DOI 10.24147/2542-1514.2019.3(1).33-43

PRINCIPLE OF PROPORTIONALITY OF CONSTITUTIONAL LEGAL RESPONSIBILITY OF POLITICAL PARTIES

Anna V. Nikitina
Khabarovsk State University of Economics and Law, Khabarovsk, Russia

Article info
Received – 2018 September 02
Accepted – 2018 December 25
Available online – 2019 April 20

Keywords
Principle of proportionality, balancing test, political party, constitutional legal responsibility, constitutional delict, Constitutional Court, constitutional legal dispute, conflict of constitutional values, right to association

The subject. The object of research is a principle of proportionality – first as the constitutional principle allowing resolve the conflict arising during the liquidation of political party. This conflict exists between the equally protected constitutional values – freedom of association, democracy, on the one hand, and a need of protection of national interests, national security, the rights and freedoms of the citizens – on another hand. Proportionality is also cross-sectoral principle of legal responsibility guaranteeing justice at constitutional-legal responsibility cases and proportionality of the constitutional legal sanction to the constitutional delict, circumstances, the reasons and conditions of its commission.

The purpose of the study is to highlight the constitutional principles, concerning the prohibition or dissolution of a political party according to European democratic standards and to refute or confirm the hypothesis that they are not effectively reflected in Russian legislation and law enforcement practice.

Methodology. As the main method of this research the author chose the method of legal comparison which allowed carry out the comparative analysis of practice of the foreign constitutional courts, the European Court of Human Rights on the questions raised in the work. Also traditional methods of knowledge of legal matter – the analysis, synthesis, deduction, induction and a formal legal analysis were used.

The main results of research and a field of their application. Liquidation of political party must be a consequence only of serious constitutional offenses or crimes committed by its members acting on behalf of political party. Organizational violations (a lack of number or regional offices of political party, late submission of the updated data necessary for modification of the Unified State Register of the Legal Entities) can't be the basis for the compulsory termination of activity of the political party. The courts have to be guided by the principle of proportionality when they consider cases about liquidation of political parties. The judges must give an assessment if a liquidation of political party proportional to the constitutional offenses committed by it and whether liquidation is strictly necessary for protection of the bases of the constitutional system, morality, health, the rights and legitimate interests of the people, defense of the country, national security or public order.

Conclusions. Constitutional principles, concerning the prohibition or dissolution of a political party according to European democratic standards are not effectively reflected in Russian legislation and law enforcement practice. It is necessary to recognize and reflect exclusive character of such enforcement measure as a liquidation of political party in the legislation. It demands a change of the bases for liquidation.

ISSN 2542-1514 (Print)

1. Introduction

The principle of proportionality, arising from the principle of the rule of law and having a constitutional nature, is today one of the key tools for resolving constitutional and legal disputes. Developed under the influence of the practice of the European Court of Human Rights, this principle or its analogs (weighting, balancing) is used by the bodies of the judicial constitutional review of many foreign states. In the United States of America, Europe, Israel, Canada, India, the Republic of South Africa, Japan and "everywhere in the world" to be weighed in method of resolving disputes on human rights issues" [1, p. 46]. This principle makes it possible to determine whether measures undertaken by public authorities limiting human rights are necessary, proportionate, proportionate and consistent with the goals for which they are applied [2, p. 65]. Thus, the proportionality test is used primarily "as the leading method of judicial assessment of the extent of human rights violations" [3, 4].

At the same time, the practice of many constitutional courts demonstrates the application of the principle of proportionality not only in resolving constitutional and legal disputes between the state and the individual, but also in resolving other constitutional and legal conflicts. For example, in Germany this principle "regulates the organization of the state, relations between the Federation and its members, as well as between the state and local communities". In Belgium, the principle of proportionality plays a significant role in resolving disputes between the federation and its subjects [5, p. 47, 49]. The resolution of competence disputes can also be based on the application of this principle: "to when are competing powers, limits to not clearly marked, and higher authorities cannot solve this problem. "Then the conflict should be resolved by the court, and the principle of proportionality comes back into effect**"** [6, p. 947]. Solving cases on the constitutional and legal responsibility of bodies and officials of public authority, constitutional courts determine whether the dissolution, removal from office or deprivation of a deputy mandate is proportional to the perfect constitutional delict [7, p. 79] . Thus, "whether it is a conflict between a state and a citizen, or between two citizens, or even governmental authorities attempt to resolve these conflicts ... begins with balancing conflicting interests or right "[8, p. 59].

2. The principle of proportionality of the constitutional legal responsibility of political parties: the practice of foreign constitutional courts

Considering the important role of political parties in the functioning of modern democratic states as a necessary institution of representative democracy, ensuring the participation of citizens in the political life of society, the constitutional courts actively use the principle proportionality (or analogs) in the resolution of cases involving the liquidation of (the prohibition, dissolution) of political parties, because, on the first of n allows to resolve the conflict between equally protected by constitutional values - freedom of association, democracy, on the one hand, and the need to protection of national interests, security of the state, rights and freedoms of citizens - on the other, and in a second, involuntary termination of activities of a political party is a constitutional and legal sanction must be commensurate with the constitutional offense. "The proportionality of the punishment to the perfect offense is considered as a necessary condition for his justice" [10, p. 502]. In this sense, proportionality and proportionality, considered synonymous, "mean that the punishment corresponds to the circumstances, causes and conditions of the offense committed" [11, p. 106]. As a result, not any violation of a legal norm by a political party must necessarily entail its liquidation, prohibition or dissolution, which is reflected in the practice of the constitutional courts of foreign states.

Thus, using his authority to dissolve political parties if their goals and activities contradict the fundamental democratic order (part 4, Article 8 of the Constitution of the Republic of Korea), the Constitutional Court of the Republic of Korea on December 19, 2014 decided that the United Progressive Party is unconstitutional, using proportionality test.

Stressing the important role of political parties as intermediaries between the state and its citizens, as well as their free creation and functioning, the Constitutional Court of the Republic of Korea nevertheless adheres to the generally accepted idea about the possibility of state intervention in their activities, stressing, however, that the dissolution of political parties judicially should be carried out on an extremely strict and limited basis to ensure that this system is not used as a means of suppressing political critics. "As long as a political party recognizes the basic democratic order, it should be able to freely express different opinions on the details of this

ISSN 2658-4050 (Online)

basic democratic order prescribed by the current Constitution. A political party can freely follow a diverse ideology that it considers correct (from liberal democracy to communism). Therefore, a political party should not be considered unconstitutional only because of its propaganda, if its goals or activities do not violate the essence of the basic democratic order. At the same time, when a political party completely rejects a democratic and free political process, rejects the fundamental principles of democracy, and seeks to establish a totalitarian regime through coercive, oppressive or arbitrary rule, there is a danger that such a political party can gain power and destroy fundamental principles of democracy". Violation of the basic democratic order, specified in Part 4 of Article 8 of the Constitution, does not mean that any minor violation or violation of the basic democratic order refers to cases where the goals or activities of a political party pose a particular danger to the foundations of the democratic system of Korean society, to the extent that to demand restrictions on the existence of a political party - another mandatory element of a democratic society.

Since the involuntary dissolution of a political party in a court of law is one of the main restrictions on the freedom of activity of a political party, the Constitutional Court in making such decisions should be guided by the principle of proportionality in accordance with paragraph 2 of Article 37 of the Constitution, which is the constitutional rationale for such decisions. The decision to dissolve a political party can be constitutionally justified only when there is no other alternative, when the social benefit from the decision to dissolve exceeds the damage caused by the decision restricting the freedom of the political party.

Using the proportionality test, the Constitutional Court concluded that there was a social need to dissolve the United Progressive Party and deprive its members of seats in the National Assembly, arguing that the goals and activities of the United Progressive Party were essentially unconstitutional. The ultimate goal of the party is to realize North Korean socialism on the basis of the political line of class doctrine and the ideas of the dictatorship of people's democracy, which in the circumstances of South Korea's confrontation with North can be regarded as a violation of the fundamental democratic order. At the same time, to achieve this goal, the party intended to use illegal, semi-legal and violent means and did not rule out the seizure of power through a popular uprising of the people. Thus, the party did not exclude the adoption of decisions aimed at the elimination, overthrow of the basic democratic order of the Republic of Korea, established in accordance with the Constitution. In this regard, in the opinion of the South Korean Constitutional Court, the benefit of dissolving a political party — protecting sovereignty, fundamental rights, a multiparty system and a system of separation of powers that the United Progressive Party has infringed — far exceeds the need to protect the political freedom of the party. "Even when applying the principle of proportionality, the court had no choice but to decide on the dissolution of the party and on depriving its members of seats in the National Assembly" [12, p. 106].

Many European constitutional courts, for example, the Constitutional Court of the Federal Republic of Germany, have similar authority. In accordance with Part 2 of Art. 21 of the Constitution of the Federal Republic of Germany, parties that, by their goals or actions of their supporters, seek to damage the foundations of a free democratic system or eliminate it or jeopardize the existence of the Federal Republic of Germany, are unconstitutional. The issue of unconstitutionality is decided by the Federal Constitutional Court, who, in resolving this category of cases, has developed the position that the principle of proportionality is not applicable when considering cases of prohibition of political parties . It is enough that the criteria of the unconstitutionality of a political party specified in the Constitution are met (the case of the prohibition of the National Democratic Party of Germany).

Meanwhile, the Constitutional Court of Germany, first of all, is there to protect the freedom of political association as one of the foundations of believing the principles of democracy, using the dissolution of a political party as an exceptional measure, offering to justify the constitutionality of a political party is essentially the same criteria as the Constitutional Court of the Republic of Korea.

The purpose of Art. 21 of the Constitution of Germany is to achieve agreement between the principle of tolerance (neutrality) of the state to all political views and adherence to certain unshakable fundamental values of government. Accordingly, the prohibition of a political party is a serious interference with the freedom to form political will and the freedom of political parties, in accordance with Part 1 of Art. 21 of the Constitution, which can be justified only under certain conditions. Part 2 of Art. 21 as an "exclusive norm restricting democracy" should be applied with restraint. For this reason, a restrictive interpretation of the individual constituent elements of this provision is required, which takes into

ISSN 2542-1514 (Print)

account the relationship between rules and exceptions regarding the freedom of political parties. Restrictive interpretation of Art. 21 should also take into account the fact that the legal consequence of a ban on a political party arising from the determination of its unconstitutionality is its dissolution.

According to the Constitutional Court of the Federal Republic of Germany, a political party that rejects and fights against one of the central principles of a free democratic system (human dignity, democracy, the rule of law) cannot avoid a ban by declaring its commitment to other principles. At the same time, the prohibition of a political party should not be a prohibition of certain views or ideologies.

In order to ban a political party, it is not enough that its goals are directed against the foundations of a free democratic system, it is necessary that its actions be equivalent to the struggle against a free democratic system. This implies systematic actions in the sense of qualified preparation for undermining or canceling the foundations of a free democratic system or creating a threat to the existence of the Federal Republic of Germany. It is necessary for a political party to constantly work on the implementation of a political concept that contradicts the foundations of a free democratic system.

The possibility of achieving these objectives should be determined on the basis of an overall assessment (the number of members of a political party, the organizational structure, the degree of mobilization, campaigning, opportunities and financial position), as well as assessment of its impact in society.

If a political party acts on a systematic basis in the sense of qualified preparation for undermining or abolishing the foundations of a free democratic system, and if there are concrete and weighty signs indicating the possibility that this action can be crowned with success, then this meets the requirements set by the European Court of Human Rights regarding the need to ban a political party in order to protect a democratic society in accordance with Part 2 of Art. 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950.

At the same time, the existence of an urgent social need to ban a political party should be determined on the basis of an analysis of specific circumstances and should take into account specific national circumstances. Therefore, in connection with Article 21 of the Constitution, it should be borne in mind that this provision is primarily based on the historical experience of the Nazi party in the Weimar Republic and efforts to prevent the recurrence of such incidents through early intervention against totalitarian political parties.

The similarity of one party or another in nature with National Socialism indicates that this political party pursues goals detrimental to the foundations of a free democratic system.

Based on the analysis of the program and the specific actions of the adherents of the National Democratic Party of Germany, the Constitutional Court concluded that the party does not respect the fundamental principles that are necessary for a free democratic constitutional state. Its goals and the behavior of its adherents do not respect human dignity and the principle of democracy, reflecting elements similar in character to historical national socialism . The political concept of the party and advocates the abolition of the foundations of a free democratic system.

In particular, the party preaches Nazism , believing that the highest goal of German policy is to preserve the German nation, determined by its origin, language, historical experience and values. In principle, foreigners and naturalized Germans are not supposed to have the right to remain in Germany, they are obliged to return to their home countries. The construction of foreign religious buildings should be stopped; the fundamental right to asylum should be abolished. The party excludes joint training of German and foreign schoolchildren. In general, the party's program advocates the devaluation of the legal status, almost equal to the complete deprivation of the rights of all those who do not belong to the ethnically defined Germans. The party advocates the deportation of millions of non-ethnic Germans. These ideas were reflected in brochures, publications in print media and the Internet, in political appeals and statements by representatives of the party in elections to regional parliaments. Such assertions imply the disrespect of the party and the principle of democracy, since it excludes the equal access of all citizens to the formation of political will. Party members also openly opposed representative democracy.

However, despite the fact that the party is in favor of such goals and systematically acts to achieve them, there are no concrete and weighty signs that indicate even the possibility that these efforts can be successful. In particular, the party has about 6,000 members, the party is represented in the European Parliament by one member, it has no members in the Bundestag or in any parliament of the land. For more than five decades of its existence, the party could not receive a permanent representation in any parliament of the land. There is no

ISSN 2658-4050 (Online)

indication that this will change in the future. In addition, other political parties represented in parliaments , so far, they were not ready to enter into coalitions or even one-time cooperation with this party. At the municipal level, party mandates amount to only one thousandth of the total number of more than 200,000 seats. At present, a parliamentary majority allowing the party to impose its political concept is not achievable either through elections or through the formation of coalitions. There is not enough good reason to believe that he will be able to achieve his their unconstitutional purposes. The commission by individual representatives of the party of criminal acts cannot be regarded as the activity of the party as a whole. Such acts must be countered through preventive police legislation and repressive criminal law in order to effectively protect the freedom to form political will. Based on this, the Constitutional Court of the Federal Republic of Germany decided to refuse to satisfy the requirement to dissolve a political party.

3. Principles concerning the prohibition or dissolution of a political party: European democratic standards

As follows from the decision of the Constitutional Court of the Federal Republic of Germany, in general, it does not adhere to the principle of proportionality, it relies on the practice of the European Court of Human Rights, which consistently implements the idea of the exceptional nature of the forced liquidation of a political party and the need to take into account the principle of proportionality in such cases. According to the European Court of Human Rights, in reading the far-reaching consequences of a political party's ban both for the party itself and for democracy as a whole, such a ban is possible if the party pursues goals that are incompatible with the fundamental principles of democracy and the protection of human rights. , or if the means used by a political party, are illegal and undemocratic, particularly if he and encourages violence or calls for the use of force. Although a political party can indeed contribute to changing the law or the legal and constitutional structures of a state, it must use legal and democratic means for this, and the proposed changes, for their part, must also be compatible with fundamental democratic principles.

Given the key role that political parties play in the proper functioning of democracy, only convincing and irrefutable grounds can justify the restrictions on the freedom of association of such parties. Very serious reasons are needed that justify such a drastic measure as the liquidation of a political party so that it can be considered proportionate to the legitimate aim pursued; its use is justified only in the most serious cases. Sanctions, including elimination in the most serious cases, can be applied to political parties that use illegal or undemocratic methods, call for violence or advocate policies aimed at destroying democracy and diminishing the rights and freedoms inherent in democracies.

The generally accepted European practice, reflected in the Regulation on the Prohibition and Dissolution of Political Parties and Similar Measures of 1999, adopted by the European Commission for Democracy through Law (Venice Commission), establishes that a ban or forcible dissolution of political parties can be justified parties preach violence or use violence as a political means to change the democratic constitutional order, thereby undermining the rights and freedoms guaranteed by the Constitution. By itself, the fact that a certain party is seeking peaceful changes in the country's Constitution cannot serve as a sufficient basis for its prohibition or dissolution. Legal measures aimed at prohibiting or, in accordance with the law, the enforced dissolution of political parties, should be the result of a court opinion on the unconstitutionality of these parties . Any such measures should be based on sufficient evidence that the party as a whole, and not just its individual members, pursues political goals, using or preparing to use means contrary to the Constitution. Given the important role of political parties in the functioning of a pluralistic democracy, the Venice Commission emphasizes the importance of three basic principles concerning the prohibition or dissolution of political parties: 1) the exceptional nature of the ban or dissolution; 2) proportionality of the dissolution or prohibition of the legitimate aim pursued; and 3) procedural guarantees: the procedure for prohibiting or dissolving a political party must guarantee respect for the principles of honesty, legality and openness.

Unfortunately, it is worth noting that a different approach has been implemented in Russian legislation and, consequently, in judicial practice.

4. Grounds for the liquidation of political parties: problems of Russian legislation and judicial practice

In connection with issues arising from the courts in cases involving the suspension or liquidation of a political party, its regional branch or other structural unit, another public association, religious or other non-profit organization, as well as a ban on the activities of a public or religious association that is not a legal entity, the Plenum of the Supreme Court of the Russian Federation, following the legal positions of the Constitutional Court of

ISSN 2542-1514 (Print)

the Russian Federation, explained that when considering these categories of cases to proceed from the fact that any restriction of the rights and freedoms of citizens and their associations should be based on federal law, pursue a socially significant goal (protecting the foundations of the constitutional order, morality, health, rights and legitimate interests of a person and citizen, ensuring the defense of the country, security of the state and public order), to be necessary in a democratic society (appropriate and sufficient, proportionate to the socially significant goal pursued). However, how these principles are applied (in particular, the principle of proportionality) in these cases is not clarified by the Supreme Court of the Russian Federation.

In this regard, most of the Russian court decisions on the elimination of political parties are associated with organizational violations: the lack of the required number of regional branches (in at least half of the subjects of the Russian Federation), repeated non-submission in due time of the documents required to make changes in the Unified State Register of Legal Entities, repeated non-submission to the Ministry of Justice of the Russian Federation of information required by law about the activities of a political party. It should be noted that non-compliance with the requirements for the minimum number of members of a political party and the minimum number of regional branches established by Russian legislation was the subject of an assessment of the European Court of Human Rights in the case of the Republican Party of Russia v. Russia 2011, which recognized the liquidation of the party for this reason Convention, in particular disproportionate to the legitimate aims of limiting the right to associate. In those cases, when I was in political party activities of the detected presence of signs of extremism, the Russian court, eliminating a political party, also not figured out whether or not this measure is necessary in a democratic society, whether it is proportionate (commensurate) a constitutionally-meaningful oh intact and restrictions freedom of association.

5. Suggestions for the improvement of Russian legislation and judicial practice

Accounting for the legislation and practice of foreign countries and progressive European experience leads the author to the idea of the need to improve Russian legislation regarding the resolution of disputes prohibiting political parties.

First, it is necessary to recognize and reflect in the legislation the exceptional nature of such a measure as the elimination of a political party. This requires a change in the grounds for liquidation. It is necessary that such a measure be a consequence of only serious constitutional offenses, in particular, such actions that are expressly prohibited by the Constitution of the Russian Federation (for example, are aimed at forcibly changing the foundations of the constitutional system and violating the integrity of the Russian Federation, undermining the security of the state, creating armed groups racial, national, and religious hatred) or criminal acts committed by its members acting on behalf of a political party [13, p. 62]. It should be recognized that organizational violations (lack of size or number of regional branches of a political party) or violations that may well be recognized as the basis of administrative responsibility (for example, the failure of the political party to submit the updated information to the federal authorized body within a set period of time to make changes to the unified state registry of legal entities) cannot have the same consequences as serious constitutional offenses . In the scientific literature on this issue, the position is expressed that “it would be necessary to distinguish the liquidation of the party as a measure of constitutional and legal responsibility when the party performs actions that are contrary to the requirements of the law (for example, it calls for the violent seizure of power, propaganda of ideas of racial or national exclusivity) and liquidation (it can be called annulment of party registration) for formal reasons ... ” [14, p. 265]. R.Yu. Hertuyev with the only difference that proposes to replace the forced liquidation of the party as a measure of constitutional and legal responsibility by its prohibition [15, p. 65].

Secondly, when considering cases of liquidation of political parties, the courts should be guided by the principle of proportionality, each time assessing the extent to which the elimination of a political party is proportional to the constitutional offenses committed by it, and whether it is strictly necessary to protect the foundations of the constitutional order, morality, health, rights and the legitimate interests of a person and a citizen, to ensure the defense of the country, the security of the state or public order.

All this inevitably raises the question of the possibility of resolving disputes about the elimination of political parties by the Constitutional Court of the Russian Federation. Such a proposal is not new in the science of constitutional law. A.M. Moiseev, noting “the special role of political parties in modern society and the state, the strict requirements for obtaining political party status” concludes that “the procedure for the liquidation of political parties must differ from the procedure for the

ISSN 2658-4050 (Online)

liquidation of other public associations" [16, p. 11]. S.E. Nesmeyanova believes that in the case of "anti-constitutional activity, the question of the possibility of the continued existence of the political party itself should be decided by the Constitutional Court of the Russian Federation" [17, p. 28]. A similar opinion is shared by the judge of the Constitutional Court of the Russian Federation N.S. Bondar, referring to the Basic Laws of Armenia, Turkey, Germany as the legal basis of the relevant powers constitutional courts [18, p. 17, 18]. O.V. Milchakova considers noteworthy the experience of the countries of the former Republic of Yugoslavia "in terms of empowering the body of judicial constitutional control with powers to ban the activities of political parties if their program or actions are anti-constitutional in nature. Such powers were held by the Russian Constitutional Court until 1994, the author notes, and in the context of the current liberalization of legislation on the creation and activities of political parties, this issue may be relevant" [19]. While agreeing with such a proposal, it should be noted that in a number of its decisions the Constitutional Court of the Russian Federation formulated a legal position according to which "from Articles 118, 120 and 125 - 128 of the Constitution of the Russian Federation, which determine, among other things, the scope of judicial constitutional review legal proceedings of all disputes that are by their legal nature and value constitutional". As was shown above, the issue of liquidation (prohibition, dissolution) of political parties is constitutional by its legal nature and should, in our opinion, be decided by the Constitutional Court of the Russian Federation [20, p. 306].

6. Conclusions

The suggestions on perfection of the Russian legislative and judicial practice in cases of liquidation of political parties, according to the author, intended to reflect the constitutional and legal nature of this category of disputes, as well as create a more solid guarantees for the political parties operating within the constitutional provisions.

ISSN 2542-1514 (Print)

REFERENCES

1. Tsakyrakis S. Proportionality: An Assault on Human Rights? *International Journal of Constitutional Law*, 2009, vol. 7, no. 3, pp. 468–493.

2. Varlamova N.V. The principle of proportionality in modern constitutional-legal doctrine and practice, in: Alferova E.V., Umnova I.A. (eds.). *Sovremennyi konstitutsionalizm: Teoriya, doktrina i praktika*, collection of proceedings. Moscow, Institute of Scientific Information on Social Sciences of the Russian Academy of Sciences Publ., 2013, pp. 65–76. (In Russ.).

3. Stone Sweet A., Mathews J. Proportionality Balancing and Global Constitutionalism. *Columbia Journal of Transnational Law*, 2008, vol. 47, no. 1, pp. 72–164.

4. Barak A. *Proportionality: Constitutional Rights and Their Limitations*. Cambridge, Cambridge University Press, 2012. 666 p. DOI: 10.1017/cbo9781139035293.

5. Tolstyh V.L. Constitutional Justice and Pro Rata Principle. *Rossiiskoe pravosudie = Russian Justice,* 2009, no. 12, pp. 47–56. (In Russ.).

6. Aleinikoff T.A. Constitutional Law in the Age of Balancing. *Yale Law Journal*, 1987, vol. 96, no. 5, pp. 943–1005.

7. Nikitina A.V. Presidential Impeachment: Constitutional Legislation and Practice of the Constitutional Court of the Republic of Korea. *Konstitutsionnoe i munitsipal'noe pravo = Constitutional and Municipal Law*, 2017, no. 11, pp. 77–80. (In Russ.).

8. Schlink B. Proportionality. *Sravnitel'noe konstitutsionnoe obozrenie = Comparative Constitutional Review*, 2012, no. 2, pp. 56–76. (In Russ.).

9. Beatty D.M. *The Ultimate Rule of Law*. Oxford, New York, Oxford University Press, 2004. 193 + xvii p.

10. Bazhanov A.A. Proportionality as a condition of sanction`s justice. *Vestnik Rossiiskogo universiteta druzhby narodov. Seriya: Yuridicheskie nauki = RUDN Journal of Law*, 2017, vol. 21, no. 4, pp. 486–507. DOI: 10.22363/2313-2337-2017-21-4-486-507. (In Russ.).

11. Nudnenko P.V. The Principles of Justice and Equality in the Area of Administrative Responsibility. *Izvestiya Saratovskogo universiteta. Novaya seriya. Seriya: Ekonomika. Upravlenie. Pravo = Izvestiya of Saratov University. New Series. Series: Economics. Management. Law*, 2014, vol. 4, no. 1, pt. 1, pp. 105–110. (In Russ.).

12. Cho Yongho. Constitutional Justice as a Guarantee of Ensuring the Supremacy of Constitutional Norms – Focusing on the Korean Experience. *Konstitutsionnoe pravosudie: Vestnik Konferentsii organov konstitutsionnogo kontrolya stran novoi demokratii*, 2015, no. 3, pp. 103–108.

13. Nikitina A.V. Constitutional-legal disputes about the dissolution of political parties: comparative legal research. *Sovremennoe obshchestvo i pravo = Modern society and law*, 2017, no. 2, pp. 56–64. (In Russ.).

14. Kondrashev A.A. *The constitutional-legal responsibility in the Russian Federation: theory and practice*. Moscow, Yurist Publ., 2006. 345 p. (In Russ.).

15. Khertuev R. Compulsory winding-up as a measure of constitutional liability for political parties. *Akademicheskii yuridicheskii zhurnal = Academic Law Journal*, 2010, no. 3, pp. 61–66. (In Russ.).

16. Moiseev A.M. *Constitutional right of citizens to association into political parties and judicial practice of its protection*, Cand. Diss. Moscow, 2008. 180 p. (In Russ.).

17. Nesmeyanova S.E. *Theoretical-legal research of constitutional judicial control in the Russian Federation*, Doct. Diss. Thesis. Yekaterinburg, 2004. 50 p. (In Russ.).

18. Bondar' N. Constitutional justice as a factor of formation of political multi-parties. *Konstitutsionnoe pravosudie: Vestnik Konferentsii organov konstitutsionnogo kontrolya stran novoi demokratii*, 2009, vol. 2, pp. 7–51. (In Russ.).

19. Milchakova O.V. Judicial constitutional control over the activities of political parties. *Aktual'nye problemy rossiiskogo prava = Actual Problems of Russian Law*, 2014, no. 2, pp. 188–194. DOI: 10.7256/1994-1471.2014.2.10473. (In Russ.).

Nikitina A.V. *Constitutional-legal disputes*, Monograph. Moscow, Norma Publ., INFRA-M Publ., 2018. 320 p. (In Russ.).

ISSN 2658-4050 (Online)

INFORMATION ABOUT AUTHOR

Anna V. Nikitina – PhD in Law, Associate Professor, Head, Department of Constitutional, Administrative and Financial Law
Khabarovsk State University of Economics and Law
134, Tikhookeankaya ul., Khabarovsk, 680042, Russia
e-mail: A_Nikitina@inbox.ru
RSCI SPIN-code: 8657-1647; AuthorID: 395573

BIBLIOGRAPHIC DESCRIPTION

Nikitina A.V. Principle of proportionality of constitutional legal responsibility of political parties. *Pravoprimenenie = Law Enforcement Review*, 2019, vol. 3, no. 1, pp. 33–43. DOI: 10.24147/2542-1514.2019.3(1).33-43. (In Russ.).