Evolution of the Law about Political Parties in the Russian Federation

A.V. Kurochkin

The branch of the Kazan Federal University in Naberezhnye Chelny, Syuyumbika Ave.,
10 A, Naberezhnye Chelny, RT, 423812 Russia

Abstract: In the XXI century the Russian multi-party system appeared in qualitatively new political conditions. One of the main circumstances is the acceptance on June 21, 2001 Federal law "About political parties". Its acceptance was postponed for the long time and it was explained by the desire of the ruling elite to provide the parliamentary majority as much as possible. In the given article the author analyzed the factors which have influenced transformation of this law.

Key words: Political party • Party system • Legal institutionalization • Political system • Legislation about parties

INTRODUCTION

The federal law "About political parties" is one of the pro-presidential (pro-governmental) party. Initiators of the Federal law "About political parties" change of political system, on "power vertical strengthening", parliamentarism formation in Russia. This is a special model of division of power and functioning of judicial and administrative institutes of the Russian state [1]. This law provides leading positions as "party in power" in the State Duma and possibility of adoption of the major laws.

While adoption of this law the positions of political parties, including those presented in the highest representative body of the country, were not considered. The major arguments which are carried out in alternative projects as "not corresponding to the law concept" which, in its turn, was considered by opponents as extremely problematic from the constitutional point of view [2, 3] were ignored.

Rationalization and streamlining of party system which have spontaneously developed in a transition period of Russia were the ideological purpose of the law. The means of its achievement were unification and centralization of party construction, strengthening the state and legal regulation of this process [4]. However, a strict framework of party system, first of all, sharply limits political space of formation of representative institutions, secondly, enters a new configuration of parties and, thirdly, provides primary situation for being formed pro-presidential (pro-governmental) party.

Initiators of the Federal law "About political parties" saw a basis of future party system in the strong party in power which will be "the rotation center" for moderately opposition "system" parties which were incapable to come off and use political independence [5]. This framework played defining role in ensuring the stable pro-presidential (pro-governamental) majority in the State Duma, the adoption of governmental bills, the creation of monolithic deputy corps, the members of which, will depend not on the regions which have chosen them and on local political struggle (as it was with the deputies elected on one-mandatory districts), but on the all-party and fractional discipline defined at federal level.

As an ideal, this model is reduced to three-party system (in practice it can be presented and four-five operating parties, capable to overcome restrictive standards of the legislation on elections) which is urged to provide stability and continuity of the power for a long time [6]. The continuation course on restriction of the destructive left-wing radical communistic opposition, considerably complicating during previous time legislative work of parliament, (by means of creation of parties-clones in the same "color scale") [7] became an important consequence of implementation of the law.

Corresponding Author: A.V. Kurochkin, The branch of the Kazan Federal University in Naberezhnye Chelny, Syuyumbika Ave., 10 A, Naberezhnye Chelny, RT, 423812 Russia.
The reduction of number of parties, unification of their structure and activity order, establishment not only political, but also financial dependence of power institutes, concentration of activity of parties (especially their managements) in the uniform capital center, reforming of electoral laws according to the concept of elections by party lists, allowed to provide big stability and predictability of structure of parliamentary fractions. It became the consequence of introduction of this law in action.

The law promoted stabilization and submission for controlling political process. It was directed on consolidation of centrist and pragmatical forces of all parties regardless of their traditional ideologies, introduction of system so-called "the rationalized parliamentarism", promoting restriction of absolute power of parliament, overcoming "a mode of parties" and governmental instability, weakening of the position of radical political forces.

The institution in action of the Federal law "About political parties" in the Russian political context (at a certain external similarity of situations) could put in action this Federal law to other effect, forcing to remember the modes of so called controlled democracy of a number of developing countries. In a situation of weakness of elements of civil society, lack of effective instruments of public control over executive power, inefficiencies of court, which has to become the arbitrator in conflict situations, process of the directed stimulation from above large political parties always risks to change the real party construction into formal and bureaucratic. It is the question of society, where stereotypes of thinking of a long era of one-party dictatorship have not quite overcome yet. The result is the presidential power [8], it is the party system of "korporativistsky" type where parties carry out not so much functions of: expression of will of citizens, representations of their interests in parliament and control over executive power, how much peculiar number of its members in regions is impossible now. The cutting off regional parties and a significant amount of the public organizations from political process in a federal state, which have developed during an era of democratic reforms, as they lost opportunities of autonomous and associated (in the form of electoral blocs) participations in electoral process [9] becomes an obvious consequence of adoption of the specified law.

At the present stage of development of the legislation about political parties it is necessary to pay attention to the period from 2011 to 2013 during which the complex of amendments were made. As a whole, on essential weakening of requirements of the state to the party organizations was brought in the Federal law "About political parties". According to the general logic of these editions this law becomes the so-called "the stand-alone opposition" which has to get the legal status, allowing to consider similar public groups as unregistered parties [10]. Such essential break in a legal component of parties didn't receive unambiguous perception in society. The criticism of emergence of "micro parties" with the minimum membership in its number of 500 people ties the specified problem to destabilization of political and electoral systems [11]. First of all, it will be reflected in ignoring of opinion of the voters who have preferred parties which, as a result, won't cross an election threshold for acquisition of places in parliament. However, the voters will represent rather powerful share of the Russian citizens.

The members of the Federation Council, during the discussion of the adoption of the specified amendments in the party legislation, noted that the excess number of parties in modern Russian political arena disorients voters. It will mislead them, as the program purposes are rather repeating at many party organizations, that also will lower coefficient of trust of the population to political public associations. Moreover, considering a great interest to religious and ethnic questions, the actual emergence of small parties will affect, according to experts, on strengthening of separatist and nationalistic sense which have already faced today many subjects of the Russian Federation [12]. Therefore, such vector of development of the legislation is considered as conscious discredit of idea of party construction [13, 14].

The requirement to quantitative structure of regional offices of party which will be defined now by the organization charter is cancelled. Therefore, compulsory liquidation of parties on the basis of insufficiency of number of its members in regions is impossible now. The term, during which the parties do not take part in the electoral companies, is changed from 5 to 7 years. At a registration stage of identification of violations and other defects in documentation, the executive authority has the right to suspend procedure for a period of up to three months about granting to party leadership of the motivated decision and recommendations about correction of shortcomings.

The aspiration to prevent developing of these processes is reflected in idea of creation of civil society from above and incorporations of public organizations in
the special Civic chamber allocated with consultative functions. On the other hand, the begun consolidation of political forces of close or different ideological orientation by purely formal criteria is to veil real representation of political interests, that can have a consequence of creation of great and slow "parties – omnibuses”.

CONCLUSION

Realization of this strategy in the conditions of growing political apathy of society can mean restriction of the role of parliament and political parties in decision-making, delegation of responsibility from regions to the center, from rank-and-file members of party to party presidiums and fractions, from legislative power – to executive one.

Therefore, the process of creation of party system of new Russia started nearly a decade ago. Historically, it is small and insignificant time. But, nevertheless, it is possible to draw some conclusions on optimization of functioning of party system of the country. There is no doubt that at research of processes occurring in modern Russia it is necessary to make a start from features of Post-Soviet society within which construction of political institutes and, in particular, party system is carried out. At the same time, it isn’t less important to consider features of development of these institutes in the countries where they exist for a long time. It is known that exactly the western parties formed a basis of creation of models of political parties in the conditions of democracy.

REFERENCES