

RESTRICTIONS ON PASSIVE SUFFRAGE DUE TO CONVICTIONS: CONSTITUTIONAL LEGITIMACY ISSUES

Mikhail V. Presnyakov

Volga Region Institute of Management named after P.A. Stolypin – branch of the Russian Presidential Academy of National Economy and Public Administration, Saratov, Russia

Article info

Received –
2024 May 24
Accepted –
2025 June 20
Available online –
2025 September 20

Keywords

Passive suffrage, criminal record, restriction, constitutionally legitimate goals of restrictions

Introduction. Considering the criminal record of a person as an acceptable restriction of passive electoral rights, two interrelated aspects must be taken into account: on the one hand, it is necessary to ensure the rights of the people directly, the citizens of the country decide whether a person is worthy to be his representative in power. On the other hand, of course, the current legislation should contain certain mechanisms for protecting law and order, which make it possible to cut off criminals from the authorities.

Purpose. In this regard, it is important to consider how to institutionalize convictions for individual crimes as a basis for restricting passive suffrage. The purpose of this article is to analyze the teleological conditionality of restricting passive voting rights depending on the presence of a criminal record for various types of crimes.

Methodology. The following methods were used: formal logic method, analysis, synthesis. Results. To date, Russian electoral legislation uses three different such methods: categorical, species and casual or individual.

The first provides for the restriction of the passive suffrage of persons convicted of crimes that belong to the category of grave and especially grave crimes. This approach proceeds only from the gravity of the crime and does not take into account the nature of the act committed, including the object of the encroachment, the specifics of the subjective side (motive of the crime), etc.

It is for this reason that the legislator uses a specific method of legal institutionalization of crimes, the conviction of which entails the restriction of passive electoral rights of citizens.

To date, the current legislation identifies only one type of crime, the conviction of which is the basis for restricting passive suffrage – extremist crimes.

In 2020, the legislator used this approach, supplementing pt. 3.2 of the Art. 4 of the Law on Basic Guarantees of Electoral Rights, paragraph 1), which provides for a very wide list of specific offenses that should be the basis for restricting passive suffrage.

At the same time, it is far from always clear what the legislator was guided by when establishing a criminal record for a particular crime as a basis for restricting passive suffrage. For example, why the murder of a newborn child by a mother (Art. 106 of the Criminal Code of the Russian Federation) is such a basis, and murder in a state of affect – Art. 107 (in the absence of qualifying signs) – no.

The solution to this issue should be based on a thorough revision of the corpus delicti provided for by the Criminal Code of the Russian Federation, from the point of view of not only the severity, but also the nature of the act committed. Moreover, the commission of this act should be related to the constitutionally significant goals of restricting passive electoral rights. Conclusion. The author identifies four constitutionally legitimate goals of restricting passive voting rights due to a criminal record.

Firstly, the inadmissibility of the criminalization of the power apparatus is a criminal qualification.

Secondly, the legitimate goal of restricting passive voting rights is to prevent persons involved in extremist activities from entering the government apparatus – the anti-extremist qualification.

Thirdly, an important goal of restricting passive electoral rights in connection with the presence of a criminal record is the prevention of corruption with the system of public authority – the anti-corruption qualification.

Finally (fourthly), one can single out another constitutionally justified goal of restricting passive voting rights in connection with the presence of a criminal record for certain types of crimes – the prevention of possible abuse of power (“qualification of non-abuse of power”).

1. Introduction. Criminal convictions as grounds for restricting passive voting rights: problems of legal democracy (introduction)

Today, a criminal record is a legal basis for restricting various kinds of rights and freedoms, primarily related to access to state power, the implementation of certain types of professional activities, etc.

So, for example, a person who has not withdrawn or canceled a criminal record cannot be in the state civil or municipal service, and in the public service in law enforcement agencies (Ministry of Internal Affairs, penal system bodies, etc.), the restriction preventing entry into the service and its passage is the presence of even a withdrawn or canceled criminal record.

Meanwhile, electoral legislation does not consider a criminal record as such, i.e. for any crime as a circumstance restricting the passive suffrage of citizens. Restricting the right to be elected and to be elected entails only a criminal record for certain categories and types of crimes. In this regard, the question arises: why, in the presence of a criminal record, a citizen cannot serve as a petty official in the civil service, but can be elected to key positions in state authorities? So, for example, some authors believe that "persons representing the people, that is, representatives of the people. must be the most decent, with an impeccable reputation "[1, P. 16].

It seems that this state of affairs is a necessary attribute of popular democracy - granting the right directly to the people, citizens of the country to decide whether a person deserves to be his representative in power. As the Constitutional Court of the Russian Federation noted in Ruling of 10.10.2013 N 20-P this approach proceeds from "the thesis of the people as a sovereign, who is free to choose any candidate, regardless

of his qualities, as if letting go of all past sins (vox populi vox Dei)" [2].

However, according to the Court, such an understanding of the will of the people contradicts the principles of legal (highlighted by me - M.V.P.) democracy, which suggests that even popular expression of will should be bound by law and the constitution.

Polar points of view are often expressed in the doctrine on this matter. So, for example, the well-known scientist constitutionalist, retired judge of the Constitutional Court of the Russian Federation N.V. Vitruk. Nikolai Vasilievich in his dissenting opinion (then they were still published) to the Decree of the Constitutional Court of the Russian Federation of 19.03.2003 N 3-P noted: "A criminal record as a phenomenon of" objective "and" subjective "criminal law, replacing the" unreliability "of the tsarism and" counter-revolutionary "times of the Red Terror and civil war, immoral (immoral), contradicts the principles of law, justice and humanism and represents rudiment of the past, totalitarian regime" [3].

A well-known Russian scientist, specialist, including in the field of constitutional law, Valentina Viktorovna Lapaeva, notes that "the introduction by the federal legislator of prohibitions on the exercise of passive suffrage of citizens, expanding the list of prohibitions contained in part 3 of article 32 of the Constitution of the Russian Federation, is unconstitutional" [4, P. 2].

However, there is another point of view (which is shared by the Constitutional Court of the Russian Federation) that "part 3 of article 55 of the Constitution of the Russian Federation enshrines the general conditions (principles) of restricting all rights and freedoms of the individual" and, accordingly, allows, on the basis of the law, to restrict, including electoral rights [5, P. 212]. However, it should be agreed that although "formally the legislator can restrict

suffrage in any volume, but as a result, its content is emasculated" [6, P. 45].

Other authors, on the contrary, believe that these restrictions "closed the road to public authorities to criminal structures and, of course, were perceived by society with understanding" [7, P. 349]. Some scholars even believe that "it is correct to approve the general restriction of passive suffrage - the presence of an unexpunged and outstanding criminal record" [8, P. 63]. Some authors even advocate that "in relation to certain types of grave or especially grave crimes, the legislator should provide for a lifelong ban on the implementation of passive suffrage" [9, P. 22].

Truth, as always, lies between these extreme points of view. In this matter, it should be agreed with I.A. Starodubtseva, that "the restriction of the constitutional rights of an individual in connection with a criminal record requires a comprehensive study from the point of view of compliance with the Constitution of the Russian Federation, from the standpoint of the formation of a legal rather than punitive state in Russia" [10, P. 28].

1. Ways to legislatively institutionalize individual criminal convictions as grounds for restricting passive suffrage.

If we proceed from the original thesis that not all, but only some criminal acts can entail restrictions on passive electoral rights, then first of all, the question arises of how to distinguish such corpus delicti. It seems to us that the Law on Basic Guarantees of Electoral Rights uses three different such methods: categorical, species and casual or individual.

The first two are "historically the first" in Russian electoral legislation: they were introduced into the Law on Basic Guarantees of Electoral Rights by Federal Law of 05.12.2006 N 225-FZ [11].

2. Categorical way to institutionalize passive suffrage restrictions due to criminal records

This law provided for the restriction of the passive suffrage of persons convicted of crimes that belong to the category of grave and especially grave crimes. A "species" group of crimes - extremist in nature - was also highlighted, the commission of which entails the impossibility of being elected in the event of an unexpunged or expunged conviction for such crimes.

The first argument against such an approach was noted in the Ruling of the Constitutional Court of the Russian Federation of 10.10.2013 N 20-P, which saw the unconstitutionality of the relevant restrictions not only in the fact that they are not temporary, but also in insufficiently differentiated nature. In Russian criminal legislation, most of the compositions are grave or especially grave crimes - very wide forks of punishments. This is correct and necessary for the implementation of the principle of justice, taking into account all the circumstances of the committed act (another thing is that such a state of affairs creates the possibility of arbitrariness, but this is already a problem of the science of criminal law). In this regard, in the above-mentioned Decision, the Constitutional Court indicated that the constitutional principle of proportionality of restrictions on constitutional rights should take into account not only the categories of crimes, depending on their severity, but also the individualization of the punishment imposed by the court, i.e. the actual measure of responsibility assigned to the person. Unfortunately, this "wish" of the Constitutional Court of the Russian Federation was not heard by the legislator, who, following the results of this decision, only introduced temporary restrictions on the passive suffrage of persons convicted of grave and especially grave crimes [12, P. 718].

The second argument is related to the fact that such an approach proceeds only from the gravity

of the crime and does not take into account the nature of the act committed, including the object of the encroachment, the specifics of the subjective side (motive of the crime), etc. For example, I.A. Starodubtseva notes that not even grave, but especially grave crimes include the theft of objects or documents of special historical, scientific, artistic or cultural value (its commission is punishable by imprisonment of up to fifteen years!). Further, Inna Alekseevna asks a rhetorical question: "is the public danger of the perpetrators of this crime so high as to limit their passive suffrage for a maximum term of 23 years?" [10, P.29].

On our own behalf, we add that the question here is not even in the public danger of such an act (we believe that it can be very high depending on the specific circumstances), but in the nature of the act committed. For example, the crime provided for in Article 282 of the Criminal Code of the Russian Federation ("Incitement to hatred or enmity, as well as humiliation of human dignity") "does not reach the grave, however, it seems to us that its commission can act as a constitutionally legitimate basis for restricting passive suffrage based on the nature of this act.

It is for these reasons that we are inclined to distinguish between categorical and species methods of legal institutionalization of crimes, the conviction of which entails the restriction of passive electoral rights of citizens.

3. Species-specific way to institutionalize passive suffrage restrictions due to criminal records

The current legislation identifies only one type of crime, the conviction of which is the basis for restricting passive suffrage - extremist crimes [13].

In this case, questions are raised by the term "extremist crimes" itself and what corpus delicti can be attributed to this type. As noted

by A.A. Kondrashev and N.A. Sidorova, "the legislator used a wording that did not meet the requirements of criminal law to designate the crimes committed, because the Special Part of the Criminal Code of the Russian Federation does not even provide for the presence of a separate chapter" [14, P 67].

Earlier, part 1 of article 282.1 of the Criminal Code of the Russian Federation contained an exhaustive list of crimes that were classified by the legislator as extremist crimes. At the same time, it was additionally indicated that these crimes should be committed on the basis of racial, national, religious, etc. enmity or hatred. This clarification was not superfluous: for example, vandalism (Article 214 of the Criminal Code of the Russian Federation), committed out of hooligan motives, obviously does not constitute an extremist crime, and desecration of buildings based on national enmity should be attributed to crimes of an extremist nature.

The problem here was an incomplete list of corpus delicti that essentially fall under the signs of extremist activity, therefore, Federal Law No. 24.07.2007 of 211-FZ introduced note 2 to this article, which is prescribed to understand as an extremist crime any crime committed on political grounds, ideological, racial, national or religious hatred or enmity or based on hatred or enmity towards any social group. Moreover, this motive refers not only to the qualifying features directly named in the article of the Special Part of the Criminal Code of the Russian Federation, but also to the aggravating circumstances of any crime.

Such a legal definition of this type of crime does not seem very successful. Firstly, as rightly noted in the doctrine of criminal law, the list of extremist crimes is open: it can include absolutely any acts provided for by the Special Part of the Criminal Code of the Russian Federation, provided that they are committed on the basis of racial, religious, etc. hatred or enmity [15].

Secondly, such an understanding does not

coincide with the concept of extremist activity, which is contained in the Federal Law of 25.07.2002 N 114-FZ "On Countering Extremist Activity." The latter is much broader: for example, the violation of territorial integrity and calls for violation of the territorial integrity of the Russian Federation are directly related to extremist activities. Meanwhile, this crime can be committed in the absence of the above motive. Actually, even financing extremist activities can pursue exclusively selfish goals.

Finally (thirdly), in our opinion, when restricting voting rights on this basis, it is necessary to take into account the severity of the corresponding crime. Ultimately, beatings, even motivated by racial, national and other hatred (an ordinary fight), hardly deserve deprivation of the right to be elected for a term of five years.

Interestingly, in the doctrine of criminal law, in this regard, it is proposed to distinguish crimes of an extremist nature in a broad and narrow sense of the term. Note 2 to Art. 282.1 of the Criminal Code of the Russian Federation obviously proceeds from the widest possible interpretation of extremist crimes, which can lead to a violation of the constitutional principle of legal certainty. In the narrow sense, some authors propose to consider the "extremist" corpus delicti provided for in Articles 280, 280.1, 282, 282.1, 282.2, 282.3 of the Criminal Code of the Russian Federation [16].

In connection with the above, the conclusion suggests itself that both a categorical and a specific approach to determining the composition of crimes, the commission of which is the basis for restricting passive electoral rights, are insufficient. In the first case, the nature of the crime committed is not taken into account, in the second, the norms of the law acquire a "rubber" character and are deprived of legal certainty.

Obviously, these approaches should be supplemented by a casual (individual) way of determining such corpus delicti, which involves highlighting specific articles of the Criminal Code that establish responsibility for specific unlawful acts. And in 2020, the legislator used this approach, adding part 3.2. Article 4 of the Law on Basic Guarantees of Electoral Rights, Clause b.1) (Federal Law No. 153-FZ of 23.05.2020).

4. Casual way to institutionalize passive suffrage restrictions due to criminal records

In the above paragraph, the legislator has provided for a very wide list of specific corpus delicti, which should be the basis for restricting passive suffrage. This list is of a subsidiary nature in relation to grave and especially grave crimes, the legal consequences of which in the electoral legislation are still enshrined in paragraphs a), a.1) and a.2) of part 3.2. Article 4 of the Law on Basic Guarantees of Electoral Rights. As noted in the special literature, "this norm, taking into account the relatively lower public danger of crimes of moderate severity, is based on an even more differentiated approach than in relation to grave and especially grave crimes" [17, P. 11].

The casual approach to the institutionalization of grounds for restricting voting rights in connection with the presence of a criminal record has its drawbacks. For example, article 280.4 of the Criminal Code of the Russian Federation provides for criminal liability for public calls for activities against the security of the state. In accordance with the general approach of the legislator, it would be logical to expect that a conviction for this act would be the basis for restricting the passive suffrage of a person. However, in the list provided for in paragraph b.1) of part 3.2 of article 4 of the Law on Basic Guarantees of Electoral Rights, it is not. Why? Yes, because this article was introduced into the Criminal Code of the Russian Federation only in July 2022, while the list of these restrictions was

formed in the named law in 2020 (changes were made in March 2022).

It is doubtful that the legislator will edit this list every time when amending the criminal law, if only because different responsible committees are involved in such bills.

However, should the casual language of restrictions on passive voting rights in connection with the commission of certain criminal acts (as well as administrative offenses, where the same problem arises) be abandoned?

S.M. Yevtushenko, analyzing the reference and blanket methods of formulating acts entailing the restriction of suffrage (the first contains a reference to a specific rule of the Criminal Code, the second - to a normative act in general or the sphere of legal regulation), comes to the conclusion that for all its shortcomings, the reference method is more preferable [18]. The blanket method "makes these norms" rubber "and allows them to be used at the arbitrary discretion of law enforcement agencies" [19, 50].

Another thing is that it is far from always clear what the legislator was guided by when establishing a criminal record for a particular crime as a basis for restricting passive suffrage. For example, why the murder of a newborn child by a mother (Article 106 of the Criminal Code of the Russian Federation) is such a basis, and murder in a state of affect - Art. 107 (in the absence of qualifying signs) - no. Why is there no such composition as abuse of authority in this list?

A conviction for the illegal acquisition or sale of animals included in the Red Book of the Russian Federation will be the basis for restricting passive suffrage (Article 258.1), but obstruction of the legitimate professional activities of journalists (Article 144) will not.

The solution to this issue should be based on a thorough revision of the corpus delicti

provided for by the Criminal Code of the Russian Federation, from the point of view of not only the severity, but also the nature of the act committed. Moreover, the commission of this act should be related to the constitutionally significant goals of restricting passive electoral rights. This is the only way to draw up an adequate list of crimes, the conviction of which entails restrictions on passive electoral rights.

5. Constitutionally legitimate goals of restricting passive suffrage due to a criminal record.

E.I. Bychkova proposes to consider restrictions on passive electoral rights in connection with the presence of a criminal record as "a preventive measure for the commission by such persons in elected positions of numerous crimes that violate the normal process of forming government bodies, corruption, economic and other" [20, P. 206]. From this point of view, it is fundamentally important to correlate the nature of a particular criminal offense in order to restrict electoral rights.

In the doctrine, the purpose of legislative consolidation of the restriction of passive suffrage in connection with convictions for certain crimes is the inadmissibility of criminalization of the power apparatus - criminal qualification [21]. This goal seems legitimate and constitutionally significant: as V.V. Krasinsky, such restrictions on electoral rights are practiced in a number of foreign countries and, as a rule, are recognized as justified by the European Court of Human Rights.

In this regard, the inattention of the legislator to Chapter 22 of the Criminal Code of the Russian Federation, which provides for liability for crimes in the field of economic activity, is surprising. Meanwhile, it is the compositions contained in this chapter that are characteristic of professional criminals: illegal entrepreneurship, illegal organization of gambling, illegal production and (or) circulation of ethyl alcohol, etc.

At the same time, this is not the only goal of introducing such restrictions, moreover, the legislative policy of recent years allows us to argue that this is not the main goal of restrictions on electoral rights. If we analyze the corpus delicti, the conviction of which entails the restriction of passive rights, it becomes obvious that a significant (if not most) of them are aimed at preventing the penetration of persons involved in extremist activities into the government apparatus. In particular, the commission of crimes of moderate or even minor gravity related to the implementation of extremist activities entails the impossibility of being elected within five years after the expiry of the criminal record - the anti-extremist qualification.

It seems that at least two more legitimate goals of restricting passive voting rights, which are not covered or which are given insufficient attention by the legislator, can be distinguished.

Firstly, this is an anti-corruption qualification. It should be agreed with T.I. Harutyunyan that "in relation to the electoral process, speaking of the anti-corruption qualification of passive suffrage, it is appropriate to attribute the anti-corruption qualification to the number of electoral qualifications along with the residency, citizenship, age and other qualifications" [22, P. 224].

As it seems to us, such an anti-corruption qualification may also include restrictions on passive voting rights in connection with a conviction for committing crimes of a corruption nature. Meanwhile, as of today, clause b.1) of part 3.2. Article 4 of the Law on Basic Guarantees of Electoral Rights, which lists specific corpus delicti, the commission of which entails the restriction of electoral rights, does not name either taking a bribe (part 1 of article 290 of the Criminal Code of the Russian

Federation), or official forgery (article 290 of the Criminal Code of the Russian Federation), or abuse of office (article 285 of the Criminal Code of the Russian Federation), etc.

In addition, it seems that another constitutionally justified goal of restricting passive electoral rights in connection with the presence of a criminal record for certain types of crimes can be distinguished - the prevention of possible abuse of power ("qualification of non-abuse of power").

For example, chapter 19 "Crimes against the constitutional rights and freedoms of man and citizen" contains the composition of acts that encroach on constitutional rights, which, as a rule, are associated with abuse of power. For example, violation of privacy (Art. 137), violation of the secrecy of correspondence, telephone conversations, postal, telegraph or other messages (Art. 138), etc. Even if there is a qualifying sign of a person's use of his official position, these crimes are not serious. They are also absent in the list of items b.1) of part 3.2. Article 4 of the Law on Basic Guarantees of Electoral Rights.

A lot of such crimes are also contained in Chapter 31 of the Criminal Code of the Russian Federation "Crimes against Justice": obstruction of the administration of justice and the conduct of a preliminary investigation (Article 294), illegal detention, detention or detention (Article 301), etc. Meanwhile, these acts are also not highlighted by the Law on Basic Guarantees of Electoral Rights as grounds for restricting passive suffrage.

It seems to us that obstruction of a meeting, rally, etc. (Article 149) is no less convincing reason for restricting passive suffrage than repeated violation of the established procedure for organizing or holding a meeting, rally, etc. (Article 212.1). Meanwhile, the latter entails a ban on being elected for five years, while the former does not.

6. Conclusions.

Summing up a certain result of the above, we note that, considering the criminal record of a person as an acceptable restriction of passive electoral rights, two interrelated aspects must be taken into account: on the one hand, it is necessary to ensure the rights of the people directly, the citizens of the country to decide whether a person is worthy to be his representative in power. On the other hand, of course, the current legislation should contain certain mechanisms for protecting law and order, which make it possible to cut off criminals from the authorities.

The specificity of relations in this area is such that the categorical and species way of conceptualizing the restrictions of passive electoral rights due to the presence of a criminal record is not able to ensure the implementation of these goals and must be supplemented by a casual (individualized) approach.

A similar approach to date is very eclectically presented in paragraph b.1) of part 3.2. Article 4 of the Law on Basic Guarantees of Electoral Rights without correlation with the purposes of restrictions on passive suffrage due to a criminal record.

The work concluded that a radical large-scale revision of the specific compositions provided for by the Special Part of the Criminal Code of the Russian Federation is necessary to identify those that should entail restrictions on passive electoral rights.

Firstly, the inadmissibility of the criminalization of the power apparatus is a criminal qualification. To achieve this goal, it is necessary to highlight those corpus delicti that are characteristic of professional criminals. Many of these compositions are contained in Chapter 22 of the Criminal Code of the Russian

Federation, which provides for liability for crimes in the field of economic activity: illegal entrepreneurship, illegal organization of gambling, illegal production and (or) circulation of ethyl alcohol, etc.

Secondly, an important goal of restricting passive electoral rights in connection with the presence of a criminal record is the prevention of corruption with the system of public authority - the anti-corruption qualification. In this regard, in paragraph b.1) of part 3.2. Article 4 of the Law on Basic Guarantees of Electoral Rights should include such compositions as taking a bribe (part 1 of article 290 of the Criminal Code of the Russian Federation), official forgery (article 290 of the Criminal Code of the Russian Federation), abuse of office (article 286 of the Criminal Code of the Russian Federation), etc.

Finally (thirdly), one can single out another constitutionally justified goal of restricting passive voting rights in connection with the presence of a criminal record for certain types of crimes - the prevention of possible abuse of power ("qualification of non-abuse of power"). For example, such crimes include violation of privacy (Article 137), violation of the secrecy of correspondence, telephone conversations, postal, telegraph or other messages (Article 138), etc.

REFERENCES

1. Shapiev S.M., Merzlikina M.V. Restrictions on the electoral rights of citizens with a criminal past. *Izbiratel'noe pravo*, 2014, no. 2 (26), pp. 11–18. (In Russ.).
2. Lapaeva V.V. Passive Suffrage as Described in the Constitution of Russia: Its Basis and Restriction Range. *Elektoral'naya politika = Electoral Politics*, 2019, no. 2, art. 2, available at: <https://electoralpolitics.org/ru/articles/passivnoe-izbiratelnoe-pravo-grazhdanina-v-konstitutsii-rf-osnovaniia-i-predely-ogranicheniia/>. (In Russ.).
3. Podmarev A.A. Constitutional Regulation of Restriction of Electoral Rights of Citizens of the Russian Federation. *Izvestiya Saratovskogo universiteta. Novaya seriya. Seriya: Ekonomika. Upravlenie. Pravo = Izvestiya of Saratov University. Economics. Management. Law*, 2019, vol. 19, iss. 2, pp. 210–215. DOI: 10.18500/1994-2540-2019-19-2-210-215. (In Russ.).
4. Kakitelashvili M. Monitoring election laws: a trend for restricting the electoral rights of citizens. *Monitoring pravoprimeneniya = Monitoring of law enforcement*, 2019, no. 2 (31), pp. 41–45. (In Russ.).
5. Kuznetsova O.V. The Principle of Universality and the Reasonableness of Limiting Passive Suffrage. *Izvestiya Saratovskogo universiteta. Novaya seriya. Seriya: Ekonomika. Upravlenie. Pravo = Izvestiya of Saratov University. Economics. Management. Law*, 2020, vol. 20, iss. 3, pp. 346–353. (In Russ.).
6. Akchurin A.R. Limitation of passive electoral right of convicted persons as a mechanism of anti-corruption in the electoral process. *Konstitutsionnoe i munitsipal'noe pravo = Constitutional and municipal law*, 2016, no. 5, pp. 62–64. (In Russ.).
7. Zakharova S.S., Korneev S.A., Nazarkin E.V. Restrictions of electoral rights of citizens of the Russian Federation as a consequence of criminal prosecution. *Vybory: teoriya i praktika*, 2019, no. 3 (51), pp. 17–23. (In Russ.).
8. Starodubtseva I.A. Restriction of the constitutional rights of citizens during the period of outstanding and unexpunged convictions: verification of legislation for compliance with the Constitution of the Russian Federation is required. *Ombudsmen*, 2012, no. 1, pp. 26–30. (In Russ.).
9. Cherepanov V.A. On criminological aspects of restricting the right to be elected in counteracting corruption. *Vserossiiskii kriminologicheskii zhurnal = Russian Journal of Criminology*, 2018, vol. 12, no. 5, pp. 711–721. DOI: 10.17150/2500-4255.2018.12(5).711-721. (In Russ.).
10. Ruban A.D. Countering extremism by limiting universal suffrage, in: Sarsenova A.A., Mamedov E.Kh. (comps.). *Pravookhranitel'naya deyatel'nost' organov vnutrennikh del v kontekste sovremennykh nauchnykh issledovaniy*, Proceedings of the regional scientific and practical conference, St. Petersburg, St. Petersburg University of the Ministry of Internal Affairs of Russia Publ., 2020, pp. 186–189. (In Russ.).
11. Kondrashev A.A., Sidorova N.A. Electoral qualifications and restrictions on passive suffrage in elections in Russia. *Pravoprimeneniye = Law Enforcement Review*, 2022, vol. 6, no. 4, pp. 59–74. DOI: 10.52468/2542-1514.2022.6(4).59-74.
12. Petryanin A.V. *Countering extremist crimes: criminal law and criminological aspects*, Doct. Diss. Thesis. Moscow, 2014. 49 p. (In Russ.).
13. Kharlamova A.A., Makeeva I.S. Extremist crimes: the general characteristics and some peculiarities. *Rossiiskii sledovatel' = Russian investigator*, 2022, no. 1, pp. 55–59. (In Russ.).
14. Rokityanskiy S.G. The establishment of the electoral right restriction in view of committing of crimes of varying severity in Russian laws. *Izbiratel'noe zakonodatel'stvo i praktika = Electoral legislation and practice*, 2020, no. 4, pp. 8–11. (In Russ.).
15. Evtushenko S.M. Limitation of Passive Suffrage in Connection with the Commission of Extremist Crimes and Offenses. *Sovremennoe pravo*, 2023, no. 7, pp. 56–60. DOI: 10.25799/NI.2023.44.87.009. (In Russ.).
16. Poroshin E.N. The right to be elected in modern Russia: the theory and reality. *Konstitutsionnoe i munitsipal'noe pravo = Constitutional and municipal law*, 2020, no. 3, pp. 46–54. (In Russ.).
17. Bychkova E.I. The restriction of the electoral rights of citizens of the Russian Federation in connection with a criminal record. *Rassledovanie prestuplenii: problemy i puti ikh resheniya = Criminal investigation: problems and ways of their solution*, 2015, no. 1 (7), pp. 204–206. (In Russ.).
18. Krasinskij V.V. About legal positions of the European Court of Human Rights and the Constitutional Court of the Russian Federation in questions of the restriction of the electoral rights with reason of criminal record. *Sovremennoe pravo*, 2014, no. 2, pp. 34–41. (In Russ.).
19. Arutyunyan T.I. Some conceptual and legal foundations of the institutionalization of the anti-corruption qualification of passive suffrage: to the formulation of the problem. *Evrasiiskii yuridicheskii zhurnal = Eurasian law journal*, 2019, no. 6 (133), pp. 221–224. (In Russ.).

INFORMATION ABOUT AUTHOR

Mikhail V. Presnyakov – Doctor of Law, Associate Professor; Professor, Department of Service and Labor Law
Volga Region Institute of Management named after P.A. Stolypin – branch of the Russian Presidential Academy of National Economy and Public Administration
25/1, Sobornaya ul., Saratov, 410031, Russia
E-mail: m.v.presnyakov@yandex.ru
RSCI SPIN-code: 8148-0256; AuthorID: 414626

BIBLIOGRAPHIC DESCRIPTION

Presnyakov M.V. Restrictions on passive suffrage due to convictions: constitutional legitimacy issues. *Pravoprimenenie = Law Enforcement Review*, 2025, vol. 9, no. 3, pp. 54–63. DOI: 10.52468/2542-1514.2025.9(3).54-63. (In Russ.).