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TÍTULO: El proceso legislativo en Rusia.

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RESUMEN: A pesar de la diferencia en los enfoques para comprender la legislación, ésta es entendida como la actividad de los organismos autorizados para el desarrollo, procesamiento y publicación de determinados actos reglamentarios. La elaboración de leyes es la dirección principal de la actividad jurídico-social, creando las condiciones para la existencia y reproducción de la sociedad misma. La legislación implementa formas legales que aseguren un estado más equilibrado de la sociedad.

PALABRAS CLAVES: Ley, legislación, normas legales.

TITLE: The legislative process in Russia.

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ABSTRACT: Despite the difference in approaches to understanding the legislation, it is understood as the activity of the bodies authorized for the development, processing and publication of certain regulatory acts. The elaboration of laws is the main direction of the legal-social activity, creating the

conditions for the existence and reproduction of society itself. The legislation implements legal forms that ensure a more balanced state of society.

KEY WORDS: Law, legislation, legal norms.

INTRODUCTION.

The term “law” has many different meanings and very diverse contents. Firstly, it is used in a general social sense (customary law, rules of law, etc.), the essence of which is moral, political, cultural and other abilities in the behavior of subjects. Secondly, with the help of this word “law” the specific legal ability of any subject is determined. This right is called subjective, inherent in the individual and depending on his will and desire (the right to education, to work, to use cultural property, to judicial protection, etc.). Thirdly, by law they mean a legal instrument connected with the state and consisting of a whole system of norms, institutions and industries. This is the so-called objective law (constitution, laws, by-laws, legal customs, regulatory agreements). The object of consideration in this work is law in this last sense.

Within the framework of this interpretation, law is a system of generally binding, formally defined legal norms expressing the enhanced will of society, established and provided by the state, and aimed at regulating public relations. Law is a social institution with its own nature.

The essence, meaning of the legislative process consists in the external expression and formal consolidation of objectively existing rules of law, which are the expression of the most important public interests, the fundamental laws of social life and development. The functional purpose of lawmaking is to provide participants of legal relations with a uniform understanding of the meaning of the rule of law. The need for a uniform, uniform expression of requirements and prescriptions of a legal nature determines the unity of the technical rules of the legislative process.

The legislative process is a complex, but a single set of actions of various subjects of legal relations, united by a common goal - an external formal expression and fixing the rule of law in the articles of regulatory legal acts. The legislative process takes the form of changing the existing system of legislation, repealing obsolete legislative provisions that have lost their legal character as a result of the development of public relations, replacing them with new ones that better meet the objective needs of life and the development of society, as well as in the form of issuing new regulatory and legal acts.

Lawmaking can be seen as a kind of social planning. The creation and adoption of laws and bylaws containing generally binding prescriptions for human behavior is a simulation of such a variant of this behavior that would most (according to legislators) correspond to the objectively existing social interests (and, accordingly, the true most important interests of each individual), would provide an optimal mode of life and development of society.

DEVELOPMENT.

Discussion and results.

Lawmaking is the construction and restructuring of legal practice, the system of regulatory and legal regulators operating in society with the aim of changing the nature of public relations, the direction of public life and development. By creating normative legal acts, participants in the legislative process predict further trends in social progress and give attitudes to the participants in public relations about the actions necessary to achieve it, as well as establish the possibility of coercion if these actions are not performed.

In the process of forming a system of legislation, the objective and subjective principles are organically combined. Lawmaking, being objectively determined by objective reality, is, at the same time, subjective in nature, since it is carried out by people pursuing consciously set goals and cannot but depend on their personal qualities. On the one hand, the legislative process is inherently natural

and objective in nature, since it is based on law, which is the manifestation and expression of the natural interests and needs of society, but, on the other hand, lawmaking is also caused by subjective factors, since it is the result of the conscious and purposeful activity of specific people and cannot but depend on their inner subjective world. It is such a dialectical essence of the legislative process that necessitates thorough professional training of its participants, because the completeness and accuracy of the expression of the requirements of law in law in the course of lawmaking depends on their knowledge of legislative techniques.

Lawmaking is characterized by an organic unity of the three main components: knowledge, activity and outcome (Dzhioev, 2016). These three elements in their dialectical mutual transitions form a relatively single cycle of lawmaking. And the professionalism of participants in legislative activity is necessary so that regulatory processes adequately reflect the processes taking place in society, so that legislators are able to timely detect, study and skillfully use the objective laws that guide these processes.

That is why the prerequisite for creating a law is the knowledge of those difficult conditions, factors and circumstances, those constantly dynamically developing social relations, the need for legal regulation of which is dictated by the needs of society and social progress. Further, the knowledge of the necessity of adopting one or another act is followed by the activity itself, that is, the process of adoption of the law itself, which itself breaks down into a number of stages. Here, lawyers working in the field of constitutional law come into action (Kovalenko, 2019). Their professionalism makes it possible to adequately fully and accurately reflect a conscious objective social need into life, realizing it, with the exact observance of mandatory technical rules and formal and procedures, in life in the form of a specific draft normative legal act. Further, deputies of the parliament (if it comes to the adoption of laws) or employees of special departments of executive authorities (if we are talking about by-laws) come into action. Their professionalism is manifested in compliance with the

rulemaking procedures and in the ability to correctly determine the legal nature of the act on the adoption of which they are working.

Each of these procedures has its own functional purpose, their exact observance allows not only not to create formal problems in the adoption and entry into force of normative legal acts, but also to accurately reflect the interests of various social groups (or society as a whole) during their development. After the adoption of the legislative act, its entry into legal force, the results of its impact on social relations should be evaluated, a conclusion should be drawn on the conformity of the results of legislative activity with its goals.

This makes it possible to establish the imperfection of the system of legislation, to determine the need for its improvement.

The legislative process is not only a special form of state activity for the development and establishment of legal norms, but also a creative process based on the fundamental principles that form its logical foundations.

In the legal literature there are four fundamental principles:

- ✚ The principle of adequate reflection of regulatory needs.
- ✚ The principle of conceptual certainty.
- ✚ The principle of modal balance.
- ✚ The principle of retroactive security.

The principle of adequate reflection of regulatory needs.

In a democratic society, objectively - necessary determines the logical layer of the legislative process.

Each legal norm should have its own logical foundation, the content is determined by the laws of social development, its real needs.

The will of the legislator, as the regulating side of his consciousness, should be optimally motivated. Kydyrbaev F.A. and Baranov A.V. singles out motivation as "a special logical stage of the legislative process." The task is to create a reliable organizational and legal barrier to unmotivated (or insufficiently motivated) legislative acts (Kydyrbaev et al., 2013). Only scientifically sound normative can be put into official legal norms, and this should be fixed constitutionally.

An important question is the preparation of a legislative work plan for the future. A team of authors led by Vitsieva M.I. proposes in the plan of legislative work for 2-3 years to include topics of major bills indicating who should prepare them and in what time frame (Vitsieva, 2016).

Troshchinsky P.V. believes that "a moratorium on some laws that have advanced ahead may be required to balance their prescriptions with the real economic and political capabilities of society." (Troshchinsky, 2016).

The principle of conceptual certainty.

The language of law is the only way to express the thoughts of the legislator, and law-making thinking is the basis of legislative activity. He is her and the main means of formulating a rule of law.

The language of a normative act must be understandable and common, at the same time it must be clear and concise. The consistency of the text of the law - a general requirement for the rulemaking process is achieved through the clarity of the language of the law. It should be so simple that every citizen could accurately and correctly understand the rights and obligations that a legal norm generates for him, the general meaning of a legal prescription, and have a clear focus on its implementation, but here, there is a danger of oversimplification of the legal language, which can lead to its vulgarization, become an obstacle to the correct verbal expression of some of the subtleties of legislative regulation. Accordingly, according to Shmagina Y.A. "the accessibility of the language can be expressed through two main criteria (Shmagina, 2016):

I. Everyone must accurately and correctly understand their rights and obligations that the law generates.

2. Everyone could understand the general meaning of a legal requirement in connection with its purpose in the system of social norms”.

Laconicism is another basic requirement for the language of the legislator.

The requirement for the accuracy of the language lies in the most complete and correct reflection of the essence of a legal requirement.

Legal definitions should be based on definitely consensus. Words and expressions that have legal meaning should be used in the same sense in all legal acts.

Khamukov A.V. rightly considers it necessary to establish the rule: “each new term must be clearly defined in the normative act where it first appeared and is included in the corresponding list” (Khamukov, 2010).

Another necessary requirement for legal definitions is that they must be discursive, i.e. being in a common logical “linkage” with previous universally accepted definitions.

The principle of modal balance.

The modal phenomenon of any normative reality is expressed, as a rule, in modes: “allowed”, “required”, “forbidden”. This modal triptych becomes legal in public relations, one of the sides of which is the government. The effectiveness of such relations is due to how balanced, i.e. in what logical terms are the components of legal modality, how do they agree with each other.

Normal, socially healthy legislation is not an arbitrary set of one or another number of standards. Each modus has specific logical premises. Any, the most insignificant contradiction in the legislation is a functional “hole” that deforms and destabilizes the law enforcement process.

Unfortunately, our jurisprudence does not have a well-developed concept of a modular balance of legal standards developed and adopted by their legislator.

Member of the "round table" of the journal "Soviet State and Law" on the theoretical problems and prospects of Russian legislation Dzhioev M., "assessing the current state of the correlation of laws and by-laws as temporary, compelled, believes that to continue work on the preparation and adoption of regulations that recreate the balance between laws and acts of management bodies with disabilities of the latter" (Dzhioev, 2016). Such acts could be a law on the procedure for the preparation and adoption of legislative acts, the rules for the preparation and publication of government and departmental acts.

Law is a brilliant regulator of legal relations. In order for this act of the highest state power to become the real basis of the rule of law, A.A. Lavrentieva A.A. believes that it is necessary "to establish, firstly, the range of issues of a general legal nature, which should be regulated exclusively at the federal level, and, secondly, to clarify the system of state bodies having the right to legislative activity" (Lavrentieva, 2016).

It is universal human legal values that create the prerequisites for a certain coordination of domestic and international law to establish a universal legal regulator of social life (Golovko, 2002; Batychko, 2016).

The principle of retributive security. Retributive security, which in translation from Latin means retribution, compensation, payment, is the functional specificity of the law, the condition is its effective operation.

The law without sanctions loses its practical meaning. Forming the mechanism of legal protection in the event of an infringing situation, sanctions determine the content and the real functional force of the principle of inevitability of legal retribution, ignoring which or inconsistent conduct can lead to degradation or even death of statehood itself (Arzamastsev, 2017; Antonov et al., 2014).

Improving law enforcement is an urgent and topical issue. Any dictator can rely on this formula (the "rule of law"), while destroying any shadow of legality (Antonov, 2015).

In a truly lawful state, fair law dominates. The idea of justice underlies the democratic system of law, defines the culture of relations between the state and its citizens, the measure of legal freedom or retribution. Socially unjust should not have legal force. It is necessary to introduce into legal circulation such concepts as "unconstitutional law" and "unlawful sanctions". It should be noted that in a state of law, acts of public protest that do not violate public order are not subject to legal retribution (Agapov, 2015).

Lawmaking is defined as the activity of the highest legislative body of state power in the person of national representatives or the people themselves (referendum) to establish, amend or cancel legal norms that are externally secured in the form of law, carried out in a special procedural manner in accordance with the right to lawmaking, enshrined in the Constitution of Russian Federation. However, many include in the legislative process the preparation of the bill. The purpose of this process is the adoption of a law, ranging from a legislative concept to its implementation in a specific law or series of laws. This process is very complicated, and in modern conditions it is hardly possible to associate all its regulation only with the forms of activity of the highest authorities. The legislative process is impossible without the preliminary development of the bill. This is a necessary substantial component of legislative activity. But the legal fact, from which, in fact, begins the legislative process, is the legislative initiative.

The culture of lawmaking accumulates: versatile knowledge of reality, its history and development prospects; special knowledge of law, law and legislative technology, their skillful use in practical activities to create laws and their implementation. The dynamism of the economic, political and socio-cultural needs of modern society puts forward more and more tasks of legal mediation of relevant

social relations. The versatility and deep social conditionality of these tasks is clearly revealed by a simple enumeration of the problems facing lawmaking, namely the need:

- ✚ Research on various social factors that determine the need for regulatory regulation of relevant social relations.
- ✚ Identification and careful consideration in the formation of laws of the diverse interests of social and national entities, public groups and society as a whole, their features, customs, traditions.
- ✚ Use in the process of creating the law of the relevant achievements of science, technology and culture.
- ✚ Conducting a comparative analysis of the draft law, not only with similar provisions of the past and current legislative systems of other states, but also with other regulators of public life.
- ✚ Staging, in appropriate and possible cases, special experiments to determine the best option for legal regulation of the relevant groups of public relations and develop the most effective form of legal influence on these relations.
- ✚ Determining the relationship, relevance and interaction of the draft law with this legal system as a whole and, above all, with the Constitution.
- ✚ Improvement of organizational forms, procedures for creating the law.

The main task of the legislative process is: the establishment and elevation of legislative acts.

CONCLUSIONS.

The relevance of this topic is one of the most important areas of state activity - lawmaking. In his understanding, two aspects have been identified today. In a narrow sense, lawmaking refers directly to the process of creating normative legal acts by the competent authorities. In a broad interpretation, this process is “calculated” from the moment of the legislative plan to the practical implementation of the legal norm (preparation, adoption, publication, etc.).

Like any legal activity, legislative activity is a system of actions and operations aimed at a legal result. The consistency of legislative actions and operations involves their mutual coordination, unity and consistency. As one of the most important and fundamental types of legal activity, legislative activity should be carried out within the framework of certain legal procedures and rules. Such a procedural settlement is designed to ensure the creation of a quality law that meets real legal needs of society. The issue of lobbying the legislative process in the Russian Federation is also relevant, since the institution of lobbying the legislative process in the Russian Federation is still in development, but lately, increasing attention has also been given to lobbyism in the Russian Federation. This is evidenced by publications in the media, in the socio-political and scientific periodicals. At present, and even earlier, too many changes (amendments) are being introduced into adopted laws. This suggests that the laws adopted are of poor quality. We see the main reason for this in the insufficient legal regulation of the legislative process.

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