

Analysis of Language Legislation of All 85 Russian Federation's Subjects (Regions)¹

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Abstract

The analysis of the language legislation of all 85 subjects of the Russian Federation shows complete heterogeneity and diversity. Common legal guidelines in Federal law do not exist, because Federal legislation is obsolete and is largely whitespace and conflict. The subjects of the Russian Federation, on whose territory different ethnic groups, both large and indigenous, historically live, solve the problem of preservation and development of the languages of these peoples on their own. This activity leads to the fact that the unique languages of the peoples of the Russian Federation, especially those that do not have a written language, are gradually disappearing and are in danger of complete disappearance. The absence of Federal full-fledged language legislation that would guarantee funding, the possibility of full-scale scientific research of languages, the creation of alphabets for rare non-written languages and a whole range of other measures of state support, leads to the fact that we in Russia today do not even know a clear number of languages of the peoples of Russia. Two now existing law at the Federal level is absolutely not govern the scope of the considered relations. The constitutional consolidation of the possibility of granting state status to the languages of the peoples of the republics that are part of the Russian Federation does not guarantee the preservation of these languages. On the contrary, this situation may lead to the fact that the Russian Federation will have 55 state languages, which will significantly complicate the state structure of our already complex country. In addition, the presence of many state languages is also a cause of ethnic tension. The research conducted by the author allows to formulate a number of conclusions and proposals, among which the main place is the need for a full-scale language reform in the Russian Federation.

Keywords: Language Legislation; Indigenous; State Language; Disappearing Languages.

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Language legislation of the Russian Federation is heterogeneous, but generally reflects the real picture of the language situation in each subject.

All 22 republics of the Russian Federation have adopted independent legislative acts on languages (with the exception of the republics of Crimea, Dagestan, North Ossetia – Alania, which are currently considering relevant bills).

Not all of these legislative acts establish the state status of languages, but in some cases this is done by the Basic law (Constitution) of the Republic.

The only Republic where national languages have no state status is the Republic of Karelia. In this sense, it represents an example of a fairly successful option to preserve the national languages, without giving them the status of a state, the Republic adopted the state program, which allows us to successfully solve the task - the Karelian, Vepsian and Finnish languages enjoy full state support. This generally confirms one of the fundamental conclusions of fundamental importance in the implementation of the state language policy – the state status of the language itself has no significance in its preservation, development, teaching and learning.

The only example of legislative consolidation of the language as one of the state symbols is very interesting. Article 3, paragraph 1, of the Law of the Republic of Ingushetia of 16 August 1996 No. 12-RZ "On the state languages of the Republic of Ingushetia" establishes that the Ingush language as the state language is a symbol of the statehood of the Republic of Ingushetia. Please note that the Constitution of the Russian Federation does not consider the Russian language as a state symbol. In our opinion, such consolidation in the Federal legislation will make it possible to use the law enforcement functions of the state and the norms of law enforcement in full, which will provide full legal protection of the state language. The example of the Republic of Ingushetia should become an incentive for appropriate regulation of the national language of our country – Russian.

The example of legal contradiction existing in the language legislation of the Republic of Yakutia is also interesting. The Constitution of the Republic of Sakha (Yakutia) of April 04, 1992 in article 46 establishes that the state languages of the Republic of Sakha (Yakutia) are the language of Sakha and Russian.

At the same time, the Law of the Republic of Sakha (Yakutia) of October 16, 1992 No. 1170-XII "On languages in the Republic of Sakha (Yakutia)" in Art. 5 establishes that the Russian language in the territory of the Republic of Sakha (Yakutia) is the state language and is used as a means of interethnic communication. There is no indication of the state status of the Sakha language in the law.

There is a contradiction between these two acts: The Constitution establishes the status of the state languages for the two languages – Russian and Sakha, while the Law recognizes only Russian as the state language.

In addition, article 46 of the Constitution of the Republic of Sakha (Yakutia) stipulates that the languages of the indigenous peoples of the North are official in places of compact residence of these peoples. And article 6 of the law further establishes that the Evenk, Yukaghir, Dolgan, Chukchi languages are recognized as local official languages in the places of residence of these peoples and are used on an equal basis with the state languages. This means a complete lack of legal regulation, since the legislation of the Russian Federation does not contain a definition of the concept of "official" language. And how can the "official" language can be used on a par with the state language?

The General legal picture of languages at the national level is as follows: 27 state languages have been established at the national level, without taking into account the yet unapproved law of the Republic of Dagestan, which is planned to give state status to another 28 languages. Thus, the Russian Federation will receive 55 state languages.

Legislation of the Edges on languages also presents a heterogeneous picture. In 7 of the 9 regions of the Russian Federation there is no relevant law on languages, which is primarily due to the lack of indigenous nationalities.

In two Edges, due to geographical ethnic characteristics, relevant legislation has been adopted:

1. The law of the Kamchatka Edge of March 31, 2017 No. 72 "On native languages of indigenous peoples of the North, Siberia and the Far East of the Russian Federation living in the territory of the Kamchatka Territory", paragraph 2 of article 1 of which the native languages of indigenous small peoples include: Aleutian, Alutor, Itelmen, Koryak, Chukchi, Evenk, Eskimo.
2. The law of Krasnoyarsk Edge from 05 November, 2015 No 9-3816 "On native (national) languages of the indigenous minorities living on the territory of the Krasnoyarsk Edge", article 1 of which refers to the native language Dolgan, Ket, Nganasan, Nenets, Selkup, Chulym, Evenk, Enets.

At the same time, it is necessary to pay attention to the legal uncertainty of this law. Point 2 of Art. 2 contains the rule according to which in places of traditional residence and traditional economic activity of small peoples along with the state language of the Russian Federation in official spheres of communication the native language of the small people living in the corresponding district can be used if other

is not provided by the Federal legislation. Again, we emphasize that the "official sphere of communication" - a term incomprehensible to the law enforcement in the absence of a definition. In addition, the possibility of using such a language on a par with the state language also remains unclear. This quasi-legal construction, in fact, gives the listed languages the state status that contradicts Art. 68 of the Constitution of the Russian Federation to which such right is assigned only to the republics.

Oblast's legislation on languages is even more heterogeneous.

Despite the absence of relevant laws on languages in most regions (29 of 45 oblasts), there are many examples of legislative consolidation of languages as objects of traditional culture, which is expressed, as a rule, in legislative acts on culture (Amur, Vladimir, Volgograd, Vologda, Voronezh, Ivanovo, Novosibirsk, Orenburg, Samara).

The legislation of the Tyumen and Ulyanovsk oblasts regulates language relations by the legislation on national and cultural autonomies.

That is, in most cases, language relations have been moved to the area of cultural legislation. This situation inevitably entails very little and minimal participation by the state and regional authorities in the preservation and development of languages and small peoples.

The geographical features of the ethnic groups living in some areas also led to other features of legal regulation. For example, the Charter of the Irkutsk oblast of April 15, 2009, unlike all other regions, specifically establishes that the state authorities of the Irkutsk region create conditions for the preservation and development of languages, cultures and other components of the national identity of the Buryat people and other peoples traditionally living in the territory of the Ust-Orda Buryat district (item 1 article 17).

The most interesting is the Law of the Magadan Oblast of March 30, 2016 № 2013-OZ "On native languages of indigenous peoples of the North living in the Magadan Oblast".

First of all, it should be noted that this law contains a very detailed legal definition of the native languages of indigenous minorities (art. 1), according to which the native languages of indigenous peoples are "historically determined and fixed in the public consciousness of indigenous peoples sign systems that serve as a natural way of human communication and mental activity, a way of national identity, a means of storage and transmission of information and are the basis and means of implementation and development of national culture of indigenous peoples (hereinafter also - native languages)".

We consider such legal definition as a model for its establishment in the Federal legislation.

The law provides for a wide range of measures of state support for indigenous minorities of the North (art. 4), as well as the creation and interaction with the Magadan regional public Association of indigenous minorities and ethnic groups of the North, indigenous communities (art. 9).

The law of the Murmansk Oblast of June 30, 2008 № 984-01-ZMO "On state support of indigenous peoples of the North in the Murmansk region, carrying out traditional economic activities" in article 1 gives another interesting definition: "indigenous peoples of the North in the Murmansk region (hereinafter - small peoples) - peoples living in the territories of traditional settlement of their ancestors, preserving the traditional way of life, economic activity and crafts, numbering in the Russian Federation less than 50 thousand people and realizing themselves as independent ethnic communities. In accordance with the legislation of the Russian Federation and the Charter of the Murmansk region, the Sami are a small people in the Murmansk region." Also very good wording.

It should be noted that the legislation of the Murmansk Oblast is the most complete in terms of the regularity of linguistic and ethnic relations among the entire array of linguistic legislation of the Russian Federation.

The definitions of the Murmansk legislation represent a very valuable legal material from the point of view of the development and improvement of the Federal language legislation.

I would like to pay special attention to the legislation of Sakhalin.

The law of the Sakhalin Oblast of October 16, 2007 No. 91-ZO "On languages of the indigenous peoples of the North living in the territory of the Sakhalin region" in item 1 of Art. 1 fixes that the persons belonging to indigenous small peoples of the North (Nanais, Nivkh, Oroki (Ulta), Evenks) living in the territory of the Sakhalin region (further - indigenous peoples) have the right of free choice of language of communication, education, training and creativity.

Article 3, paragraph 1. The state authorities of the Sakhalin region assist persons belonging to indigenous peoples in the organization of various forms of education and training of children in their native language, regardless of their number and in accordance with their needs.

An important way to preserve languages is established in article 4 the obligation to use the media operating on indigenous languages, dialects indigenous to preserve them and original development, as well as established in section 1 of article 5 measures of material incentives for teachers: "Teachers who teach native

languages of indigenous peoples in educational institutions shall be provided with an additional payment at the expense of the regional budget in the amount of 15 per cent of the tariff rate (salary) of the Unified wage scale for public sector employees. Financing of the specified expenses is performed in the order established by the law of the Sakhalin region on the regional budget of the Sakhalin region for the next financial year."

As you can see, the regional legislator fully and thoughtfully reacted to the issues of legal regulation of languages of relations and the development of measures of state support.

However, from the point of view of legal regulation of relations on the use of the national language of the Russian Federation - Russian, the most striking and the only example is the legislation of the Kaliningrad Oblast. The law of the Kaliningrad Oblast of 22 February 1996 No. 36 "On the protection of the Russian language in the territory of the Kaliningrad Oblast", adopted by the regional Duma on 21 December 1995, provides, for example, in article 6, that the protection of the Russian language in the territory of the Kaliningrad region in the manner prescribed by the legislation of the Russian Federation and the Kaliningrad region, is the civil duty of each of its inhabitants, the duty of officials of public authorities, local governments, enterprises, institutions and organizations, regardless of their type of activity, forms of ownership, organizational and legal structure and departmental affiliation. This really is no anymore in any subject of the Russian Federation!!!

Cities of Federal importance – Moscow, St. Petersburg and Sevastopol do not have legal regulation of language relations.

The only Autonomous Oblast of the Russian Federation – Jewish, has its own Law of the Jewish Autonomous Oblast of October 26, 2017 № 150-OZ "On some issues of protection of the rights of citizens to freely choose the language of communication, education, training and creativity in the Jewish Autonomous Oblast."

As the preamble of the law indicates, its objectives are to protect the rights of citizens to freely choose the language of communication, education, training and creativity, as well as to preserve and develop languages, including the Yiddish language.

Among the legislation of the Autonomous okrugs (4 in total), a special example of Russian legislation is the law on a specific language, and adopted in the subject not entitled to establish the state language - the Law of the Nenets Autonomous district of March 18, 2013 № 4-OZ "On the Nenets language in the territory of the Nenets Autonomous Okrug “.

The most interesting from the point of view of legal regulation of language relations is the unique legislative provision established in the Law of the Khanty-Mansiysk Autonomous Okrug – Ugra of December 4, 2001 № 89-OZ "On languages of indigenous peoples of the North living in the territory of the Khanty-Mansi Autonomous Okrug".

Article 4 stipulates that the public authorities of the Autonomous Okrug shall create conditions for scientific research in the field of linguistic problems of indigenous minorities. And in places of compact residence of indigenous minorities, public authorities and local governments of municipalities of the Autonomous Okrug contribute to the creation of conditions for the functioning of pre-school and educational institutions, in which these institutions, along with education and training, organize the possibility of continuous learning and teaching of native languages. Such regulation is simply obliged to become a model for the establishment of the Federal language legislation.

It should also be noted that a similar analogy is contained in the Law of the Chukotka Autonomous Okrug of October 23, 2017 No. 65-OZ "On the native languages of the indigenous peoples of the North, Siberia and the Far East of the Russian Federation living in the territory of the Chukotka Autonomous Okrug" .

So, as we can see, the language legislation of the Russian Federation is heterogeneous, does not have the basic legal guidelines that should be set by Federal legislation. It uses terms that have no legal definition. There is no common understanding of what language relations are, therefore, there is no uniform mechanism for their regulation.

At the same time, the language legislation contains isolated examples of brilliant ideas that should be used in the development of Federal legislation, such as giving the language the meaning of the state symbol or the development of scientific research in the field of language problems of the peoples of the Russian Federation.

But first of all, language relations unique in the number and diversity of ethnic groups requires large-scale research, because today there is not even a complete listing of all the languages of the Russian Federation in the regulatory legal acts.

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