
INFLUENCE OF ELECTION LEGISLATION ALTERATION ON CIVIL SOCIETY DEVELOPMENT RUSSIAN PRACTICE

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Abstract

The article considers the development of statehood within the Russian territory and the appearance of popular representation as a tool of government of the state. It gives an analysis of the mechanisms of citizens' participation in power redistribution through elections and of civil society formation.

Keywords: power, State Duma, parties, civil rights, democracy

1. Introduction

In Russia the election legislation is actively transformed: the majority system of elections for the State Duma has been replaced by the proportional system, the threshold has been raised – and these are by no means the full range of fundamental changes in this sphere [1]. Russian's way of thinking fit in differently with new developments [2]. However, today it can be altogether stated with confidence that alterations in the election legislation favourably affect civil society development in our country and encourage intensification of both political parties' and common people's activity [3].

In the early XXth century in Russia there were some elements of popular representation: elected local government authorities, all-Russian parties; popular masses self-organization was in process. From 1905 to 1917 the State Duma had a chance to take governmental power in its hands and become a real legislative body. This was what the situation was like in the early XXth century. Once again in the Russian Federation, State Duma was established as a legislative body by the Constitution of the Russian Federation in 1993, almost eighty years after the last Duma had been dismantled [4].

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The current State Duma consists of 450 deputies who are elected for 5 years. It is only the 1st State Duma that has been elected for two years (1993-1995) due to the transitional period in the country's life [5].

Establishment of democracy principles in our country has required transformation of the system of relationship with government agencies. Elections are one of the mechanisms of people's involvement in power redistribution. During the last 20 years national election legislation has undergone dramatic changes which have also certain impact on development of civil society in Russia [3].

2. Main part

Researchers state that “the source of democratic organization of society's political life is not in the sphere of politics, but beyond its framework, wherein a person shows his abilities and satisfies his interests without constraints and in accordance with their logic and content. This sphere is usually called a civil society.” However, even such a view on civil society does not take this concept beyond the framework of the relationship tentatively referred to as ‘state – civil society’. Political experts insist that: “A civil society is a life sphere free from direct influence of the state and its officials, but organized, internally arranged and cooperating with the state; a sphere where people pursue their personal interests and associate in groups and organizations” [Library bibliographic resources of the Federal Assembly of the Russian Federation, The official site of the State Duma of the Federal Assembly of the Russian Federation, www.duma.gov.ru, accessed 20.07.2014]. Thus, a rather transparent system of interrelations is observed: the more civil society is developed, the more active and conscious influence on governmental agencies is exerted by people in order to participate in government of a state. The elections mechanism is one of the mechanisms permitting to implement such participation.

In the Russian Federation the election legislation has been reformed several times. The first and possibly key reformation is related to the election system. During elections in 1993, 1995, 1999 and 2003 the mixed election system was used: one part of deputies was elected according to the majority system and the other according to the proportional one. Exclusion of the majority type of the election system was quite reasonable.

On one hand, self-nomination and individual election campaigns of candidates enabled them to contact with their electorate more closely. This corresponded to the standards of a democratic society, laid personal responsibility both on a candidate (for his promises) and on electorate (for the possible and actual choice). On the other hand, this caused the use of not always honest methods. The fact is that a candidate in a single-seat constituency was a participant of political developments in his district only for a short time, while parties existed for a long time and operated country-wide. That is why after participating in elections as electoral associations or as parts of electoral blocks, political parties constantly concerned about their image were as active also

between election campaigns. As far as candidates in a single-seat constituency were concerned, they were often above all interested in getting into the Duma: in case they had lost electorate's credit, over four years they could stand as candidates in another district or as members of a party list.

After elections an elected deputy in a single-seat constituency could more easily break with his political program than a party or a block. Indeed, situations when elected candidates in a single-seat constituency forgot about their pre-election promises, happened frequently. Moreover, certain candidates who had used administrative resources, managed to get into the Parliament without any standalone and meaningful program. This resulted in losing electorate's credit to political programs of candidates, reluctance to participate in political administration and apathy.

Given these premises, political and ruling elite considered it timely and reasonable to form the lower chamber of the Parliament entirely according to the proportional election system. In accordance with a new electoral law in 2011 (as well as in 2007) State Duma deputies from federal election districts were elected in proportion to the number of votes cast for federal lists of candidates for State Duma deputy. However, transition to the proportional system also had some disadvantages.

A candidate nominated or supported by some political party (block) should not always be its member. It is quite fair, since parties should have the right to express sympathy for political stances of famous and reputable public figures. At the same time the law does not stipulate candidates' obligations (including those related to pursuing the party's program in the State Duma) towards the political party which has nominated (supported) him. That is why having got in the Duma, a candidate can join another political block, change his political stance or even declare oneself an 'independent', non-party deputy. The lack of a legal mechanism recognizing candidate's dependence on the political party which has nominated or supported him leads to devaluation of political platforms, discredits the party and the entire party system and implicitly encourages electoral corruption. The main problem is that electoral rights of the citizens are therefore infringed. In fact, though a voter takes into account personal qualities and professional qualifications of a candidate, he casts his vote for certain platform (a party's program). But he buys a pig in a poke. As a result voting turnout is not high and the so called electoral destructiveness is not eliminated.

If elected, candidates included in a party list and being the first numbers in regional groups of candidates can refuse from the received deputy's seat which will pass to the next candidates in the list. Political parties make active use of this right because striving to gain regional electorate's support they include reputable political figures (governors, mayors) in their regional groups of candidates. After election results have been assessed these figures refuse the received seats and less influential political figures become deputies. Taking into account that a voting bulletin shows names of as many as the first three

candidates of the corresponding regional group, such practice obviously, perverts electorate's votes and infringes their constitutional rights [6].

Another significant change should be also noted. The latest parliamentary elections have demonstrated that parliamentary and presidential elections are closely connected. Since 1995 parliamentary elections have been preceding presidential elections in Russia. Even a certain scheme influencing strategy and tactics of candidates for presidency (in particular, those who belong to some parties) has appeared. Since 1999 a traceable connection between parties and politics has been observed. It was discovered when Vladimir Putin, being then the Chairman of the Government of the Russian Federation, voiced support for 'Edinstvo' and 'SPS' and in 2000, in the course of the presidential elections these parties supported Vladimir Putin. In 2003 he supported 'Edinaya Rossia' created through association of 'Edinstvo' and 'Otechestvo' [6].

However, nowadays this connection is even more explicit and evident. For the first time the elections were conducted according to party lists in 2007. And 'Edinaya Rossia' legally associated itself with the sitting President when he had become the first number in the party list. The Russian Federation will certainly continue to be a hybrid republic and a republic with reinforced personalistic authority of the President. However the features of parliamentarism have been more obviously manifested. The fact is that there can be three or more parties in the Parliament, but the ruling party can easily form a party government (though, legally and formally speaking, 'Edinaya Rossia' should have waited for the presidential elections) [7].

The process of political parties' consolidation and merging, emphasis on the connection between parties' and President's activity, choosing the election system encouraging development and refinement of the party's ideology – in the course of their further development all these issues can lead to stability in our country.

Transition to the proportional system has surely made political parties to face tough necessity to define their own ideology and to 'advertise' it. Rather high threshold together with the above stated tendencies are a powerful stimulus to intensify the political work. And this is where civil society mostly manifests itself in our country today [8].

The latest changes related to the election legislation of the Russian Federation have significantly transformed the elections process: this concerns both districting of the territory and the date of the single voting day which has been settled in September and coincides with summer holidays of public sector workers most of which have been engaged in election committees of different levels. It seems that these transformations do not alleviate election campaigns which appear to attract careful attention of electorate, political scientists and politicians, but in contrary make them more thrilling. The main changes certainly concern election campaigns of candidates who have much less time for self-presentation due to the above stated transformations.

3. Conclusions

In this light the alterations in the election legislation and the tendencies shown in the Russian political life can be considered to be generally positive. However, it is political elite' actions that can make them absolutely positive [9]. That is why we think that the further consolidation of the shown tendencies in the process of elections for the State Duma of the Russian Federation will raise a question of political culture of the Russian elite. It is inevitable since until recently the State Duma has been excessively politically motivated and its sessions have aroused interest almost equal to that excited by boxing fights. This fact has made the current State Duma akin with the previous one.

A compromise can't be reached just due to legislative initiatives. The political elite should develop an ability to carry on a meaningful dialogue and demonstrate willingness to communicate in both ways. It is all the more important in the age of open information space. Researchers insist: "Internet is the open space. Certain political entities (certain persons, interest groups and etc.) have the growing opportunities to compare response of local authorities with that of other power centres." [10] For a meaningful dialogue it is crucial to take the specifics into account, since without such measures political awareness of Russian citizens can't be enhanced, and development of civil society in our country can't be anticipated.

References

- [1] A.B. Jr. Evans, *Communist and Post-Communist Studies*, **3-4(45)** (2012) 217-218.
- [2] J. Crotty, *Communist and Post-Communist Studies*, **4(36)** (2003) 489-508.
- [3] A.G. Anikin and N.R. Balynskaya, *Management issues*, **3(8)** (2009) 12.
- [4] L.V. Smorgunov and V.A. Semenov, *Political science: a textbook*, Liteyniy prospect, Saint-Petersburg, 1996, 80.
- [5] G.V. Pushkareva, *Political science: lecture notes*, 2nd edn.. Iris-press, Moscow, 2005, 85.
- [6] A.V. Odintsova, *State and law*, **8** (1992) 98-109.
- [7] N.R. Balynskaya, *Specifics of generation of electoral behavior during elections for municipal authorities (through the example of Magnitogorsk)*, Proc. of the All Russian Scientific and Practical Conference, The 20th anniversary of the Constitution of the Russian Federation: origins, theory and modern practice, A branch of the Russian Presidential Academy of National Economy and Public Administration (RANHIGS) in Chelyabinsk, Chelyabinsk, 2013, 159-163.
- [8] N. Moen-Larsen, *Communist and Post-Communist Studies*, **1(47)** (2014) 27-37.
- [9] A.S. Nikolaev, *Constitutional legal framework of participation of political parties in organization of governmental authorities in the Russian Federation*, PhD thesis, Tyumen State University, Tyumen, 2007, 22.
- [10] N.R. Balynskaya, *Economics and politics*, **1** (2013) 145.