



ABOUT SOME ASPECTS OF INFLUENCE ON THE ACTIVITIES OF POLITICAL PARTIES IN THE RUSSIAN FEDERATION

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This article examines the issues of influencing the activities of political parties through the entry of political parties into coalitions, their international interaction, as well as obtaining funding. The paper provides an analysis of federal legislation governing the implementation of the right of political parties to unite, international relations and receive funding, and proposes new mechanisms for monitoring the implementation of the first two of the above-mentioned rights.

In this paper, we have considered three potential ways to influence the activities of political parties in the Russian Federation: through the exercise of the right of a political party to a coalition, through the exercise of the right to international relations, as well as direct financing of the activities of political parties.

We found out that today in the Russian Federation there is a mechanism to protect against interference in the activities of political parties in the field of their financing, but there is no mechanism to protect against potential influence on political parties from other political parties, public associations, including foreign ones, as well as international unions and associations.

As a mechanism for monitoring the implementation of interaction between political parties and other public associations, the preliminary and subsequent control of their relations by the Ministry of Justice of the Russian Federation is proposed.

Also, as a proportionate means of controlling coalition associations of political parties, it is proposed to establish a ban on the creation of associations and unions with other political parties and other public associations without forming a legal entity in the case when they are persons recognized as foreign agents.

1. Introduction.

The active transformation of the legislation of the Russian Federation, aimed at eliminating as much as possible the potential destructive influence, including foreign influence, on the civil and political processes taking place in the country, inevitably entails a deep internal restructuring of the established institutions of civil society. One of these actively changing institutions in the context of the above transformation is political parties.

In this article, the authors consider changes in the regulatory legal regulation of the activities of political parties, as well as the actual changes that have occurred in their activities in connection with the vector of "closure" of the party system from any destructive external influence indicated by the state, and also propose new approaches to the regulatory legal regulation of certain aspects of the activities of political parties in order to eliminate potential threats. having an adverse effect on their activities.

In the framework of this work, the formal legal, comparative legal, legal modeling method and other methods necessary for a comprehensive review of the proposed issues, the preparation of conclusions and proposals based on the conducted research will be applied.

Certain aspects of influencing the activities of political parties are considered in dissertation studies and scientific articles by Zaikin S.S. [1, 21], Maslennikova S.V. [2], Kireev D.A. [3, 17], Kurbanova Z.M. [4], Pozdnyakov D.A. [5].

This issue has also been considered in the framework of scientific papers, monographs and articles by domestic and foreign scientists, in particular, Avakyan S.A. [6, 7, 8], Zorkin V.D. [9], Yudin Yu.A. [10], Duverger M. [11], Lebedev V. A. [12], Sheverdyayev S.N. [13, 14], Mitin G.N. [15], Kolyushin E.I. [16], Vershinin A.I. [18], Kakitelashvili M.M. [19, 20], Dolgikh F.I. [22], Melnik T.E. [23], Volodina S.V. [24], Vershinin A.I. [25], Mitin G.N. [26] and other researchers.

The issues of influencing the activities of political parties have been widely considered in the science of constitutional law, however, due to the constant changes in legal regulation and the specific political conditions of the development of the Russian Federation, scientific works on this

topic invariably meet the criterion of relevance.

2. Ways to influence the activities of political parties in the Russian Federation.

The ability to influence the activities of a political party is initially fixed by the legislator in the legal regulation of their activities and can be considered in two aspects. The first is that influence on a political party is exerted through targeted interference in the exercise of its rights, the second is that influence is exerted through the financing of a political party by persons pursuing their goals.

Considering the first aspect, it should be noted that clause 1 of Article 26 of Federal Law No. 95-FZ dated July 11, 2001 "On Political Parties" (hereinafter referred to as Federal Law No. 95–FZ) contains among the rights of a political party the right to form associations and unions with other political parties and other public associations without forming a legal entity¹, and It also has the right to establish and maintain international relations with political parties and other public associations of foreign countries, and to join international unions and associations².

M. Duverger wrote: "Multiparty regimes can only, as an exception, dispense with coalitions when one of the parties achieves an absolute majority; but even in this case, the majority party most often seeks to govern jointly with others" [11, pp. 380–381]. An association formulated through the exercise of the right to unite with other political parties and other public associations without forming a legal entity is commonly referred to as a coalition or a bloc.

It is noteworthy that the most famous "pre-election" coalitions in the Russian Federation were formed during the elections of the State Duma of the third convocation (1999–2003) – the Fatherland -All Russia Union (OVR) and the Unity electoral bloc

¹ Subclause "z" of clause 1 of Article 26 of Federal Law No. 95-FZ dated 11.07.2001 (as amended on 04/01/2022) "On Political Parties" // Official Internet Portal of Legal Information <http://pravo.gov.ru> . – 04/01/2022 (date of application 05/10/2024).

² Subclause "k" of clause 1 of Article 26 of Federal Law No. 95-FZ dated 11.07.2001 (as amended on 04/01/2022) "On Political Parties" // Official Internet Portal of Legal Information <http://pravo.gov.ru> . – 04/01/2022 (date of application 05/10/2024).

(Medved), each of these coalitions included not only political parties but also social movements registered in the appropriate order.

Another example of the creation of a coalition, however, created after the passage of the parties to the State Duma and issued in the form of a document, is concluded on February 8, 2010. The political agreement between the United Russia All-Russian Political Party and the Fair Russia Political Party, the first paragraph of which states: "The Parties to the Agreement – United Russia and FAIR RUSSIA - undertake to strive for coalition actions when discussing issues and implementing national tasks."³

At the same time, turning to the issue of concluding coalition agreements on a different plane, we may find that today there are significant gaps in both in Federal Law No. 95-FZ, and in Federal Law No. 255-FZ dated 07/14/2022 "On Control over the Activities of Persons under Foreign Influence" (hereinafter referred to as the Federal Law No. 255-FZ). In particular, clauses 6 to 8 of art. 11 of Federal Law No. 255-FZ contain a ban donations to a candidate, the referendum foundation, a political party and its regional branches are prohibited by foreign agents, and transactions with foreign agents are prohibited by a political party, its regional branch, or other structural subdivision⁴.

However, based on the definition of a transaction set out in Article 153 of the Civil Code of the Russian Federation, actions of citizens and legal entities aimed at establishing, changing or terminating civil rights and obligations are recognized as such. Does the coalition agreement entail the emergence of "civil rights and obligations" for its participants? In our opinion, no,

because the coalition agreement does not have any legal consequences for its participants, nor does it oblige the parties to any self-restraint in their political activities. Practice shows that such an association most often occurs within the framework of an agreement of intent, where the parties promise to "strive" to achieve an agreed position, while not committing themselves to any enforcement measures, so we can say that a coalition agreement is an act of political rather than legal, and legal consequences. It does not give rise to civil rights and obligations for the parties in the form of establishment, modification or termination, and therefore the provisions of subclause "h" of clause 1 of Federal Law No. 95-FZ need to be updated.

Turning to the right to international relations, it should be noted that this practice is also very common in the life of political parties. For example, in 2015, the United Russia political party signed a cooperation agreement with the leading political party of the Republic of Kazakhstan, Nur Otan (renamed Amanat in 2022). The purpose of this agreement is to familiarize each other with experience in the field of party building, the implementation of party projects, organizational work, audit activities, education and training, participation in the activities of legislative bodies of state power, youth policy, international relations and other areas of mutual interest⁵.

It seems that the implementation by representatives of a political party of international relations with representatives of political parties of friendly states carries fewer legal risks for the state than the establishment of similar relations with representatives of political parties of States pursuing unfriendly policies. At the same time, Federal Law No. 95-FZ does not contain any indication of this, as well as indications of the impossibility of establishing international relations, joining international unions and associations. It is noteworthy that in accordance with paragraph 1 of art. 1 of Federal Law No. 255-FZ,

³ See: Political agreement between the All-Russian political party "UNITED RUSSIA" and the political party "FAIR RUSSIA" // Official website of the political party "FAIR RUSSIA". – URL: <https://spravedlivo.ru/3145910> (date of application: 05/15/2024).

⁴ See Article 11 of Federal Law No. 255-FZ dated 07/14/2022 (as amended on 05/15/2024) "On Control over the Activities of persons under Foreign Influence" / Official Internet Portal of Legal Information <http://pravo.gov.ru> . – 07/17/2022 (date of application: 05/15/2024).

⁵ See: "An agreement on cooperation between the parties Nur Otan and United Russia was signed in the State Duma // Official website of the All-Russian Political Party UNITED RUSSIA. – URL: <https://er.ru/multimedia/video/v-gosdume-podpisano-soglasenie-o-sotrudnichestve-mezhdu-partiyami-nur-otan-i-edinaya-rossiya> (date of application: 09/29/2022).

a person who has received support and (or) is under foreign influence ⁶may be recognized as a foreign agent, however, according to clause 3, clause 3, Article 1 of the Federal Law, a political party registered in accordance with the established procedure cannot be recognized as such ⁷.

At the same time, representatives of political parties, in accordance with the provisions of Federal Law No. 95-FZ, are exempt from any prior or subsequent reporting on their meetings with representatives of foreign political parties or organizations.

Two conclusions can follow from this thesis. First, the government puts issues of democratic processes above issues of potential foreign influence, due to its confidence in the control mechanisms used by the Ministry of Justice of the Russian Federation and the Central Election Commission of Russia regarding the financing and ideology of existing political parties. The second conclusion is perfectly formulated in the work of Z.M. Kurbanova, who believes that there is no such restriction, since the Russian Federation sees domestic political parties as "a powerful mechanism for influencing foreign parties" and, in this case, Russian political parties will be agents of the will not only of their electorate, but also of the state as a whole [4, p. 112].

The third and most controlled type of influence on the activities of political parties is the provision of funding to them. In itself, the need to finance political parties at any level from the federal budget is debatable: on the one hand, political parties should have sufficient popular support so that they can provide them through donations and membership fees without any government involvement, at the same time, this path leads to the corruption of political parties, since they become indebted for their existence to those who pay them [12, pp. 26-30].

In accordance with clause 5 of article 33 of

Federal Law No. 95-FZ, political parties that have won at least 3% of the votes in a federal electoral district in the elections to the State Duma of the Federal Assembly of the Russian Federation, as well as in the presidential elections of the Russian Federation, are subject to financing from the federal budget ⁸. The participation of political parties in elections of a different level does not entail receiving budget financing.

For example, the Russian Party of Pensioners for Social Justice political party did not receive funding from the federal budget in 2023, as it did not participate in the above-mentioned elections, and the funds received by the party are donations ⁹. At the same time, when 25 political parties are registered in the country and only 5 ¹⁰ of them receive budget funding, the question involuntarily arises, who finances the activities of the rest?

Anticipating that financing the activities of a political party is the easiest and most direct way to influence it, the legislator imposed a strict ban on the possibility of transferring funds to a political party. In clause 3 of article 30 Federal Law No. 95-FZ stipulates that donations to a political party from foreign states, foreign citizens and legal entities, Russian legal entities with foreign participation are not allowed if the share (contribution) of foreign participation in their authorized (pooled) capital exceeds 30%, international organizations and international social movements, foreign agents, non-profit organizations that received foreign funding during the year, etc. ¹¹.

⁶ See: Article 1 of Federal Law No. 255-FZ dated 07/14/2022 (as amended on 05/15/2024) "On Control over the Activities of Persons under Foreign Influence" / Official Internet Portal of Legal Information <http://pravo.gov.ru> . – 07/17/2022 (date of application: 05/15/2024).

⁷ See: Ibid.

⁸ See: Clause 5 of Article 33 of Federal Law No. 95-FZ dated 11.07.2001 (as amended on 04/01/2022) "On Political Parties" // Official Internet Portal of Legal Information <http://pravo.gov.ru> . – 04/01/2022 (date of application: 05/15/2024).

⁹ See: Consolidated Financial Report for 2023 of the Russian Party of Pensioners for Social Justice political party / Official Website of the Central Election Commission of the Russian Federation – URL: http://www.cikrf.ru/politparty/finance/svodn_otchet_23/PENS_ZA_SPR.PDF (date of application: 05/15/2024).

¹⁰ See: List of registered political parties // Official website of the Ministry of Justice of the Russian Federation <https://minjust.gov.ru/ru/pages/politicheskie-partii> (date of application: 05/10/2024).

¹¹ See: Clause 3 of Article 26 of Federal Law No. 95-FZ dated 11.07.2001 (as amended on 04/01/2022) "On Law Enforcement Review 2025, vol. 9, no. 1, pp. 15–23

It should be noted that domestic law enforcement practice is dominated by cases when it is not a foreign citizen, a foreign agent or an organization that wants to influence a political party, but citizens of the Russian Federation. For example, in the appeal ruling of the Judicial Board for Civil Cases of the Orel Regional Court dated May 23, 2012 in the case of No. 33-739 challenged the decision of the Sovetsky District Court of the city of Orel dated March 7, 2012, to invalidate the donation agreement in favor of the regional branch of one of the federal political parties from one of the members of this political party¹².

It should be noted that under the specified agreement, the political party, as a counter-provision, undertook to nominate a donor in the list of candidates for deputies of the Orel Regional Council of People's Deputies as part of the regional list of candidates¹³. It should be noted that, unlike the court of first instance, which declared the contract invalid, the court of appeal rightly pointed out that when the parties committed it, they violated the provisions of Article 32 of the Constitution of the Russian Federation, which provides for the equal right of citizens of the Russian Federation to elect and be elected to public authorities, as well as Article 30 of Federal Law No. 95-The Federal Law "On Political Parties", which establishes the procedure for accepting donations by a political party and its regional branches.

In addition, the judicial board concluded that the transaction was antisocial in accordance with article 169 of the Civil Code of the Russian Federation, and therefore the decision of the court of First instance was overturned, the transaction was declared void, and the funds transferred under the guise of donations were recovered from the budget of the Russian Federation. It should be clarified that the donor did not stop in her attempts to return the funds spent on the donation and

appealed to the Constitutional Court of the Russian Federation with a request to declare Article 169 of the Civil Code of the Russian Federation unconstitutional, but the appeal was refused because it was unacceptable.¹⁴

At the same time, an analysis of the consolidated financial reports of political parties for 2023 shows that private financing of political parties is carried out mainly by legal entities¹⁵. E.I. Kolyushin points out that a political party does not need many donors to receive sufficient funds for its functioning, and several large commercial organizations or groups of such organizations will suffice [16, Pp. 71-74]. In fact, a political party, in conditions of financing from private business, turns out to be dependent on it, which may entail the need to "promote" the interests of specific donors and accept specific individuals designated by donors into the party ranks.

At the same time, it seems extremely incorrect to state unequivocally that a donation to a political party is nothing more than a desire to influence it. The essence of a political party is to unite citizens, including financially, and if any of the members of the political party or those "sympathizing" with it are willing to donate, such actions cannot be perceived as a method of targeted influence.

3. Mechanisms for limiting the impact on political parties.

Federal Law No. 95-FZ contains quite serious mechanisms for monitoring the impact on political parties through their financing, including limiting the number of persons allowed to finance political

Political Parties" // Official Internet Portal of Legal Information <http://pravo.gov.ru> . – 04/01/2022 (date of application: 05/15/2024).

¹² The ruling of the Judicial Board for Civil Cases of the Orel Regional Court dated 05/23/2012 in case No. 33-739. – URL <https://sudrf.cntd.ru/document/468662752> (date of application: 05/15/2024).

¹³ See: Ibid.

¹⁴ Ruling of the Constitutional Court of the Russian Federation dated September 24, 2012 No. 1775-O "On refusal to accept for consideration the complaint of citizen Oksana Vladimirovna Darmograi for violation of her constitutional rights by Article 169 of the Civil Code of the Russian Federation". – URL: <https://www.garant.ru/products/ipo/prime/doc/70147148> (date of application: 05/17/2024).

¹⁵ Consolidated Financial Reports of political parties for 2023 / Official website of the Central Election Commission of the Russian Federation – URL: http://www.cikrf.ru/politparty/finance/svodn_otchet_23.php (date of application – 05/17/2024). (date of application: 05/10/2024).

parties, the obligation of political parties to publish data on their financing, to report on their income, etc. It seems that the use of these mechanisms is justified by the public-legal objectives of the creation of political parties, while the measures themselves of legal regulation of the financing of political parties are aimed not so much at restricting the rights of citizens to participate in political life, or the rights of political parties, as at tracking and suppressing potential sources of influence on political parties.

It is noteworthy that, with such a detailed regulation of the financing of political parties, the legislation of the Russian Federation lacks a mechanism for monitoring the internal and international relations of political parties with political parties and other public associations, including foreign ones, as well as international unions and associations.

It seems that a mechanism for such control is vital in order to avoid the hidden impact that could potentially be exerted on political parties and individual representatives during this interaction. Since the identification and maintenance of the register of organizations performing the functions of a foreign agent falls under the jurisdiction of the Ministry of Justice of the Russian Federation, the optimal solution is to supplement paragraphs "k" of paragraph 1.

Article 26 of Federal Law No. 95-FZ restricts the right of political parties to have any relations with political parties and other public associations, including foreign ones, as well as international unions and associations, without obtaining prior approval for such relations from the Russian Ministry of Justice. In addition, we consider it reasonable to provide for the submission of reports on the results of meetings by representatives of political parties within the framework of this mechanism.

In addition, it is necessary to supplement the provisions of subclause "h" of clause 1 of Article 26 of Federal Law No. 95-FZ, stating that a political party may not form associations and unions with other political parties and other public associations without forming a legal entity in the case when they are persons recognized as foreign agents, in accordance with the provisions of Federal Law No.

255-FZ.

These measures seem to be an adequate means of responding to potential threats of influence on political parties and eliminating, subsequently, the risks of holding representatives of the latter accountable for their contacts with individuals whose purpose is to influence the freedom of decision-making by political parties.

4. Conclusions.

Thus, in this paper we have considered three potential ways to influence the activities of political parties in the Russian Federation: through interference in the exercise of the right of a political party to form a coalition, through the exercise of the right to international relations, and through the use of direct financing of political parties.

We found out that today in the Russian Federation there is a mechanism to protect against interference in the activities of political parties in the field of their financing, however, there is no mechanism to protect against potential influence on political parties from other political parties, public associations, including foreign ones, as well as international unions and associations.

As a mechanism for monitoring the implementation of political parties' interaction with other public associations, preliminary and subsequent monitoring of their relations by the Ministry of Justice of Russia is proposed.

Also, as a proportionate means of controlling coalition associations of political parties, it is proposed to establish a ban on the creation of associations and unions with other political parties and other public associations without forming a legal entity in the case when they are persons recognized as foreign agents, in accordance with the provisions of Federal Law No. 255-FZ.

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