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## СРАВНИТЕЛЬНАЯ ХАРАКТЕРИСТИКА СУДЕБНОЙ СИСТЕМЫ В РОССИЙСКОЙ ФЕДЕРАЦИИ И В ВЕЛИКОБРИТАНИИ

The existing [judicial system](#) of the Russian Federation was formed and is being developed as a result of a judicial reform carried out in Russia from the beginning of the 90s with the purpose to create and maintain the judicial power in the state mechanism as an independent branch of power, free from political and ideological bias, independent in its activities from the executive and legislative branches of power.

Independent, competent law court is an important component of a democratic state based on the rule of the law.

The structure of the judicial system of the Russian Federation and the sphere of activities of its various parts are determined by the Constitution and federal constitutional laws (paragraph 3 Article 118 of the Constitution of the Russian Federation).

The judicial system of the Russian Federation consists of:

- The Constitutional Court of the Russian Federation and constitutional courts of the republics and other subjects of the Russian Federation.

Four-tiered system of courts of general jurisdiction. Three-tiered system of the military courts is an integral part of it. The Supreme Court of the Russian Federation is the supreme judicial body of this branch.

Three-level system of arbitration courts with the Higher Arbitration Court of the Russian Federation as a supreme judicial body competent to settle economic disputes and other cases considered by arbitration courts, exercise judicial supervision over their activities according to the federal law-envisaged procedural forms. The system of the arbitration courts comprises: arbitration courts of the subjects of the Russian Federation; courts of arbitration districts (10) and the Higher Arbitration Court.

The system of general jurisdiction courts has the following structure:

The first tier comprises all general jurisdiction *rayon* (district) courts -city, intermunicipal and equal to them - acting on the territory of Russia.

The middle tier of general jurisdiction courts includes the supreme courts of the republics, *kray* (regional), *oblast* (provincial) courts, city courts of Moscow and St.-Petersburg, courts of autonomous provinces and autonomous districts.

The main tier of military courts is the military courts of armies, fleets, garrisons and military formations. The middle tier of military courts consists of military courts of the branches of the Armed Forces, military districts, districts of air defence, navy and separate armies.

*Rayon* courts form the basis of the system of general jurisdiction courts of the Russian Federation.

The law attributes all civil cases, overwhelming majority of criminal cases and cases relating to administrative offences to the jurisdiction of *rayon* courts.

Courts of general jurisdiction: of *kray*, *oblast*, city, of autonomous *oblast* and autonomous districts - act as higher courts for *rayon* courts.

The Supreme Court of the Russian Federation is the supreme judicial body for civil, criminal, administrative and other cases under the jurisdiction of courts of general jurisdiction, carries out judicial

supervision over their activities according to the federal law-envisaged procedural forms and provides clarifications on the issues of court proceedings (Article 126 of the Constitution of the Russian Federation).

Administrative courts. Competence of administrative courts will include appeals and complaints by citizens against unlawful actions of the officials of different levels, normative acts issued by ministries, departments, President's decrees, Government decisions, acts promulgated by the Chambers of Parliament, laws of the subjects of the Russian Federation. Besides, administrative courts will consider cases on violations of electoral and some tax laws and disputes between bodies of state power. The basic aspect of these new courts, according to the main concept, is to make administrative courts independent of the state bodies.

English system of common law is differing from the continental system. And the main difference is the case law. The main drawbacks of their system are: very specialized courts, corruption and different difficulties in giving appellations. But there are many advantages too. The criminal trials in England differ from criminal trials in Russia. In England a person accused of crime must always be supposed innocent until he has been proved guilty and newspapers must not describe the accused as "the thief" or "the murderer". The presumption of innocence is carried out in practice with the help of jury.

Every man may be liable for jury service between 21 and 60. The jury consists of twelve members. They must listen to three stories: first - the story told by the counsel for the prosecution, then the story told by the defending counsel, and lastly the story told by the judge, a summing up of what was said by counsels and witnesses.

The prosecuting counsel begins by telling the court what he intends to prove by evidence. Then he calls his witnesses. Every witness may be examined by the barrister who is defending the accused.

The lowest criminal courts are the *Magistrates Courts*, which deal with minor offences. Cases involving minor offences begin and end there. Cases involving more serious offences normally go through preliminary stages in these lower tribunals before being referred to higher courts for trial.

More serious cases are heard in the *Crown Court*. The Crown Court is also hears cases appealed from the Magistrates Court on factual points. The Crown Court was created as a modern administrative structure to replace many courts of ancient vintage: the Assizes, the Quarter Sessions, and the Central Criminal Court. The Crown Court is organized into circuits. The Crown Court has jurisdiction in major criminal cases, those punishable by substantial periods of imprisonment. It sits in all of the important centers of the nation.

Cases are appealed on points of law to the *High Court (Queens Bench Division)*.

Appeals against conviction and sentence are to the *Court of Appeal (Criminal Division)*.

The Master of Rolls and fourteen Lord Justices constitute this court.

Civil cases at first instance are heard in the *County Courts (for minor claims)* or the *High Court*, which is divided into three divisions: *Queen's Bench, Family and Chancery*.

*County Courts* have very severely limited jurisdiction. County Courts have no power to consider appeals against administrative decision-making.

Cases may be appealed to the *Court of Appeal (Civil Division)*. Cases may be appealed from the County Court to the High Court.

*The House of Lords* is the supreme court of appeal. Its judicial functions are quite separate from its legislative work, and cases are heard by up to 13 senior judges known as Law Lords. The House of Lords is the highest court in England. The Lord Chancellor is the highest judge in the kingdom. The House of Lords hears appeals from the English Court of Appeals. In exceptional circumstances it may hear direct appeals from the High Court.

, in areas such as employment, immigration, social security, tax and land.

The legal system also includes *juvenile courts* (which deal with offenders under 17) and *coroners courts* (which investigate violent, sudden or unnatural deaths).

So, it's perfectly clear that legal aware and ability to defend our rights in the court is the distinguishing feature of the civilized society. So we should adopt positive achievements of the court system of Great Britain and refuse from drawbacks in our system.

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