

Legislative activity, stability of the legislation, and quality of the legal environment: comparative analysis of the post-socialist states

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In this study we compare legislative activity in Russia with countries of the former USSR and Eastern Europe. We also evaluate stability of the legislation and the influence it exerts on the quality of the legal sphere in these countries. The comparison shows that low legislative activity and maintenance of communist-era legal codes does not in itself indicate weakness of the legal system. For instance, in several countries, such as the Czech Republic, Hungary, and Slovakia, legislative stability is conducive to legal certainty, greater independence of courts, and maturity of the civil society. In Russia and Ukraine increase in the number of laws does not bring about resolution of problems or improvement of the legal field, but rather causes instability of the civil turnover, stalls economic development, and weakens the civil society. In those countries where legislation is stable, there forms a legal environment that is conducive to economic growth.

In order to change the state of affairs in Russia it is necessary first of all to decrease legislative activity, to better work on the major legislative acts, while at the same time improving the legislative technique, to decrease the turnover of norms, and to allow parties to legal relationships choose for themselves mechanisms and types of regulation based on the principle of freedom of contract. Secondly, it is necessary to provide the courts with the possibility to use judicial discretion for the resolution of legal disputes and gaps in the legislation.