

V.G. Bondarev, R.A. Sapharov

The Matter of Legislative Definition of Political Activities in the Russian Federation

***Abstract.** This article substantiates the necessity of legislative definition of the term “political activities’ and the presence thereof and the legal grounds for its implementation in the legislation of the Russian Federation. Attention was drawn to the downsides by which political activities are defined in the revised Federal Law of the Russian Federation, dated 12th January 1996 No. 7-FZ “On Non-Commercial Entities”. The authors believe that it is necessary to change the way of defining the extent of the political activities’ meaning and propose, above all, to include the activities of political figures and other persons whose actions in political relations are of a professional nature. These persons must be reflected in the law of the Russian Federation on political activities, as specific managers thereof. This is supported by a number of political figures of Russia. Facts and information on the legal regulation of political activities in the USA and the UK were provided in the article. The authors provide a comprehensive definition of the political activities and reasoning thereof, state general types of political activities, and provide regulations associated with the legal regime for the purposes of its execution. They propose the legalization of lobbying activities in Russia, due to the fact that it is an extremely important type of activity. It was noted that the supervision over the elections was only executed by the professionals in election law and voters’ behavior; and by means of conflict management they can optimize the election process in Russia, but in order to do so, these persons must be provided with the status of managers of political activities. The article was written using a considerable amount of the regulatory documents and other information sources. As research methods, the authors used: (a) the examination of the regulatory and legal instruments and legal literature; and (b) the legal evaluation of the provisions regulating political relations in Russia and other countries. The authors’ proposals in relation to the definition of the term “political activities”, the extent of the meaning thereof and legal grounds for its implementation are well-reasoned and may be used in the lawmaking process of the Russian Federation.*

***Keywords:** Russian Federation, political activities, the legislative definition, a legal status, legislative, political management, parliament, political leaders, government officials, political responsibility.*

BONDAREV Viktor Gennadievich — PhD in Political Science, Director for Education and Research, North-West Department of Federal State Budgetary Educational Institution of Higher Professional Education “Russian Academy”. 197046, St. Petersburg, Alexander Park, 5.
[vicbondarev@mail.ru]

SAPHAROV Robert Abbasovich — PhD in History, Lecturer, Chair of State Legal Studies, North-West Department of Federal State Higher Education Institution “Russian Academy”. 197046, St. Petersburg, Alexander Park, 5.
[rargospd@mail.ru]

For the purposes of the optimization of the political aspect of life of Russian society, it is important to legally define the term “political activities’ as well as the extent of its meaning and the legal grounds for the implementation thereof.

Constitutional references for the consideration of the necessity of the legislative definition of the term and the essence of the political activities are the provisions of the Russian Federation constitution, prescribed by the following articles:

- Article 30 (Clause 1: “Everyone has the right to freedom of association... The freedom of activities of public associations shall be guaranteed”);
- Article 31 (“Citizens of the Russian Federation have the right to assemble peacefully, without weapons, conduct meetings, protests and demonstrations, processions and vigils”);
- Article 32 (Clause 1: “Citizens of the Russian Federation have the right to take part in the government, directly or through chosen representatives”);
- Article 33 (“Citizens of the Russian Federation have the right to address directly and to deliver individual or collective statements to the state and local authorities”).

It is recognized that the legislative definition of the term “political activities’ was provided by the Model Law “On the Parliamentary Control Over the Military”, which was passed at the 18th Plenary Session of the CIS Inter-Parliamentary Assembly.

Article 1 Clause 5 thereof states:

“5. Political activities within the context of this law shall be interpreted as follows:

(a) individual or collective actions for the purposes of influencing government institutions and authorities to pursue individual, group or institutional interests other than related to official duties;

(b) individual or collective actions aimed at forming and changing of the political liberty of citizens;

(c) participation in state and local government as elected officials;

(d) contribution towards an individual, political parties, public movements, assemblies and

associations participating in the elections for the state and local authorities to implement propaganda and agitations; and

(e) membership of an organization practicing political activities as provided by the above Clauses of this Article, cooperation with such organization or contribution thereto”.¹

A slightly different approach was used by the legislature when defining political activities in the Federal Law, dated 20th July 2012 #121-FZ: “On amendments to certain legislative acts of the Russian Federation in terms of regulation of activities of non-commercial organizations acting as foreign agents”. Article 2 thereof amended the Federal Law dated 12th January 1996 #7-FZ “On non-commercial organizations’ as follows: “A non-commercial organization other than a political party shall be deemed as conducting political activities in the territory of the Russian Federation; if regardless of goals and objectives stated in the incorporation documents thereof they take part (including by virtue of financing) **in an arrangement and carrying out of political campaigns for the purposes of influencing state authorities towards adoption of resolutions to change a government policy and formation of public opinion for the said purposes**”.²

The legislature specifies that political activities do not include “activities associated with science, culture, art, healthcare, social support and protection of citizens, protection of maternity and childhood, social support of the disabled, propaganda of healthy lifestyles, fitness and sport, protection of plant and animal life, charity, and activities associated with contribution to charity and voluntary works”.

Such a definition of political activities, in our opinion, is not without significant defects.

The first defect is that this definition, due to its comprehensive interpretation of political

¹ “On the Parliamentary Control Over the Military”, the Model Law // the 18th Plenary Session of the CIS Inter-Parliamentary Assembly: Ruling #18–13.— 2001–24th November

² “On amendments to certain legislative acts of the Russian Federation in terms of regulation of activities of non-commercial organizations acting as foreign agents”. Federal Law dated #121-FZ 20.07.2012 // Official Gazette of the RF, 23.07.2012, No. 30, p. 4172

activities, politicizes all actions which are implemented by individuals or groups of individuals for the purpose of pursuing their social interests. Because the law states that “political campaigns for the purposes of influencing state authorities towards adoption of resolutions to change a government policy”, then it is rational to contemplate that there are also non-political campaigns of such nature. However, it is unclear how they are differentiated. And in case if all actions with the stated purposes should be deemed to be political campaigns and forms of political activities, then we need to include all the behavioral acts, including protests in relation to personal legal interests, actions associated with a dispute over elections, etc. It is impossible to agree with this. Such opinion, above all, was expressed by the Head of the President’s Council of the Russian Federation, the one in charge of the development of civil society and human rights, Fedotov, M. He believes that such a definition of political activities “describes the term of the political activities to the extent that any organization should either hurry to register as a foreign agent or abstain from any activities whatsoever”.¹

With this in mind, it is inevitable that the activities associated with human rights will be politicized; or activities such as electoral campaigning will be politicized in all aspects thereof. That is highly undesirable and may result in an increase of the possibility of statism in Russian society.

For the purposes of supporting the above statement, we may refer to the opinion of the Head of the Civic Initiatives Bureau (CIB) and ex-minister of finance of the Russian Federation, Kudrin, A., who believes that it is necessary to amend the meaning of the term “political activities’ in the law on non-commercial organizations. Otherwise, in his opinion, many organizations, not being inherently political, will be politicized in order to define their views and principles.

Kudrin underlined that he considers civil society’s associations to be non-political. Here is one of his statements: “The part of civil society which

is not trying to take part in political activities falls under this definition (political activities) anyway by virtue of the law on foreign agents. There were inspections that often humiliated activists... unwilling to take part in political activities, many were, basically, carried there; that is why a new line must be drawn here, to narrow down the term “political activities”.²

The second defect of the definition in question is as follows. The definition of political activities provided by the legislature excludes from its meaning actions associated with the expression of the support of resolutions by those in power or the expression of solidarity with the views of officials. Political activities may be characterized not only through competitive interaction but also through positive interaction; they cannot be of a protesting nature only. That is why we must agree with the speech of a political analyst, Kamyshev, D., in connection with the definition of political activities: “What we have is that a protest in support of an opposition is associated with political activities and the exact same protest in support of the party in power is not”.³

The third defect, in our opinion, is that the definition of political activities does not include a very important aspect: the activities of political managers. Unfortunately, the fact that the political activities of citizens are implemented through participation in the political parties and public political movements should be perceived as an axiom.

Any type of activity reaches a state of professional development, i.e. the occurrence of specialized actors (individuals and legal entities) who provide their professional services in management, organization, analysis, and prognosis; they elaborate and execute specific techniques, act as intermediaries in conflicts and emergencies, etc. In political activities, which are also in the process of professional development, actors like political managers and consultants play a

¹ Sakov, R. State Duma passed a law on NCO and “foreign agents”: http://www.bbc.co.uk/russian/russia/2012/07/120706_ngo_law_duma_hearings.shtml

² Kudrin proposed to narrow down the term “political activities’ in the law on NCO: <http://www.mk.ru/politics/russia/news/2013/09/26/921544>

³ Kamyshev, D. Putin lost political support // “Kommersant-Vlast”. 19th July 2012.

significant role. When regulating political activities in legislation, this category of persons must be considered. Otherwise, we are forced to agree that, for instance, the elaboration of the political activities' techniques and participation in the execution thereof is one thing; and the political activities themselves are another.

We can provide other arguments in support of the legislative definition of the status of such persons.

First of all, "contribution towards an individual, political parties, public movements, assemblies and associations participating in elections for state and local authorities to implement propaganda and agitations' provided by the above-stated Model Law may be professional. For example, such contributions may include prognosis of the electorate's behavior, consultations in relation to the political resolutions, or provision of intermediary services in political relations, e.g. resolving political conflicts.

However, forms of such contributions must be specified in the Federal Law. Otherwise, persons conducting such activities may be accused of unlawful behavior.

Thus, a situation is quite probable where a citizen having intentions within the implementation of his passive right to vote addresses a regional office of a specific political party and requests it to include him in the federal list of candidates proposed by this party. The above is permitted by the Article 37 ("Guarantees of implementation of passive right to vote") of the Federal Law dated 18th May 2005 N 51-FZ "On the elections of the members of the State Duma of the Federal Assembly of the Russian Federation". However, he would require the support of at least ten members of this political party; the candidacy must be discussed at a conference (general meeting) of the regional office of the political party during the adoption of resolutions connected with the party's participation in the elections. This citizen may and has the right to contribute freely into the account of this party. This is provided by Clause 5 of the Article 58 of the Federal Law dated 12th June 2002 N 64-FZ: "On the general guarantees of voting rights and the right to participate at the referendum of the Russian Federation citizens", which states that

electoral funds of the candidates and electoral associations may be established by virtue of voluntary contributions by the citizens. But if persons considering themselves to be political managers charge for the provision of the intermediary services associated with inclusion of this citizen as one of the members of the party and transfer funds in a form of personal contribution into the election account of the political party, they may be accused of extortion before court, due to the fact that this type of intermediary services are not provided by the Law.

Thus, **many professional actions in relation to the political relations must certainly acquire a legal status**, but now they are outside of the legal range, because a bill on the political activities that could include a list of such actions has not yet been passed.

Second, this contribution towards the participants of the political relations may have illegal manifestations, which also must be prescribed by the Law, but because there is no such law, a questionable practice by certain politicians and political advisors in relation to the political activities might take place.

Consequently, the mass media associates the establishment of a number of political parties with the name of a political consultant, Bogdanov, A. The Russian press specifically describes the technologies of a "party establishment" and how much it costs¹. We deliberately abstain from quoting this and many other publications in relation to the actions of Bogdanov, A., and other politicians because of the lack of reasonable evidence. "Legally-wise, Andrey Bogdanov's Centre, during the last year, assisted a couple of dozen parties in the registration and establishment of regional offices' said Mr. Bogdanov himself; "I don't see anything bad about it. I am the Leader of the Democratic Party of Russia; and we are fighting for the multiplicity of the political parties".²

It should be noted that the registration of a party and the establishment of political organizations are understood by many as provision of

¹ Re: (one of the examples) How much does a party cost? // Simbirskiy Izvestiya. 7th April 2005. No. 15.

² Miklin, a Russian political expert, and Andrey Bogdanov, a Russian politician, discussing similar parties: <http://twitregion.ru>

a service of a legal rather than political nature. However, the provision of services in connection with the drafting of political documentation, such as a political party's program and articles of association (and that is exactly what the Russian mass media accuses a number of the political consultants of) is definitely a political activity; it is difficult to argue on that.

The law on political activities could determine whether the technology of establishing the political parties is legitimate and which actions in connection therewith should be deemed legal and which should be prohibited.

At the same time, another fact attracts attention: there is still a traditional understanding of the term "political activities", which is oriented towards a simplified meaning of these activities.

Thus, Chaika, Y., the Attorney General of the Russian Federation, at the meeting with regards to the revised Federal Law "On Non-Commercial Organizations" with Klishas, A., the Chairman of the Council of the Federation in charge of the constitutional law, gave his opinion on the definition of political activities, saying that it should be narrowed down to the extent of an activity for the purposes of acquiring political power.¹

Such a **narrow** definition of political activities is obviously biased, because the public assemblies do not always take part in elections or propose their candidates, whereas activities that are "for the purposes of acquiring political power" are supposed to be conducted by an organization which takes part in elections.

Another justified opinion is that the proposed narrow interpretation of the term "political activities" by the Attorney General's Office will result in the decrease of control over the political environment, i.e. such opinion was imposed by a narrow-minded policy.

The example, which is also in favor of the maintaining of the traditional approach to the interpretation of the term and forms of political activities, is connected with the view of Ukrainian politicians on this matter.

Lavrinovich, A., the Minister of Justice of Ukraine, indicated that the term "political activities" is not defined at the legislative level and proposed to define political activities in Article 2 of the Law "On the Political Parties of Ukraine" as "public activities based on the consideration of political interests and mobilization of political powers and conducted for the purposes of achievement of political goals, i.e. contribution towards the formation and expression of the political liberty of the citizens". The Ministry of Justice of Ukraine introduced a bill "On the Amendments to the Article 2 of the Law "On the Political Parties of Ukraine"". This document stated that political activities are "conducted through the participation in all-Ukrainian and local referendums, elections to the state and local government, participation in the state administration and through arrangement of peaceful meetings".² Such interpretation of political activities is evidently of a rather general nature.

Existing legislative interpretations of political activities are far from a precise definition. If we take a look at the definition of political activities, as provided by political science, then the following definition can be provided: "Political activities is a term used to identify a type of activity aimed at altering or maintaining the existing political relations, and as a result of which a new feature occurs or the old one withdraws. In the structure of political activities, the following factors are underlined: a member (an acting person or social group), an object (to which the member's activities are directed and in which the changes result), and the activity itself. Moreover, it also includes purposes, means and results of the political activities".³

In our opinion, political management, i.e. the combination of professional services in the area of political activities, must find its reflection in the law.

It is required to state in the law that a political manager is a new member of the political activities, who must be included in the list of members

¹ Makunina, S. The Attorney General's Office defined what they consider to be political activities under the Law on NCO: <http://www.rbcdaily.ru/politics/562949987986386>

² The Ministry of Justice wants to define what are political parties and political activities // *Rakurs*. 22nd April 2013

³ Kononov, V.N. *Political Science*. Dictionary. Moscow: RSU, 2010

of such activities, along with the members of parliament, government officials, political leaders, leaders of parties, institutions of the civil society and representatives thereof, etc., because through the provision of professional services, a political manager acquires significant resources to be at his disposal. Accordingly, a media manager acquires both the right to dispose of information channels and the capacity to influence the political views of the citizens. A city manager acquires the mayor's capacity. At the same time, these people are supposed to be neutral and, most importantly, they are not politically liable.

When talking about the legislative definition of political activities, it is required to mention that no inclusion of the relevant amendments must be done to the Federal Law dated 12th January 1996 N 7-FZ "On the Non-Commercial Organizations" in the part of the interpretation of these activities or the relevant amendment to the Federal Law dated 11th July 2001 N 7-FZ "On the Political Parties", but the adoption of an independent law on political activities (or on legal grounds for political activities in the Russian Federation), in which the following factors would be expressly provided:

- the member and the object of the political activities and their rights and responsibilities. When describing the member of the political activities, it is required to state both, non-commercial organizations and organizations that provide services for remuneration;
- the scope of the political activities;
- the principles of the political activities, one of which must be the principle of freedom to conduct political activities, the principle of the validity, the principle of the disclosure, the principle of the political responsibility, and the principle of plurality;
- the guarantees of freedom to implement the political activities;
- the ways, means and results of the political activities;
- the legal regime and the legal grounds for the implementation of the political activities;
- the restrictions and prohibitions in the area of the political activities, e.g. the prohibition against activities, the purposes of which

are qualified as extremist (or aimed at an initiation of international conflict, etc.); the prohibition against the implementation of political activities on the territory of the Russian Federation by the political parties of foreign states and subdivisions of the specified parties and other organizations at all connected with the foreign states; the prohibition against foreign individuals and legal entities providing funds to persons conducting political activities¹;

- the grounds and procedure for the suspension or termination of political activities;
- the definitions and ways of expression of political activities;
- international cooperation in political activities, etc.;
- the institution of political responsibility.

In favor of the argument on the amendments to the legislative definition of the term and the interpretation of political activities, we must refer to the statement of Putin, who said at the meeting with the members of the National Youth Forum "Seliger-2013" that took place from 14th July till 5th August in the Tver area: "There must be clear and precise criteria of what the political activities and other elements of this occupation are."²

The meaning of the political activities is formed by the goal-oriented or situational actions of the members of the political activities that are indirect to their political interests and other political motives.

The **interpretation** of the political activities and regulation under the law should include the following types of political activities:

- the political prognosis and conductance of political research for the purposes of the adoption of a political resolution;

¹ As the basis for this provision, the Article 13 Paragraph 3 of the Constitution of the Russian Federation must be used, which prohibits the activities of public assemblies, the purposes and actions of which are as follows: changing by force the basis of the constitutional regime and the integrity violation of the Russian Federation, damaging the state security, formation of armed forces, initiation of social, racial, national or religious conflicts.

² Putin: the Law on NCO should not be neither stricter nor be liberalized // Moskovsky Komsomolets. 2nd August 2013.

- the elaboration of the political resolutions and implementation of measures for the execution thereof;
- the arrangement of the supervision over the elections and conductance of referendums;
- the assistance in the prevention and resolution of political conflicts and electoral disputes;
- the contribution to the development of the institutions of civil society and the institutions of “electronic” democracy;
- the activities in relation to the modernization of the political institutions and standards;
- the agitation activities, organization of political meetings and debates;
- the control over government affairs (e.g. in a form of requests or interpellations) from the side of the parliament or institutions of civil society;
- the lobbying of political interests;
- the organization of manifesting actions (protests, demonstrations, vigils, rallies, filing petitions);
- the anti-corruption activities;
- the ecological activities, which cannot be depoliticized as they were done in the amendment to the law on non-commercial organizations;
- the drafting and passing of a bill and the passing of an alternative bill in the parliament;
- the implementation of political enlightenment, and the contribution to the formation and development of the culture of political participation by the citizens in politics.

In our opinion, efforts should continue to be made in relation to the legalization of the lobbying activities, meaning that it is a significantly important type of political activity. Certainly, we mean modern and civilized lobbyism. This type of lobbyism is permitted in a number of countries (USA, UK, Australia, Canada, Poland). The organization called the Association of Professional Political Consultants (APCC) plays a significant part in the political life of the UK. The political lobbyism tradition is a major factor of political life in the USA. Attention may be paid to the comprehensive analysis of the American lobbyism conducted by

Sitnikova, A.¹ There is state regulation of lobbying activities in Australia². Among countries of the Commonwealth of Independent States, lobbying activities are conducted in Lithuania. In 2004, the federal bill No. 396138–3 “On the Lobbying Activities in the Government” by the legislators: Nadezhdina, B., Khakamada, I., and Nemtsov, B., was considered by the Board of the State Duma of the Russian Federation. Earlier, in 2003, the Ruling of the Inter-Parliamentary Assembly of the Commonwealth of Independent States was passed “On the Model Law On the Regulation of the Lobbying Activities in the Government”³.

Medvedev, D., talked about the necessity to legalize lobbyism (2011). The law on political activities should:

- define lobbyism as a professional activity of certain persons and non-commercial organizations, aimed at supporting before parliament (and other government authorities) the interests of certain social groups;
- define the members of the lobbying activities and, above all, provide as such a lobbying organization, meaning an organization that conducts for remuneration services of representation of a client before the government;
- define the rights and responsibilities of the members of the lobbying activities, where one of the responsibilities should be the responsibility to provide (disclose) information on clients, financial sources;
- define the ways of controlling and accrediting the lobbying organizations, the procedure for their reports, etc.

Attention should be paid to the bill of the Republic of Kazakhstan on lobbying activities,

¹ Sitnikova, A. V. Legislative regulation of the lobbying activities in the United States of America. PhD Thesis in Law // Russian Academy of State Service under the President of the Russian Federation. Moscow: 2010

² The acts of the state regulation of lobbying activities are: Lobbyists Registration Scheme (1983), Ministerial Code of Conduct (1996). Re.: The International Experience of the Regulation of the Lobbying Activities // Yurist. August of 2010. #8.

³ The Ruling of the Inter-Parliamentary Assembly of the Commonwealth of Independent States was passed “On the Model Law On the Regulation of the Lobbying Activities in the Government”. #22–16. St. Petersburg. 15th November 2003.

which also describes such a member as a “corporate lobbyist”. In this document, corporate lobbyists are defined as “actors responsible for the pursuit of interests of a specific organization in the government, for the purposes of acquiring certain preferences. The interests of corporations in communication with the government represent a separate division in a company: the Government Relations Department (the GRD). The GRD is a structural division of a major corporation responsible for the management of its activities in the government. The department’s representatives (GR specialists) represent the company’s interests in politics, ... as well as search for potential opportunities for the company through participation thereof in political actions”¹.

From the lobbying methods provided by the law on political activities in the Russian Federation, we can distinguish the following:

- arrangement of inquiries to the members of the parliament by the voters with their letters and petitions;
- arrangement of publications and appearances in the mass media in relation to a bill to be passed;
- representation of a bill (formally, drafting of a bill and proposing thereof for consideration of the members of the parliament may be done by any individual or a legal entity. Obviously, the parliament is not obligated to accept this bill for consideration. Such obligation is established only in relation to bills and proposals by authorities and officials that have the right of legislative initiative and by a number of certain citizens. However, it does not mean that the parliament cannot consider bills proposed by individuals. If such a bill is passed, it will not result in any legal consequences, e. g. the members of the parliament are not obliged to adopt any kind of resolution in connection therewith);
- provision of information, results of public research, journalists’ investigation, provision of consulting assistance, etc.

¹ Re.: The Professional Analysis of the Bill of the Republic of Kazakhstan “On the Lobbying” // Research Centre on the Legal Policy of the Republic of Kazakhstan. 2010

The lobbying activities may be considered to be a way of implementation of the constitutional right of the citizens to take part in the government. Due to the fact that lobbying is usually associated with corruption in countries where it is permitted, laws were introduced, regulating methods of the lobbying activities (a person who violated regulations of the lobbying activities may be held criminally liable). Thus, in the USA, lobbying organizations are obliged to register in the House of Representatives and the Senate. This registration is executed on the basis of a written notice, which states, for instance, who the lobbyist represents, how much funds he receives from the organization hiring him, what goals were set before him, etc. In our country, lobbying is not prohibited, but it is not legally regulated either.

When Putin won the presidential elections in 2012, he declared in relation to the opposition that they “will become a real political force when they are able to express their proposals in connection with the country’s development and prove that these proposals are attractive”². In our opinion, it will be possible only if there are such organizations that are able to elaborate alternative bills and proposals at a professional level, i. e. modern lobbying organizations. The use of these services would increase constructability in the communication of executive power within the opposition, which is highly important for political stability in our country.

Unfortunately, a resonance that occurred as a result of the amendments to the law on non-commercial organizations may cause difficulties at some point in the promotion of the idea of the elaboration of a Russian model for legal lobbying activities.

A special place should be provided in the law on political activities, to the legal regulation of the provision of professional activities in relation to the **implementation of electoral techniques**. In particular, the law could state:

- professional services in relation to the planning and carrying out of an election campaign

² Putin spoke about when the opposition in the Russian Federation will be the real power: <http://news.online.ua/471957>

(determination of the limits of the electoral districts, determination of the members of the electoral committees, action tactics of the candidates, etc.);

- professional services in relation to the proposing and promoting of a candidate;
- professional services in relation to the communication with the volunteers and voters, organization of electoral events, evaluation of factors of electoral behavior;
- professional services in relation to the organization and implementation of electronic elections;
- professional services in relation to an appeal of a decision by the electoral committees, administratively and through court.

The absence of a standard regulation of such activities, i.e. the law on political activities, is one of the reasons why electoral disputes remain the most difficult, almost impossible to settle, political disputes.

Monitoring the elections as a type of activity conducted by specialists in the electoral law, specialists in voters' behavior, or conflict resolution specialists, may significantly optimize the election process and the nature of the competition among the elections' leaders, and make the electoral disputes resolvable. So far, there are no major improvements in political life that are directly associated with the fight for political power. This has to do with the fact that in case of an electoral dispute, the parties thereto go to court, but they have rather low chances for the resolution of a conflict. Why? Because a court case in relation to an electoral dispute requires a special procedure and approach for the search of evidence. That is where separate courts and administrative procedure courts would do a successful job. However, so far there are no such courts, nor is there confidence in the fact that they will ever be established. The election dispute is basically administrative, i.e. when an election authority's (committee) actions are being disputed or a voter's behavior is associated with a violation. However, such disputes are being handled by the general courts, who use a civil court procedure.

The resolution of electoral disputes through the courts of general jurisdiction is not always

perfect. Probably the most typical disadvantage of an electoral dispute being handled by these courts is that in the event when such a dispute is associated with a complaint by one of the candidates — of the illegal actions of his opponent in the race for a mandate, which were expressed through bribing the voters by certain persons — then it is required to prove by means of evidence the connection between these persons and the candidate in whose favor the illegal actions were conducted. In most cases, it is impossible to prove such a connection, because neither the plaintiff candidate nor the electoral committee, which considers that actions connected with a bribe cannot define the will of the voters, are allowed to investigate the indecent behavior of the relevant persons¹. Any indecent actions taken against a candidate at the elections may be assigned to the supporters of that candidate involved in so-called “black” PR in relation to his opponent or, which is easier, from that opponent. In any case, both must be proved, for which the electoral committee does not have time, people, or authority. In the case of such a situation, and there may be a lot of them, the electoral committee must not have any doubts in regards to the credibility of the voters' will, in which case the committee will be forced to declare the elections void, considering the axiom of the electoral law.

In practice, regional officers of the committee do not pass such resolutions, so an electoral dispute occurs, during the resolving of which a lack of evidence is apparent.

The lack of evidence² results in the delay of the litigation and the transfer thereof to the higher courts. At the same time, in many cases the passing of a resolution on the electoral complaint makes sense only if the time required thereof is within the timeframes of the campaign.

¹ Here, we may refer to the civil case #33G02–6 of Rybkin, A.A., a candidate in respect of which the Resolution was passed by the Judicial Division of the Supreme Court of the Russian Federation. Re.: Zhuravlev, V.P. (ed.) (2005) Files of the judicial practice in relation to the electoral disputes and administrative liability for the law violation in connection with the elections in the St. Petersburg Area. St. Petersburg: Vesti.

² We must emphasize that we are talking about a significant lack of evidence

In this regard, we must agree with the opinion that "... the procedural factors in relation to the administrative cases prove the obligation to avoid the dissolution thereof in the procedure for the civil cases. ... a dispute over subjective public rights may not be resolved through traditional types of civil complaint litigation."¹

Thus, the existing order of things at the elections shows the possibility of the occurrence of a threat to political stability in relation to the election relations.

As we see it, a resolution of this matter is in assistance of the election committees by the special authorities, who would supervise the election process and the voters' behavior.

Certainly, we can refer to the already existing institutions that have control over the elections and behavior of the voters, candidates and their supporters. But the members of the political parties or other public associations and members of organizations like, for instance, "The League of Voters", are politically engaged.

However, if we address such an important political matter to the services of the professional actors of the political activities who are not party-oriented and provide them with due powers (e. g. to interact with the law enforcement authorities) under the law on political activities, it may resolve the issue of the optimization of the elections.

The law must provide such activities as **anti-corruption** with the status of a type of political activity. The extent of the corruption in our country is significant. During 2012, there were 45 thousand documented crimes of this nature. According to the Minister of Internal Affairs of the Russian Federation, Kolokoltsev, V., 7.5 thousand cases were in connection to large amounts. Mr. Kolokoltsev noted that more than ten thousand people had been arrested for crimes connected to corruption².

The anti-corruption activities may be successful in the events of: (a) establishment of an anti-corruption authority under Article 6 of the United Nations Convention against Corruption; or (b) active involvement of the Russian citizens in the anti-corruption process. Both are extremely unacceptable for Russian society.

In Russia, the principle of separation of the responsibilities against corruption between the law-enforcement and other agencies is used, so the establishment of an authorized body against corruption with substantial (and probably excessive) prerogatives is unlikely and unwanted.

As to the active involvement of the Russian citizens in the anti-corruption process, it is also rather hypothetical. The degree of anti-corruption activities among Russians is very low. It is evaluated by the **Corruption Perceptions Index**. This index is measured by Transparency International (the higher the index, the lower the corruption level). In 2009, Russia acquired 2.2 points and was ranked 146th out of 180. In the Corruption Perceptions Index of 2010 (CPI 2010), Russia acquired 2.1 points and was ranked 154th out of 178. In the Corruption Perceptions Index of 2011 (CPI 2011), Russia acquired 2.4 points and was ranked 143th out of 183 monitored countries.

Efficient control over corruption is possible only under the full transparency of corruption activities or activities that have indicators of corruption. It is believed that major involvement of active citizens, especially those of a high level of political culture, against corruption by means of the use of, for instance, the President's website, as well as the websites of other political leaders, could be an effective instrument for counter-corruption actions in law enforcement. But this is something that remains as just words. The reason is easy: when fighting against corruption, the resource that we are discussing in this article is not enforced, which is the activities of the qualified specialists who are not engaged in a political party, who have the status of members of political activities and the rights for the exercise thereof. As to the civil initiatives and the use of internet technologies in the fight against the corruption, we cannot place a high expectation in this area. Russian society tends to possess

¹ Salischeva, N.G., & Khamaneva, N. Y. The Administrative Justice and the Administrative Litigation in the Russian Federation. Moscow.

² In 2012, there were 45 thousand crimes of corruption committed in Russia. <http://www.rosbalt.ru/main/2013/02/08/1091759.html>

a legal culture of reasonable expectations, i.e. a culture built upon abstract political expectations (appointment of a “good” leader, introduction of a successful reform by somebody, etc.). Research shows that Russian citizens consider it absolutely necessary to establish control over government power, but, on the other hand, refer to their roles in politics skeptically and demonstrate a low level of personal willingness to participate in any forms of political activities. Basically, the order is required, but it has to be done by a good leader (a president, prime-minister, etc.), who will destroy corruption and other undesirable entities¹. If we refer to the expressions of political cultures in other countries, we will find that the counter-corruption committee mostly deals with the processing of the corruption reports provided by the informers and specialists, whose activities are rather well paid.

The law on political activities must recognize and list the services associated with the use of information technologies, services in connection with the management of the city’s (municipal) economy and the structure of responsibilities of the city managers for the results of their work, managing services in relation to the conductance of the political negotiations and arbitration in case of a political conflict.

We must admit that the law on political activities must introduce to the structure of the political institutions the **institution of political responsibility** for the errors in political activities

connected with the passing of important political resolutions. Certainly, it is necessary to elaborate a list of conditions for the occurrence of a situation where the institution of political responsibility would be used (lack of justification of a resolution, significant negative consequences, etc.).

Thus, we can make the following conclusions:

- the political attitude of Russian society at the present stage results in the requirement for the due legislative interpretation of political activities; and
- this results in the requirement for the introduction of the Federal Law “On the Political Activities in the Russian Federation”.

Obviously, it was only possible to state the very general provisions of this law within this article.

In regards to the requirement of the legislative definition of political activities, we propose the following interpretation:

“Political activities shall be deemed the **activities of the groups² and associations of citizens and of individuals, including those who conduct them professionally and for a fee, which is associated with the organization and carrying out of political events for the purposes of persuasion of the government officials to pass resolutions to change the existing government policy or for the purposes of supporting this policy, as well as formation of public opinion for the specified purposes**”.

References

1. The Constitution of the Russian Federation. Official Gazette of the RF. 26.01.2009 N 4, p. 445;
2. “On the Parliamentary Control over the Military”, the Model Law // the 18th Plenary Session of the CIS Inter-Parliamentary Assembly: Ruling #18–13. 24th November 2001.
3. “On amendments to certain legislative acts of the Russian Federation in terms of regulation of activities of non-commercial organizations acting as foreign agents”. Federal Law dated #121-FZ 20.07.2012 // Official Gazette of the RF, 23.07.2012, No. 30, p. 4172.
4. How much does a party cost? // Simbirskiye Izvestiya. 7th April 2005. No. 15.
5. Kamyshev, D. Putin lost political support // “Kommersant-Vlast”. 19th July 2012.

¹ Re.: Public Opinion 2011 (2012) Moscow: Levada-Centre. См. Общественное мнение — 2011.— М.: Левада-Центр, 2012

² Group of citizens is a set number of citizens, permitted by the law, that provides them with the right to conduct constitutionally legal action (e.g. presentation of a petition, proposing of a candidate, etc.)

6. Makunina, S. The Attorney General's Office defined what they consider to be political activities under the Law on NCO: <http://www.rbcdaily.ru/politics/562949987986386>.
7. The Ministry of Justice wants to define what are political parties and political activities // *Rakurs*. 22nd April 2013.
8. Konovalov, V.N. *Political Science. Dictionary*. Moscow: RSU, 2010
9. Kudrin proposed to narrow down the term "political activities" in the law on NCO: <http://www.mk.ru/politics/russia/news/2013/09/26/921544>.
10. Zhuravlev, V.P. (ed.) (2005) *Files of the judicial practice in relation to the electoral disputes and administrative liability for the law violation in connection with the elections in the St. Petersburg Area*. St. Petersburg: Vesti.
11. Putin: the Law on NCO should not be neither stricter nor be liberalized // *Moskovsky Komso-molets*. 2nd August 2013.
12. The Ruling of the Inter-Parliamentary Assembly of the Commonwealth of Independent States "On the Model Law On the Regulation of the Lobbying Activities in the Government". #22–16. St. Petersburg. 15th November 2003.
13. The Professional Analysis of the Bill of the Republic of Kazakhstan "On the Lobbying" // *Research Centre on the Legal Policy of the Republic of Kazakhstan*. 2010
14. Salischeva, N.G., & Khamaneva, N. Y. *The Administrative Justice and the Administrative Litigation in the Russian Federation*. Moscow.
15. Sitnikova, A. V. *Legislative regulation of the lobbying activities in the United States of America*. PhD Thesis in Law // *Russian Academy of State Service under the President of the Russian Federation*. Moscow: 2010.
16. *Lobbyists Registration Scheme (1983), Ministerial Code of Conduct (1996)*. Re.: *The International Experience of the Regulation of the Lobbying Activities* // *Yurist*. August of 2010. #8.