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**POSITIVIST CLASSIFICATION
OF THE PRINCIPLES OF ADMINISTRATIVE PROCEEDINGS
IN RUSSIA AND ARMENIA – A COMPARATIVE LEGAL ANALYSIS**

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Abstract: Comparative research is one of the promising areas of development of modern jurisprudence. Russian and Armenian law have common roots, with their shared historical background as members of the continental (Roman-German) legal family. The authors of the present paper compare the principles of administrative proceedings in Russia and Armenia and propose a positivist classification of the relevant principles. The authors analyze the Russian and Armenian codes of administrative proceedings and make a comparative review of them, highlight some of their problems and the difficulties of realizing these norms in practice, and suggest ways to improve the codes. The constitutional principles of administrative proceedings, some of which are duplicated in codes while some are not, are also reviewed. It is hardly worth mentioning that the extraction of constitutional principles from a particular branch of law is always difficult

as the legislators of Russia and Armenia are not guided by the concept of “principle” in the drafting their respective Constitutions.

Keywords: positivism, comparativism, classification, principles, administrative proceedings, Russia, Armenia

Comparative legal studies have significant potential both theoretically and practically. This is equally true for comparative studies on legal principles and their issues. Taking this into account, the article seeks to compare the principles of administrative proceedings in Russia and Armenia.

The choice of Russian and Armenian law as the subject of comparison is determined the following reasons:

1. first, the Russian and Armenian legal systems share common roots, as they both belong to the continental (Roman-German) legal family and they were both formerly members of the Soviet law family within the framework of a single state – the USSR, and
2. secondly, the Russian Federation and the Republic of Armenia are now independent states with their own legal systems. This allows to conduct comparative legal research not only out of pure interest, but also to achieve mutual sharing of the respective national experiences of different states.

It should be noted that the importance of the category of “principles of law” was well understood already in Ancient Rome. Roman lawyers formulated the maxim “*principium est potissima pars cuiusque rei*”, which reflects clearly the place of principles, both in legal theory and practice. Although the concept of “principles of law” is widely used by lawyers, it is not of a normative, but a doctrinal character. In turn, this leads to the fact that legal scientists interpret the concept differently, and offer lists of principles that are different in structure and composition.

In modern Russian and Armenian legal literature, the interest in the principles of law as a theoretical-methodological construction and the phenomenon of objective reality goes back to the times of the Russian Empire and the USSR. Currently, even the course books on the theory of state and law pay attention to the principles of law.¹ There is a huge amount of research on the principles of law, which sets forth various approaches to their understanding.²

¹ См., напр., Ներսեսյանի Վ. Ս. Իրավունքի և պետության տեսություն. Երևան, 2001 (Нерсисянц В.С. Теория права и государства. Ереван, 2001); Теория государства и права / Под ред. Р.А. Ромашова. СПб.: Издательство Р.А. Асланова «Юридический центр Пресс», 2005; Սաֆարյանի Գ. Գ. Պետության և իրավունքի պատմության և տեսության խնդիրներ: Երևան, 2010 (Сафарян Г.Г. Проблемы истории и теории государства и права. Ереван, 2010); Общая теория государства и права. В 3-х т. Т. 2. Право. 4-е изд., перераб. и доп. М.: Норма: НИЦ ИНФРА-М, 2013.

² E.g. Tirsikh M.G., Chernyak L.Yu. The place of the principles of law in the system of Russian law, *Academic Law Journal*, 2009, no. 2 (36), p. 4-10; Ershov V.V. The Essence of the Principles of Law, *Journal of Siberian Federal University. Humanities & Social Sciences*, no. 12 (2018, 11), p. 2089-2103.

Before turning to the comparative analysis of the principles of administrative proceedings in Russia and Armenia, we shall make two reservations:

1) The authors of this article adhere to a positivist understanding of the essence of the principles of law. Under this approach, only regulatory guidelines, basic underlying ideas of a particular branch of law or legal regulation in general, which the legislator directly calls “principles” or regards them as such in the regulatory acts, are considered as principles of law. All other provisions that are formulated by legal scientists based on the interpretation and analysis of regulatory legal acts, other sources of law, legal practice and realities in general, which are sometimes called principles of law, being however not normative but doctrinal in nature, remain to be in the sphere of legal awareness, i.e. outside of the field of law. They can be called doctrinal principles of law. Examples of such doctrinal principles are the principle of objective truth, the principle of procedural economy and others.¹ We should note that the positivist approach to the study of the principles of law has been already used in some works on the principles of various branches of law:² for example, in works on the principles of the Russian administrative proceedings.³ However, in our opinion, this issue requires further study. In addition, to date, there have been no specific studies of the principles of administrative proceedings in Armenia or comparative works on this topic.

2) In this article, the concept of “principles of administrative court procedure” are equated with that of “principles of administrative procedural law”.

¹ As for administrative procedural law per se, the principle of individual and collegial consideration of cases can provide an example of the doctrinal principle (see: *Kommentarij k Kodeksu administrativnogo sudoproizvodstva RF* [Commentary on the Code of Administrative Judicial Proceedings of the Russian Federation], edited by A.A. Muravyev, Moscow, 2015, SPS “Consultant Plus” Publ.; Tomchik S.Yu. *Zakonodatel'noe regulirovanie principov administrativnogo sudoproizvodstva* [Legislative Regulation of the Principles of Administrative Judicial Proceedings], *Rossijskij zhurnal pravovyh issledovanij* [Russian Journal of Legal Studies], 2016, no. 2 (7), p. 141-142). Indeed, Article 29 of the Code of Administrative Proceedings of the Russian Federation deals with the individual and collegial consideration of cases, however, this article is included in Chapter 3 “Composition of the Court. Challenges”, and not in Chapter 1 “Basic Provisions”, which indicates that the legislator does not include this provision as one of the main provisions of the administrative proceedings, i.e. its principles.

² See, for example, A. Demichev. *Pozitivistskaya klassifikaciya principov grazhdanskogo processualnogo prava Rossijskoj Federacii* [Positivist classification of the principles of civil procedural law of the Russian Federation], *Arbitrazhnyj i grazhdanskij process* [Arbitration and civil procedure], 2005, no. 7, p. 5-10; Ilyukhina V.A., Demichev A.A. *Principy semejnogo prava Rossijskoj Federacii i Respubliki Armeniya (sravnitel'no-pravovoj analiz)* [Principles of family law of the Russian Federation and the Republic of Armenia (comparative legal analysis)], *Semejnoe i zhilishchnoe parvo* [Family and housing law], 2016, no. 4, p. 7-11; Ilyukhina V.A. *Principy ugovnogo sudoproizvodstva Rossijskoj Federacii i Respubliki Armenii (sravnitel'no-pravovoj analiz)* [Principles of criminal proceedings of the Russian Federation and the Republic of Armenia (comparative legal analysis)], *Ugovnoe sudoproizvodstvo* [Criminal proceedings], 2018, no. 2, p. 43-48.

³ See S.A. Mayorova *Principy administrativnogo sudoproizvodstva* [Principles of administrative legal proceedings], *Law science and practice: Bulletin of Nizhny Novgorod Academy of the Ministry of Internal Affairs of Russia*, 2016, no. 1 (33), p. 136-138; Tomchik S.Yu. *Zakonodatel'noe regulirovanie principov administrativnogo sudoproizvodstva* [Legislative regulation of the principles of administrative legal proceedings], *Rossijskij zhurnal pravovyh issledovanij* [Russian Journal of Legal Research], 2016, no 2 (7), p. 140-143.

We have previously noted that Russia and Armenia within the USSR were part of the Soviet legal family. Now with full confidence both of these states can be attributed to the continental legal family, where the main source of law is a regulatory legal act. Accordingly, the sources for comparing the principles of administrative court proceedings of the Republic of Armenia and the Russian Federation are the Code of Administrative Court Procedure of the Republic of Armenia of December 28, 2013 No. ZR-139 (hereinafter CACP RA) and the Code of Administrative Court Procedure of the Russian Federation of March 8, 2015 No. 21-FZ (hereinafter CACP RF). Other sources in which the principles of administrative procedural law are enshrined (as well as a number of other branches) are the Constitution of the Russian Federation of December 12, 1993 and the Constitution of the Republic of Armenia of July 5, 1995. These regulatory legal acts in their states have the highest legal force and direct action. Accordingly, the basic, fundamental ideas enshrined in them should be considered as principles of law, regardless of whether they are duplicated or not in other normative acts.

Based on the positivist approach to the classification of the principles of law, the principles of administrative legal proceedings in Russia and Armenia can be divided into three groups:

- 1) constitutional principles of administrative proceedings, not duplicated in administrative procedural legislation;
- 2) constitutional principles of administrative proceedings duplicated in administrative procedural legislation;
- 3) sectoral principles of administrative legal proceedings, reflected in the CACP RF and CACP RA.

One should note that the principles of administrative court proceedings are clearly outlined in the Codes of Administrative Court Procedure of both the Russian Federation and Republic of Armenia. At the same time the Russian and Armenian legislators went different ways to consolidate them.

In the CACP of the Russian Federation the principles of administrative proceedings are listed in a separate Article 6 which is called “Principles of administrative proceedings”. It lists seven principles. However, the legislator considered it necessary to disclose the content of the principles of administrative legal proceedings in a number of subsequent articles of the CACP of the Russian Federation. And it shows that the list of principles contained in Art. 6 the CACP of the Russian Federation is not exhaustive.

S.A. Mayorova quite convincingly advanced an argument that the CACP of the Russian Federation enshrined not seven, but nine principles of administrative legal proceedings. There is also a principle of the language of administrative proceedings (Art. 12) and a principle of binding judicial acts (Art. 16).¹

¹ See: Mayorova S.A. *Principy administrativnogo sudoproizvodstva* [Principles of administrative legal proceedings] // *Yuridicheskaya nauka i praktika: Vestnik Nizhegorodskoj akademii MVD Rossii* = *Law science and practice: Bulletin of the Nizhny Novgorod Academy of the Ministry of Internal Affairs of Russia*. 2016. № 1 (33). P. 137-138.

S.Yu. Tomchik also points out two contradictions in the CACP of the Russian Federation: “1) the lack of principles of the language of legal proceedings and the binding nature of court decisions in the list of Art. 6 CAP of the Russian Federation; 2) the separation of the principle of binding court decisions from the rest of the principles of administrative court procedure in Art. 15 ‘Regulatory legal acts used in the resolution of administrative cases’ “¹.

In general, the construction of consolidating the principles of administrative legal proceedings enshrined in the CACP of the Russian Federation seems to be unsuccessful. Highlighting a separate article listing the relevant principles, the legislator decided to disclose their content in subsequent articles, adding two principles not listed in the previously given list. If we proceed from the idea of consolidating the principles of administrative court proceedings in one article then it makes sense to reveal their contents in the same place. Consequently, we cannot agree with the opinion of S.A. Mayorova that “from the point of view of the legislative technique, the consolidation of the principles of administrative court procedure in the CACP of the Russian Federation as a whole seems to be quite successful”².

In our opinion, the construction of consolidating the principles of administrative legal proceedings used in CACP of the Republic of Armenia is more preferable. This document contains a separate chapter, chapter 2, which is called “The Principles of Administrative Justice”. In Articles 5-9 of this chapter, the legislator does not simply list the five principles, but also explains their content. Chapter 2 also devotes a separate article to each of the principles. Thus there are no grounds for discussions about whether there are other provisions in the CACP of the Republic of Armenia which can be the principles of administrative proceedings.

In our opinion, the common flaw of both the CACP of the Russian Federation and the CACP of the Republic of Armenia is that the legislator uses the word «principle» only in the titles of Article 6 of the CACP of the Russian Federation and Chapter 2 of the CACP of the Republic of Armenia. In some cases, this would remove doubts about the identification of a particular provision as a principle of administrative proceedings.

We should note that the main task of this article does not include the analysis of the content of the principles themselves (including comparative ones). The purpose of this work is a classification of the principles of administrative proceedings in Russia and Armenia.

Below is a comparative table of the principles of administrative legal proceedings in Armenia and Russia compiled by the authors of the article.

¹ Tomchik S.Yu. *Zakonodatel'noe regulirovanie principov administrativnogo sudoproizvodstva* [Legislative regulation of the principles of administrative legal proceedings] // *Rossiiskij zhurnal pravovykh issledovanij = Russian Journal of Legal Research*. 2016. № 2 (7). P. 141.

² Mayorova S.A. *Principy administrativnogo sudoproizvodstva* [Principles of administrative legal proceedings] // *Yuridicheskaya nauka i praktika: Vestnik Nizhegorodskoj akademii MVD Rossii = Law science and practice: Bulletin of the Nizhny Novgorod Academy of the Ministry of Internal Affairs of Russia*. 2016. № 1 (33). P. 137.

Principles of administrative proceedings	
The Republic of Armenia	The Russian Federation
I. Constitutional principles of administrative legal proceedings, not duplicated in CACP of the Republic of Armenia and the CACP of the Russian Federation	
The principle of administering justice only by the court (Article 91 of the Constitution of the Republic of Armenia).	The principle of the administration of justice only by the court (Article 124 of the Constitution of the Russian Federation).
The principle of ensuring the right to legal assistance (Articles 18, 20 of the Constitution of the Republic of Armenia).	The principle of ensuring the right to receive qualified legal assistance (Article 48 of the Constitution of the Russian Federation).
The principle of respect for the dignity of the individual (Article 14 of the Constitution of the Republic of Armenia).	The principle of respect for the dignity of the individual (Part 1 of Article 21 of the Constitution of the Russian Federation).
The principle of legality (Article 47 of the Constitution of the Republic of Armenia)	
The principle of a fair trial (Article 19 of the Constitution of the Republic of Armenia).	
The principle of conducting proceedings within a reasonable time (Art. 19 of the Constitution of the Republic of Armenia).	
The principle of independence and impartiality of the court (Article 19 of the Constitution of the Republic of Armenia).	
The principle of equality of all before the law (Article 14.1 of the Constitution of the Republic of Armenia).	
	The principle of protection of rights and freedoms by all means not prohibited by law (Part 2 of Article 45 of the Constitution of the Russian Federation).

II. Constitutional principles of administrative legal proceedings duplicated and/or specified in CACP of the Republic of Armenia and CACP of the Russian Federation	
The principle of the language of administrative proceedings (Article 9 of the CACP RA, Article 12 of the Constitution of the Republic of Armenia).	The principle of the language of administrative proceedings (Article 12 of the CACP RF, Article 69 of the Constitution of the Russian Federation).
The principle of publicity of judicial proceedings (Article 8 of the CACP RF, Article 19 of the Constitution of the Republic of Armenia).	The principle of publicity and openness of judicial proceedings (Clause 5 of Article 6; Article 11 of the CACP RF; Parts 1, 2 of Article 123 of the Constitution of the Russian Federation).
	The principle of equality before law and the court (Clause 2 of Article 6, Article 8 of the CACP RF; Part 1 of Article 19 of the Constitution of the Russian Federation).
	The principle of legality and fairness in the consideration and resolution of administrative cases (Clause 3 of Article 6, Article 9 of the CACP RF; Article 15 of the Constitution of the Russian Federation).
	The principle of independence of judges (Clause 1 of Article 6, Article 7 of the CACP RF; Article 120 of the Constitution of the Russian Federation).
	The principle of competition and equality of the parties (Clause 7 of Article 6, Article 14 of the CACP RF; Part 3 of Article 123 of the Constitution of the Russian Federation).
III. Sectoral principles of administrative legal proceedings, reflected in the CACP of the Republic of Armenia and the CACP of the Russian Federation	
The principle of establishing the factual circumstances ex officio (Article 5 of the CACP of the Republic of Armenia)	

The principle of implementation of administrative legal proceedings on the basis of equality of the parties (Article 6 of the CACP of the Republic of Armenia)	
The principle of oral proceedings (Article 7 of the CACP of the Republic of Armenia).	
	The principle of the implementation of administrative proceedings within a reasonable time and the execution of judicial acts in administrative cases within a reasonable time (Clause 4 of Article 6, Article 10 of the CACP of the Russian Federation).
	The principle of the immediacy of the trial (Clause 6 of Article. 6, Article. 13 of the CACP of the Russian Federation).
	The principle of binding judicial acts (Article 16 the CACP of the Russian Federation).

I. Constitutional principles of administrative proceedings, not duplicated in the CACP of the Republic of Armenia and CACP of the Russian Federation.

Since the legislators of Russia and Armenia do not use the concept of «principle» as the basic, guiding idea underlying a specific branch of law or the entire legal regulation as a whole, the identifying of constitutional principles of a particular branch of law is always problematic. Accordingly, there arises the problem of interpretation and the question whether that or the other provision normatively enshrined in the Constitution can be considered a principle of law. Below the authors of this work offer their own vision of the constitutional principles of administrative legal proceedings, not claiming of course to be in possession of ultimate truth. Note that the names of all principles are notional.

In our opinion, the Constitution of the Russian Federation enshrines four principles of administrative proceedings, not duplicated in the administrative procedural legislation, namely:

- 1) the principle of the administration of justice only by the court (Article 124 of the Constitution of the Russian Federation);
- 2) the principle of ensuring the right to receive qualified legal assistance (Article 48 of the Constitution of the Russian Federation);
- 3) the principle of respect for the dignity of the individual (Part 1 of Article 21 of the Constitution of the Russian Federation);

4) the principle of protection of rights and freedoms by all means not prohibited by law (Part 2 of Article 45 of the Constitution of the Russian Federation).

In the Armenian Constitution, we find twice as many principles of administrative proceedings, i.e. eight:

1) the principle of administering justice only by the court (Article 91 of the CACP of the Republic of Armenia);

2) the principle of ensuring the right to legal assistance (Article 18, 20 of the CACP of the Republic of Armenia);

3) the principle of respect for the dignity of the individual (Article 14 of the CACP of the Republic of Armenia);

4) the principle of legality (Article 47 of the CACP of the Republic of Armenia);

5) the principle of a fair trial (Article 19 of the CACP of the Republic of Armenia);

6) the principle of conducting proceedings within a reasonable time (Article 19 of the Constitution of Armenia);

7) the principle of independence and impartiality of the court (Article 19 of the Constitution of Armenia);

8) the principle of equality of all before the law (Article 14.1 of the CACP of the Republic of Armenia).

As we see, in both states the first three of the named principles coincide. In addition, one principle fixed in Russia is absent in the legislation of Armenia – the principle of protection of rights and freedoms by all means not prohibited by law.

The principles of the first group in Armenia include four more principles: the principle of legality, the principle of fair trial, the principle of conducting proceedings within a reasonable time, the principle of independence and impartiality of the court, the principle of equality of all before the law (the first three of them appear in one article of the CACP of the Republic of Armenia). They have analogues in the Constitution of the Russian Federation, but at the same time they are duplicated in the CACP of the Russian Federation. For this reason, they are included in the second group of principles of administrative legal proceedings. Thus, it is not about the absence of these principles in the legislation of Russia, but only about the different level of their consolidation.

II. Constitutional principles of administrative proceedings, duplicated and/or specified in CACP RA and CACP RF.

In Russia, this group includes seven principles:

1) the principle of the language of administrative proceedings (Article 12 of the CACP RF, Article 69 of the Constitution of the Russian Federation);

2) the principle of publicity and openness of judicial proceedings (Clause 5, Article 6, Article 11 of the CACP RF; Parts 1, 2 of Article 123 of the Constitution of the Russian Federation);

3) the principle of equality before law and the court (Clause 2 of Article 6, Article 8 of the CACP RF; Part 1 of Article 19 of the Constitution of the Russian Federation);

4) the principle of legality and fairness in the consideration and resolution of administrative cases (Clause 3 of Article 6, article 9 of the CACP RF; Article 15 of the Constitution of the Russian Federation);

5) the principle of independence of judges (Clause 1 of Article 6, Article 7 of the CACP RF; article 120 of the Constitution of the Russian Federation);

6) the principle of competition and equality of the parties (Clause 7 of Article 6, Article 14 of the CACP RF; Part 3 of Article 123 of the Constitution of the Russian Federation);

7) the principle of publicity of the proceedings (Article 16 of the RA Criminal Procedure Code, Article 19 of the RA Constitution).

In Armenia, this group is represented by only two principles:

1) the principle of the language of administrative proceedings (Article 9 of the CACP RA; Article 12 of the Constitution of the Republic of Armenia);

2) the principle of publicity of judicial proceedings (Article 8 of the CACP RA; Article 19 of the RA Constitution).

Both of these principles are similar to the first two Russian principles of the second group. One should mention the difference in the formulations of the second principles: the principle of publicity and openness of judicial proceedings (in Russia) and the principle of publicity of judicial proceedings (in Armenia). However, the comparative analysis of the relevant constitutional norms of the Russian Federation and the Republic of Armenia, – Article 11 of the CACP RF and Article 8 of the CACP RA – leads to the conclusion that the legislators of the two states by using slightly different formulations and concepts describe the same phenomena of legal reality.

One should also point out (this was already discussed earlier) that the second group of principles in Russia includes the principle of equality before law and the court. In Armenia, a similar principle is fixed only at the constitutional level. Also the Russian single principle of legality and justice in the consideration and resolution of administrative cases is similar to two different principles of administrative justice of Armenia, fixed only at the constitutional level: the principle of legality and the principle of fair trial.

III. Sectoral principles of administrative legal proceedings, reflected in the CACP RA and CACP RF.

Both in Russia, and in Armenia, this group includes three principles. And within the framework of this group, none of them coincides.

In Russia, there are three sectoral principles of administrative proceedings:

1) the principle of the implementation of administrative proceedings within a reasonable time and the execution of judicial acts in administrative cases within a reasonable time (Clause 4 of Article 6, Article 10 of the CACP RF). In the legislation of Armenia, as we noted earlier, the principle of conducting proceedings within a reasonable timeframe is enshrined only at the constitutional level (Article 19 of the Constitution of Armenia) and is not duplicated in the sectoral legislation;

2) the principle of immediacy of the trial (Clause 6 of Article 6, Article. 13 of the CACP RF). In the legislation of Armenia this principle is absent;

3) the principle of binding judicial acts (Article 16 of the CACP RF). There are similar norms in the Armenian legislation, however, they are not clearly formulated as a principle of administrative legal proceedings.

The following principles of administrative court procedure can be distinguished in the CACP RA:

1) the principle of establishing the factual circumstances *ex officio* (Article 5 of the CACP RA). By consolidating this principle, the Armenian legislator focuses on the active role of the court in administrative proceedings. The court is obliged to establish the factual circumstances *ex officio*. At the same time, the court is “not bound by evidence, petitions, suggestions, explanations and objections submitted by participants in the administrative process, and on its own initiative takes equal measures to acquire the necessary and accessible information about the real facts necessary to resolve a particular case”. The court also has a wide range of powers upon request from the parties to provide all the evidence necessary to clarify and assess the actual circumstances of the case, clarify fuzzy claims, etc. Unfortunately, the Russian legislation does not have a similar principle of administrative legal proceedings. Only Part 2 of Article 14 of the CACP of the Russian Federation states that the court in administrative proceedings is granted with the authority to identify and collect evidence on its own initiative “for the full and complete establishment of all the actual circumstances of the administrative case.” We believe that in this situation it is advisable to borrow the Armenian experience and enshrine in Article 6 of the CACP of the Russian Federation the principle of the court’s active role in administrative proceedings (the principle of establishing the factual circumstances *ex officio*) with its subsequent clarification in the CACP of the Russian Federation, since it substantially corresponds to the essence of administrative proceedings;

2) the principle of implementation of administrative proceedings on the basis of equality of the parties (Article 6 of the CACP RA). The states that “the court is obliged to provide the parties with equal opportunities throughout the entire course of the proceedings, including allowing each party to present its position on the case in full.” Thus, it can be said that it is substantively similar to the principle of competition and equality of the parties, enshrined in Clause 7 of Article 6, Article 14 of the CACP RF and Part 3 of Article 123 of the Constitution of the Russian Federation. However, in Russian legislation, this principle is clarified to a greater extent;

3) the principle of oral proceedings (Article 7 of the CACP RA). The specified article establishes the rule that cases are tried in court orally, and in cases established by the CACP RA, the proceedings are conducted (may be conducted) in a written form. There is no similar norm specifically as a sectoral principle in the legislation of Russia, however, Article 140 of the CACP RF “Oral proceedings” contains similar rules.

Summing up the comparative study of the principles of administrative proceedings in Russia and Armenia, we draw the following conclusions:

1. The principles of administrative proceedings in Russia and Armenia can be classified from the position of a positivistic approach, which is facilitated by fixing them in the chapters with the appropriate name in CACP RF and CACP RA. All principles of administrative proceedings in Russia and Armenia can be divided into three groups: 1) constitutional principles, not duplicated in administrative procedural legislation; 2) constitutional principles duplicated in administrative procedural legislation; 3) sectoral principles, which are reflected in the Codes of Administrative Court Procedure of Russia and Armenia.

2. In total, in the Russian Federation and in the Republic of Armenia, we can distinguish thirteen normatively fixed principles of administrative court procedure. The constitutional principles of administrative proceedings in Russia, not duplicated in the CACP RF, include four principles, and in Armenia, not duplicated in the CACP RA, there are eight; constitutional principles, duplicated in the administrative procedural legislation: six principles in Russia, two principles in Armenia; sectoral principles of administrative proceedings: three principles in Russia and three principles in Armenia.

3. Regardless of the level of consolidation of the total number of principles of administrative proceedings in Russia and Armenia, nine principles fully coincide. Another Russian principle (legality and justice in the consideration and resolution of administrative cases) corresponds to two different Armenian principles (the principle of legality and the principle of a fair trial). In addition, in the Russian Federation there are three principles that have no direct analogues in the administrative procedural legislation of the Republic of Armenia: the principle of protecting rights and freedoms by any means not prohibited by law; the principle of immediacy of the trial and the principle of binding judicial acts. The Armenian administrative procedural legislation, in turn, has two principles that have no analogues in the legislation of Russia: the principle of determining the factual circumstances *ex officio* and the principle of oral proceedings.

4. Based on a comparative legal analysis of the principles of administrative proceedings in Russia and Armenia, a number of practical recommendations can be made to improve the normative consolidation of the principles of law of both states.

Firstly, the construction of fixing the principles of administrative legal proceedings in a separate chapter of the Code of Administrative Court Procedure (CACP RA) seems to be more preferable than doing so in a separate article with their subsequent clarification in other articles (CAP RF). We realize that in the framework of improving the CACP of the Russian Federation, the legislator is unlikely to introduce the additional chapter "Principles of administrative legal proceedings", therefore we suggest improving the existing structure as follows. We consider it expedient to supplement Article 6 with Clause 8 "8) the principle of the language of administrative proceedings" and Clause 9 "9) the principle of binding judicial acts", because currently there is a regulatory inconsistency, expressed in the fact that in Article 6 of the CACP of the Russian Federation seven principles of administrative legal proceedings are named, and among the subsequent articles, explaining their content, two more principles are fixed.

Secondly, despite the fact that the Constitutions have a direct effect, taking into account the specifics of the mentality and legal awareness of Russia and Armenia, within which the Fundamental Law is more perceived as a declarative document, it is advisable to duplicate all the constitutional principles of administrative court procedure in sectoral codes.

Thirdly, in order to avoid discrepancies in the identification of normatively fixed provisions, it is expedient to use the word “principle” in the titles of the relevant articles of the CACP RF and CACP RA just as principles of administrative legal proceedings. For example, Article 7 of the CACP RF should not be called “Independence of Judges”, but “Principle of Independence of Judges”, Article 8 – not “Equality of all before the law and the court”, but “Principle of equality of all before the law and the court”, etc.

Fourth, the legislator of Russia, based on the Armenian experience, should consider the possibility of normative consolidation in the CACP of the Russian Federation of the principle of the active role of the court in administrative proceedings and the principle of oral proceedings, and the Armenian legislator, based on the Russian experience, should fix the principle of the immediacy of the trial and the principle of binding judicial acts.

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