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Legal positions of the constitutional court of the Russian federation on the problem of the limitation of rights and liberties of civil servants

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Abstract

The article covers the legal positions of the Constitutional Court on the legality of limitation of rights and freedoms of public servants in the Russian Federation. The study aims to examine the judicial acts of the Constitutional Court of the Russian Federation that resolve issues in the sphere of the public service, and to analyze the legal positions being stated in these documents. The article points out that being a judicial body of legislative review, the Constitutional Court of the Russian Federation has developed sufficiently clear and certain legal positions concerning abridgment of the rights and freedoms of civil servants, according to which regulating the legal status of civil servants, the procedure of entry on civil service and its record, the state has the right to establish special rules in this area. In the process of writing this article the general scientific methods of research (logical analysis and synthesis, functional and historical and legal methods) as well as special methods were used. The methodology of the research were primarily normative legal acts of the Russian Federation, the judicial practice of the Constitutional Court of the Russian Federation as well as the works of Russian scholars, the foreign experience on the issue was studied. As the result of studying the authors conclude that the objectives, principles and goals of organizing and functioning the civil service, the specifics of the activities of civil servants determined the need for setting by the state special rules for public servants that serve to ensure the maintenance of high-level exercise of public service, which is confirmed by formed position of the Constitutional Court of the Russian Federation.

Keywords

Civil servant, Legal position of the constitutional court of the russian federation, Prohibitions, Public service, Restriction of the rights and freedoms, Statutory requirements