

# Legal Environment for Political Parties in Modern Russia

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## Abstract

In the 21<sup>st</sup> century the multi-party system of Russia began to face new conditions. The federal law ‘On political parties’ was passed on the 21<sup>st</sup> of June the 2001 and now it forms the basis for the legal environment. The fact that the passing of this bill had been postponed many times is explained by the tendency of the ruling elite to guarantee the pro-president majority at the parliament and approval of the initiatives of the president. The author dwells upon the main principles which serve as a basis for regulating the relations involving political parties.

**Keywords:** political party, party system, legal institutionalization, political system, legislation on parties

## 1. Introduction

The political system at the beginning of the 21<sup>st</sup> century is determined by the growth of the number of political parties. Political parties are public associations which activity is directly connected with the political power. The state establishes (in development of the constitutional norms on the right for association) requirements to creation of political parties, their device and implementation of authorized activity.

Political parties play an important role in political and state life, being one of the central components of modern political systems of national communities. The solution of a question of the political power - its accessory, use, ways and forms of implementation is connected with their activity. However, parties actively participate in political life at all stages of political process: elections, formation of bodies of the state, adoption of political and state decisions and their realization.

Legislation concerning the activity and creation of political parties is closely related to the right of citizens for association, participation of population in the elections and the development of different forms of realization of the right to take part in the conduct of public affairs. Being legal entities parties represent in fact an inter-branch institution. The Constitutional Law has been traditionally responsible for the study of parties as by their nature parties belong to the field of constitutional legal regulation. However, norms concerning parties may be found in Civil, Tax and Administrative Law.

Legal forms of interaction of political parties with the state in the concentrated way express the most essential characteristics of relationship of the population and the power. This problem is especially significant for the modern Russia where multi-party system develops not thanks to independent political activity of society, but as a result of purposeful efforts of the state, focused on the accelerated political modernization and interested in creation of the ordered and controlled political space.

## 2. Method

The author used theoretical and methodological provisions of Constitutional and Administrative Law, which are reflected in Russian and foreign research works on Law. The use of the normative method may be explained by the necessity to analyze statutes regulating certain aspects of the status of political parties. For collecting and interpreting data the hermeneutical method was used as it is aimed at understanding the hidden sense of legal texts. The textual approach to the study of Law allowed the author to avoid a dogmatic and literal interpretation of legal acts and find out the true meaning of legal norms regulating the organization and activities of political parties.

### 3. Results

The researches of scientists show that the position of the legislator in a question of relationship of the state with political parties has dual character: on the one hand, the legislator proclaims non-interference of the state to activity of political parties, with another - the Federal law "On political parties" creates prerequisites for expansion of the sphere of the actual influence of officials on party life. Thus, the law allows possibility of membership in political parties of the persons, replacing the state or municipal positions (including Russian President), and it, unfortunately, because of the legislation regulating legal status of this category of persons, so this matter didn't receive the accurate legal decision. It is interesting to mention here, that the legislator didn't use the opportunity to impose a ban on combination of a position of the head of public authority with a senior position in political party here. That is the indicative though in the current legislation (not mentioning political practice) and, there are bases for such solution of a question. It is clear enough, that the Federal law "About political parties" gives the corresponding reference points for the legislation, regulating the legal status of officials.

Fundamental value for legal regulation of the considered public associations has a definition of the political and legal nature of a phenomenon "political party" which would allow delimiting parties as specific subjects of political and legal relations from all other types of public associations. Only depending on existence or absence at any association of the quality of political party, recognized by the law, its legal status, the rights and duties, a place and a role in political system can be defined.

In Art. 3 of the Federal law "About political parties" definition of a party as the public association created for participation of citizens of the Russian Federation in political life is given. On the one hand, party, as the political and legal institute is an important link of vertical communication of the state and society, and at the same time making element of the last mediating of all phases of political process: from representation of group interests before acceptance and implementation of decisions; with another hand- parties, in the democratic systems, represent a difficult network of horizontal communications of the most civil society, promote existence and functioning of mechanisms of self-regulation and a self-development of modern society. Thereby, the activity of parties appears as the most important mechanism of generation, assignment, distribution and redistribution of imperious resources both in the state, and in society.

The ideology of the Federal Law (On political parties) consisted in rationalization and ordering of the party system of Russia which has been formed in the wild conditions of the transitional period. It was supposed to be done by unification and centralization of party-building process and strengthening the role of state regulation in it. Strict boundaries of the party system, firstly, limit the legal environment for the formation of representative institutions. Secondly, they introduce a new configuration of parties. And, thirdly, they provide for a privilege position of the pro-president party.

So the negative aspects of the Federal Law 'On political parties' limiting to a certain extent the freedom of organizing parties provoked the reaction of the unions, the members of which applied to the Constitutional Court. For instance, the claim of the Baltic Republican Party to the Constitutional Court asserted that the provisions concerning the number of party members and regional offices infringe upon the right of every person for association and the freedom of activity of public unions stated by Part 1 Article 30 of the Russian Constitution and violate the principles defining Russia as a federal state, accepting its political diversity and providing for the rights and liberties of a person and citizen in Russia in accordance with the norms of international law. These provisions also do not meet the requirement resulting from Part 3 Article 55 of the Constitution which states the proportionality of limitations of rights and freedoms of citizens and interests and goals important from the constitutional point of view.

Political parties are organized for the participation of people in politics of whole Russia and not in a certain segment of it. They are supposed to form the political will of multi-ethnic people of Russia as a whole and represent common national interests without the aims of their activity being associated with the interests of particular regions. Working in the regions parties should combine national and regional interests. As far as inter-regional, regional and local political public unions are concerned they are not parties and therefore may not use the term "party" in their names (Paragraph 6 Article 6 of the law 'On political parties').

Thus the federal legislative power established the connection between obtaining the status of a political party and those political public unions which represent the interests of the majority of the population not depending on the region and work on the whole territory of Russia.

The initiators of the federal law 'On political parties' saw the foundation of the future party system in a strong ruling party which would serve as a center of rotation for moderate opposition parties acting according to the

rules of the system, however, unable to be really independent. Such an arrangement plays the key role in making a stable pro-president (pro-government) majority in the State Duma, passing the bills introduced by the government and forming a relatively uniform body of MPs, the members of which would depend not on some local political currents, but on general party discipline determined by the policies of the federal government. I believe that at the time of passing of the law it was needed both from legal and political points of view. It was important to stabilize the system of parties, to create landmarks for electorate, to form the effective system of state government and to bring order to the regional legal systems. However 10 years later after passing of this law the ruling elite refused to soften the legislation concerning the activities concerning the parties. It led to the appearance of non-system parties and movements.

The federal law 'On political parties' has been amended many times. The most interesting are the amendments which came into force on the 4<sup>th</sup> of April 2012. A new version of the law was regarded as the reaction of the authorities to the intensification of the protest movement in December 2011. In my opinion, making substantial amendments to the law is directly related to the intention of the ruling elite to seize the initiative from the opposition and stabilize the political situation in the country. The previous version of the law ceased to meet the above mentioned objectives and had to be urgently amended. As a result 16 amendments have been made.

The amendments to the federal law 'On political parties' were made in a rush as well as the law itself in 2001. Thus while passing the law in the Duma the time was reduced for introducing the amendments. It was caused by the expiration of the term of Mr. Medvedev's presidency and desire to decrease the protest movement.

The most important amendment defines the minimal number of party members necessary for the registration of a party. In the previous version of the law the number of party members could not be lower than 40000. Now it can be only 500 persons. The introduction of the norm regulating membership became a disputable question. On the one hand a sharp decrease in a minimal number of party members is obviously a step towards the liberalization of legislation in the field of regulation of the activities of parties. On the other hand such an innovation may lead to the creation of undersized "dwarf-like" parties and atomization of the party system confusing the electorate. Moreover insufficient number of members was not the only reason for refusing to register a party in the Ministry of Justice. To my mind, the refusal to register a party is the main obstacle on the way to democratization of the party system of Russia. This norm gives additional advantages to large parties which do not need any allies to overcome 5 percent barrier for getting into the parliament. Small parties are intensely interested to form a coalition with parties with a relatively similar ideology to get into the parliament. Knowing how disunited the opposition in Russia is, the ruling elite rejects any proposals to lift the ban on forming pre-election coalitions and electoral blocs.

For the development in the Russian Federation of the constitutional democratic state at the present stage, it has to be carried out with close attention of activity of political parties as it is an obvious picture today, where exclusively political parties take part in elections of various levels. Therefore, among researchers there is often an opinion of need of extension of the list of the rights of political parties, and also the idea about minimum of low level to the number of members of parties, realized in the domestic legislation at the present stage. The specified amendments to the Federal law "About political parties" are directed on implementation of the provision of the Message of the Russian President to Federal Assembly regarding stage-by-stage decrease in the minimum number of members of political parties demanded for their creation and activity, and also carrying out rotation of heads of the joint constantly operating governing bodies of political parties.

According to these changes, the minimum number of party was reduced from 50 thousand to 500 people. Rather regional offices of a legislative threshold of number don't exist now. This question is assigned to parties. However, the state doesn't interfere with numerical structure of regional offices of parties, having given the opportunity of establishment of the requirement for this part to directly central party organizations. Besides, parties are obliged to provide in the charter of a condition of rotation of administrative positions in joint constantly operating governing bodies of political parties and their regional offices.

Also it is necessary to mention a new obligation of the Ministry of Justice as registering body to point out, in case of refusal the concrete defects of the filed documents. Moreover, three-month term for their elimination, taking into account the recommendations of registering body which can be considered as an innovation of the legislation on parties is legislatively established. We underwent essential changes and financial statements of parties before the state. By earlier existing rules, till 2012, parties reported annually to Central Election Commission and the Ministry of Justice of the Russian Federation. Now the given duty will be fulfilled only concerning Central Election Commission, and the term of the report is increased since one year to three.

In our opinion, such prompt ease from the state will positively affect national democracy and will only improve

process of a party status. Political parties of modern Russia can be considered as relatively young institute of the public power in a prism of mass parties.

Within the general legal status of political parties, based on the principle of their equality, special legal status of the opposition political parties represented in parliament (a parliamentary opposition) is formed. The political parties will reduce this rather new phenomenon in a legal institutionalization.

#### 4. Discussion

Nowadays in Russia as well as in the other states heading towards democratization there is no need in creating political parties with a large number of members. As it has been mentioned above, the main goal of any party is to participate in state government by means of taking part in the election and the struggle for increasing the number of members is replaced by the struggle for winning the electorate. To achieve this goal parties have to use new forms of work with electorate and implement new technologies. It is natural that for this purpose the nation needs “the parties of professionals” able to send highly qualified professionals (lawyers and managers) to legislative bodies of the country ensuring their passage to the parliament on party lists. The increasing role of communication also proves the usefulness of “parties of professionals”.

#### 5. Conclusion

Although there is a tendency towards democratization of the political life in Russia one should pay attention to the circumstances hampering the development of the party system of Russia. The first circumstance consists in a relatively small number of parties as such though there is a lot of unions and movements. Meanwhile, never and nowhere in the world the notions of a political party and a movement have had an equal status and they have been used as synonyms. Both a party and a movement are essential in political life though their missions are absolutely different. The second circumstance represents an attempt to describe the multi-party character of the political system of Russia by the evaluative word “mega” being the most appropriate to its modern conditions.

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