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From Socialism to Sovereignty: A Comparative Study of 1918 Constitution of Russian Socialist Federation Soviet Republic and 1993 Constitution of Russian Federation

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ABSTRACT

Keywords: Russian Constitution, Marxist A nation's constitution reflects its ideological foundations, cultural values, Ideology, 1993 Constitution, Capitalism, historical development and collective aspirations. Russia's first constitution, Military Role, Constitutional Transition adopted in 1918 in the aftermath of the revolution and inspired by the Marxist ideology of a classless and void of private property ownership. This supreme law guided the Soviet state for decades until the dissolution of the USSR. In 1993, the Russian Federation adopted a new constitution that beckoned a departure from its

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socialist legacy and embraced elements of Western-style capitalism and liberal democracy. This paper critically examines the success of this ideological transition, analyzes the extent to which remnants of the earlier constitutional model persist, and explores the evolving role of the military in both the 1918 and 1993 constitutions.

PREMISE

Humans hypothetically seem to have some rules or laws from the onset of civilization, logically a tribal society ought to have some binding regulations to ensure a peaceful and progressive environment. Although the exact date of the origin of Hammurabi's laws remain uncertain However they (Hammurabi,1904) are regarded as one of the earliest legal codes. There are 282 laws dealing with false accusations, inheritance, marriage, property, agriculture to faulty constructions by contractors to faulty judgment by judges; they are quite logical and rational keeping in mind the time they represent. The laws incorporate a system of rewards and punishments, famously exemplified by the principle of retributive justice, "a tooth for a tooth." Notably, however, the code contains no explicit provisions related to military affairs or warfare. Hammurabi also legitimizes his legal authority through divine sanction, attributing the origin of his laws to the sun god Shamash (Nagarajan,2011). The ancient Greeks were the earliest known civilization to maintain documented records concerning the formulation and enactment of constitutions. In his work *The Constitution of Athens* (Aristotle, 330 BC/1890), Aristotle provides a detailed account of the rationale and procedures underlying constitutional development in Greek city-states. Through a comprehensive examination of 158 constitutions from various *polis* (city-states), Aristotle undertook a comparative analysis aimed at identifying the characteristics of an ideal constitution suited to the governance of the people (Amadio & Kenny, 2024).

Aristotle was the first philosopher to systematically categorize constitutions in terms of their normative qualities, distinguishing between what he deemed 'good' and 'bad' forms of government. According to his classification, constitutional forms such as monarchy, aristocracy, and a mixed government were considered 'good,' as they purportedly aimed at the common interest. Conversely, he regarded tyranny and democracy as 'bad' forms, primarily because they were driven by the pursuit of private or personal interests rather than the public good. Ultimately, Aristotle asserted that the most suitable form of government is one in which every individual, regardless of status, is enabled to perform optimally and to lead a life conducive to happiness (Aristotle,330 BC/1890, p-2718).

The Roman civilization made significant contributions to the development and codification of legal systems. One of the earliest known compilations of Roman law is the Twelve Tables (Britannica, 2018), which bear notable similarities to the earlier Code of Hammurabi, including the imposition of the death penalty for false accusations and comparable

provisions concerning marriage. For example, under Table XI, soldiers were prohibited from marrying prior to the completion of their military training. Table X contained social regulations, such as the prohibition on women engaging in self-mutilation or tearing their garments during funeral rites. Additionally, the laws sanctioned the killing of a thief during nighttime, whereas such an act during daylight hours was considered unlawful.

In the sixth century A.D., Emperor Justinian undertook a comprehensive consolidation of existing Roman laws, culminating in the *Corpus Juris Civilis*, commonly referred to as the *Justinian Code* (550 A.D./2016). This codification is regarded as one of the earliest constitutional frameworks grounded in religious doctrine. Notably, Book I of the *Justinian Code* granted exclusive legal recognition and privileges to Christianity, systematically excluding adherents of other religions from legal rights and protections (Book I of Justinian Code).

With the emergence of the divine religions, initially Christianity and subsequently Islam, the divine laws became the paramount structures of the societal norms and governance. Human acts across all facets of life were progressively subjected to evaluation and regulation in accordance with the Holy texts. Matters like adultery, economics, marriage, property, inheritance, selection of rulers and even personal conducts like eating and dressing practices were carried out by divine scriptures (Zayd, 2006).

In the modern era, the United States of America was the first sovereign state to adopt a written constitution, with its adoption in the aftermath of the American Revolution lending it the status of a foundational model for subsequent constitutional democracies. The U.S. Constitution explicitly affirms the preservation of liberty and freedom as fundamental human rights. It establishes a clear separation of powers between the legislative and executive branches and introduces a bicameral legislature known as the Congress, comprising the House of Representatives and the Senate (Congress, 1789/2024).

The U.S. Constitution provides limited direct enumeration of individual rights in its original text, addressing primarily structural and institutional matters. Apart from references to treason and felony, it does not extensively define or enumerate criminal offenses. The document focuses predominantly on matters such as taxation, the powers and responsibilities of the President, electoral procedures, and the establishment of the federal judiciary, including the Supreme Court. With respect to national defense, the Constitution expresses a preference for the maintenance of a well-regulated militia over a permanent standing army. It entrusts the militia with the responsibility to suppress insurrections and repel foreign invasions, reflecting

the framers' wariness of centralized military power (Article I, Section,8).

Similarly, France in the same year 1789, adopted Declaration of the rights of man and the citizen, *ignorance, forgetfulness or contempt for the rights of man are the sole causes of public misfortunes and of the corruption of governments* (France 1789/2024). Declaration had 17 Articles and the very first stated "*Men are born and remain free and equal in rights. Social distinctions can only be based on common utility*". The declaration did not use the word military rather it employed the word Public Force (article 12) The guarantee of the rights of man and of the citizen requires a public force: French adopted a constitution in 1791 (France, 2024/1791). It was secular in nature as on its preamble it stated "*The law no longer recognizes religious vows or any other obligation contrary to natural rights or the Constitution*". It abolished all titles and vows made in the name of religion and stated to treat everyone equal in front of law. It retained the king but treated him equal in front of the law.

Marx & Engels (1977) introduced a new dimension on the systematic injustice among humans, most notably in their seminal work, The Communist Manifesto (1977/1848) wherein they treated the history as a class struggle between the social masses, to them the entire process of history was not deterministic in nature rather it was exploitation of the working class by the rich. They further elaborated that due to industrialization a new breed of capitalist has emerged which they termed as bourgeoisie and the working class which have no means of production are bound to sell their labour, they call it as proletariat.

Marx ideas affected Europe and resultantly Communist Party in Russia was able to overthrow the monarchy of Czar in 1917 and as a result the first constitution of Russia was drafted and approved (1918/1977). The constitution along with the certain decrees are regarded as the fundamental laws of Russia and Soviet Union and as such are treated as the constitution. This constitution abolished owning the property and its inheritance thus eliminating the very basic nature of humankind; the greed. It took away all the privileges granted to the clergy or religion. In an ontological perspective it voiced similar to the French Constitution of 1791 with one major difference, Russian eliminated property and inheritance. (Materski,2025).

Communism prospered around the world most notably in China, however in Soviet Union it was discarded through a peaceful process of Glasnost and Perestroika (Lih,1987) by Soviet Union leader Mr. Gorbachev; resultantly USSR collapsed in 1990 (Bunce,1993) and Russia emerged as an independent entity. Russian Federation after a tumultuous and troubled

years marred with violence and uncertainty adopted new constitution in 1993 (Skach,2021)
Thus

both constitutions of Russia were adopted under very different economic, political, and ideological environments.

OBJECT OF STUDY

The object of study is to analyze, through the lens of combined analytical frameworks of critical and grounded theories, the fundamental principles common between Russian Socialist Federation Soviet Republic (RSFSR) 1918 & Russian Federation 1993 constitutional texts and also to highlight the major differences between them. Major focus is placed on the evolving roles and institutional formations of the military, religion and the judiciary.

THEORETICAL FRAMEWORK

Clash of Civilization hypothesis was put forward by Samuel Huntington in 1992/93, it coincided with the events in Russian Federation (Huntington, 1994). Huntington theory was based upon clash among civilization, same has been adopted with a wider perspective. Not only Russia as a Slavic race is a different civilization from the rest of non-Slavic races of Europe but also the fact that ideology of Marx remained its blood line whereas Capitalism as put forward by Adam Smith was and still is the main ideology of Western Civilization and Europe (Huntington & Jervis 1997). Therefore the adoption of new constitution by Russian federation was rather an adoption of the capitalist theory and thus it clashed with its old Marxist theory. The paradigms do not vanish with the spur of moment or with a change of name, they run deep into a nation's psyche for a long time and then probably they become hybrid in nature with the new one.

Rule of Law or constitutionalism is a theory and a way of life among the majority of countries in the world. This theory has at its root; the division of powers among the various branches of the state. its key assumption is that all citizens are by nature good and all elements of state and power are by design evil and corrupt (Burin,1965). Thus, it views and regard military as a usurper of human rights and judiciary as the savior of humanity. Judiciary to a great extent has replaced the clergy of medieval era as the symbol of honesty and as a final authority on all matters of human morality. This itself is a western notion and it often clashes with historical and customary laws and traditions of a country specifically in Russia.

Critical Theory and Post Modernism are almost synonym with each other as both reject and questions the knowledge and axiom passed through generations. Both challenge dominant

narratives and question the legitimacy of institutions traditionally regarded as neutral or authoritative, including the judiciary. These frameworks often interpret such institutions as mechanisms of structural oppression, frequently rooted in colonial, patriarchal, or hegemonic power structures. Critical Theory, in actual, places a strong emphasis on historicism, that a comprehensive understanding of current situations entails a contextual analysis of historical developments. Likewise, it foregrounds the role of individual agency and cultural specificity, postulating that these essentials are vital for the interpretation of social and legal phenomena. Thus, both Critical Theory and Postmodernism provide valuable lenses for interrogating the foundations and functions of state institutions in a culturally and historically contingent manner (Kennedy, 1985).

METHODOLOGY

A hybrid methodology is adopted for this study. It is an approach that combines both positivist and interpretivist paradigms. The positivist approach is applied to analyze primary legal sources, specifically constitutions; that provide an objective legal basis for the study, while an interpretivist approach is used for exploration of the normative and theoretical dimensions of the constitutions, drawing on the works of classical philosophers. This dual approach is significantly important to apprehend both the empirical structure of the constitutional law and the abstract ethical values entrenched within it, which resist reduction to purely numerical or empirical forms. The hybrid methodology thus guarantees a balanced and holistic understanding of the research problem (Van Hoecke, 2013; Habermas, 1996).

Russian Socialist Federation Soviet Republic (RSFSR) 1918 Constitution.

The establishment of 1918 constitution of Russian Socialist Federation Soviet Republic (hereinafter RSFSR) was preceded with a history of bloodshed and violence, marked by the overthrow of the Czar, and royal family was massacred and a Bolshevik revolution (also known as communist revolution) was proclaimed. There have been certain meetings of the communist party also known as soviet congress in the months preceding the revolution thus the resolutions of these soviet congress became the basic law of this constitutional framework (President Library 2024). The declaration of rights of the laboring and exploited people (approved by the third All-Russian Congress of Soviets in January, 1918) together with the Constitution of the Soviet Republic, approved by the fifth Congress, constitutes a single fundamental law of the Russian Socialist Federated Soviet Republic (Shakray & Krakovsky, 2019). A constitutional commission was formed by Vladimir Lenin in January 1918

and a 16 members committee was formed on 1st, April 1918 which put forward the draft which was adopted on 10 July 1918. It is worth highlighting that the “Declaration of the Rights of Working Class and Exploited People” was in fact put forward by Vladimir Lenin on 3 January 1918 (Lenin 1972). It is rather a small constitution (Russian Constitution 1918) with six articles spread over seventeen chapters having 90 paragraphs. Constitution was not evolved in a traditional manner and as such it lacks the formality as seen in USA or French Constitutions which starts with emphasis on liberty and equality and distribution of powers etc. RSFSR constitution rather took over six years from 1917 - 1923, due to civil war to become formalized and as such many decrees were added which collectively became and known as constitution or fundamental laws.

DECLARATION OF RIGHTS

The **Declaration of Rights**, enshrined as Foundational Socialist Principles in RSFSR 1918 Constitution. Articles 1–4 of this constitution laid the ideological and structural foundation of the new socialist state. It established the Russian Soviet Federative Socialist Republic (RSFSR) as a Republic of the Soviets of Workers, Soldiers and Peasants’ Deputies, proclaiming that all central and local authority would henceforth reside in these soviets.

The abolition of private land ownership was the core tent of the declaration. Land was declared national property and was to be distributed among agricultural workers based on their capacity to cultivate it, with no compensation to former owners. This measure aimed to facilitate the socialization of land and ensure equitable access to agricultural resources.

As a preliminary step toward the comprehensive nationalization of industry and infrastructure, the document affirmed the Soviet law on workers’ control and the creation of the Supreme Soviet of the National Economy. This marked the beginning of the transfer of ownership of factories, mills, mines, railways and other key economic assets to the state, under the guidance of workers’ collectives.

The Declaration also introduced a universal obligation to work, targeting the eradication of non-productive social classes; labeled the “parasitic strata”—and advancing the planned economic organization of the country.

To secure proletarian power and eliminate the threat of counter-revolution, the document decreed the arming of all laborers and the formation of a Socialist Red Army, while simultaneously ordering the disarmament of the propertied classes. This was intended to fortify the revolutionary regime and prevent the resurgence of exploitative capitalist structures.

GENERAL PROVISIONS

Article 2, Chapter 5 of the **General Provisions** incorporated the primary objectives of establishing a dictatorship led by the urban and rural proletariat along with the poorest peasantry, embodied in a centralized All-Russian Soviet authority. The main purpose of this governance structure was to eliminate human exploitation and to lay the groundwork for a socialist order devoid of class divisions and autocratic rule. This article also embodied several reformist steps, such as provision of free education for all, the formal separation of church and state and the individual right to engage in both religious propaganda and anti-religious discourse. Additionally, it mandated universal military training, albeit restricted to the working classes, while assigning non-toilers to civilian roles. The article further extended political asylum to foreigners, reflecting an internationalist dimension of the Soviet legal-political framework.

ORGANIZATION OF SOVIET POWER

Article 3, spanning Chapters 6 to 12, delineates the structural **organization of Soviet power**, highlighting the exclusive transfer of state authority to the working segment of the society. This framework provided for the deprivation of political rights of non-working classes and groups. The electoral system institutionalized preferential treatment for workers, including over the peasantry, and adopted a hierarchical model of representation wherein one delegate represented every 25,000 voters. This model reflected the deeply entrenched class-based orientation of Soviet governance. Furthermore, the administrative structure comprised 17 key portfolios, each overseen by a commissar, covering critical sectors such as foreign affairs, economics, education, the army, and the navy, thereby consolidating centralized control over all state functions.

RIGHTS TO VOTE AND ELECTORAL EXCLUSIONS

Article 4, encompassing Chapters 13 to 15, outlines the constitutional provisions governing suffrage within the Soviet system. It granted **the right to vote to all citizens** aged 18 and above, regardless of race, sex, or religion; reflecting a formal commitment to universal suffrage. However, this inclusivity was significantly qualified by ideological criteria. People connected with sacred institutions, such as clergy and monks, as well as those who earned income without engaging in labor were explicitly denied the right to vote or stand for election. This exclusion reinforced the Soviet state's principle that political participation was reserved for the working population, in alignment with its broader class-based doctrine.

MONETARY POLICY AND BUDGETARY PROVISIONS

Article 5, contained in Chapter 16, addresses the fiscal dimensions of the Soviet state, explicitly focused on **monetary policy and budgetary allocation**. It outlines the mechanisms for producing revenue for state through taxes and offers a framework for the distribution and allocation of revenue across various sectors in the Soviet system.

COAT OF ARMS OF THE RUSSIAN SOCIALIST FEDERATED SOVIET REPUBLIC

Article 6, Chapter 17, explains the **coat of arms of RSFSR**, serving as a powerful visual representation of the state's ideological foundation. The emblem features a red background indicating revolution, upon which a golden hammer and scythe are placed (crosswise, handles downward) illuminated by sun rays and surrounded by a wreath and inscribed with the phrases "Russian Socialist Federated Soviet Republic" and the internationally echoing slogan "Workers of the World, Unite." It condenses the core values of Soviet socialism: unity, solidarity and struggle of the working class.

JUDICIARY IN 1918 CONSTITUTION

The 1918 Constitution of the RSFSR does not contain any provision related to the of Judiciary nor does it addresses establishment of any type of court system as structured in democratic set-up of the states. Initially, the legal foundations for the Soviet judicial system were laid out through earlier revolutionary decrees, most particularly 24th November 1917's Decree on the Court. This decree eliminated the prevailing tsarist judicial structures and presented a new system of people's courts. In this court system judges were elected by direct vote and functioned in accordance with the principles of revolutionary legality rather than codified law. This system of people's court was designed to reflect class-based justice, ensuring alignment with working-class interests and the goals of the socialist state.

ROLE OF THE MILITARY UNDER RSFSR CONSTITUTION OF 1918

The revolutionary changes that resulted in the creation of the Russian Soviet Federative Socialist Republic (RSFSR) were largely and strategically influenced by the military. The military's early neutrality and later support for Petrograd's working-class agitators proved to be a pivotal element in the fall of the imperial regime, even though it did not start the February Revolution of 1917. Large portions of the military, especially soldiers, supported the Bolshevik cause during the crucial time leading up to the October Revolution of 1917. This was largely due to Leninist propaganda and promises of peace, land, and worker power.

By including soldiers in the political system alongside workers and peasants, the 1918 RSFSR

Constitution formalized the military's role in the new socialist state. The Soviet system's fundamental pillars were determined to be these three social groups. The revolutionary army's function within the framework of the state was codified when the creation of a socialist Red Army was expressly approved in Article I, Chapter II(g). Additionally, the military's political incorporation into the new Soviet polity was confirmed by Article III, Chapter VI, which established the All-Russian Congress of Soviets of Workers', Peasants', Cossacks', and Red Army Deputies as the highest body of state power.

The importance of the military was further highlighted by the RSFSR's central government structure. The army and navy each had their own commissariat out of the seventeen People's Commissars (ministerial equivalents), demonstrating the significance placed on military management. Notably, at that time, the air force had not yet been formed.

The military's high standing in the Soviet system was further highlighted by political enfranchisement. Members of the bourgeoisie and other "non-working" classes were not allowed to vote, as stated in Article IV, Chapter XIII(b), which only allowed soldiers and sailors in the army and navy to do so. The concept of a proletarian state, where the military was both a political and ideological front-runner, was strengthened by this system of selective suffrage.

Furthermore, Article VI of the constitution also addressed the symbols of state sovereignty, establishing separate flags for the army and navy from the RSFSR's standard flag. This clause represented the military's unique position inside the Soviet bureaucracy as well as its institutional autonomy.

Together, these constitutional provisions show how the military was an essential part of the early Soviet state's ideological and institutional underpinnings rather than just a means of coercion.

THE POLITICAL AND IDEOLOGICAL COLLAPSE OF SOVIET UNION

The famous quote by Karl Marx that *history repeats itself, first as tragedy and then as farce* (Marx, 1852/2020) finds appropriate application in the context of Russia's political transformation in 1990. Domestically and internationally, the situation at that time was strikingly similar to that of 1918, especially as seen by the Russian people. Russia once more encountered ideological opposition from the West, which was still generally hostile to its communist stance. Meanwhile, communism had clearly fallen short of its ideological claims. The Soviet Union's economic situation had drastically worsened and had fallen short of the degree of prosperity that its

founders had hoped for (Lieven,1995). Furthermore, the protracted and expensive war in Afghanistan was a major catalyst for change. Under the guise of perestroika and glasnost, then-President and de facto supreme leader Mikhail Gorbachev implemented a number of reforms that eventually weakened the USSR's unity. On June 12, 1990, the Russian Soviet Federated Socialist Republic (RSFSR) passed a resolution stating that its laws were superior to those of the USSR, marking a turning point in this process. An important step towards the Union's collapse was this declaration of legal sovereignty (Reuveny & Prakash,1999).

On 8 December 1991, the USSR was formally dissolved following the Belovezha Accords, and the Commonwealth of Independent States (CIS) was established. In the aftermath, Boris Yeltsin emerged as the elected President of the RSFSR, symbolizing a new political era in post-Soviet Russia.

1993 RUSSIAN FEDERATION CONSTITUTION. ONTOLOGICAL FEATURES

The Constitution of the Russian Federation, adopted through a national referendum on 12 December 1993 (President Library, 2024), serves as the supreme legal framework of the country. Structurally, the Constitution is divided into nine chapters comprising a total of 137 articles. Each chapter addresses a specific aspect of the Russian state, ranging from fundamental principles of the constitutional system to procedures for constitutional amendments. The organization of the Constitution is summarized below:

Chapter	Articles	Subject
Chapter I	Articles 1–16	Fundamentals of the constitutional system
Chapter II	Articles 17–64	Human and civil rights and freedoms
Chapter III	Articles 65–79	Federal structure
Chapter IV	Articles 80–93	President of the Russian Federation
Chapter V	Articles 94–109	Federal Assembly
Chapter VI	Articles 110–117	Government of the Russian Federation
Chapter VII	Articles 118–129	Judicial authority
Chapter VIII	Articles 130–133	Local self-government
Chapter IX	Articles 134–137	Constitutional amendments and revision of the Constitution

Constitution envisages a bicameral house, lower house comprises the State of Duma with 450 members and upper house the Council of Federation 178 members (article - 95). The Constitutional framework is distinctly liberal in a broad array of various rights and protections.

It provides free and compulsory education (article - 43), free health care (article -41), care for elderly, unemployed and disabled people (article 39). Responsibility for the upbringing and care of children has been entrusted to both parents (article 38). Equality of gender, religious freedom, working hours, right to leisure are all incorporated into this constitution. Military training is also imposed with an exception that a person can avoid it under his/her religious obligation (article 59). Right of voting is granted at the age of 18 however convicted persons are deprived of this right (article 32).

These are constitutional provisions which are almost identical to 1918 Constitutions. From the onset, constitution declares Russia to be a social state *State support shall be provided for the family, maternity, fatherhood and childhood, to the disabled and to elderly citizens*, (article 7) The Constitution further enshrines fundamental rights such as gender equality, freedom of religion, regulated working hours, and the right to leisure. Mandatory military service is instituted under Article 59, although individuals may seek exemption on the basis of religious beliefs. The right to vote is conferred upon citizens at the age of 18; however, this right is withheld from individuals with criminal convictions, as outlined in Article 32. Notably, many of these provisions are consistent with the principles embedded in the 1918 Constitution. From its inception, the Constitution declares the Russian Federation to be a social state, mandating governmental support for the family, maternity, fatherhood, childhood, persons with disabilities, and elderly citizens (Article 7), thereby underscoring the state's commitment to comprehensive social protection

Major difference from the 1918 Constitution is in the fact that private property is allowed. Articles 8 and 9 states *"In the Russian Federation the integrity of economic space, free flow of goods, services and financial resources, support of competition, and the freedom of economic activity shall be guaranteed"*. Furthermore, under new constitution (article 13), Russia declares itself to be free on any ideology *"No ideology shall be proclaimed as State ideology or as obligatory."* However this new constitution also retains the secular nature of the state as in the past, under article 14, *"The Russian Federation shall be a secular state. No religion may be established as the State religion or as obligatory"*.

This constitution lays great emphasis on personal rights, freedom, dignity, equality of gender, privacy, inviolability of home, freedom of expression. All of these are philosophical and abstract in nature. There are very obligations on the individuals, like paying of taxes. To defend the fatherland, to obey constitution, to preserve culture and nature. Taking care of

elderly parents is an obligation and so is care of children.

1993 constitution was framed mainly to appease the western civilization in an effort to be part of them rather than to be associated with past and communism. Thus incorporation of articles that stipulates the supremacy of international laws over the local laws. The two terms limitation of president to four years is almost a copy of USA constitution.

Articles 8 and 9 of the 1993 Constitution of the Russian Federation articulate a clear commitment to economic liberalism, asserting that "the integrity of economic space, the free flow of goods, services, and financial resources, support of competition, and the freedom of economic activity shall be guaranteed." This marks a significant departure from the centrally planned economy of the Soviet era, reflecting an alignment with market-oriented principles. In terms of ideological orientation, Article 13 explicitly rejects the imposition of any state ideology, declaring that "no ideology shall be proclaimed as state ideology or as obligatory," thus institutionalizing ideological pluralism. Additionally, Article 14 reaffirms the secular character of the state by stating that "the Russian Federation shall be a secular state. No religion may be established as the state religion or as obligatory," continuing the tradition of secular governance.

The Constitution places considerable emphasis on the protection of personal rights and freedoms, including human dignity, gender equality, privacy, the inviolability of the home, and freedom of expression. These rights, while largely philosophical and abstract, reflect a liberal democratic ethos. In contrast, the Constitution imposes relatively few direct obligations on individuals, among them the duty to pay taxes, defend the fatherland, respect the Constitution, preserve cultural heritage and the natural environment, and provide care for elderly parents and children.

Scholars have argued that the 1993 Constitution was primarily crafted to align Russia more closely with Western liberal democracies, rather than to reaffirm its Soviet legacy. This intention is particularly evident in provisions that grant supremacy to international law over domestic legislation, and in the presidential term limits—two terms of four years—modeled closely on the United States Constitution. These elements suggest an aspirational shift toward Western constitutional norms during the post-Soviet transition period.

ROLE OF THE JUDICIARY IN THE 1993 RUSSIAN CONSTITUTION

The 1993 Constitution of the Russian Federation grants the judiciary a prominent constitutional role, reflecting the classical doctrine of separation of powers under Chapter

7(Articles 118 to 129). This is consistent with Western constitutional traditions such as those of the United States, France, Britain and Germany. Article 118 establishes the administration of justice exclusively by courts through constitutional, civil, administrative and criminal proceedings. It reflects the diversification of judicial functions while the Constitution and federal constitutional law define the judicial system. Additionally, it also forbids the establishment of extraordinary courts ensuring the integrity and regularity of the legal process. Article 119 sets the eligibility criteria for judges, requiring Russian citizenship, a legal education, and a minimum age of 25.

Article 120 emphasizes that judicial authority operates independently in accordance with the Constitution and federal law. Judges have the authority to disrespect any legal act by state or other bodies if it is contradictory with the constitution or law ensuring just that all judicial decisions strictly parallel to constitution and legal norms.

Article 121 is about ensuring the tenure of judges. Their authority cannot be terminated or suspended except on certain grounds and procedures prescribed by federal law, emphasizing legal safeguards against arbitrary removal, and Article 122 prohibits judges from engaging in political or commercial activity. Article 23 ensures the principles of transparency, fairness and independence as significant essentials of judiciary in Russia and specifically ensures the right to a public trial, restriction on trials in absentia and closed sessions to exceptional cases allowed by federal law and upholds adversarial proceedings and equality of the parties.

Article 24, explicitly states that Courts shall be financed only from the federal budget and should ensure the possibility of the complete and independent administration of justice according to the requirements of federal law.

Furthermore, the Constitution distinguishes a multi-tiered judicial system Articles 125-128, express the composition of the Constitutional Court of the Russian Federation, its powers and jurisdiction. The Court consists of 19 judges empowered to review the constitutionality of federal laws, presidential and governmental acts, regional legislation, treaties, and international agreements before they put into implementation. It also settles internal conflicts between federal and regional bodies, entertain complaints on infringement of constitutional rights and provides constitutional interpretation as well. Judges are given authority to appoint and remove both the President and the Federation Council, ensuring a degree of insulation from political interference. Overall, the judiciary is empowered to overrule governmental or military

actions that violate constitutional rights, including those related to freedom of expression, privacy, and equality (Articles 17–55), making it a vital safeguard of the constitutional order.

ROLE OF THE MILITARY IN THE 1993 RUSSIAN CONSTITUTION

Despite military's critical role in state sovereignty and national security, The 1993 Russian Constitution offers nominal institutional recognition and autonomy to the military. Article 59 mentions that defense of fatherland is responsibility of all citizens. it also highlights the military service but with a clause that any one basing upon his religious beliefs can avoid it.

Article 87 stipulates the President as the Supreme Commander-in-Chief of the Armed Forces grants the authority to declare martial law or a state of emergency, subject to approval by the Federation Council. Yet when compared to judiciary, there seems to be a void in constitution regarding the dignity, tenure, protection and other key factors. Military is not being treated independently; it positioned under the control of all branches of state, and not constitutionally protected as an independent institution. This subordination is further reflected in the lack of legal distinction between military personnel and ordinary citizens, including convicted criminals, thus diluting the symbolic and institutional prestige of military service. While theoretical concerns exist about potential military overreach, the Constitution does not empower the armed forces to analyze or influence legislation, nor to act independently in national governance. Notably, unlike the 1918 Soviet Constitution which privileged the military and marginalized the judiciary, the 1993 framework reverses this by elevating judicial authority while relegating the military to a subordinate position.

AMENDMENTS TO 1993 CONSTITUTION.

The first major amendment was incorporated in 2008 which extended the tenure of Duma and the president to five and six years. In 2014 another constitutional amendment was incorporated but the major amendments came in 2020. From 2008 on wards the Russian relations with west started deteriorating over the Georgia and Crimea annexations thus there was a hostility from western scholars and politicians along with human rights group over the amendments. The two main key points were the flexibility or extension of presidential terms which thus allowed Vladimir Putin to stand again in 2024 elections and secondly the negation of gay marriage thus accepting only marriage between opposite sex as legal. Nominations and removal of judges by the president was a key amendment in the constitution.

Crisis erupted in 2012/2013 when the European Court of Human Rights (ECHR) in its judgement Of July 4, 2013 (ECHR, 2013) ruled that Russia should allow disfranchisement of

prisoners thus giving rights of voting to them, which under article 32 (3) is not allowed. The case is interesting as both the applicants namely Anchugov and Gladkov were convicted of multiple offenses including murder and were serving sentences in prison and yet they applied to ECHR through application No. 11157/04 and No.151629/05; stating that their human rights have been violated by not allowing them to vote in elections and it is contrary to the European Convention on Human Rights (ECHR 1950). European Court (ECHR) gave judgement in favour of convicts and asked Russia to amend its constitution. This created a constitutional crisis in Russia. (European Parliament 2020).

Another amendment that stirred an international storm was the upholding of Russian laws over the international laws as already stipulated in the constitution. The amended Article 79(1) blocks the application of international treaties and agreements that are contrary to the constitutional principles and/or limit rights and freedoms of man and citizen found in the Constitution and prohibits the enforcement of international court decisions contradicting the Constitution, thus codifying previous Constitutional Court decisions (Kalinichenko & Kochenov, 2021).

COMPARISONS OF CONSTITUTIONS.

Both constitutions reflect the tide of time in their wordings and ontology. There is not standard pattern or format for constitution writing and it is visible in these two constitutions. In 1918, the Articles are given under which chapters are enumerated whereas in 1993 it is the other way around. In the 1918 constitution a separate article (article 6) is devoted to the design and pattern of Coat of Arms whereas in 1993 (article 70) it is left to the federal law to design it.

Fundamentally, as far as basic human rights are concerned like free health, education, housing, care of elders, care for women, freedom of expression, free legal or justice; they are enshrined in both constitutions thus both retained the social ontology.

Fundamental difference is the ideology; the Bolshevik constitution was based upon the Marx and its interpretation by Lenin. The Declaration of Rights was given by Lenin in November 1917 and it became the basic brick of 1918 constitution. On the other hand, the 1993 lacked such an ideology and is based more upon the western concept of constitutionalism. For Marxist, the history is a narrative of class struggle in which one class has been exploiting the workers and peasants thus they created a constitution which for the first time in social history abolished religion, class, nobility , property, inheritance and even military. They relied upon an idealism in which the workers , peasants or proletariat will be void of basic human limitations

of greed and will progress to a society in which there is no evil because for them evil is another name of capitalism or accumulation of wealth.

A constitution is adopted mainly to have a check on the abuse of powers by the individuals. This abuse of power is also rooted in the notion that an individual by nature is greedy and tyrant. Without any check, at the most an individual can accumulate wealth and favors his own clan or friends; it is still a minimal impact on the vast majority of population. It is the war that affects the entire nation and Russian constitution of 1918 and 1993 have both failed to address this issue. To a great extent none of the constitutions in last century have been able to prevent and protect the population from the menace of war. There is no check on the initiation of war by the executive. In Europe after the adoption of Russian constitution in 1993, France, United Kingdom and Italy all have waged wars in Libya, Iraq, and Afghanistan and even in Europe itself (Bosnia). All this happened despite an opposition by the population, none of the democratic governments resorted to asking the public opinion before entering into a war. Russia also entered into limited wars against Crimea and Ukraine which is still ongoing after a year, constitution has failed to offer any check on this.

CONCLUSION

Russia considers itself to be part of Europe and has been striving to be a member of European Union. Under President Boris Yeltsin the efforts were magnified and the Constitution of 1993 reflects this mindset. European Union and European Parliament have adopted certain conventions most notably the 1950 Convention of human Rights which forbids capital punishment. Same has been incorporated into the Russian Constitution of 1993. Similarly, the 1993 Constitutions through its various articles created a constitutional fog under which the international law apparently became sovereign. This notion was partially dispelled by the Russian Constitutional court through its judgements. However, the inference that has been drawn is that, international or European conventions on human rights and other aspects are double edge sword and their judgements have created and are bound to create a negative impact of Russia among the other countries. The Anchugov, Gladkov Vs Russia is a classic example where two convicted murderers sentenced in 1993, were able to rock the entire constitutional system of Russia by using the European Convention on Human rights through the European Court on the plea that they were not allowed to cast vote in 1998 elections and thus their human rights as mentioned in the convention has been violated.

Russian politics since 1993 mainly revolves around one-man Vladimir Putin, he has been in

power since 1998 and there seems to be no end to his reign. Thus, the very nature of constitutionalism, to have a check on the tyranny has failed. Putin is not a tyrant, he has been elected according to the constitution which he himself has amended. This is not much different from the General De Gaulle's amendments in French Constitution in 1960s. The cult of personality seems to be an integral part of the Russian culture, in 1918 it was Lenin followed by Stalin and now it is Putin.

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