

The Judiciary of Post-Soviet Russia in Its Social Context

Yuliy NISNEVICH

Abstract. This article contains an analysis of the judiciary of post-Soviet Russia in its social context. The study is based on opinion polls. The majority of Russians take a negative attitude to the judiciary. They have no respect for, or confidence in, their country's judicial system. They believe that the court system is dependent on the other branches of government and is manipulated by political and economic actors. Judges are not seen as defenders of people's rights and are considered to be corrupt, unjust, and inhumane. This is assumed to explain the accusatory nature of the Russian judiciary. The majority of Russian judges are vehicles of administrative bureaucratic professional subculture who have their entire professional conduct determined by superior authorities. The judicial system is controlled by court chairpersons who received their professional training and accumulated most of their experience in the Soviet period. The judicial branch of post-Soviet Russia has inherited major problems from the Soviet judicial system and is incapable of being an impartial arbiter and the conscience of the state.

Keywords: post-Soviet Russia, social context, surveys, judiciary, judges.

DOI: <http://dx.doi.org/10.21557/SSC.56924915>

Introduction

The values and ideological and institutional principles inherited by the judiciary of post-Soviet Russia from its Soviet predecessor were formulated in the judicial reform concept approved by the Supreme Soviet of the Russian Soviet Federative Socialist Republic (RSFSR) on October 24, 1991 [3]. A law-based state must guarantee the supremacy of law, protect the rights, freedoms and legitimate interests of the individual and citizen, and shield society from any law-

Yu. Nisnevich, D. Sc. (Political Science), professor, Department of Political Science, National Research University "Higher School of Economics." E-mail: jnisnevich@hse.ru. This article was first published in Russian in the journal *Sotsiologicheskiye issledovaniya* (Sociological Studies). 2019. No. 8, pp. 84-95; DOI: 10.31857/S013216250006165-4).

lessness on the part of the authorities, while the judiciary of such a state must be the main arbiter in political, economic, social, and other disputes and conflicts.

This is how the authors of the reform formulated the latter's objectives: "There comes into the arena of public life a judiciary that is independent and free from any selfish interests and political sympathies, a judiciary that is a guarantor of law and justice and plays the role for the state that *conscience* plays for the individual human being" (italicized in the original—*Yu. N.*) [3, p. 25].

It was a fundamental condition for the judiciary to be an unbiased arbiter enjoying public confidence that all court decisions should be based on law and that judges should be impartial and fair. The judicial system must be free from any political influences and must not let any "political expediency" determine its moves. It must be immune to any pressures from political or economic actors and must be independent of any outside institutions, authorities and officials. The judiciary must be the core of the entire system of law and order because it is the only branch of government that is authorized to take coercive action against law offenders.

The main purpose of the reform, according to its architects, was to overcome what they saw as an extremely severe crisis of the Soviet judiciary, whose main features were:

- the ideologized character of the judiciary and its status as an element of the command system of government with the result that "courts enjoyed no power and were uncontrollably exploited by those who were vested with power" [3, p. 26];
- the inability of the judiciary to cope with its duties, the poor performance of courts and law enforcement agencies due to their being overburdened with work;
- the distorted accusatory character of the justice system because, "contrary to vulgar ideas, the purpose of criminal justice is not to combat crime but to protect society from crimes [and] to protect the rights and legitimate interests of persons with whom the justice system has to deal" [3, p. 36];
- the lack of a unified and independent community of judges that would play a significant role in the administration of justice;
- a crisis of confidence and a rift between society, on the one hand, and the judiciary and the entire law enforcement system, on the other, with the court system and law enforcement enjoying no public confidence or respect.

As soon as the concept was approved, initial measures were taken to put the reform into practice. But it was the Russian Constitution of December 12, 1993 that became the proper legislative and organizational basis for a new judiciary. The constitution enshrined many of the ideas of the reform. However, today, 26 years on, one still wonders whether the judiciary has become the conscience of post-Soviet Russia, as the authors of the reform dreamed—an impartial and influential arbiter respected and trusted by the Russians.

Russians' View of the Judiciary as an Institution

A series of surveys suggest an answer to the above question. Levada Center ran a monitoring program from 2010 to 2013 that involved four annual nationwide sets of opinion polls with the aim of finding out “collective views on, and stereotypes about, the character, organization, and principles of the judicial branch of government in Russia” [15, p. 15].

Respondents were asked, for instance, to assess the degree of preparedness of courts to defend their interests by choosing a point on a seven-point scale. No more than 31% considered courts defenders of their interests while between 38% and 51% had no confidence in them. As regards the main reason for mistrust, 33% were sure courts would not be able to protect rights that had been violated by the state; 31% thought judges were dependent on executive authorities and on various power groups; 22% complained that courts were poorly organized and full of red tape; 21% referred to relatives, friends, acquaintances, or colleagues who had been unable to find any justice in court; and 20% claimed knowing of instances of corruption in courts.

One more objective of the program was to find out degrees of institutional confidence in the judiciary. Table 1 shows returns of polls for the past seven years as cited on Levada-Center's website.

Table 1

Does Russian judiciary deserve confidence? (%)

	2012	2013	2014	2015	2016	2017	2018
Deserves full confidence	21	26	29	22	26	28	23
Does not deserve full confidence	42	44	45	37	39	43	33
Deserves no confidence	23	22	17	20	23	19	25
Undecided	12	13	12	15	16	13	14
Index of confidence*	-21	-23	-13.5	-9.5	-20.5	-14.5	-13.5
* The index of confidence is the difference between the “deserves full confidence” and “deserves no confidence” percentages less one half of the “does not deserve full confidence” percentage. <i>Source:</i> [6].							

Hence, only between 23% and 29% of respondents had full confidence in the judiciary while between 57% and 65% had either zero or partial mistrust of the system.

Yet another task of the program was to compare the prestige of the judiciary with that of various other state and public institutions. Respondents were given a list of institutions and were asked to rate the prestige of each of them by choosing between two options—very/rather high and very/rather low.

Table 2

Prestige of Russian state and public institutions (%)

	Very/rather high	Very/rather high	Very/rather low	Very/rather low	Undecided		Prestige index*	
	2011	2013	2011	2013	2011	2013	2011	2013
Intelligence & security services (FSB and others)	63	65	21	26	16	9	42	39
Church	72	63	19	30	9	7	53	33
Armed forces	46	55	47	41	7	5	-1	14
Executive branch of government	65	49	29	46	7	5	36	3
Business community	43	44	47	46	11	9	-4	-2
Judiciary	41	44	49	50	9	6	-8	-6
Human rights organizations	41	40	43	48	16	12	-2	-8
Public Chamber	37	35	36	49	27	16	+1	-14
Law enforcement agencies	34	38	58	56	8	6	-24	-18
State Duma	45	38	48	57	7	5	-3	-19
* The prestige index is the difference between positive and negative assessments. Source: [15, p. 25].								

The table 2 suggests that the Russians are divided on the issue with the majority having a very low or comparatively low opinion of the judiciary. The judicial system is approximately halfway among the institutions with negative prestige indices. “The public prestige of an institution,” say the authors of the survey, “is determined not as much by how successfully it performs the function that public opinion expects it to perform as by how symbolic and morally significant this institution is” [15, p. 25]. The main criterion for the prestige of the judiciary is its moral dimension.

The program also aimed to determine whether the judiciary was considered independent of the other branches of government. Surveys to that effect suggest, on average, that only 33% of Russians believe that the court system is completely independent but that 58% attribute various degrees of dependence on the other branches to it, and that 10% are undecided.

The program has, besides, shown that most Russians believe that courts are used for political ends, i.e., that some court rulings are based on political “expediency.” On average, 62% of respondents expressed confidence that courts were

used as instruments for removing political rivals and persecuting dissenters and only 20% disagreed with that while 19% were undecided.

Most Russians also believe that companies manipulate courts in business conflicts. On average 66% of respondents in the program were sure that companies used courts as channels for dishonest competition, for instance, to undermine the reputation of a rival business, harm it in some other way, or illegally take over ownership of it. Only 17% disagreed, and another 17% were undecided.

These beliefs that Russian courts are dependent on the other branches of government and are manipulated by politicians and companies coincide with assessments by the World Economic Forum. Judicial independence is one of the 112 criteria underlying the Forum's annual Global Competitiveness Index [6]. This criterion is represented by a 7-point scale with 1 representing complete dependence and 7 complete independence. The magnitudes are based on interviews with business executives and entrepreneurs, who are asked to what extent the judiciary in their country is, in their opinion, independent of the government, private individuals, or companies. For Russia, the judicial independence indicator has been wobbling around 3 for the past ten years.

One more task of Levada Center's program was to find out what the Russians considered their judiciary's main problem. They were to pick one of five suggested answers. Corruption among judges and other court personnel was named by an average of 55% of respondents, judges' dependence on the other branches of government and on various power groups by 45%, the inequality of the parties in a court action by 27%, red tape and ineffectiveness by another 27%, and the low public reputation of the judiciary by 21%. Hence, the Russians think there are two main problems in the judiciary and these problems are interrelated—corruption and dependence on the other branches of government and on power groups. Two more surveys confirm the presumed corruption in Russia's judicial system.

One of them was part of a study that formed the basis for Transparency International's 2016 report of the *Global Corruption Barometer* series. In that survey, 60% of Russian respondents expressed the belief that Russia's judiciary was either completely or partially corrupt (7% assumed that practically all judges were corrupt, 17% believed the majority were, and 36% thought some of them were), and only 3% said they believed that the Russian court system was not corrupt at all [10]. In the other survey, a 2018 poll by Russia's Public Opinion Foundation (POF), 61% of respondents expressed the conviction that the majority of Russian judges took bribes, and only 17% denied that most judges were bribe-takers [4].

Undoubtedly, the assessment of the level of corruption based on the results of sociological surveys can be significantly shifted, as citizens tend to exaggerate the level of corruption, justifying their negative attitude to certain decisions and actions of the public authorities by its high level of corruption [8, p. 40]. According to Levada Center analysts, "mistrust of courts or a suspicious attitude to the judicial system, without being rationalized and processed by the mass consciousness, produces the impression that courts and judges are corrupt" [15, p. 15].

However, this public sentiment has had an authoritative confirmation—this is what Russian Constitutional Court Chairman Valery Zorkin has said publicly: “Bribery in the judiciary has become one of the most powerful corruption markets in Russia. Judicial corruption is built into corruption networks at various tiers of authority, for example networks for ruining criminal cases or for seizing businesses from rivals” [16].

In the POF survey [4], 40% of respondents made negative assessments of the performance of the Russian judiciary and only 24% made positive assessments of it while the remaining 36% were undecided; 46% concurred with the view that courts often pass unjust sentences, 27% supported the opinion that unjust sentences were rare, and the other 27% were undecided.

On the whole, in the POF survey in 2018, the proportion of respondents approving of the judiciary’s performance coincided with the proportion disapproving of it, 37.6% [12].

“This dominant mistrust of, and negativity about, the judiciary and the state of the legal system in Russia,” Levada Center says, “lead to the compensatory idealization of the European Court of Human Rights. The ECHR plays the role of a utopian vehicle of the idea of justice, the role of an impartial objective court that prioritizes the interests of the individual and defends them against the lawlessness of Russian authorities” [15, p. 45].

The ECHR receives continuously increasing numbers of applications from Russians. In 2018, Russia was the source of the largest number of applications received by the ECHR—of the cases that are pending, 11,750 were cases filed by Russians in 2018; they made up 20.9% of cases that were filed that year and are pending. The ECHR satisfies 95% of applications from Russians [1]. All these statistics are extra evidence of problems in the Russian judiciary, and further undermine confidence in it and its reputation.

The Image of the Russian Judiciary Coming Across from Opinion Polls

The functioning of institutions of government depends on their organization and staffing. As regards staffing, courts hold a special place in government. The exercise of power by the judiciary is completely personalized: justice is administered by individuals—judges, jurors, and arbitration court assessors [2, pp. 30-31]. Knowing the character of Russian judges as a professional group is essential for understanding and evaluating the situation in the post-Soviet Russian judiciary.

From February to June 2011, the Institute for the Rule of Law of the European University at Saint Petersburg carried out a sociological study on Russian judges as a professional group [14]. In 2013 and 2014, the Institute interviewed 1,798 judges in seven Russian regions in a questionnaire-based survey. The survey did not show any significant changes to principal social and demographic characteristics of the professional community or to its sources of recruitment.

According to those studies, it is mainly a female profession in Russia to be in judge—there are twice as women judges as men judges. More than half of all judges are aged between 36 and 50. Those younger than 36 or older than 50 make up approximately equal proportions.

The Institute's classification according to the time of recruitment is a matter of special interest: 12.1% of respondents were "old school" judges, having joined the profession job before 1991, 28.1% became judges in the "transition period" of 1992 to 2001, and 57.4% represented the "new wave of recruitment," having received their positions any time since 2002. Hence, the majority of today's professional group are post-Soviet appointees, more than half having taken their jobs any time since 2002.

As regards the educational background of the families the respondents came from, 56.5% of them were first-generation professionals, i.e., they had parents neither of whom had a higher education, 19.8% had one of the parents with a higher education, and only 23.7% had parents both of whom had a higher education. Only 5.3% of respondents were second- or third-generation lawyers. As many as 44% of respondents had obtained their qualifications through distance education, 9.6% through part-time evening education and 1.3% through fast-track education.

"Russian judges are a professional group that has taken shape within the boundaries of one generation and is not marked by a very high level of intrafamilial professional continuity," the Institute says. "Such a ratio between qualifications obtained through full-time education and those obtained through distance or fast-track education is not very typical of professional groups membership in which requires high proficiency and simultaneously involves a high status and high incomes" [14, p. 14].

Court executive apparatus jobs were particularly common as the form of work experience that preceded the respondents' appointment as judges. Such was the record of 40.8%, while 26.8% had previously worked in the prosecution service, 20.3% in criminal investigation services, and 15.5% in the legal departments of state organizations. Only 14% had worked in defense attorney bodies. More than half the respondents said they had worked in more than one branch of the legal system before becoming judges. This was the basis for classifying them according to the longest period of service with the same employer. The result was that 40.4% had been recruited from organizations providing administrative bureaucratic experience, namely 30.3% from court executive services and 10.1% from executive government authorities; 38.3% from law enforcement, including 20.8% from the prosecution service; and only 16.5% from defense attorney and notary public bodies and the legal departments of commercial organizations.

There was a clear gender imbalance among those groups of respondents. Most of the male judges had been recruited from the prosecution service or other law enforcement services—35.6% and 26.9% respectively,—while female judges had chiefly come from court executive services—41.7% [14, p. 17].

These statistics suggest that the typical Russian female judge is a woman who has been appointed judge any time since 2002, has received distance or fast-

track higher education, and had a court executive apparatus job before her appointment as judge. The typical male judge is a man who was appointed before 2002, has received full-time higher education, and was recruited from the prosecution service or another law enforcement service.

The respondents were also asked to name what they saw as priority values and principles a judge should have. They were to choose from a list offered to them. Some of the choices may differ from the values and norms that are generally presumed to determine the professional conduct of a judge. The reason for these possible discrepancies is the “spiral of silence” in today’s Russia as a reaction to the manipulation of public opinion as a result of a lack of a normal public dialogue [11].

This study of values was based on a theoretical model consisting of the two key functions of the judicial branch—maintenance of balance and maintenance of order [14, p. 24]. “Balance is equivalent to justice—a just decision or the idea of a just order is a social analogue of balance,” and “order involves the existence of laws as manifestations of rules or prohibitions regulating human behavior and represents the very idea of legitimation of various systems established by various codes.” Table 3 shows the respondents’ answers to the question what they considered the chief mission of a judge.

Table 3

Values of Russian judges

Mission	Frequency of answer	Percentage of respondents
Ensuring the rule of law	589	77.6
Defense of people’s rights	383	50.5
Ensuring justice	277	36.5
Combating offenses	31	4.1
Defense of national interests	28	3.7
<i>Source:</i> [14, p. 12].		

This table suggests that “the ‘ensuring the rule of law–defense of rights–ensuring justice’ triad is the nucleus of the value system of Russian judges with law enforcement holding the central place as it is through the prism of law enforcement that rights and justice are perceived” [14, p. 26]. The judges were nearly unanimous in prioritizing these values. However, according to Levada Center program findings, they are not what ordinary Russians see as the typical code of behavior of a Russian judge. Between 2010 and 2013, an average of 54% of respondents assessed judges’ level of justice as rather or very low and only an average of 29% considered it rather or very high.

There is one important point to make in this connection. Tamara Morshchakova, who was a judge at the Russian Constitutional Court from 1991 to

2002 and deputy chairperson of this court from 1995 to 2002, pointed out that, according to Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, the justice of a court system means procedural justice, i.e., the justice of the system of procedures of examination of a legal conflict by a court [7, p. 192]. From that point of view, the state of affairs in Russia is unsatisfactory as is made clear by the stream of applications from Russians to the ECHR, which primarily uses the procedural justice criterion in dealing with them.

Nor, according to ordinary Russians, do judges do a better job as rights defenders. Only 31% of respondents in Levada Center's program believed that judges would to any extent be prepared to defend their interests while between 38% and 51% had no such expectations. On average 55% of respondents believed judges to be rather or very inconsiderate of people and only 29% saw them as rather or very considerate.

Ensuring the rule of law as the chief value named by the judges in the survey by the Institute for the Rule of Law needs a more detailed consideration. Law and order is the universal regulator that, under the continental legal system, is exercised through legislation. However, post-Soviet Russia unfortunately has and continues to bring out illegitimate laws. Some of these some contradict the Russian Constitution or generally accepted norms of international law or international treaties signed by Russia. Other such laws may be interpreted by judges in more than one way because of ambiguities in them. Such laws are not so much means of maintaining order as means of suppressing dissent, primarily expressions of disagreement with government policies or opinions.

Illegitimate laws and guilty verdicts based on them, which are disguised as acts of law enforcement, legalize unlawful practices. "The interpretation of the dictatorship of law ... that has been dominant in our country for many decades," says Morshchakova, "makes law enforcers, including courts, focus on the letter of the law more than on its profound legal meaning, a meaning that a court as a law enforcer must clarify each time because it has no right to enforce laws indiscriminately" [7, pp. 78-79].

Further, in criticizing the positivist attitude to law, Morshchakova says: "Subjection to law is usually the sole requirement to be satisfied by courts in law enforcement—this, of course, is much more accessible, and even, it needs to be said, much more convenient, including for the judiciary. But this simplification of their task deprives courts of the basis for playing the role of a true counterweight in the system of separation of powers, a counterweight that ensures balance in this system, a balance between the defense of the rights of the individual, the self-restriction of the state and the desire of the executive branch to acquire more powers, something that is always a feature of the executive branch in all its forms" [7, p. 81]. This represents a positivist rather than a value-based interpretation of ensuring the rule of law by the judges in the institute's survey.

Table 4 shows statistics representing answers to the institute's question what personal qualities a judge needs to professionally carry out their duties. Respondents could choose a maximum of three answers from a list.

Table 4

Perceived model qualities of a Russian judge

	Number of answers	Percentage of respondents
Knowledge of the letter of the law	485	63.9
Fairness	394	51.9
Independence	383	50.5
Impartiality	300	39.5
Proficiency in law	173	22.8
Attentiveness and precision	165	21.7
Discipline	145	19.1
Unselfishness	139	18.3
Humaneness	30	4.0
<i>Source:</i> [14, p. 30].		

The above-cited studies of Russian judges' values, perceived model qualities, gender and age characteristics, and character of interaction with colleagues and senior bodies suggest that there exist a minimum of two professional subcultures in their professional community.

The key principles of one of them are strict compliance with the letter of the law and norms typical of any bureaucratic apparatus—discipline, attentiveness, and precision. The main vehicles of this subculture are women who are relatively young and were hired from court executive services during the “new recruitment.” They are relatively dependent on the opinions of their colleagues and on the position of the court chairperson or that of a senior court.

The other subculture rests on principles such as fairness, independence, unselfishness, and a judge's own discretion and convictions as the basis for decision-making. This subculture is represented by men who are relatively advanced in age and were recruited from the prosecution service or another law enforcement service.

Remarkably, according to Table 4 statistics, both subcultures put the lowest value on humaneness, with a mere 4% of respondents having named it as a priority. In this connection, it is appropriate to mention that the judicial reform concept of 1991 named inhumaneness and an accusatory and punitive slant as one of the main problems of the Soviet judicial system. It was to solve that problem that the architects of the reform proposed by introducing jury-based trials for the criminal justice system: “The collective mind and conscience of a jury that stop the punitive sword in the name of a just outcome of a case are sufficient guaran-

tees of law and order. As long as the judicial system is short of mercy, it is the wrong policy to attack excessive mercy” [3, p. 103].

In Levada Center’s program, an average of half of questioned ordinary Russians rated Russian judges’ level of humaneness as rather or very low, an average of 30% assessed it as rather or very high, and only 3% called it very high. One significant indicator of the inhumaneness of Russia’s judiciary is the low proportion of acquittals in the total average number of verdicts—it is less than 1% and shows a stable trend to decline. According to the Supreme Court, acquittals accounted for 0.54% of verdicts in 2014, for 0.42% in 2015, for 0.36% in 2016, and for 0.22% in 2017 [19]. For comparison’s sake, in 2017 acquittals made up 10.2% of verdicts passed by juries, but even in jury verdicts the proportion of acquittals has dropped nearly by half since 2007 [18].

“Judges come from the punitive system,” retired federal judge Sergey Pashin [20] says in explaining the accusatory character of the Russian judicial system. “There are very few former defense lawyers among judges. But there is no shortage of prosecutors of all kinds and former detectives... But generally speaking, the root of the problem is the perception of the character of the law enforcement system. For them, any acquittal is a disaster.”

Former Russian prosecutor general Yury Skuratov argues that the accusatory tendency is a “chronic disease” of the Russian judiciary. The latter “puts more trust in investigation services and the FSB, which follow a case up to the trial, and this results from the weak status of the defense attorney system. In other words, a defense counsel is not listened to in court” [17].

The chairperson of a court holds a special place in Russia’s judicial system. Chairpersons are vested with considerable authority and enjoy serious formal and informal influence, largely because of 2001 amendments to the law on the status of judges. One of the amendments introduced disciplinary penalties for judges. Such penalties may be ordered by a court chairperson, which is at variance with the guarantees of the independence of judges. Another amendment prescribed a three-year probation period for anyone who had for the first time been appointed as a federal first- or second-tier judge. There was practically no guaranteed prohibition on discharging a judge without a sound reason during a probation period [2, p. 126], and this made judges who were on probation very dependent on the chairperson. This amendment was rescinded in 2009, but between 2002 and 2005 Russia more than doubled its total number of judges via the “new recruitment”—the newcomers made up 57.4% of all judges and successfully completed their probation periods. This inevitably affected their behavior and relationships with the chairpersons of their courts.

These and other amendments made court chairpersons vehicles for executive influence on the judiciary. “They are able to play this role,” says Morshchakova, “because they possess a great deal of authority over rank-and-file judges. It is on a court chairperson that rank-and-file judges are dependent for their careers, and it is a court chairperson’s prerogative to impose disciplinary penalties, discharge a judge, order a salary supplement for a judge, and distribute cases among judges” [7, p. 196].

The surveys suggest that the average age of court chairpersons is 50, and that the majority of them belong to the oldest generation of judges (only 18.1% of chairpersons interviewed in the institute's survey were "new recruitment" appointees) and to the latter professional subculture of the two described above. Practically all old guard judges are, or at some point have been, court chairpersons—only 4.6% in that category of respondents had never been in this role. As of 2011, judges of this category accounted for about 43% of all Russian court chairpersons. The cohort of chairpersons with Soviet-era roots is led by Supreme Court Chairman Vyacheslav Lebedev, who was put at the head of the Supreme Court of what was still the Russian Soviet Federative Socialist Republic (RSFSR) back in 1989.

"Having been professionally socialized back in the Soviet period and playing the role of mentors," the Institute says, "they apparently provide continuity between the present-day judiciary and the Soviet judicial system" [14, p. 36]. It is probably this continuity that is one of the main reasons why the majority of Russians have negative feelings about post-Russia's judges and judiciary in general.

Conclusion

Surveys suggest that the majority of Russians have no confidence in the judiciary and do not see it as an influential institution. Most Russians assume that the court system is dependent on the other branches of government and manipulated or affected by political and economic actors. Russians are generally convinced that the majority of judges are corrupt, unprepared to defend their rights, often pass unfair sentences, and are short of humaneness, which is believed to be at the root of the patently accusatory character of the Russian judiciary.

Russia's judges as a professional community predominantly belongs to a bureaucratic administrative subculture; the latter's main vehicles are "new recruitment" women judges who have obtained their qualifications through distance or fast-track higher education and have been hired from court executive services. A typical feature of this subculture is dependence on the opinion of senior officials, primarily the court chairperson, who is seen as one's direct chief. "A Russian judge may combine total dependence on the chairperson of their court and on other bosses with complete disregard for the opinions of their fellow citizens" [9].

The Russian judiciary is dominated by "Soviet" court chairpersons, people who received their professional training and were socialized in the Soviet era and have mostly been recruited from prosecution services or other law enforcement authorities. It is mainly they that ensure continuity between the Soviet judiciary with all its problems and crises and its current Russian successor.

With the Russians' attitude to the judiciary and to judges as a professional group being as negative as it is, the post-Soviet Russian judiciary is incapable of being the chief arbiter in political, economic, social, and other disputes and conflicts, and of being the conscience of the state.

References

1. Annual report of the European Court of Human Rights. *Council of Europe*. 2018. Available at: https://www.echr.coe.int/Documents/Annual_report_2018_ENG.pdf.
2. *Comments on the Legislation on the Judicial System of the Russian Federation*. Ed. by T. Morshchakova. Moscow: Yurist, 2003. (In Russian.)
3. *The Concept of Judicial Reform in the Russian Federation*. Ed. by B. A. Zolotukhin. Moscow: Redaktsiya gazety "Demokraticheskiy vybor," 2001. (In Russian.)
4. Courts: Ideas about Their Justice, Independence, Personal Experience. Weekly Survey *FOMnibus*. August 4-5, 2018. *FOM.ru*. Available at: <https://fom.ru/Bezopasnost-i-pravo/14080>. (In Russian.)
5. The Global Competitiveness Report 2017-2018. *The World Economic Forum*. 2018. Available at: <https://www.weforum.org/reports/the-global-competitiveness-report-2017-2018>.
6. Institutional Trust. Press Releases 2015-2018. *Levada Center*. Available at: <https://www.levada.ru/category/press/>. (In Russian.)
7. Morshchakova T. G. *On the Judicial Enforcement in Russia: About the Proper and the Real One*. Moscow: R. Valent, 2010. (In Russian.)
8. Nisnevich Yu. A. *Politics and Corruption: Corruption as a Factor in the Global Political Process*. Moscow: Yurait, 2017. (In Russian.)
9. Pashin S. A. The Judicial System of Russia: Reshaping. *Otechestvenniye zapiski* (Fatherland Notes). 2014. No. 3 (60), pp. 82-92. Available at: <http://www.strana-oz.ru/2014/3/sudebnaya-sistema-rossii-perelicovka>. (In Russian.)
10. People and Corruption: Europe and Central Asia. Global Corruption Barometer. *Transparency International*. 2016. Available at: https://www.transparency.org/whatwedo/publication/people_and_corruption_europe_and_central_asia_2016.
11. Russia 2014: Mysteries of Public Opinion. Will the Patriotic Mobilization Survive the Economic Crisis? Discussions. *The Liberal Mission Foundation*. 2015. Available at: <http://www.liberal.ru/articles/6694>. (In Russian.)
12. The State and Public Institutions: Performance Evaluation (2018). Press Release. December 27, 2018. *VCIOM* (Russian Public Opinion Research Center). Available at: <https://wciom.ru/index.php?id=236&uid=9494>. (In Russian.)
13. Volkov V. V., Dmitrieva A. V., Pozdnyakov M. L., Titayev K. D. *Russian Judges. Sociological Study of the Profession*. Ed. by V. Volkov. Moscow: Norma, 2015. (In Russian.)
14. Volkov V. V., Dmitrieva A. V., Pozdnyakov M. L., Titayev K. D. *Russian Judges as a Professional Group: Sociological Studies*. Ed. by V. Volkov. St. Petersburg: The Institute for the Rule of Law, European University at Saint-Petersburg, 2012. (In Russian.)
15. Vorozheykina T., Gudkov L., Zorkaya N., Ovakimyan A. Monitoring the Attitude of the Russian Population to the Judicial Reform and the Judicial

System. *Vestnik obshchestvennogo mneniya* (The Russian Public Opinion Herald). 2014. No. 3-4 (118), pp. 13-69. (In Russian.)

Media Sources

16. Ilyichyov G. Valery Zorkin: “Bribery in the Judiciary Has Become One of the Most Powerful Corruption Markets.” *Izvestiya*. October 25, 2004. Available at: <https://iz.ru/585071/georgii-ilichev/valerii-zorkin-mzdoimstvo-v-sudakh-stalo-odnim-iz-samykh-moshchnykh-korruptcionnykh-rynkov>. (In Russian.)
17. One to 466: Why Acquittals Have Become Even Rarer in Russian Courts. *RBC.ru*. April 25, 2018. Available at: <https://www.rbc.ru/society/25/04/2018/5aded539a79477ac3e23377>. (In Russian.)
18. Pashin: “A Judge Clings to His Job and Wants It to Be Inherited by One of His Children.” *Zasudili.ru*. October 10, 2018. Available at: <http://zasudili.ru/news/9047/>. (In Russian.)
19. The Proportion of Acquittals in Russia Plummets to 22%. *Finanz.ru*. April 26, 2018. Available at: <https://www.finanz.ru/novosti/aktsii/dolya-opravdatelnykh-prigovorov-v-rossii-rukhnula-do-0-22percent-1022315269>. (In Russian.)
20. Yevdokimova D. Retired Federal Judge Sergey Pashin. *Noviye izvestiya*. April 20, 2016. Available at: <https://newizv.ru/news/society/20-04-2016/238331-federalnyj-sudja-v-otstavke-sergej-pashin>. (In Russian.)

Translated by Andrey Skvarky