

A topographic map of Russia and surrounding regions, including parts of Europe, Asia, and the Arctic. The map uses a color gradient to represent elevation, with green for lowlands, yellow and orange for intermediate elevations, and purple and blue for high mountain ranges and the Arctic region. Major rivers and lakes are visible, and the borders of Russia are clearly outlined.

# **RUSSIA**

**STRATEGY, POLICY AND ADMINISTRATION**

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*Аллочке*

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## Family Policy

*Sergei Zakharov*

### THE PROBLÉMATIQUE

Family policy in contemporary Russia has inherited many of the policy objectives and instruments of the former Soviet Union, while also preserving certain archaic aspects of pre-Soviet Russian family policy. Indeed, because Russian family policy has historically been contradictory in both its ideological underpinnings and its demographic and social consequences—often mythologising past social and demographic realities—post-Soviet family policy in Russia has no clear cementing ideology. It is instead woven together from poorly structured and disjointed elements.

As such, the fundamental problem of contemporary family policy lies not so much in particular policy instruments (although these too are poor) or in a lack of resources, as in the inadequacy of family ideology for the country's contemporary challenges; more precisely, it lies in the primacy given to ageing social institutions and the state's denial of the fact that the family and its role evolve. The Russian state views the family, first and foremost, as a resource for advancing high policy or geopolitical goals. Of course, this ideology emerged in completely different economic and demographic periods in Russian history—to wit, in the context of an agrarian economy, high mortality and a young population, with patently different gender, familial and parental identities and relations in the

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broader society. And this ideology is irreconcilable with a post-industrial, urban Russia that has comparatively low mortality and a rapidly ageing population.

### FAMILY POLICY OVER THE LAST CENTURY: MORE OR LESS STATE?

In the post-imperial period, Russian family policy changed many times over, fundamentally along a "more state" versus "less state" axis. Every attempt at state interference in the family and in the processes of child-bearing or rearing was accompanied by a change in family ideology along a "liberal-conservative-traditional" axis.

The 1920s were a period of liberalisation in family ideology, set out in the Family Code of 1926. Russia was nearly half a century ahead of Western countries in recognising an individual's right to choose his or her form of family life, no-fault divorce, as well as a woman's control over childbirth, including medical abortions. Informal unions enjoyed various marriage-like rights, and all children enjoyed the same rights regardless of their parents' relationship or legal status.

During this period, the state did not interfere in family life and supported the emancipation of women, all the while controlling only socialisation processes in the schools, public organisations and cultural institutions. As communist doctrine held that women had a right to maternity and to the protection of the health of both mother and child, fully paid maternity leave and family benefits for working women were introduced soon after the Bolshevik victory in 1922. Moreover, as classical Marxism held that bourgeois family and patriarchal Christian household management were incompatible with socialism, Soviet power promoted the rapid, widespread development of children's preschool and extracurricular institutions—available for working and non-working women, with the goal of socialising children according to the "correct" ideological principles (to be provided only by non-familial, non-religious institutions). In order to combat hunger and mass poverty in the initial years after the Russian Revolution, a free nation-wide food programme was established in preschools, educational institutions and parental work places.

From the 1930s to the early 1950s, the state resumed control over family life. With intensifying class warfare and growing state repression and the need to address the challenges posed by accelerated economic mod-

ernisation, the family began to be treated as the basis of the national workforce and a decisive factor in the national defence capability. The famine of 1932–33 and its tragic demographic consequences—significant growth in mortality and decline in the birth rate<sup>1</sup>—catalysed a fundamental transformation in family policy. Once again, as in the Imperial era, the family was declared to be an institutional cornerstone of the state. The shift to conservatism and neotraditionalism established strict state control over the moral character of men and women, the private lives of individuals in their roles as spouses, parents and grandparents, and the creation of a pronatalist ideology in family policy.

In the second half of the 1930s and 1940s, material and moral incentives for maternity increased. Benefits were introduced for multichild families, and honorary titles were created—all turning on the number of born and surviving children. Taxes were levied on bachelors and small families (in 1941, 1944 and 1949). Administrative and criminal punishments were established for deviant or antisocial behaviour. Same-sex unions were prohibited (1934), marriages with foreigners outlawed (1947), abortions significantly restricted and then prohibited outright (by 1936), divorces severely limited (1936 and 1944), and mothers denied rights to alimony for out-of-wedlock children (1944).

Family ideology was gradually liberalised in the 1960s and 1970s. Immediately after Stalin's death, doctors and women were no longer criminally liable for medical abortions. Abortion again became available on a woman's request (1954–55). New family legislation (1965–69) reinstated the right to regulate the size of one's family, the right to divorce, as well as a woman's right to raise children without a father and receive material support (alimony) from the recognised father. State interference in private family life was reduced to *de minimis* control over the socialisation of children and the punishment of parents in cases of improper child rearing.

Pronatalism emerged politically in only a vague, tepid form: it was neither declared nor encouraged. At the start of the 1970s, the development, production and purchase of hormonal contraceptives—which the Soviet state viewed as a serious threat to the birth rate and population growth—were prohibited. Other contraceptive methods were produced in the USSR, but in insufficient quantities and with poor quality.<sup>2</sup> Information about birth control was generally unavailable for youth and even married couples—that is, the state did not support education about sexual relations and modern family planning.



Although providing only limited economic support for poor families and mothers with children in crisis, the state viewed the continued decline in fertility and the anticipated "deficits" in the labour force and military as legitimate reasons for launching a national programme of demographic research. A strategy to develop effective demographic and family policy was announced at the 24th and 25th Congresses of the Communist Party of the Soviet Union, respectively in 1971 and 1976.

The state's recognition of a demographic crisis and the need for research were accompanied by intensified ideological censorship in the media and in the scientific literature. The classification of a wide array of social and demographic data as secret betrayed negative national statistical trends in mortality and life expectancy.

In the 1980s, there was an unsuccessful attempt to revive conservative family ideology. Instead, the decade witnessed the "scientific approach" to family policy, including pragmatic interest in the family-policy experience of socially and economically comparable Eastern European and Scandinavian countries. The results of demographic and sociological surveys on the family and fertility were incorporated into policy, and the idea of introducing partially paid, extended maternity leave acquired government support.

The consolidation of the modern welfare state led to a new family ideology in Russia, in which the liberal relationship of the state to private family life was accompanied by "soft encouragement" of childbearing. The 26th Congress of the Communist Party in 1981 declared a new stage in demographic policy, involving a modern family support system. First, maternity leave was extended from 77 to 112 days, and then to 126 days in 1990. Second, partially paid leave was introduced for mothers with children aged less than a year and a half, including fully paid leave in the case of a sick child. Third, unpaid maternity leave of up to 3 years was established. Fourth, amended labour legislation required employers to offer workers with children aged 14 or younger part-time employment, flexible schedules, as well as supplementary unpaid or partially paid leave and days off. Fifth, lump-sum payments were disbursed upon the birth of children, with payment quanta based on birth order. Sixth, the amount of monthly benefits for single mothers and mothers with many children was increased. And seventh, the bar was lowered—from 5 to 3 children—for determining who could be considered a "mother of many children", significantly increasing the

number of claimants to entitlements like housing, transport and recreational services.

In the mid-1980s, there was an important ideological shift to recognise modern family planning as the only practical alternative to abortion. For the first time, the USSR imported intrauterine devices in large quantities. Official views on the pill warmed. Nonetheless, traditional pronatalism prevented family planning from becoming thoroughly institutionalised until the Soviet collapse.

In the 1990s, the pendulum swung back to minimal state regulation of family-marital relations. Liberal family ideology was shared by political reformers and the broader public. Russia began to experience trends in delayed childbirth and marriage, which, together with the economic challenges of the post-Soviet transition, spurred processes common to developed countries—to wit, the so-called Second Demographic Transition.<sup>3</sup> The deinstitutionalisation of marriage followed, demonstrating the readiness of Russian society to recognise a woman's right to autonomy after divorce and widowhood, the right to cohabitation at various ages, fertility control through modern contraceptives, childbirth in unofficial unions, as well as the idea of unmarried daughters living separately from their parents, among other non-traditional behaviours. *Brief*, for the first time in Russian history, the young post-Soviet state, founded on a formally democratic ideology, supported the individual wishes of its citizens to plan pregnancy and build a family according to their preferred timelines. Russian federal and regional governments established a network of centres providing family planning and reproductive health services. A market for modern contraceptive methods emerged.

On May 14, 1996, President Yeltsin signed a presidential decree on the fundamental directions of state policy for the family.<sup>4</sup> The decree stressed the need for the state to provide the conditions necessary for families to realise their quality of life goals. State family policy would not regulate familial behaviour through economic, legal and ideological measures but rather provide support for the choices of families, which were otherwise to be seen as independent and autonomous in decision-making in respect of their own development. Also emphasised in the decree was the principle of "equality between men and women in achieving a more just division of familial duties, as well as in the potential for self-realisation in the working world and in public life".



Although various specialists argued for the incorporation of pronatal and patriotic ideology in the presidential decree, the majority of its drafters did not. This policy rejection of pronatalism reflected not only the country's political and ideological transformation but also the practical reality that the state did not, at that time, have the fiscal capacity to offer economic incentives for childbearing.

Policy-makers would have to wait until the early 2000s, when the economic situation had stabilised and the state coffers had filled through oil and gas revenues, to revive official commitments to pronatalism. Societal demand for state paternalism vis-à-vis the family, which intensified dramatically over the course of the Soviet era, grew even stronger during the economic crisis of the 1990s, when a substantial decline in the birth rate was blamed on the population's worsening standard of living. Widespread social expectations of state economic assistance were confirmed by the populist rhetoric of Russian leaders bent on the "national idea", the geopolitical identity of the nation and legitimisation of the new state in its post-Soviet borders.

An activist demographic policy was formally signalled in the 2001 concept of demographic development of the Russian Federation for the period up to 2015. The concept document stated that Russia's demographic development goals would aim for the "stabilisation of population numbers and the establishment of conditions for future demographic growth".<sup>5</sup> And yet, in the aggregate, Russian history to date confirms the experience of many countries around the world to the effect that all major attempts by governments to stop or reverse the modernising trends in population dynamics have failed.

As we see in Fig. 28.1, the phases of Russia's demographic modernisation (known among demographers as the First and Second Demographic Transitions<sup>6</sup>), as well as its periods of worsening social-demographic conditions, can be identified in both the Soviet and post-Soviet versions of modernisation.<sup>7</sup> The Russian political elites of the Soviet and post-Soviet periods observed objective demographic changes in Russian society but reacted negatively to social innovations in familial life and maintained a conservative approach to family policy. Moreover, the public's unwillingness to adapt to expanding freedom of choice in shaping their private lives and intimate relations—key processes characterising demographic and socioeconomic modernisation—contributed to Russia's rejection of liberal family policy.

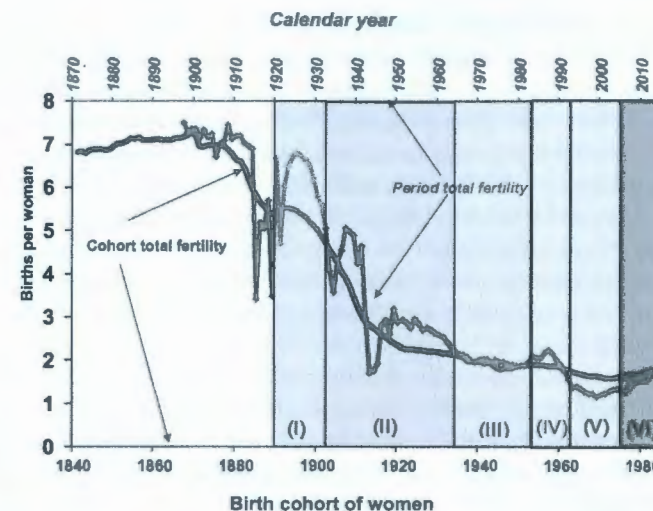


Fig. 28.1 Fertility in different periods of family-demographic policy in Russia (1870–2015) (Average number of children born to a woman by age 50 for the 1841–1985 birth cohorts). (I) policy period with the least state interference in family policy and no pronatalist ideology; (II) policy period with active state interference in private life under the slogan of creating a "new person", in the context of pronatalist ideology; (III) period of "neutral" family policy, with increased elite political concern about demographic problems; (IV) period of "scientifically justified" family policy, with weak pronatalist ideology; (V) period of liberal family policy, expanding freedom of choice in behavioural practices and growing elite political concern about demographic problems; (VI) period of conservative policy, based on an ideology of national autarky, "traditional values" and aggressive pronatalism.

#### MODERN FAMILY POLICY IN RUSSIA AS A MEANS OF ACHIEVING DEMOGRAPHIC GOALS

The Russian political elite arguably resolved, to a great extent, its anxious search for a national idea in the first half of the first decade of the 2000s with the triumph of autarkic nationalism—that is, an "almighty" paternalistic state able to regulate all social relations, including familial relations (see



Chap. 3 on Russian Political Ideology). In family policy, this ideology has informed state efforts to engineer demographic processes through financial incentives and propaganda about ideal behaviours, often in the service of quantitative objectives. State propaganda focuses on strengthening narratives and ideas that favour the revitalisation of conservative family relations as the foundation of the Russian state. Moreover, for the first time since 1917, the Russian Orthodox Church is playing an important role in establishing family policy ideology (see Chap. 10 on Religion and the Russian Orthodox Church). Its pronatalist agenda has been explicitly invoked as a touchstone of social policy and is actively promoted through large state investments.

Building on foundational documents like the demographic policy concept of the Russian Federation up to 2025 (approved by presidential decree on October 9, 2007<sup>8</sup>), the May 7, 2012 presidential decree on measures for implementation of the demographic policy of the Russian Federation<sup>9</sup> and the 2014 state family policy concept of the Russian Federation to 2025<sup>10</sup>, stimulating fertility has become a central element of socioeconomic policy in the country. In 2007, welfare payments for those on parental leave caring for children up to 1.5 years of age were increased considerably. Benefits were introduced for non-working women, and pre-school costs were reduced. An innovative incentive known as “maternity capital”—originally approximately US\$10,000 for those bearing a second child (or third and more, if the birth of the second child occurred before 2007)—was introduced. (Numerous specialists and politicians argued that this maternity capital had a non-negligible positive effect on Russian fertility rates.<sup>11</sup>) All these financial measures were indexed annually for inflation, which is unprecedented in Russian history. The regions also added their own benefits, including monthly financial allowances for children and maternity capital for the third child.

The 2014 family policy concept states that “[t]he main priority in the successful development of the country must be the strengthening of the family as the foundation of the state”. On this logic, the Russian family requires an intensification of society’s paternalistic forms of care, returning the family to its erstwhile institutional status and functions. There is a general policy presumption that the modern Russian family is beset by a concentration of social ills affecting the reproduction and socialisation of younger generations. Moreover, the family serves as the main source of problems for all other social institutions and systems, including in the macroeconomic and political spheres. As such, state family policy becomes crisis policy, justified

by geopolitical, economic and social realities. The leitmotif of such an approach is the idea that social support for the family entails transformative payments for services related to the reproduction of human resources in order to advance demographic growth, the geopolitical security of the state and stable national economic and political development. And such social support is guaranteed increasingly only to those families that adequately fulfil the said reproduction and socialisation functions.

Human capital is not emphasised in the family policy concept. The “ideal” family is based on a married couple, officially wed, raising many children and sharing “traditional family values”. States the concept of family policy document: “The large, extended family in traditional Russian family culture was always based on [...] close interrelations between several generations of relatives”. Historically unfounded, this statement reflects an idealised vision from a mythical past that the authorities hope will be revived as the dominant societal idiom. To be sure, other types of families and marital-partner relations may also become targets of politics and potential recipients of state assistance, but the degree of support they would enjoy would depend on their conformity to normative criteria—that is, consistent with the family concept document’s emphasis on the need, as a matter of policy priority, “to affirm traditional family values, revive and preserve spiritual-moral traditions in family relations and childrearing, create the conditions for families’ prosperity and responsible parenting, increase parental authority in the family and society, and increase the social stability of each family”.

The Russian state’s approach to demographic and family policy is not new. Indeed, it was the dominant approach of developed countries from the end of the nineteenth century through to the middle of the twentieth century. Between the world wars, when questions of national identity were central to the policy challenges of European states, politicians and totalitarian regimes sought out similar policies, embedded in militant nationalism and traditionalism, as an answer to their demographic, socio-economic and geopolitical challenges. Pronatalism played a central role in these policies. In the Stalin period, as mentioned, the USSR also adopted a conservative ideology and pursued active state intervention in family life, essentially using the same slogans and pronatalist policy instruments as other European countries, Japan and many South American countries.

What distinguishes contemporary Russia from this global history is that the country has made a 180-degree turn by rejecting the ideological constructs of the Gorbachev, Brezhnev and Khrushchev periods.



Its current family policy moves along the vector of the Stalin period, reflecting elements of a religious worldview and regulating behavioural practices through slogans invoking the development of "traditional values" and "moral purity".

To be sure, this approach to family policy has not been well received in Russian intellectual circles—particularly those exercised by gender studies, anthropological studies of family and reproduction, and also family law. Indeed, legal analysis of the basic articles of the family policy concept exposes its contradictions with several articles of the Russian Constitution, as well as with international legal norms and principles. Consider, as just one example, the official equation between the concept of "family" and official marriage, resulting in discrimination against other forms of families, which has been condemned by the European Court of Human Rights. Moreover, in promoting top-down changes to revive "traditional family values", the Orthodox Church has introduced religious ideology into family politics and is eroding the secular character of the Russian state, as affirmed in article 14 of the Constitution.

#### WHAT'S TO BE DONE? FOCUS ON THE FUTURE

Globally, all historical attempts to redesign family structures have led to tragic consequences for the individuals and families involved, not to mention longer-term pathologies like public distrust of state institutions and citizen estrangement from political decision-making. Indeed, the substantial diversity shaping contemporary families anticipates the impossibility of reviving earlier norms of family life. Instead, successful family policy must aim to transform the institutional constraints shaping people's lives, creating favourable socioeconomic and moral conditions for prosperity in a fast-changing, post-industrial, globalising world. Such social policy aims to strengthen human capital development within the proper spheres of responsibility of most families, particularly in health and education.

As Russian families confront the challenges of an ageing population, shifting approaches to intergenerational interdependence, increasing ethnocultural diversity, and economic complexity, they would benefit from family policies that maximise their ability to advance and realise their self-defined interests. And given the unpredictable ways in which families will address their many roles and tasks, modern family policy is best when

it is designed to support people's individual choices in respect of marital-partner relations and childbearing.

The Russian state must respect the population's growing preference for an urban lifestyle with two-income, two-children households. Policies must stop conceiving of the population in general, and the family in particular, as resources for solving the state's economic, political and geopolitical problems and also must stop promoting the obsolete ideal of three- and four-children families. Does the Russian family exist for the Russian state or does the Russian state exist for the Russian family? Let us put this false dichotomy and debate to rest.

Russian family policy should be built on the principles of individual autonomy and the sovereignty of the family vis-à-vis the state. It should be based on the expectation that families take responsibility for their members' welfare and that social protection will be afforded to each individual and to various social partnerships between individuals, local communities, non-governmental organisations and the state. Moreover, historical and contemporary experience teaches us that Russian policy should take special care to recognise social and regional differentiation as well as the country's significant ethnocultural heterogeneity, all of which conduce to an array of often incompatible family ideologies.<sup>12</sup> The ultimate expression in public policy of these conflicting family ideologies should be determined only through continuous, open societal discussion.

In practical terms, Russian family policy should shift from financial incentives like baby bonuses to more complex, long-term, targeted and tailored measures of support for different types of families in various socioeconomic circumstances. These include measures to facilitate a family-friendly environment that promotes gender equality in work and family responsibilities and long-term savings by all work-capable people in the interest of supporting children and ageing adults.

Finally, to the greatest extent possible, Russia should avoid setting numerical demographic and family policy goals. Methodological imperfections in statistics and inevitable biases in their interpretation make numerical precision in such statistical indicators elusive. *Bref*, it is, in principle, impossible to establish governmental objectives for the purpose of engineering a population's demographic behaviour. And yet, for now, Russia remains one of a very small number of highly ambitious countries that has set itself up to pursue such numerical demographic goals.



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## CHAPTER 29

## Criminal Justice

Leonid Kosals and Sergey Pavlenko

RUSSIAN CRIMINAL JUSTICE: LIMITED PREDATION  
AND IMPLIED ETHICS

In principle, Russia's criminal justice system must contribute to the country's social integrity and equilibrium as it transitions from its Soviet past and reckons with the challenges of the twenty-first century. And yet in Russia, as in most of the post-Soviet states, instead of being used as a means of producing public good, criminal justice has, in the main, become a vehicle of institutional overturn. In other words, in its overall logic, Russia's criminal justice system to this day generally subordinates the quotidian safety and security needs of the public to the overall (implied) objective of protecting the national political system and the political-economic elite.

Although there was an attempt to establish a system of bona fide checks and balances and build an independent judiciary at the start of the socioeconomic and political transformation in 1990s, the structure of Russian criminal justice was not radically reformed at the end of the Soviet

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