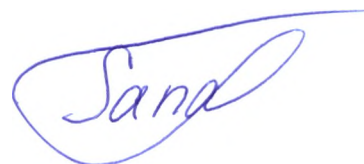


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**CONSTITUTIONAL AND LEGAL STATUS OF A DEPUTY OF THE
PARLIAMENT OF THE REPUBLIC OF SOUTH OSSETIA**

Specialization: 5.1.2. Public Law (State Law) Sciences

Dissertation Abstract for the Degree of Candidate of Law

Supervisor:

Doctor of Law, Professor

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The relevance of this dissertation topic stems from the growing role of parliamentarism in the formation and development of statehood in the Republic of South Ossetia. Research into the status of a deputy and the specifics of their interaction with civil society institutions is particularly important for the republic as democratic mechanisms are being developed, the search for an optimal balance between public authority and society continues, and given the significant influence of the Russian Federation on the development of national parliamentarism. This influence is primarily expressed in the adoption of Russian legislation and its adaptation to the legal system of the Republic of South Ossetia. The institutional foundation for this process was the adoption in 1992 of the Resolution «On the Application of Analogy to Russian Laws in the Territory of the Republic of South Ossetia»¹ by the Supreme Council of the Republic. This Resolution laid the foundation for the further formation and development of the national legal system and largely determined the legal status of a deputy of the Parliament of the Republic of South Ossetia.

The relevance of this research is determined by the following factors. Firstly, the effectiveness of Parliament's activities directly depends on the quality of the legal framework governing the status of a deputy, while the republic's legislation still contains gaps, conflicts, and uncertainties in the legal regulation of deputy activities. This provides grounds for scientific analysis and proposals for legislative improvement.

Secondly, the legal status of a deputy in any state is constantly evolving under the influence of political, legal, and social factors. These processes are also taking place in the Republic of South Ossetia; however, they are characterized by a certain degree of lag due to the unresolved nature of a number of key regulatory issues, including the adoption of a constitutional law on the Parliament of the Republic of South Ossetia, a law on parliamentary oversight, the necessary amendments and

¹ Resolution of the Supreme Council of the Republic of South Ossetia of 29.01.1992 «On the application of the analogy of the Laws of Russia on the territory of the Republic of South Ossetia» // South Ossetia. - 1992. - No. 103 (date of access: 10.08.2025).

additions to the Rules of Procedure of Parliament, and clarification of procedures for stripping parliamentary immunity and recalling a deputy.

Third, the growing role of civil society institutions and the development of public oversight mechanisms highlight the issue of legal regulation of parliamentary members' interactions with voters, public associations, and the media, which is fundamental to ensuring the legitimacy and transparency of parliamentary activity.

Finally, the relevance of this study stems from the lack of comprehensive scholarly works analyzing the constitutional and legal status of members of the Parliament of the Republic of South Ossetia.

Level of scientific development of the research topic. The research topic, related to the analysis of current legislation and the practice of its application in the area of the constitutional and legal status of a deputy of the Parliament of the Republic of South Ossetia, is characterized by an insufficient level of scientific development. Specialized studies on this issue in the Republic of South Ossetia have been conducted sporadically and are fragmented.

Issues of the deputy mandate have been examined in the works of S.A. Avakyan, M.V. Baglai, N.A. Bobrova, M.V. Varlen, E.I. Kolyushin, N.M. Kolosova, V.V. Komarova, P.V. Krasheninnikov, V.A. Maklakov, N.I. Matuzov, L.A. Nudnenko, L.A. Tkhabisimova, L.D. Voevodina, G.A. Gadzhieva, O.E. Kutafin, B.N. Topornin, S.A. Soldatova and others.

The rights and responsibilities of deputies have been analyzed by P.A. Astafichev, M.I. Bezrukov, E.V. Gritsenko, Yu.A. Dmitriev, S.V. Naruto, A.A. Bezuglova, N.V. Vitruk, E.I. Kozlova, V.V. Lazarev, and L.A. Okounkov.

The following researchers have devoted their works to the issues of parliamentary oversight: S.A. Avakyan, B.N. Gabrichidze, E.I. Kolyushin, N.M. Kolosova, P.V. Krasheninnikov, O.E. Kutafin, G.V. Maltsev, S.V. Naruto, L.A. Nudnenko, B.N. Topornin, and L.A. Tkhabisimova.

Issues of constitutional and legal liability are reflected in the works of S.A. Avakyan, N.A. Bobrova, M.V. Varlen, T.D. Zrazhevskaya, V.O. Luchina, G.V. Maltsev, N.I. Matuzov, S.V. Naruto, L.A. Nudnenko, and A.A. Bezuglova.

The work examined the works of such classical foreign philosophers as G.V. Hegel, J. Carbonnier, C.L. Montesquieu, D.S. Mill, J.J. Rousseau, and others.

Taken together, this forms a solid scientific basis for further development of the stated problem and emphasizes its relevance to modern constitutional and legal scholarship.

Object and Subject of Research. The object of this dissertation research is the social relations formed in the process of normative regulation and practical implementation of the constitutional and legal status of a member of Parliament.

The subject of the research is the totality of constitutional and other legal norms defining the content and characteristics of the constitutional and legal status of a member of Parliament.

Goals and Objectives of the Research.

The purpose of the research is to comprehensively identify, theoretically substantiate, and formally legally establish the constitutional and legal characteristics of the status of a member of Parliament of the Republic of South Ossetia, aimed at developing a holistic model of their legal status and increasing the effectiveness of popular representation.

To achieve this goal, the following research objectives must be addressed:

1) To reveal the constitutional and legal nature of popular representation in the Republic of South Ossetia and determine the constitutional and legal status of a member of Parliament within the system of popular representation;

2) examine the Constitution and laws of the Republic of South Ossetia regulating the status and powers of members of the Parliament of the Republic of South Ossetia to identify internal contradictions, gaps, and unrealistic provisions, as well as analyze federal and regional legislation of the Russian Federation regulating the status of members of parliament;

3) evaluate members of parliament's interactions with civil society institutions and identify factors influencing the effectiveness of their parliamentary functions;

4) explore theoretical and legal approaches to defining the constitutional and legal status of members of parliament in the system of popular representation and

identify the specifics of their implementation as they apply to members of the Parliament of the Republic of South Ossetia;

5) determine the fundamental rights, duties, and responsibilities of members of parliament to voters and the legislative body;

6) examine the content of a member of parliament's mandate, the relationship between its voluntary and imperative principles, and substantiate the specifics of their enshrinement in the legal system of the Republic of South Ossetia;

7) Conduct a comparative legal analysis of the constitutional and legal status of deputies of the Parliament of the Republic of South Ossetia and the State Duma of the Federal Assembly of the Russian Federation, identify similarities and differences in their legal regulation, and determine the potential for using Russian experience to improve the legislation of the Republic of South Ossetia;

8) Formulate scientifically based recommendations and proposals for improving the legislation of the Republic of South Ossetia with the aim of increasing the effectiveness of the activities of parliamentary deputies.

Regulatory Framework of the Study. The regulatory framework of the study is formed by the Constitution of South Ossetia, the Constitution of Russia, the legislation of South Ossetia, federal and regional legislation of Russia, regulatory legal acts of state authorities of both countries, acts of the Constitutional Court of the Russian Federation, as well as international acts enshrining democratic standards for the organization of parliamentarism and interaction between the state and civil society.

Theoretical Framework of the Study. The work is based on the works of such Russian, Ossetian, and foreign scholars, constitutionalists, and legal theorists as: S.A. Avakyan, P.A. Astafichev, M.V. Baglai, A.A. Bezuglov, M.M. Bliev, R.S. Bzarov, N.A. Bobrova, M.V. Varlen, G.V. Gegel, V.M. Gessen, I.V. Grankin, A.T. Doguzova, R.M. Dzidzoev, T.D. Zrazhevskaya, E.I. Kozlova, O.E. Kutafin, N.M. Kolosova, E.I. Kolyushin, S.A. Komarov, A.A. Kondrashev, V.O. Luchin, D.S. Mill, S.V. Naruto, L.A. Nudnenko, G.D. Sadovnikova, T.Ya. Khabrieva, G.F. Shershenevich, L. Shtein, A.V. Zinoviev, L.A. Chibirov, V.E. Chirkin, and others.

The methodological basis of the dissertation research is a combination of general scientific, specific scientific, and specialized legal methods, the application of which ensured a comprehensive and systematic approach to the study of the constitutional and legal status of a deputy of the Parliament of the Republic of South Ossetia.

The scientific novelty of this dissertation is determined by the following research findings:

For the first time, a comprehensive analysis of the constitutional and legal status of a member of the Parliament of the Republic of South Ossetia has been conducted.

Along with theoretical concepts and conclusions, an analysis of the practice of deputies' exercise of their rights and responsibilities is provided, and problems and solutions are identified.

The author offers an interpretation of the content of a deputy's mandate as a comprehensive legal institution that encompasses the political and legal nature of the mandate, the totality of the deputy's rights and responsibilities, their legal liability, and guarantees for the performance of their duties.

Proposals and recommendations for improving legislation to improve the effectiveness of deputies' exercise of their rights and responsibilities are formulated.

The provisions and conclusions submitted for defense:

1. A free mandate under a proportional electoral system, with members of Parliament joining party factions, is a fiction. A member of Parliament, effectively independent of voters, is completely dependent on the political party of which they are a member. It is the political party, not the voters, that determines the conduct and voting procedures of a member of Parliament.

2. It has been determined that the evolution of the constitutional and legal status of a member of the Parliament of the Republic of South Ossetia is directly linked to the stages of the formation and development of parliamentarism in the Republic. Representative bodies are historically traditional for the South Ossetian state, and the accumulated experience of the people has served as the foundation for

the modern institution of parliamentary representation. Therefore, the need for the adoption of a Constitutional Law «On the Parliament of the Republic of South Ossetia» is justified. This would enshrine the legal foundations of the organization, structure, and activities of Parliament, define its place within the system of state authorities, and ensure the consistent development of the institution of parliamentarianism.

3. It has been established that the current version of the Law of the Republic of South Ossetia «On the Status of a Deputy of the Parliament of the Republic of South Ossetia» is fragmentary and declaratory in nature and does not contain a comprehensive legal definition of the constitutional and legal status of a deputy, which hinders the formation of a unified system of his rights, duties, guarantees, and responsibilities. In this regard, a huge array of problems associated with the application of this Law have been identified:

first, the institution of recalling a deputy is mentioned formally and lacks procedural regulations, making it an ineffective mechanism of political accountability; second, the procedure for obtaining consent to deprive a deputy of the Parliament of the Republic of South Ossetia of immunity is insufficiently regulated; third, the professional status of a deputy and the provisions on material and social guarantees are insufficiently regulated, weakening the effectiveness of support for deputy activity; fourth, the guarantees for the activity of a deputy are set out in a disjointed manner and do not form a unified system of legal and organizational protection for parliamentarians; fifth, there is no legislative regulation of the deputy's interaction with civil society and the procedure for reporting to voters. Sixth, there is no unified system of norms regarding deputy responsibility and procedures for implementing it, which reduces the level of parliamentary discipline.

4. Conclusion: An imperative mandate can serve as the most important guarantee of deputy engagement with civil society in the Republic of South Ossetia. Given the republic's relatively small population, its implementation appears simpler than in the Russian Federation: the procedure for recalling a deputy will be less

labor-intensive, and the process of reporting to district voters will be more efficient. Under these conditions, an imperative mandate can serve as the foundation of representative democracy, ensuring increased accountability of deputies to voters and encouraging transparency in their activities.

5. An argument is presented that the current legislation of the Republic of South Ossetia does not contain systemic regulations for parliamentary oversight, limiting itself to general references in the Law «On the Status of a Deputy of the Parliament of the Republic of South Ossetia» and the Rules of Parliament. There is no uniform legal definition of parliamentary oversight, nor are its forms, procedures, or procedures for conducting parliamentary investigations, inquiries, and hearings of officials established. Therefore, the need for an independent Law of the Republic of South Ossetia «On Parliamentary Oversight» is justified.

6. The need to develop and adopt a code of parliamentary ethics by the Parliament of the Republic of South Ossetia is proposed. Such a code could serve not only as a moral guide for the conduct of elected representatives but also as a legal basis for the application of disciplinary measures in the event of ethical violations.

7. The problem of applying sanctions to deputies as an element of constitutional and legal liability has been identified. The politicization of the sanctions mechanism and the lack of reputational consequences for deputies are noted. The solution to the first issue is seen in establishing objective legal criteria for accountability by creating an independent body (for example, a parliamentary commission consisting of equal representation of the party factions in Parliament) that would review violations regardless of party affiliation. Sometimes, reputational risks for deputies outweigh material sanctions, so the solution to the second issue is proposed to be the official recording of disciplinary violations with the possibility of public disclosure in the media.

8. It is noted that not all sanctions provided for by law in the Republic of South Ossetia can be implemented in practice. For example, the recall of a deputy by voters, although theoretically possible under the Law of the Republic of South

Ossetia «On the Status of a Deputy of the Parliament of the Republic of South Ossetia,» is not actually applicable, since current legislation does not contain a clearly defined recall procedure. The lack of a specific mechanism deprives this institution of real action, which reduces the level of accountability of deputies to their voters.

Theoretical Significance of the Research. The theoretical significance of this dissertation lies in the addition of new scientific constitutional and legal knowledge, expressed primarily in the provisions submitted for defense, as well as in other research findings. The results of this study can be used both in research and in the practical work of specialists in the field of constitutional law in the Republic of South Ossetia.

Practical Significance of the Research. A large number of proposals for improving legislation have been formulated. The results obtained within the framework of this study have the potential for practical application in the field of rulemaking, law enforcement, and other areas of legal activity. The dissertation materials can serve as a theoretical and methodological basis for subsequent in-depth study of issues of constitutional and electoral law in the Republic of South Ossetia.

The validity and reliability of the obtained results are ensured by a comprehensive analysis of a wide range of regulatory legal acts, materials of law enforcement and judicial practice, publications in the media, as well as a critical study of the scientific works of Russian and Ossetian researchers.

Research Results Approval.

The main provisions and conclusions of the dissertation research are reflected in ten of the author's scientific publications, including three articles published in peer-reviewed scientific journals recommended by the Higher Attestation Commission under the Ministry of Science and Higher Education of the Russian Federation and included in the corresponding List, as well as seven publications in other scientific journals indexed in the Russian Science Citation Index (RSCI).

The main results of the study were also presented in presentations at international and all-Russian scientific conferences, including the international

scientific and practical conference «State and Law: Evolution, Current State, Development Prospects (on the 100th Anniversary of the USSR)», held in St. Petersburg on April 28, 2022; the 10th All-Russian Scientific and Practical Conference of Young Scientists «Current Issues of Modern Social Sciences in the Integrated Online-Offline Reality of the Post-COVID Era», held on July 15, 2021, in Ufa; The 20th International Scientific and Theoretical Conference «State and Law: Evolution, Current State, Development Prospects» held in St. Petersburg on April 27, 2023; the 22nd International Scientific and Practical Conference «State and Law: Evolution, Current State, Development Prospects (on the 80th Anniversary of Victory in the Great Patriotic War)» dedicated to the problems of transforming the state and legal system in historical and modern aspects and held at the St. Petersburg University of the Ministry of Internal Affairs of Russia on April 24-25, 2025; the 18th All-Russian Scientific and Practical Conference dedicated to the 80th Anniversary of the Great Victory, «Interaction between Government, Business, and Society in Ensuring Peaceful Coexistence of States and Peoples» held in Saratov on June 20, 2025.

Structure of the study. The dissertation consists of an introduction, nine sections combined into three chapters, a conclusion, and a bibliography. The main findings of the study are presented in the dissertation in paragraphs.