

In order to perform its functions, the Federal Center of Legal Monitoring should be granted the status of an independent non-governmental organization. For the center's incorporation purposes, it is necessary to select one of the forms stipulated by the Federal Law «On Non-Governmental Organizations», which allows for state budget resources to be used for building the center's material and financial base. Support may also be sought from domestic businesses that interested in legal reforms and the consolidation of legal principles and rules of behavior in the country, equal for all subjects of economic and political activity. The creation of a Federal Center of Legal Monitoring as a noncommercial organization follows in line with a policy of developing structures of civil society that are focused on the intensification of interaction between society and the state.

In the course of 2006, the Council of Federation completed work on accepting into its organization a new publication, the Legal Monitoring in the Russian Federation magazine. This magazine is planned for national publication. The State Duma of the Federal Assembly of the Russian Federation, the Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation, the Supreme Arbitration Court of the Russian Federation, the Chamber of Commerce and Industry of the Russian Federation, other bodies of power of the Russian Federation, and also the Council of Legislators uniting the legislative bodies of power of the constituent entities of the Russian Federation, have agreed to act as magazine co-founders. It is envisioned that this publication will serve as the organizational and legal, scientific and practical, as well as the creative focus of a legal monitoring center.

The 2005 report, within the framework of discussion on specific mechanisms for performing legislative and legal enforcement monitoring, attempted to suggest the model of «a file of a law» as one of such instrument. Since that time, the idea of «a file of a law» was developed in various ways and applied by various state and public institutions, and information-reference systems.

3.3. Prospects of improving legislation and legal enforcement

The quick pace of events, and acceleration in the rate of in social life development, complicate the performance of all types of state power activities, including legislative ones. The burden on the State Duma and the Council of Federation of the Federal Assembly of the Russian Federation is enormous. In 2006, 1,109 draft laws awaited State Duma consideration, 277 of which were approved. In all in 2006, 73 new laws, 12 budget and 195 amendment laws were approved. These comprise 70 percent of all approved laws.

Calculations show that only an insignificant number of laws are aimed at regulating relations demanding immediate attention from the legislator, and that two-thirds of the laws approved by the State Duma consisted on removing prior claims on these types of «products». There were cases when changes were being approved to laws that had not yet come into force. It is these factors that force us to address the issues of methodology and legislative (legal) technique during the preparation of draft laws, and in their approval.²³

In the legal doctrine, in the theory of law, methodology has rarely been singled out as a separate subject, or better put, it has not received its due attention. But this aspect is of great importance for conducting monitoring and appraising the state of legislation. It appears that methodology, in this case, has at least two aspects. The first concerns the development of rules and principles of work with a draft law, or the law itself. In this part, attorneys' efforts have been unsuccessful until now, since no law on preparing drafts of normative legal acts, including laws, has been approved. Certainly, there are regulations in each chamber of the Federal Assembly that contain certain requirements on preparing and approving normative acts. But these are not enough.

²³ This paragraph was prepared using materials provided by the law information departments of the Institute of the State and the Law of the Russian Academy of Sciences.

The second aspect of legislative methodology relates to an account of the reasons behind, goals for, and legal contents of a draft law, as well as of its final text. It also reflects the method of regulating certain types of relations through means essential for achieving the laws' objectives. These clearly must be dictated by objective real-life needs, the state of a particular segment of social life of society, the goals of the state, and the expectations and needs of the population and citizens. The comprehension and formation of these societal needs comprises the essence of legislative activity, on the scale of the state. In a law, the interests of the state and public are implemented and supported on a normative basis.

The indicators for appraising laws' efficiency as a form of normative regulation on the whole, and also of each specific law or their package, must still be developed. And this is one goal of legal monitoring that has gained organizational and methodical outlines in recent years. Addresses of the President of the Russian Federation and other forms of expression of state policy, as well as the Russian parliament's strategic and operational planning work, are creating a basis for implementing the methodological requirements of lawmaking, allowing to determine with greater accuracy the need for laws, their purpose in regulating public processes and relations, and to appraise their quality and productivity.

Based on the results of work performed in 2004-2006, Council of Federation reports analyzed the correlation between the adopted laws and the political course set out in addresses of the President of the Russian Federation. They noted steady positive tendencies in the course of reform implementation, while also taking note of problems related to an insufficient degree of quality of approved legislation, their level of efficiency, and potential problems in their enforcement and execution.

An example of a marked deterioration of the positive tendency of legal regulation, that also complicates future enforcement, according to general opinion, is federal law No. 122 of August 22, 2004. Weakness of the systemic study of legislative decisions, haste in their approval, lack of attention paid to the gradation of strategic and operative measures in resolving complex and challenging issues, and the weak targeting of subjects responsible for implementation in view of their levels of authority, often serve as reasons for the poor results of laws' enforcement. Russian laws often focus only on the overall goals, lacking specific socioeconomic parameters whose achievement is ensured by the law. Exceptions to the rule are laws of the budget of the Russian Federation.

Statistics on laws approved in 2006 do not attest a focus of attention on resolving essential societal problems. Political underpinnings do not have the time to be implemented in normative decisions. The number of the draft laws submitted by bodies of state power of the constituent entities of the Russian Federation is still minimal.

The issue of defining objectives for which a law is drafted is of extreme importance. It is logical to expect a federal law to respond to national problems, interests and tasks of society as a whole. This does not preclude laws from regulating departmental and branch relations, from the standpoint of them being national and federal issues. However, the problem of «targeted» laws, as highlighted in the report, requires clarification, particularly as it concerns these laws' specific character, from the methodological point of view. A «targeted» law does not become such when its subject is a problem related to a sector: education, public health services, science, etc. A law becomes «targeted» if the foundation of its goal, subject and means of regulation is set as not as the state's policy as a whole in a specific area, but as a level of departmental interest, limited by the competence of a federal body of executive power, or a group of persons interested in resolving only those problems, which do not fall outside the framework of their own competence and interest.

Often, draft laws do not go beyond the interests of a department initiating their preparation. Any suggestion to raise them to a national assessment of a problem registers a quick glance back at the department head's chair, while the draft's author instead thinks about what the investor might say. However, in documents dealing with administrative reform, it are the min-

istries that are charged with developing state policy in their spheres of authority. But often, matters are reduced to the policies of the branch itself, rather than those of the state. It is no coincidence that expert assessments have appeared, and are becoming more frequent, as part of a new process of legal appraisal — d checking the draft and the law for corruption. It is this narrow and departmental approach to resolving generally valid problems that leads to lobbying at the law approval stage, and forces an approved law to be assessed for corruption. It is not beyond the realm of possibility that «targeted» laws are also motivated by personal or group ambition, which are inevitably withdrawn from national interests aside from the department's vision of a problem and its legal resolution.

Legal technique is another important component of draft law work. Issues of legal technique are often viewed as the work performed on a text of a draft at the level of its semantics, syntax, and style. It is well known that a shift of a comma decides the destinies of those to whom the act relates. In reality, legal technique is the science of literate wording of any legal act. A structure based on chapters helps to better systemize the contents of a law and leads to its better understanding from the standpoint of its subjects and methods of regulation, identifying the responsible subjects in case of violations of the law. Integrated laws are best constructed when their contents are grouped into chapters.

The next important point of legal technique relates to the terms and the concepts used in a law. The creation of sectors of legislation requires strictness and uniformity among the key categories and terms, and the development of uniform legal definitions used in a sector. This, unfortunately, has not been achieved by any legal sector.

Taking the above into account, there may be no doubting the conclusion that legal technique and its elements, used as a legal toolkit, have methodological value in ensuring the quality of lawmaking. The choice of categories, concepts and legal definitions used in draft laws and other normative legal acts most directly affect the contents of the act, its ideology and the methods for resolving issues of state significance through mechanisms of legal regulation. Neglect of even one component in lawmaking work significantly reduces the quality and efficiency of a legal act, creates a lack of trust in society to such important functions of the power as lawmaking, and to regulatory legal activity as a whole.

The consolidation of legality and improved authority of laws and subsequent bylaws depends on a range of factors. First of all, it is the development of policy in the area of cooperation between state power and institute of civil society. The second factor is a systematic approach to creating a regulatory legal framework for the operation of public and state institutes. Only unity in the system of legal regulation of public relations in a federal state is able to create a vertically aligned legal system that sees precise interaction between federal, regional, and local levels of lawmaking and legal enforcement. A foundation is also needed the legal development of creative and productive activities of all public institutes and society. The third factor impeding the consolidation of legality is the delay in the development and enforcement of bylaws. Each law may contain up to a dozen grandfather provisions referring to acts of the Government of the Russian Federation, or to normative acts of a sector. But many these are missing, and the lag before their appearance often reaches up to a dozen of years.

Legal culture may be improved with the development and adoption of the federal law «On Normative Legal Acts in the Russian Federation». Of course, it is difficult to provide a legislative legitimacy foundation for all bodies of public power. But «freezing» this important work is fraught with the risk of further devaluation of the methods of legal regulation in all public processes. The federal constitutional law «On the Procedure for Approving Federal Constitutional Laws and Federal Laws» is also required. The triad of these founding laws also includes the federal law «On the Federal Assembly — Parliament of the Russian Federation».

There is no doubt that the general principles and requirements of working procedures in the field of creating any normative legal acts comprise the subject of the law of normative legal

acts. It is this law that must serve as the link in the execution of administrative and legal reforms. It is called on to regulate the lawmaking activities of the bodies of state power by strengthening the authority and effectiveness of the laws of the Russian Federation. Only on these grounds is it possible to create conditions for the normal functioning of the entire system of public authority within the frameworks of the law, consolidating the country's efforts to further develop Russian society. Regulation of normative legal activities is the basis for eradicating corruption and weak discipline in administration; it is a way for attracting new forces to active participation in societal affairs, and building citizens' trust in the bodies of state power. The synthesis of experience of legislative activity in the Russian Federation should form the foundation for determining the future of its development.

In 2006, national priority projects announced in September 2005 entered the phase of practical implementation. The policy of modernizing individual spheres of public relations and anti-crisis management was replaced by a programmed and targeted approach. It is based on the concentration of efforts to implement specific projects of a national scale, unwavering observance of constitutional values, precise definition of strategic guideposts, and conceptual development of interrelated rational approaches to resolving national tasks.

In 2006, new legislative decisions on forming elected bodies of state power, on supporting the processes of delineating powers between federal bodies of state power, bodies of state power in the constituent entities of the Russian Federation, and bodies of local self-government, and for integrating constituent entities of the Russian Federation, passed their approbation stage.

A number of steady, positive tendencies on the organization of legislative activity emerged in the past year. The quality of cooperation between the State Duma of the fourth convocation and the Council of Federation has increased substantially. Both chambers of the Russian parliament have shown high dynamism and productivity in their legislative work. This was expressed, first of all, in the great intensity devoted to the process of preparing, considering and adopting laws. At the same time, the pace of draft law work, called on to provide the implementation of state policy priorities, did not drop in comparison to 2004 and 2005. The adoption of laws on federal relations, local self-government, administrative and political system reforms all helped meet the set strategic objectives and became an important step in strengthening citizens' constitutional rights. This constructive work demonstrated the efficiency of the system of mutual relations between legislative activity participants, constructed on the principles of constitutional partnership as they were proposed by the Council of Federation. Coordinated and constructive cooperation ensures the best possible implementation of the constitutional principles of state bodies' independence, and unity of the system of power.

In 2006, the Public Chamber of the Russian Federation began its targeted work. The public response to, and publicity of, the decisions reached by this body enables both chambers of the Federal Assembly and the President of the Russian Federation to count on constructive participation by this new federal civil society institution in the Russian legislative process.

Results of monitoring of federal and regional legislations performed in 2006 helped reach an understanding of the readiness of local authorities to assume reforms and to approach the issue of introducing new legal regulators in a weighted manner. Paramount value is attributed here to ensuring stable legislative regulation of the main spheres of the state and public life. Following this tendency, it is essential to actively develop legislation in the economic sphere, to support businesses development, introduce new technologies and maintain resources. The legal stimulation of labor serves as a guarantee for the resolution of these goals.

In the social sphere, it is essential to increase the efficiency of legislative regulation in the fields of public health services, education, science, and culture. The main point here is to improve the ways and procedures for providing public services. It is necessary to continue developing environmental legislation. Improvement of the legislative base of state construction remains as urgent an issue as it has been in the past. Laws in this area should more efficiently

promote the strengthening of all institutions of public power. Since one criterion for civil society institution development is improvement in public activity, it is essential to legislatively provide citizens' access to participation in the process of preparing and implementing laws.

The law's strong relative weight within the legal system may be ensured only through strict compliance with the by all governmental, departmental and local acts, the inadmissibility of them replacing norms of the law, and the need to overcome the legal ailment of a law's frequent modification under the influence of temporary and subjective factors. Efforts should continue create a streamlined system of legislation, and on overcoming internal legal collisions. This first and foremost concerns the completion of preparation of the three main federal laws — «On Normative Legal Acts», «On the Procedure for Approving Federal Constitutional Laws and Federal Laws», and «On the Federal Assembly — Parliament of the Russian Federation»; second, it involves strict legislative sectors coordination and the «package» legal principle; third, it demands a more grounded codification of legislation; fourth, it requires continued systemization of legislation in preparation for a Code of Laws.

The task of ensuring the harmonization of federal level legislation with legislations of the constituent entities of the Russian Federation remains an ongoing issue. Its resolution is aided both by a strict delineation of authority between the Russian Federation and its constituent entities, and also by the means used to coordinate the two. The ongoing redistribution of powers between the levels of public power requires a more careful selection of methods used for legislative regulation. Sometimes, especially strict appraisals of the laws of the constituent entities of the Russian Federation by the federal legislator should be replaced by support, synthesis and sharing of the best legislative practices employed by the constituent entities of the Russian Federation. Such a source of «ascendance» of legislative norms better expresses the democratic principle of federal relations.

As monitoring showed, along with positive tendencies, a number of vital problems remain concerning the efficiency cooperation between the entities of constitutional partnership and civil society institutes, which leads to a drop in the quality of approved laws and the efficiency of their enforcement. Many drawbacks of lawmaking, as was noted in the Council of Federation reports for 2004 and 2005, are predetermined by the imperfection or absence of instruments at legislator's disposal that could provide a quality expert review of complicated draft laws. These include checks on whether the laws' substantive provision conforms to legal construction principles, and to the strategic goals and priorities of state policy. The same relates to the integrated legal regulation of complicated, problematic situations, the preparation of systematically related changes to a file of provisions regulating various spheres of public relations, and to the ability to provide real forecasting for the economic, sociopolitical and other consequences of a law's adoption.

The legislative process should be more rhythmic and constructed on the basis of state programs, coordinated with promising government programs on social and economic development of the country and its regions. A more thorough development of laws' concepts and drafts, strict expert reviews, including anticorruption checks, public discussion of draft laws, and strict compliance with legal technique rules will all help improve laws' quality.

At the same time, a resolute step must be made in improving the mechanism of legal enforcement, so that each adopted law is actually operating to its full capacity. Little has changed here, and it is no coincidence that the number of legal violations has not decrease. For this reason, it is essential that the enforcement of laws became a paramount task for all citizens, all state and municipal bodies, commercial and public organizations. The day's agenda includes the broad use of administrative, pre-judicial and legal proceedings, to use all means available to avert and overcome legal collisions. The proper application of legal norms should become a parameter for assessing all types of activities.

In 2006, the legislative practice of adopting a large number of «targeted» laws, aimed at amending already existing legislation in the most varied aspects of public life, was not over-

come. Just as in 2005, the «champions» in the number of such amendments are tax laws. But the fragmental character of amendments submitted in 2006 to existing laws was also characteristic of legislation dealing with administrative responsibility, legislation in area of education, public health services, science, culture, crime, and criminal procedure legislation.

The tendency for an unreasonably broad scope of bylaw regulation remains in federal laws (legislation of the state civil service, budget legislation, etc). The «usual» practice of the Government of the Russian Federation defaulting on legal provisions relating to the timely and exhaustive bylaw regulation also prevails.

Legislation still suffers from a large number of legal collisions between the norms of a single law, regulations of different laws, laws and bylaws, and numerous normative acts blocking the mass of the applicable legislation. It suffers from the groundlessness introduction of new terms that in turn generate opposing interpretations and contradictions, and the untimely recognition of acts or their provisions as invalid and no longer applicable, etc.

The planning of draft law work by separate legal entities of legislative initiative remains ineffective and has failed to undergo qualitative change. Attempts to consolidate these processes and coordinate positions at the initial stages of draft law development have not yet produced any tangible results. The legislative process remains insufficiently open. Legal entities of legislative initiative and society do not have timely or full access to information on the draft laws being considered by the State Duma, nor to the available feedback and expert opinions about them. Even the amendments made to a draft law after its approval in the first reading fail to reach the entities of legislative initiative or society.

Violations of assigned timeframes for the discussion, consideration and approval of laws, which is sometimes done in three readings at once, have not been eliminated. The false understanding of political expediency, in the form laws approved hastily and in violation of objectively necessary legislative procedures, leads to the adoption of poorly worked-through legislation, which reduces legislation's overall quality. Mistakes are being made in defining the conditions necessary for preparing laws' entry into force, and in providing legal, financial, and organizational resources required for legal implementation.. The mechanisms for implementing laws must be precisely described.

Finally, still unresolved is the problem controlling the work of enforcement authorities of the executive body, both in how they prepare laws for implementation and then monitor these laws' enforcement. While the prospects of establishing mechanisms of parliamentary control remain conceptually undetermined, it is necessary to make efforts to efficiently implement the available control function of the Public Chamber of the Russian Federation. In the process of resolving this task, it is first of all necessary to assign personal responsibility to bodies of state power for their untimely consideration and inadequate quality of legislative support of state policies, non-compliance with laws, and unfair legal enforcement.

Creation and operation of a system of responsibility should form the backbone of the principles of lawmaking, legal enforcement and the daily life of society, the state and citizens. Laws should be an act of direct action, including systematic mechanisms for the stimulation of their performance.

The Council of Federation report's assessment of the quality of federal legislation, and a view that the organization of legislative activity is responsible for legal deficiencies, identify a direct contradiction between the need for systematic legislative support for state policies that need quick responses to problem area, and the inadequate state of the methodological, organizational and legal basis of lawmaking. A major element in ensuring legislative quality must become the system of codification. In order to detect and elimination legislative contradictions, it is necessary to perform an inventory and systematization of all normative legal acts.

Improved legislative efficiency may not be achieved without the organization of legal monitoring. In the near future, it will be necessary to implement a mechanism of legal monitoring..

This will include creating monitoring centers in the key state and municipal administrations, developing a system of parameters for implementing laws, defining types of information relevant to legal implementation that must be collected, analyzed and synthesized, determining the rights and responsibilities of all participants in the monitoring process, and training staff on legal monitoring techniques. A major government decision on this issue is still required. At the stage of approved law implementation, it is extremely important to ensure the monitoring of legal enforcement, so that these laws' efficiency may be assessed. Legislative monitoring should be supplemented with strict control over these laws' enforcement by the bodies of state power.

There is currently an objective need to create of an All-Russia Center of the Monitoring of Law, which, on the basis of objective information received from the corresponding subjects of monitoring (bodies of state power, local self-government and public organizations), could perform independent appraisals of legislation and make recommendations to legislative and legal enforcement levels of authority.

The legal system of Russia does not develop independently from the legal systems of other countries and international structures. This growing integration demands the resolution of two interlinked tasks. The first one concerns the need to provide stricter and more comprehensive implementation of international legal acts in Russian legislation, taking national interests into account. The second concerns the need to make Russia's participation in interstate associations and international organizations more involved, including through the development and approval of their legislative acts, taking into account the best legal decisions of domestic legislation. Resolution of these tasks will aid Russia's harmonious development in the global community. In 2007, in connection with Russia joining the WTO, it will be necessary to give the most steadfast attention to perfecting expert and legal mechanisms used to consider federal laws on ratifying the Russian Federation's international legal obligations.

One of the weak points in the system of legislative regulation involves the setting of goals and planning draft law activity. At the highest political level of agenda setting, it is necessary to form the principles, frameworks and basic values of the state policy that need to be established on the legislative level. The issue of the status of such acts requires careful study. It is necessary to take steps to prepare a modern conception of legislative regulation of public relations that meets modern-day requirements. This should be done by taking into account the organization of legislative activities on the basis of intermediate program planning. According to the Constitution of the Russian Federation, the main directions of domestic and foreign policy of the state are laid out in the Address of the President of the Russian Federation to the Federal Assembly, which represents a program and political message by the head of the state to the nation. In order to implement these directions, it is important to support them by a program of specific actions for the intermediate future. Such a program should identify the future course and plan for development of all the spheres of life in society and the state: state construction and legal system development, socioeconomic and cultural development, national security and foreign policies of Russia.

It is clear that the issues listed above, by virtue of their relevance and importance, should hold their place among the most important priorities of state construction at the present stage of Russian development. Improvement to the efficiency of legislative power, and a move toward a modern methodological and organizational foundation for the entire system of legislative regulation of public relations, should not lag behind the dynamics of executive power reforms.