PARLIAMENTARY RESPONSIBILITY AS WAY OF ENSURING THE LAWMAKING PROCESS

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ABSTRACT
The question of parliamentary responsibility development as constitutional and legal institute in science system of constitutional law is investigated. The purpose of article is defining types of parliamentary responsibility subjects as key element in establishment of the mechanism of legislative process. The research of practice of legal regulation on structuring chambers of federal parliament and regional parliaments has allowed to formulate types of parliamentary responsibility subjects. The author's typology of parliamentary responsibility is offered, the prospects of internal parliamentary responsibility legal regulation are specified. The reasons of parliamentary responsibility institute development insufficiency are established. So, legal basis development in establishment of measures of parliamentary responsibility is interfered by lack of the accurate characteristic of subjects of parliament (joint and individual structural components of parliament) that generates ambiguity in the argument of parliamentary responsibility at various stages of legislative process. A conclusion about need of development and a legal regulation of specific classification of parliamentary responsibility subjects for streamlining of the mechanism on implementation of legislative procedures in parliaments is formulated.

Keywords: parliament, structure, responsibility, deputy, lawmaking, legislative process.

1. INTRODUCTION
At the present stage of institute development of parliamentarism theoretical researches are supplemented with new spheres of a research. In science theoretical researches about defining the place and a role of parliamentary responsibility as type of political ministerial responsibility before parliament gain development [1]. Traditionally in researches in the sphere of the world-class parliamentary law political and constitutional and legal types of responsibility are considered as the external responsibility applied to parliament [2]. Or, on the contrary, it is indicated a factor of the accountability of executive power as mechanism of implementation of parliamentary responsibility [3].

Parliamentary responsibility is shown as control function of authorities in system of the principles of federalism. One of forms of control is the law of the parliamentarian to ask questions to members of executive power. The parliamentary inquiry to become the effective and effective instrument of parliamentary control around the world [4]. It is specified that it is the most important function of modern parliaments which is still insufficiently settled in systems of the national law [5]. Parliamentary function of control is offered to be considered as a type of external parliamentary responsibility. Such control has to be subjected to close attention from researchers as the place of a question of the parliamentarian, as well as other forms of parliamentary control in system of national legal regulation remains not clear.
"Parliamentary responsibility" in science of constitutional law both on international, and at the national level of researches, not enough attention is paid to the characteristic. The institute of parliamentary responsibility in parliamentary associations is insufficiently investigated. There are no researches about the system organization of parliament as element of value judgment of parliamentary responsibility. All this adversely influences development of legislative procedures of parliaments. Discontent in the sphere of a problem of increase in efficiency of legislative process is caused by wide circulation not only on national, but also at the international level [6]. The research of tools of parliamentary responsibility will allow to provide increase in efficiency of legislative process.

2. DATA AND METHODS.

The analysis of sources has allowed to carry out use of a general scientific method of a research of deduction. Structural components of parliaments and chambers of federal parliament as types of parliamentary responsibility subjects are as a result defined. The method of generalization has allowed to define the general regularities of structuring parliaments. The special and legal method has allowed to investigate practical aspects by defining types of parliamentary responsibility subjects, to estimate legislative practice of subjects of the Russian Federation by defining compound components of parliaments. In particular, use of a comparative and legal method has allowed to carry out external processing of legal material, and formalistic approach has provided generalization and classification of legal sources of subjects of the Russian Federation by a regulation of status keeping of subject structure of parliament. Philosophical methods have allowed to formulate conclusions on the basis of the available doctrinal doctrines. Regulations of chambers of federal parliament and laws of subjects of the Russian Federation on establishment of legal status of legislative (representative) public authority of the subject of the Russian Federation were the most important sources of the law.

3. RESULTS.

The modern science of constitutional law promotes development of standards of the Constitution of the Russian Federation. The legislature receives fresh wordings of the parliamentary power and becomes independent public institute [7], the institute of parliamentary responsibility appears.

Legal responsibility in the theory of constitutional law is supplemented by political responsibility and parliamentary responsibility [8]. Parliamentary responsibility is shown in two types: as a way of control in the federal relations and intrasystem responsibility of public authority. The first type of responsibility contains bases of interaction executive and legislature, the second type of responsibility is characterized by an intra organizational order of parliament.

Parliamentary responsibility as an element of the federal relations in practice of legal regulation receive the legal fixing at the federal and regional level of system of the law in the mechanism of control powers. Such responsibility is enshrined in the law of May 7, 2013 #77-FZ "About parliamentary control". According to the law control functions allocate not parliament completely, and his structural elements. First, functions of control allocate the State Duma (points 1, 3, 4, 13, 14 of Art. 5 of the Law). Secondly, functions of control allocate both chambers of Federal Assembly of Russia at the same time, but control is exercised only by one chamber (points 2, 7, 8, 9, 11, 12, 15, 16, 17, 18 of Art. 5 of the Law). Thirdly, control is entrusted to not established subject: either chamber, or in common parliament – the legislator doesn't specify (points 5, 6, 10 of Art. 5 of the Law). Thus, a subject of external parliamentary responsibility is either the separate chamber of Federal Assembly, or her structural component. The term "legislature" in the law "About Parliamentary Control" isn't applied therefore sees perspective to consider control of parliament as a type of external parliamentary responsibility in relation to the object determined by the legislation.
The special attention is deserved by parliamentary responsibility in legislature (the second type of parliamentary responsibility). Primary activity of parliament is concentrated on legislative function. Adoption of laws is an obligation of parliament. Not performance of a duty is the basis to use of parliamentary responsibility. The problem of practical application of this type of parliamentary responsibility consists in defining subject structure.

Traditionally subjects on internal parliamentary responsibility are officials: deputies of the State Duma, members of the Federation Council, deputies of legislative (representative) public authorities of subjects of the Russian Federation. Practical use of parliamentary responsibility becomes complicated principle of collective leadership at decision-making. Only the parliament has the law to apply sanctions against the parliamentarian or parliamentary structural education.

Lack of a constitutional and legal defining parliamentary responsibility allows to reveal various forms of realization of this type (internal) responsibility. It is offered to allocate two forms of parliamentary responsibility: joint (parliament or parliamentary structural education) and individual (parliamentarian). The first form of responsibility is characterized by sanctions which are directly projected on parliamentarians equally as a part of a structural component of parliament. Responsibility of body is provided with the positive characteristic of responsibility, has the constitutional nature.

For specification of parliamentary responsibility in rules of law it is offered to define types of parliamentary responsibility subjects depending on the structural components founded in parliament. It is offered to allocate individual structural components to which individual parliamentary responsibility can be applied.

Key individual structural component are the Chairman and his deputies (are established by Art. 101 of the Constitution of the Russian Federation). In regional legislature the procedure of structuring a position of the Chairman and his deputies have the non-uniform legal nature, but are formed imperatively. Parliamentary responsibility to this official as a part of parliaments can be imputed in view of non-performance of the functions fixed in rules of law.

The chairman of the commission (committee) is a special structural component of parliament which provides representative and organizational function. Chairmen of committees, their deputies are created in all structural elements of regional parliaments. These structural components of committees are the integral and obligatory element of the internal organization of all parliaments. Parliamentary responsibility to this official as a part of parliaments has to be provided by the legislation in two directions: in relation to parliament and in relation to structure of committee.

The deputy is not only an independent legal element of system (parliament or chamber of Federal Assembly), and at the same time compound component of fraction, committee, commission, the chairman of the committee/commission, etc. To the deputy parliamentary responsibility as to an important element of legislative process in parliament has to be provided. The individual form of parliamentary responsibility of an individual structural component (especially, the deputy or the member of the Federation Council) has to be supplemented with the social factors based on moral standards. Condemnation by the people of deputies gains estimated character now. Recently lighting in media of the parliamentarian who "immorally" behaves is an unusual occurrence. Immoral acts of deputies are blamed by modern society, requirements of the people to behavior of deputies is provided with increase in level of moral criteria. Not only legislative establishments to moral behavior of the deputy, but also a moral and imperative control method of the population to implementation of parliamentary activity by the deputy are noted [9].
To a position of the deputy as participant of legislative activity the level of requirements increases. Along with requirements of ethics and culture the deputy has to show interest in policy, have the corresponding qualification [10]. Any requirements in relation to the deputy are a projection to responsibility. Discrepancy to requirements or default on obligations by the deputy is the basis to use of parliamentary responsibility.

The following type of subjects of internal parliamentary responsibility are joint structural components of parliaments. Parliaments are collegial bodies therefore a certain attention at the international level has to be paid to a problem of their structuring. In world practice the question of the organization of parliament is based on the principle of self-organization. It is fairly noted that organizational bases affect legislative activity of parliament [11]. From that as the parliament is arranged efficiency of the legislative procedure depends. It is offered to determine standard joint structural components of the Russian parliaments (chambers of Federal Assembly and legislative (representative) public authorities of subjects of the Russian Federation) as types of parliamentary responsibility subjects by observance of rules of lawmaking.

Primary joint structural component of parliament are committees and the commissions, the quantitative and qualitative lists of whom is defined independently. The commissions and committees in all world parliaments are structured in his system organization and represent independent socio-political institute of democratic parliaments [12]. In federal parliament of Russia committees and the commissions are established by the Constitution of the Russian Federation as an obligatory element (Art. 101). Legal status of committees and the commissions is detailed in regulations of chambers of federal parliament, but the provision on structuring committees and the commissions proceeding from political pluralism and equality of public associations before the law [13] is imperative.

In regional parliaments the procedure of formation of standing committees and commissions has no legal fixing at the federal level of legal regulation that provides realization of the principle of self-organization of legislature in regional system of the law. The mechanism of a regulation of the procedure of formation and activity of committees and commissions finds the applications in specialized laws on regional legislature (for example, in the law of the Republic of Buryatia of April 19, 1995 for No. 111-I "About the National Hural of the Republic of Buryatia"). Less often the specific law meets (The law RM of March 10, 1995 No. 62-I "About committees and the commissions of the State Meeting of the Republic of Mordovia"), but the regulations (in the Republic of Dagestan, Kabardino-Balkar Republic, Republic of Tatarstan, etc.) remain a traditional source.

Parliamentary responsibility to this type of a structural component has to be provided with activity (a branch or functional orientation). As the primary legislative activity is concentrated in this structural element of parliament, ensuring effective legislative process will be a compound component of the parliamentary responsibility applied to the committees/commissions of parliaments. So, for example, it is offered to estimate responsibility of committee on legislative activity within productivity of their lawmaker.

Important modern structural component of parliament is the fraction - the basis of modern parliamentary structure formed by deputies of parliament, the elite according to the corresponding party lists [15]. The fraction is established as obligatory structural unit in the State Duma according to the Federal law of May 8, 1994 #3-FZ "About the status of the member of the Federation Council and the status of the deputy of the State Duma of Federal Assembly of Russia". In regional parliament the fraction is an obligatory component according to the Federal law of October 6, 1999 #184-FZ "About the general principles of the organization of legislative (representative) and executive bodies of the government of territorial subjects of the Russian Federation". The Federation Council of fraction isn't formed, but one of representatives from legislative (representative) public authority of the territorial subject of the Russian Federation is a
member of fraction. At regulation in practice of parliamentary responsibility of fraction establishment of responsibility to party, before the population and before parliament is supposed.

The leading joint structural component is Council – body for preparation of lawmaking activity and consideration of organizational issues of activity of body of representation. Creation of this structural component has no constitutional and legal fixing. The mechanism of legal regulation of this type of parliamentary responsibility assumes existence of standard providing limits of competence of body. The chairman of the board at the same time is the Chairman of the parliament (chamber). It should be noted specifics of regional legislature where this type of internal parliamentary responsibility can't be applicable in a type of lack of this structural component (for example, in the Altai regional Legislative Assembly Council is absent and his functions are performed by the Chairman and the device).

Facultative structural joint component of parliament are the working groups, subcommittees, expert or advisory councils. The special characteristic in regulation questions in practice of parliamentary responsibility in relation to the listed structural components it should be noted their specifics as parts of committee or subcommittee, and as parts of parliament (chamber). The characteristic of responsibility of the advisory or advisory boards is specific its structure. These persons aren't a part of chamber of federal parliament, but provide legislative process and not his procedures influence. Therefore it is necessary to approach these participants of parliamentary legal relationship taking into account their personal characteristic (the famous scientists, the acting officials and authorities).

The legal basis on a formation mechanism regulation in regional parliaments of the advisory advisory boards in the legislation of the Russian Federation isn't regulated, but finds the reflection in norms of system of the regional law. Powers of committees on formation of advisory councils without specification of the mechanism are established (for example, in the Ulyanovsk City Council, the Yaroslavl region duma, or in the State Council of the Komi Republic); the mechanism of creation by committees of advisory councils with a regulation of the status of advisory council on a voluntary basis with the law of involvement of experts and scientists is installed (in the Altai regional Legislative Assembly); legal status of advisory councils at committees as permanent structural elements decides on specification of powers, functions, the bans and restrictions to members of the expert advisory board, an order of the statement of members (so, number from 15 members is defined (from which not less than five members rotation – in Legislative Assembly of Krasnodar Krai are subject every two years); the special normative legal acts establishing competences, interaction bases, structure, an organizational basis of advisory councils as a part of committees on a constant basis (in the State Meeting - Kurultai of the Republic of Bashkortostan are adopted).

4. CONCLUSIONS.

On external and internal types not only the Russian, but also national legislation of the world parliamentary states on settlement of control in the federal relations and on providing an intra organizational order of parliaments in the sphere of lawmaking will allow to enrich theoretical offers on differentiation of parliamentary responsibility. The offered typology of subjects of an interior of parliamentary responsibility will allow to create effective legal base on establishment of the standard of due behavior in daily work of each structural component of parliament in the sphere of lawmaking. The real theoretical developments about types of parliamentary responsibility subjects will be useful to specification of content of parliamentary responsibility in practice of legislative regulation of parliamentary responsibility for increase in efficiency of legislative procedures in federal parliament and in regional legislative authorities.

6. SUMMARY.
Parliamentary responsibility is a fundamental basis to increase in efficiency in implementation of legislative activity. Responsibility is projected on discipline of parliament and is followed by legal fixing in sanctions. Such situation is confirmed by modern reforming of the Russian legislation on responsibility in parliamentarians. The federal law of May 3, 2016 #140-FZ has made changes to article 4 of the law "About the Status of the Member of the Federation Council and the Status of the Deputy of the State Duma of Federal Assembly of Russia". The law provides that deputies of the State Duma and members of the Federation Council of Federal Assembly for 30 missed meetings will be deprived of powers for systematic non-execution of the duties. Such changes in legal regulation are a consequence of development of researches in the sphere of parliamentary responsibility as element of increase in efficiency of legislative activity.

CONFLICT OF INTEREST

Authors confirm that the submitted data don't contain the conflict of interests.

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REFERENCES

13. According to the complaint of citizens of Belonogov Anatoly Nikolaevich, Gamzy Gennady Efimovich and others on violation of their constitutional laws a part of the second article 1 of the Law of the Amur region "On regulation of single questions of activity of regional council of
