THE RUSSIAN FEDERATION LAW ON CITIZENSHIP

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“The Law on Citizenship of the RSFSR” was adopted by the fourth session of the Supreme Soviet of the RSFSR on 28 November 1991, signed by the President, published and forthwith entered into force.1 After the Supreme Soviet on 25 December 1991 adopted the Law which changed the name of the State from the RSFSR to the Russian Federation (Russia), the citizenship of our State became Russian or Russian Federation (RF) citizenship.

The Law on Citizenship pertains to constitutional law, the fundamental branch of Russian law, as it regulates the important rights of citizens. Together with the Constitution and in accordance therewith, the Law defines the normative substance of one of the fundamental legal institutions, namely, that of citizenship. The Law drew on our own experience with the legal regulation of citizenship, as well as that of other states, and the international regulation of similar issues as models. Compared with past laws, overall, the Law represents an important step in the development of the democratic foundations of Russia’s political-legal system. The democratic nature of the new Law is reflected in many of its provisions, starting with the very definition of citizenship.

Preamble (Introduction)

Not long ago, Russia’s legislation and jurisprudence were premised on a conception of citizenship as the “political and legal appurtenance of the person to the state”.2 In contrast, the new Law accentuates the reciprocal nature of rights, duties and responsibilities of both the person and the state,

and puts primary focus on the recognition of and respect for the dignity, fundamental rights and freedoms of the individual. It should be noted that the reference here ought to be to the recognition of and respect for rights and freedoms as a whole and not only the fundamental ones. Therefore, the word "fundamental" is superfluous and lacks legal meaning.

The previous definition of citizenship as a stable legal bond connecting the person to the state was also inaccurate on another count. Even though such a definition was widely used, it did not draw a clear enough distinction between citizenship and the status of stateless persons permanently residing in Russia. The fact of the matter is that under current circumstances the status of stateless persons has improved. Their legal tie to the state also possesses not only a stable, but a mutual quality and is based on respect for human rights and freedoms. Therefore, it would be better to treat citizenship as a sui generis membership in an organization such as the state, which affords a person the right to participate in determining the character of the state, in its formation and activity, and likewise imposes on the person corresponding duties. The status of citizen signifies that one belongs to the people who possess the supreme right to determine the social, economic, political and legal order of society as well as to participate directly in deciding the root problems of the state by way of referenda.

The principal goals of the Law are:
a) to guarantee the effectuation of the norms and principles of international law and the Russian Federation Constitution relating to citizenship and human rights;
b) to create the most favorable legal conditions for each citizen; and,
c) to defend and protect Russian Federation citizens abroad.

To these, one must further add such a political-legal aim as the definition of the character and content of the legal institution of citizenship which regulates the legal liaisons of the citizen and the state, their reciprocal rights and obligations.

Let us note the importance of the reference to international law, which is listed even before the Constitution. Hence, the rights of the citizen foreseen by the Law must be understood and effected pursuant to the universally-recognized norms of international law as well as the relevant international treaties. The specific provisions of the Law on Citizenship must be applied within that frame. If one takes into account the democratic qualities of the respective international norms, then one can only conclude that all this will enhance the democratic character of the Law and the practice of its application. The further development of the content of international legal norms will automatically affect, too, the application of the Law.

The Law is important and of significance for the realization by every