A Brief Historical Summary of the Constitutional and Judicial Assessment of the Problems of Federalism in Russia

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ABSTRACT

The article is devoted to the consideration of the positions of the Constitutional Court of the Russian Federation on issues of the state structure, in particular the principles of the federal structure, the status and powers of the constituent entities of the Russian Federation, the delimitation of subjects of jurisdiction, and the organization of public authority. The author considers the main differences between a federal and confederal structure, type and other features of the federal structure enshrined in the 1993 Constitution of the Russian Federation.

Keywords: federal structure, status of the subjects of the Russian Federation, constitutional court, constitution

The issues of the state structure of the Russian Federation have often become the subject of analysis by the Constitutional Court of the Russian Federation. Given the approach to the main institutions of the state structure established in the theory of constitutional law, the greatest attention in this context is attracted by such problems as the principles of the federal structure and the status of the constituent entities of the federation, the delimitation of the subjects of the jurisdiction and powers between the federation and its constituent entities, primarily in the field of electoral law and organization of the public authority.

1. The Constitution of the Russian Federation of 1993 establishes the federal nature of the territorial (state) structure of Russia. This provision fully correlates with the previous constitutional regulation which established federalism as one of the secure foundations of the constitutional system of Russia. Meanwhile, this fundamental principle of the new Russian statehood was put to serious tests already at the earliest stages of its emergence and development. It is possible to speak specifically about the early initial stages of development and the novelty of Russian statehood in the chronological cut of the early 1990ies because of a radical breakdown of this statehood at its fundamental level, that is, at the level of principles, which, in its turn, allows speaking about the revolutionary nature of the specified time period.

One of the first strength tests was the attempts to deal a blow to the integrity of the federal state, including through the use of such a legal mechanism as secession. However, if we adhere to strict special legal assessments, the institution of secession, i. e. secession from the federation (union state), is not possible, since the right to secede (secession) is a sign of such a state alliance as a confederation (union of states). International practice certainly knows other, mainly terminological, approaches, but the strict legally significant delimitation between a federation and a confederation as independent forms of the territorial state structure presupposes the statement of the presence or absence of the right to secession in the subjects (members) of the federation / confederation as one of their key system-forming qualities. A different approach would actually make their legal delimitation meaningless, translating the problem into a terminological linguistic dispute.

At the same time, we must not forget that in its constitutional provisions the Soviet Federation (Union of SSR) did stipulate the right of the Union republics to secession which, however, was disregarded until the emergence of the relevant socio-economic and political factors that led to the disintegration of the Soviet Union. The very name of the state was to be connoted with the confederation (Union of SSR). The fact that with the weakening, and subsequently with the complete disappearance of the system-forming political core, the structure that held the Soviet statehood, namely the CPSU, the subjects of the de facto confederation (legal federation) took advantage of their constitutionally fixed “dormant”, de facto confederal, right to secession, together with other reasons and circumstances led to the disappearance of the largest state from the political map of the world. It should be admitted that among these reasons, it is the explosion of the “legal bomb” (the implementation of a formally legal, but inherently inadmissible power for the federation from the point of view of basic legal principles, the right to secession) that is far from being the least significant.

This negative experience was taken into account in the preparation of the 1993 Constitution, the right to secession of the subjects of the federation was not enshrined in it, and the Russian Federation became a real federation from the legal point of view.

The principle of federalism fixed in the Constitution of the Russian Federation does not provide for the right of the subjects to independently make decisions on secession from the federation (the right of secession). At the same time, the unilateral establishment of the right to secede from the Russian Federation by its constituent entity would mean recognition of the legitimacy of the complete or partial violation of the territorial unity of the sovereign federal state and the national unity of the peoples inhabiting it[1].

Neither should we forget about the constitutional and contractual nature of the federal relations in the Russian Federation. The relations between Russia and the republics within it are primarily built on a constitutional basis. This, however, does not exclude the possibility of concluding agreements between them within the framework of the Russian Federation on the basis of the Constitution. The development of this approach subsequently led to the statement and substantiation of the principles of the state integrity[2], as well as the unity and indivisibility of the sovereignty of the Russian Federation[3].

In this regard, particular attention is drawn to the principle of the unity and indivisibility of sovereignty which directly follows from the denial of the right to secession in the constitutional practice of the federal state and which one also had to fight for very seriously in Russia. At the same time, it was necessary to use mechanisms of attracting higher courts in order to ascertain the impossibility of two-stage sovereignty in our political and legal realities, since the source of this sovereignty in a single state is the people and, therefore, sovereignty cannot be distributed at different levels.

The Constitution of the Russian Federation does not allow any other holder of sovereignty and source of power, apart from the multinational people, therefore, it does not presuppose any other state sovereignty except the sovereignty of the Russian Federation. At the same time, the sovereignty of the federal state precludes the existence of two levels of sovereign authorities in a single system of state power which would have supremacy and independence, that is, it does not allow regional sovereignty.

The major component of the principle of unity and indivisibility of sovereignty is the principle of the supremacy of the Constitution and federal laws. It would seem that such a legal truism does not need any special explanation in theory and protection in practice. Meanwhile, the young Russian federalism has actually faced the problem of attempts to introduce such a specific legal mechanism as ratification by individual subjects of the federation.

Whereas the contemporary legal science generally accepts referring this mechanism to the sphere of international legal regulation, the real domestic practice has demonstrated examples of attempts to introduce such procedures into the fabric of the domestic constitutional structure. However, the introduction of the institution of approval of federal regulation as a legally binding conditions for the beginning of the operation of federal norms in the space of the relevant individual constituent entities of the Federation at the regional level may, from a formal legal standpoint, evidence the application of inappropriate legal procedures to legal relations of a different — confederal or international legal — nature, and may evidence the extreme weakness and even degeneration of the federal relations from the standpoint of social-political analysis.

In this regard it had to be recalled through an act of the Supreme Court that the principle of the supremacy of the Constitution of the Russian Federation and federal laws means, among other things, that the extension of the operation of federal laws on the territory of the constituent entities of the Russian Federation by special legislative acts of the constituent entities of the Russian Federation contradicts the concept of exclusive federal jurisdiction and, besides, it is unnecessary from the point of view of economy of legislative efforts and legislative technique[4].

At the same time, a constituent entity of the Russian Federation cannot change the priorities of laws and other federal legal acts established by the Constitution of the Russian Federation, limit their application, procedures and mechanisms for resolving conflicts, legal disputes not stipulated by the Constitution of the Russian Federation and federal laws[5].

Another important principle of federalism developed in the decisions of the Constitutional Court is the principle of equality of the constituent entities of the Russian Federation. The constitutional provision that in relations with federal bodies of the state power all constituent entities of the Russian Federation are equal to each other, is expressed, in particular, in the uniformity of the constitutional approach to the distribution of the subjects of jurisdiction and powers between the Russian Federation and its con-

[1] Ruling of the Constitutional Court of the RF dated March 13, 1992 No.3-П [3-P].

[2] Ruling of the Constitutional Court of the RF dated July 31, 1995 No.10-П [10-P].

[3] Rulings of the Constitutional Court of the RF dated June 7, 2000 No.10-П [10-P] and December 21, 2005 No.13-П [13-P].

[4] Ruling of the Constitutional Court of the RF dated September 30, 1993 No.18-П [18-P].

[5] Determination of the Constitutional Court of the RF dated June 27, 2000 No. 92-O.

stituent entities and dictates the establishment of uniform rules of the relationship of federal government bodies with all constituent entities of the federation by the federal legislator.

Meanwhile, even in the sphere of its competence the federal legislator is not entitled to resolve issues affecting the constitutional and legal status of the constituent entities of the Russian Federation without taking into account the constitutional foundations of the federal structure. The more so arbitrary narrowing of the legal possibilities of the constituent entities of the Russian Federation is unacceptable.

The legal equality of the subjects of the federation certainly does not and cannot mean the equality of their potentials and the level of socio-economic development[6]. However, the regard for the regional characteristics is a prerequisite for maintaining a balance of interests and introducing national standards in all spheres of life of the constituent entities of the Russian Federation[7].

2. The next large group of issues touches upon the problem of delimiting the subjects of jurisdiction and powers between the Russian Federation and its constituent entities.

Considering this problem, it should be borne in mind that the priority of the provisions of the Constitution of the Russian Federation takes place in determining both the status of the constituent entities of the Russian Federation, and the subjects of jurisdiction and powers of the bodies of state power of the Russian Federation and the bodies of state power of its constituent entities.

The attempts to implement their own legal regulation on the items referred by Art. 71 of the Constitution of the Russian Federation to federal jurisdiction by the constituent entities of the federation that have taken place in the real practice of domestic constitutionalism have made the Constitutional Court state the absence of such regional authority. This also concerned, for example, the cases when the legislator of a constituent entity of the Russian Federation postponed the enactment of an act adopted by it on an issue referred to the exclusive competence of the Russian Federation until the publication of the relevant federal law[8].

Since the real practice of early federalism faced attempts of certain constituent entities of the federation through regional legislation to transfer, exclude or otherwise redistribute the subjects of federal jurisdiction and powers of federal executive bodies established by the Constitution of the Russian Federation, a special response of the supreme constitutional and judicial body was required which pointed out that the bodies of state power of the constituent entities of the Russian Federation participate in the relevant relations of general federal significance to the extent and insofar as such participation is provided for and permitted by federal laws and other regulatory legal acts of federal bodies of the state power[9].

This actually authorized the possibility for constituent entities of the Russian Federation to participate in the decision-making process at the federal level, so that more account should be taken of their needs and interests, provided that such participation is of a subsidiary nature, takes place in the form of a preliminary agreement that does not determine the final solution of the issue, that is, it does not imply the transfer of the relevant federal powers to the constituent entity of the Russian Federation[10].

The extraordinary active rule-making, so typical and quite natural for the time of cardinal social reforms, in our conditions sometimes acquired the character of a kind of a competition based on the principle of "who is bigger and faster", "racing lawmaking". This was especially true of the regulation of joint jurisdiction. At the same time, however, one should not forget that the delimitation of the rule-making powers of the federal legislator and the legislators of the constituent entities of the Russian Federation on items of joint jurisdiction is carried out at the constitutional level. In those conditions of the rule-making confusion, the mechanism for specific bridging the gaps in the relevant level of normative regulation was derived from the textual meaning of the Constitution and formulated: prior to the issuance of a federal law on a particular item of joint jurisdiction, a constituent entity of the Russian Federation has the right to adopt its own law and other regulatory legal acts. However, after the publication of the federal law, such acts must be brought into line with the federal law[11].

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[6] Ruling of the Constitutional Court of the RF dated July 15, 1996 No.16-П [16-P].

[7] Ruling of the Constitutional Court of the RF dated April 22, 2014 No.13-П [13-P].

[8] Determination of the Constitutional Court of the RF dated November 5, 1998 No.147-0.

[9] Ruling of the Constitutional Court of the RF dated May 13, 2004 No. 10-П [10-P].

[10] Ruling of the Constitutional Court of the RF dated November 12, 2003 No. 17-П [17-P].

[11] Rulings of the Constitutional Court of the RF dated November 30, 1995 No. 16-П [16-P]; February 1, 1996 No. 3-П [3-P]; October 16, 1997 No. 14-П [14-P]; November 3, 1997 No. 5-П [5-P]; January 9, 1998 No. 1-П [1-P]; December 15, 2003, No.19-П [19-P]; Determinations of the Constitutional Court of the RF dated March 1, 2007 No. 129-О-П [129-O-P]; June 5, 2014 No. 212-0, etc.

And on the contrary, in the absence of proper regional regulation on an issue referred to the competence of a constituent entity of the federation by the federal legislator, the latter has the right to independently implement legal regulation in this sphere[12].

Attention should be paid to the fact that the Constitution in Art. 11 (part 3) does not directly affect the legal form of the normative act, through which the subjects of jurisdiction and powers are delimited. In any case, it does not envisage the adoption of federal laws as such a legal instrument. Meanwhile, it follows from the literal meaning of Art. 72 of the Constitution that the principles of delimiting the subjects of jurisdiction and powers are established by federal laws adopted in the sphere of joint jurisdiction[13].

A special case of regulation in the sphere of joint jurisdiction is the establishment of specific powers of federal bodies of the state power and the bodies of the state power of the constituent entities of the Russian Federation in the relevant area, including the transfer of the implementation of some of those powers that used to be exercised by federal bodies of the state power to the regional level. This is certain to be the unconditional right of the federal legislator[14].

It is also interesting to note here the, generally, at first glance, legal-technical phenomenon of textual duplication of federal normative material at the regional level which was very widespread in the first years of the formation of real federalism in Russia. This phenomenon which is quite explainable by the relative underdevelopment of the regional system of lawmaking and sometimes its very limited staffing capabilities, caused a symptomatic response of the Supreme Court which noted that the legislative body of a constituent entity of the Russian Federation within the limits of their powers is not obliged to pass laws that completely coincide textually with the federal legislation[15].

3. It follows from the federal nature of the statehood of Russia that the Russian Federation has charge of its federal structure and the republics making up the Russian Federation have charge of their territorial structure. Therefore, the republic is entitled to independently resolve the issue of its territorial structure which is of constitutional significance in terms of its nature[16] .

Of particular interest in this context are also issues of the organization of public power in the constituent entities of the Russian Federation. Regions have the right to establish their own system of public authorities by adopting their own regulatory acts (regional legislation). However, such acts must comply with the foundations of the constitutional system and the general principles of organization of representative and executive bodies of the state power, other provisions of the Constitution of the Russian Federation and federal legal acts specifying them. The state power in the constituent entities of the Russian Federation must be based on the principles of a democratic federal legal state with a republican form of governance, the unity of the system of state power, as well as the exercise of the state power on the basis of the separation of legislative, executive and judicial powers and the resulting independence of their bodies (the principle of “separation of powers”).

An important aspect of the characteristics of the federal form of the state structure is the factor of the unity of the organization of public power due to its very systemic nature. The general principles of organization of representative and executive bodies of the state power are established by the federal law, in accordance with which laws and other regulatory legal acts of the constituent entities of the Russian Federation are adopted. Due to this circumstance, the organization of public power at the level of a constituent entity of the Russian Federation must basically conform to the organization of public power at the level of the Russian Federation, therefore, the establishment of the powers of legislative (representative) and executive bodies of the state power of constituent entities of the Russian Federation cannot be the prerogative (exclusive right) of the constituent entities of the Russian Federation[17].

At the same time, the competence of the bodies of state power of the constituent entities of the Russian Federation is established on the basis of a constitutional rule, according to the bodies of state power of the constituent entities of the Russian Federation independently determine the powers which do not affect the constitutional foundations and the prerogatives of the federal legislator[18].

The initial stage of the development of domestic federalism in post-Soviet Russia was characterized, in particular, by the absence of a federal law on the general principles of organizing the system of government authorities. The issue of appointment (election) to the post of the principal officer of a con-

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[12] Ruling of the Constitutional Court of the RF dated November 3, 1997 No. 15-П [15-P].

[13] Determination of the Constitutional Court of the RF dated February 4, 1997 No. 13-O.

[14] Ruling of the Constitutional Court of the RF dated January 9, 1998 No. 1-П [1-P]; Determinations of the Constitutional Court of the RF dated March 1, 2007 No. 129-0; January 24, 2008 No. 3-O-O.

[15] Ruling of the Constitutional Court of the RF dated March 13, 1992 No. 3-П [3-P].

[16] Ruling of the Constitutional Court of the RF dated January 24, 1997 No. 1-П [1-P].

[17] Determination of the Constitutional Court of the RF dated July 8, 2000 No. 91-O.

[18] Ruling of the Constitutional Court of the RF dated January 18, 1996 No. 2-П [2-P].

stituent entity of the Russian Federation acquired critical importance in the context of the specific historical constitutional realities. This circumstance (the absence of a corresponding federal law) itself could not be recognized as preventing the constituent entities of the Russian Federation from adopting regional laws regulating the procedure of electing heads of executive power, which directly follows from the nature of joint competence. If there is an appropriate regulatory framework (charter, electoral laws), a constituent entity of the Russian Federation is entitled to independently set elections and determine their date. At the same time, in the cases when they were supposed to be held simultaneously with federal elections, they are to be appropriately coordinated with the federal authorities, which follows from the requirement for coordinated functioning and interaction of government authorities[19].

At the same time, the Constitution of the Russian Federation is known not to directly regulate the procedure of formation of government authorities of the constituent entities of the Russian Federation. The federal Constitution does not consider elections to be the only admissible mechanism of formation of all public authorities at each level of its organization. This, however, does not preclude the possibility of various options for empowering public authorities and officers not directly named in the Constitution of the Russian Federation as elected, including the possibility of changing the previously established procedure of empowering the relevant bodies and persons.

Exercising its right to establish the general principles of the organization of representative and executive bodies of the state power of the constituent entities of the Russian Federation, the federal legislator may provide for a regulatory and legal basis for the relationship between legislative and executive authorities within the framework of the separation of powers at the level of a constituent entity of the Russian Federation, the procedure of forming these bodies, in particular the procedure of vesting with the powers of the principal officer of the constituent entity of the Russian Federation[20].

Of particular interest is the existence of specific balancing mechanisms (stabilizers) in the system of organization of public power under federalism. These mechanisms allowing certain balancing of possible power-competence imbalances which are especially clearly manifested sometimes not so much in normative regulation as in the specific practice of enforcement of the right. One of these stabilizers is the institution of the removal of an official from office which may be related with various reasons.

For example, establishing the general principles of organizing the system of government authorities, the federal legislator is entitled to establish a recall institution as one of the forms of immediate (direct) democracy in relation to the principal officer elected by popular vote being the head of the supreme executive body of the constituent entity of the Russian Federation.

The possibility of recall does not affect the provision on a unified system of executive power in the Russian Federation established by the Constitution of the Russian Federation, since the decisions and instructions of federal executive authorities within the framework of its competence remain binding both on the new principal officer of the constituent entity of the Russian Federation to be elected to replace the recalled one and on the person temporarily acting on behalf of the principal officer of the constituent entity of the Russian Federation during the election campaign [21].

The organization of federal relations sometimes requires conferring the federal powers on issues of joint jurisdiction on the relevant territorial bodies of the federal executive power. In such cases, the federal legislator is entitled to provide for the possibility of coordinating the appointment to the positions of heads of territorial bodies of the federal executive power with the legislative (representative) body of the constituent entity, since such officers are called upon to ensure the delimitation of powers of executive authorities on matters of joint jurisdiction at all levels. This, certainly, does not affect the prerogatives of the Russian Federation to ultimately independently resolve this issue, provided that the necessary conciliation and jurisdictional procedures established by the Constitution of the Russian Federation and federal law are used[22].

4. Special attention should be paid to the analysis of the norms of electoral legislation as applied to various levels of public authority. In the conditions of the stage of the sometimes painful formation of the electoral system, it was fundamentally important that the very existence of a legal basis as a prerequisite for holding elections should have the value of the general principle of organizing the state power derived from a number of constitutional norms, in particular, Art. 5, p. 2; Art. 11, p. 2; Art. 66, p. 2; Art. 77, p. 1.

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[19] Ruling of the Constitutional Court of the RF dated April 30, 1996 No. 11-П [11-P].

[20] Rulings of the Constitutional Court of the RF dated April 30, 1996 No.11-П [11-P]; December 27, 2005 No. 13-П [13-P]; Determination of the Constitutional Court of the RF dated June 8, 2000 No.91-O.

[21] Ruling of the Constitutional Court of the RF dated June 7, 2000 No. 10-П [10-P].

[22] Rulings of the Constitutional Court of the RF dated June 7, 2000 No. 10-П [10-P]; May 13, 2004 No. 10-П [10-P]; Determination of the Constitutional Court of the RF dated November 28, 2000 No. 225-O.

Proclaiming the principle of democracy among the foundations of the constitutional system, the Constitution of the Russian Federation is known not to fix either a certain electoral system or specific electoral procedures in relation to elections in the constituent entities of the Russian Federation. This is the subject of regulation of their charters or electoral laws (electoral codes in some regions) which resolve issues of the terms of office of elected bodies, the procedure of appointing and postponing the elections. Such regulation in the constituent entities of the Russian Federation must comply with the principles of organization of representative bodies of the state power arising from the Constitution of the Russian Federation, as well as take account of the guarantees of the citizens' electoral rights stipulated at the federal level.

It is in the sphere of the electoral law that the previously mentioned phenomenon of a kind of legislative rivalry between the levels of public authority was most clearly manifested. Moreover, in the absence of a federal law on the general principles of organization of representative and executive bodies of the state power, the legislator of the constituent entity of the Russian Federation was entitled to establish its own legal regulation determining the procedure of electing deputies of the legislative (representative) body of the state power. This prerogative of the legislator of a constituent entity of the Russian Federation could be certainly limited only by provisions directly enshrined in the federal Constitution.

In its turn, the solution of these issues by the constituent entities of the Russian Federation was to comply with the requirement arising from the constitutional provisions to form a representative body on the basis of their own charter and laws, without deviating from the procedure for elections and terms of office of this body established in them and subject to the general framework instructions on the maximum duration of the legislature[23]. The early stage of the formation of federalism in the sphere of electoral relations gave examples of attempts to establish the requirements related to reaching a certain age and duration of residence in the territory of a constituent entity of the Russian Federation as conditions for citizens to acquire passive suffrage in addition to the Constitution of the Russian Federation. The introduction of such age and residency qualifications, undoubtedly, limited the rights and freedoms of the man and citizen.

Such restrictions could in no way follow from the powers of the constituent entities of the Russian Federation enshrined in Art. 77 (part 1) and Art. 11 (part 2) of the federal Constitution. By independently establishing the system of their government bodies and forming them, the constituent entities of the Russian Federation are obliged to act in accordance with the foundations of the constitutional system of the Russian Federation, including the principle of free elections, guaranteeing the freedom of expression of the will of the citizens and without violating the democratic principles and norms of the election law.

Rather sensitive in the considered early period of constitutional and legal development was "the language issue". The Federal Constitution is known to enshrine the right of the republics to establish their state languages (Art.68, part 2) which are used in the bodies of the state power and local self-government, state institutions of the republics along with the state language of the Russian Federation, which is ensured by the state integrity of the Russian Federation, the unity of the state power system, the specific features of the federal structure of the Russian Federation and serves the interests of preserving the bilingualism (multilingualism) of their multinational peoples. However, this does not imply the duty of the republics to establish state languages.

This issue became still more painful due to the attempts to legislatively introduce special requirements to the knowledge of these languages as a condition for acquiring a passive electoral right, including during elections of the head of state, in the practice of certain regions. Meanwhile, the need to introduce such requirements does not follow from the federal Constitution, either[24].

The introduction of additional electoral procedures at the regional level should be also balanced by the relevant additional guarantees of the citizens' electoral rights, and this balancing is essentially a condition for the constitutionality of expanding the legislative regulation of the electoral process at the regional level. This requirement follows from the constitutional provision according to which the protection of human and civil rights and freedoms, including electoral rights, is under the joint jurisdiction of the Russian Federation and the constituent entities of the Russian Federation. Introducing specific electoral procedures the constituent entities of the Russian Federation should provide for the necessary additional guarantees of electoral rights based on the specific features of these procedures[25].

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[23] Ruling of the Constitutional Court of the RF dated April 30, 1997 No.7-П [7-P].

[24] Ruling of the Constitutional Court of the RF dated April 27, 1998 No. 12-П [12-P].

[25] Ruling of the Constitutional Court of the RF dated March 23, 2000 No.4-П [4-P].

5. Finally, let us touch upon one more aspect of federalism which sometimes acquired the character of a constitutional and legal dispute at the initial stages of its formation in Russia. This is the issue of renaming of constituent entities. By virtue of Art. 73 of the Constitution of the Russian Federation, the solution of the issue of changing its name is within the exclusive jurisdiction of the constituent entities of the Russian Federation. Such a decision made according to the procedure established by the legislation of the constituent entity of the Russian Federation is the legal basis for introducing a new name in Art. 65 of the Constitution of the Russian Federation.

This procedure is carried out in a simplified manner, which has been repeatedly implemented in the constitutional practice. Changes in the name of the constituent entity of the federation are included in the text of Art. 65 of the Constitution of the Russian Federation by decree of the President of the Russian Federation on the basis of the decision of the constituent entity of the Russian Federation adopted according to the procedure established by it. In disputable cases, the President of the Russian Federation uses his mediation powers provided for in Art. 85 (part 1) of the Constitution of the Russian Federation. In this case this regional power is certainly limited by the basic framework of constitutional principles, cannot affect the foundations of the constitutional system, human and civil rights and freedoms, the interests of other constituent entities of the Russian Federation, the Russian Federation as a whole and the interests of other states, or presuppose a change in the composition of the Russian Federation or the constitutional and legal status of its constituent entity. In particular, it should not contain statements of a form of governance other than that provided for by the Constitution of the Russian Federation, affect its state integrity, imply or initiate any territorial claims, contradict the secular nature of the state and the principle of separation of the church from the state, infringe upon freedom of conscience, include ideological and other socio-political assessments contrary to the Constitution of the Russian Federation, ignore historical or ethnic traditions[26].

[26] Ruling of the Constitutional Court of the RF dated November 28, 1995 No.15-П [15-P].