article are published: comparative papers and articles on Russian law – though, of course, Russian law remains the priority given the journal's origins.

Some crucial legal events have occurred in Russia in 2013.

First, the 20th anniversary of the Constitution of the Russian Federation. Adopted by national referendum on 12 December 1993 with 54.5% of the vote, the Constitution took effect on the day it was published – 25 December of the same year. It set out the fundamentals of government as well as proclaiming the rule of law, the ideological neutrality of the state, political pluralism, competitive elections and a separation of powers, guaranteeing fundamental human rights to the Russian people. The Constitution establishes a semi-presidential system that encompasses strong executive power and increased independence for the president. Few amendments have been made to the Constitution since its adoption. The most significant of these was made in 2008. It concerned the term of office to be held by the President of the Russian Federation, which was increased from four to six years. Many lawyers and politicians have recently proposed a more rigorous revision of the Constitution. Constitution Day was the culmination of anniversary events that continued throughout the entire year. A special amnesty resolution was devoted to the 20th anniversary of the Constitution, releasing from criminal liability those citizens who had committed crimes as minors, women with dependent children, pregnant women, women over the age of 55 and men over the age of 60, persons with disabilities, participants in the Chernobyl Nuclear Power Station rescue operation, military service members, internal affairs staff members and other individuals who have defended Russia. It granted freedom to around 25,000 prisoners, including Michael Khodorkovsky, punk protest group Pussy Riot and Greenpeace Arctic demonstrators.

Second, the unification of the Russian judiciary. Until 2013 there had been two parallel court systems: courts of general jurisdiction and arbitrazh (commercial) courts. Arbitrazh (commercial) courts were charged with settling economic disputes, while courts of general jurisdiction handle disputes between individual citizens. The Arbitrazh (commercial) courts system was founded in 1991 after the collapse of the Soviet Union and the adoption of a market economy. According to the 2013 reform the Supreme Court and Supreme Arbitrazh (Commercial) Court will be united in 2014. This reform has been undertaken at the initiative of the President Vladimir Putin under the 'About the Supreme Court of the Russian Federation and Prosecutor's Office of the Russian Federation' Bill. This means that the Constitution will be changed for the second time since its adoption, because it regulates the structure of the judicial system. The Supreme Arbitrazh (Commercial) Court will be abolished and its functions transferred to the Supreme Court. This reform idea has proved highly controversial. With advantages and disadvantages, it is hotly debated amongst lawyers and members of the judicial community, attracting criticism from some. More than 100 law offices signed a petition to stop the reform's progress, arguing that the work of the Supreme Arbitrazh (Commercial) court has been most effective. On the other hand, authors of the reform assert the need to eliminate differences and contradictions in the judicial practice of both supreme courts.

Third, the Criminal, Civil and Criminal Procedure codes have seen amendments. Criminal liability was established to sanction calls to separatism and any other action that would threaten Russia's territorial integrity, prescribing jail terms of up to six years. Civil Code amendments deal primarily with securities as well as legal entities, powers of attorney, transactions, contract law, intellectual property and international private law. New provisions in Criminal Procedure Code determine the territorial jurisdiction of cases involving crimes against Russian citizens committed outside of Russia.

Finally, some legal statistics: in 2013 Russia had around 2,500 courts of general jurisdiction and 111 arbitrazh (commercial) courts; and around 30,000 judges, including 4,000 arbitrazh (commercial) judges and 7,400 peace justices.

This journal's next priority after Russian law is integration legislation among Eurasian countries, primarily intergovernmental acts between Belarus, Kazakhstan, Russia, the Ukraine and other countries. The Custom Union is one example of such integration. Established on 19 December 2009, it started to function on 1 January 2010 and is composed of three members: Belarus, Kazakhstan and Russia. This union was started by the introduction of a uniform customs tariff. Its goal is the creation of a common customs territory where no customs duties or economic restrictions apply, as well as to introduce uniform trade regulation. New agreements were signed in 2013. These included several acts concerning Armenia's accession to the Customs Union and regulations governing the movement of narcotic and psychotropic substances.

Another example of such integration legislation can be found in the Eurasian Economic Community (EurAsEC). This community was founded on 10 October 2000 and aims at the development of common foreign economic regulation and a common market. It has five members: Belarus, Kazakhstan, Kyrgyzstan, Russia, and Tajikistan; with Moldova, Ukraine and Armenia having observer status. Some new agreements were signed in 2013, including the agreement on Cooperation in Provision of High-Tech Medical Assistance to Citizens of Eurasian Economic Community Member States.

Some of the legal developments referred to above are discussed by our authors in this issue.