

POLITICAL CORRUPTION IN POST-COMMUNIST RUSSIA

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Abstract

The nomenclature inherited from the USSR, which had transformed in the Russian nomenclature, was the primary source of corruption. The bacillus of electoral corruption infected the organism of Russian politics during the electoral cycle of 1995 – 1996. The process of growth in political corruption had started with the launch of the “successor” operation, which resulted in the Presidency of Putin in 2000. The elections of 2007 – 2008 were a triumph of corruption over free expression of public will. In the course of elections of 2011 – 2012, the acting government managed to retain its juridical legitimacy using political corruption.

Key words: post-communist Russia; nomenclature; political corruption; authoritarian regime.

Introduction

Traditionally, corruption is viewed and researched as an economic phenomenon and a problem closely related to the negative (shadow) economy [Geveling 2001: 45]. The spread of economic corruption in the public sphere means that some officials entrusted with government powers and the rights to dispose of resources related to public authority use them for the purposes of personal or group material enrichment.

To use public resources for personal or group material enrichment, it is necessary first to win, retain and monopolize public authority by creating an

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appropriate political regime. Corruption aimed at political gain may, among other things, be an instrument used for tackling of this problem.

These permit to view corruption not only as an economic one, but as a political phenomenon and a problem too [Rose-Ackerman 1999] and single out such its specific type as political corruption. Political corruption may be defined as the use by a person in a public office of entrusted to him or her government powers and rights, position and status in the system of public authority, the status of the public authority institution represented by him or her, for the purposes of illicit personal and (or) group (including in a third party interests) political gain (political enrichment).

In the course of fight for power via elections of candidates for public offices there may be singled out electoral corruption. Electoral corruption is defined as creation of advantages for representatives of ruling political forces and groups, suppression of their political competitors and distortion of free expression of citizens' will by illicit use of the structures of public authorities, respective public officials and resources in the course of the electoral process.

At the stage of the use of public authority by political actors who could seize it, political corruption may be identified as privatization of power. Privatization of power is defined as appropriation of all government powers and rights by the ruling political actors, complete removal of political opposition via legislative and other means of regulatory and legal formation of political order and rules, as well as appointments in the system of public authorities.

Eventually, political corruption always results in the formation of a corrupt political regime of authoritarian type and an convergence of political and economic corruption creating its highest complex form – state capture, where corruption acquires a systemic nature and becomes a base of government functioning [...].

Objectives

Objectives of the present research consist in analysis of conditions, genesis and process of growth of political corruption in the post-communist Russia, which has led to the authoritarian regime of the corporate type as the ruling political regime.

Methods

Methodologically the research is based on the new institutional approach which emphasizes institutional environment, fundamental political, social and juridical institutions, norms, relations and values. The basic tool of institutional analysis is even history analysis and politico-law analysis [...], which is a result of the development of the classical institutional method in contemporary world.

Nomenclature as a primary source of corruption

The nomenclature inherited from the Communist system by the new state, which had emerged after the USSR collapse in 1991, became the primary source of corruption in the post-communist Russia.

According to Djilas, the nomenclature is a new class ruling in socialist countries of party bureaucracy [Djilas 1957]. Voslensky, a researcher of the USSR nomenclature, had defined it as “an organized by Stalin and his apparatus ‘guard’, which has learned to rule” and as “the Soviet ruling class” [Voslensky 2005: 112].

The nomenclature is a competitive social environment, where groups or clans formed on the base of family, education and production ties, community principles, national and social relations, fight for domination [...].

The nomenclature is a specific social stratum; its mechanism of functioning and vertical mobility is basing on the principle of personal loyalty to a clan and its leaders and, simultaneously, on the ability to timely climb on the bandwagon of the “winners”, the group dominating in the current situation. The base of the nomenclature activity is the use of the authorities’ administrative resources with the aim to secure personal material and social prosperity. However, exactly the abuse of the administrative resources, its wrongful use for purposes other than those of exercise of government powers and official duties needed to perform state functions and ensure the attainment of social development goals, i.e for getting some unjustified personal or group advantage, both material and immaterial gain, is the institutional mechanism of corruption in the public sphere [...]. Subsequently, corruption is a driving force of the nomenclature’s activity.

According to Yakovlev, a former Secretary of the CPSU Central Committee, just before the collapse of the Communist system in the USSR reigned “corruption, deception, disinformation”, whereas “nepotism, bribery, embezzlement of state property have to some extent tainted practically all members of the nomenclature” [Yakovlev 2003: 564]. At the same time, the middle or lower strata, only starting to climb up the career ladder, of the Soviet party and economic management nomenclature, were interested in the fastest removal of the hardened top leadership and party bonzes, since it was the only way to ensure their prospects of fast career progress and advancement to the top echelons of power. Exactly this part of the Soviet nomenclature along with the comparatively small democratically spirited part of the Soviet society had become a driving force of the nomenclature-democratic revolution, which had place in the USSR in the early 1990s.

As a result of the failure of the August putsch of 1991, the conglomerate of the leaders of the democratic movement, the so called “first wave democrats” and the representatives of the progressive part of the Soviet nomenclature led by its typical representative Yeltsin, came to power in the new Russia. However, this conglomerate did not exist for long. The process of formation of the Russian nomenclature rooted in the Soviet nomenclature started yet in the course of the revolutionary events of 1991 – 1993. This new nomenclature had rather early decided to take a road other than the democratic movement.

After coming to power, the representatives of the progressive part of the Soviet nomenclature started to recreate organically inherent in them nomenclature and corruption mechanisms in the Presidential and governmental structures of the post-communist Russia. The following circumstances facilitated such a regeneration of nomenclature methods of state administration and corruption-based relations in the public sphere.

Firstly, all elements of the Russian state machinery were from the very beginning staffed practically exclusively by officials, who had earlier worked of the party and government apparatus of the USSR and RSFSR. The “professionalism” of such officials was based on the mastery of the methods of

bureaucratic workflow management, behind-the-scenes decision-taking and corruption-based interactions, as well as tricks of bureaucratic intrigues.

As it seems today, the mass employment of former officials of the Soviet party and economic management machinery across all structures and levels of the newly created system of public administration was one of the most serious errors of the new Russian government.

Secondly, a small number of representatives of the democratic movement initially present in the government structures put their stakes exclusively on personal support on the part of President Yeltsin. They did not consider necessary and paid no attention to the consolidation of the democratic movement as their long-term political base and candidate pool, to be used at least for a gradual replacement of the nomenclature-related officials in the government structures.

The nomenclature environment have incorporated and still incorporates only those accepting and to a sufficient degree mastering the rules and mechanisms of its activity. Yet in 1992 – 1993, there were observed resignations of practically all well-known “first wave democrats”.

The progressive part of the Soviet nomenclature transferring into the Russian nomenclature had achieved its main goal – it came to power in the country and could seize practically all levers of government.

The establishment of the Russia’s nomenclature as the ruling stratum of the post-Communist Russia was helped by the process of the “Russia’s way privatization” started since 1992, which was “95 per cent political and only 5 per cent economic issue” [Pirvatizatsiya po-rossiyski 1999: 350].

At the start of the privatization process some part of the nomenclature representing the old cadres of the Soviet economic managers, first of all young party and Komsomol members, who had already got up an appetite for economic freedom in the course of the cooperative movement started in mid-1980s, and could successfully convert their nomenclature and corruption-related ties in the structures of the federal and regional authorities into the start-up capital and private property.

The fact that the “Russia’s way privatization” was of the nomenclature-based genesis was confirmed by Chubais, its main facilitator. “And as concerns our ‘new Russians’ – they are either from the old Soviet directorship with all its minuses and pluses. Or they are from former cooperators and such-like businesspeople brought forth by the perestroika. Or they are from the representatives of former regional political elites. All of them have their ‘birthmarks’; however, real strategic owners are recruited from them” [Pirvatizatsiya po-rossiyski 1999: 63]. However, as it had turned out, the “new Russians” had the common “birthmark” – the nomenclature-corrupt one, and therefore they were never to become “real strategic owners”.

Having improved in strength and accumulated sufficient financial and material resources in the course of the second cash privatization stage, which started in 1994 with the launch of, first, investment tenders, and, later, shares-for-loans auctions, financial and industrial groups, which got control over the largest oil and natural gas, as well as mining enterprises as a result of these auctions, began to have noticeable influence on the public authorities, incorporate lobbyists of their interests in its structures and create new nomenclature-oligarchic groupings.

After the Presidential elections held in 1996, when Yeltsin was elected for his second term in office, the resources of the conservative part of the former Soviet nomenclature used in political struggle began to dwindle and it ceased to pose a real threat to the acting government. An inflow of former Soviet nomenclature cadres in the structures of public administration had intensified after the default of 1998.

By the end of Yeltsin’s second term in office, there were 77 per cent of representatives of the Soviet nomenclature among the state bureaucratic part of the Russia’s nomenclature, whereas among its economic component such representatives made 41 per cent; at the same time, among businesspersons not related to the nomenclature descendants from nomenclature families made a significant part [Kryshtanovskaya 2005: 318]. Therefore, this nomenclature, being

the primary source of first economic and later political corruption, became the main political actor at the Russia's political scene.

Genesis of political corruption

Political corruption in Russia had not manifested itself immediately after the collapse of the Communist regime.

The first State Duma elections held in the post-Communist Russia in 1993 simultaneously with a referendum on the draft new Constitution were free and fair. In the course of the elections President Yeltsin and his team proceeding from the tactical premises of keeping a broader room for political maneuver took an "above-the-fray" position.

The bacillus of electoral corruption first infected the organism of Russia's politics during the electoral cycle of Parliamentary and Presidential elections of 1995 – 1996.

By the time of the second State Duma (1995 - 1999) elections held in May through June of 1995, there had been created a social and political movement "Our Home is Russia" led by Chernomyrdin, the incumbent Chairman of the RF government. This movement, "the motor of which was the ruling bureaucracy – a conglomerate of bureaucratic clans" was "in fact run by the Presidential Administration" [Korgunyuk 2007: 274]. This pseudo-political structure created from above by administrative methods as a tool for lobbying legislative interests of the ruling nomenclature was the first test of organizational formalization of a so called "party of power" in the field of the Russia's politics; this "party of power" became the dominating factor of the electoral mechanism and the party system at large. The first attempt to use the "party of power" had frustrated the hopes of its creators; it could get only 10.13 per cent of the total vote [Korgunyuk 2007: 276]. At the same time, the second State Duma turned out to be the most opposed to the ruling Presidential and executive authority among all elected lower chambers of the Russia's Parliament.

Also, starting with the Parliamentary elections of 1995, the Russia's industry-specific corporations and financial-industrial groups began to incorporate

lobbyists of their interests in the composition of the deputy corps of the State Duma.

First of all, such lobbying deputies were recruited from the candidates running in single mandate constituencies. For this, organizations specializing in running electoral campaigns were ordered work in 20 to 40 single mandate constituencies, where patrons provided financial and organizational resources for electoral campaigns of certain candidates.

Besides, there was launched such a technology as inclusion of representatives of industry-specific corporations and financial and industrial groups in the federal lists of political parties, as well as their nominations as party candidates across single seat constituencies in return for financial support provided to the parties to run electoral campaigns.

Therefore, within the deputy corps there was being created a platform of corruption-related ties in the form of “trading in influence”, where “politicians and high officials, in exchange for the secret funding of their political activities, can trade” their influence, distorting the proper function of a democratic system, violating the principle of equality and eroding principles of merit” [Best Practices in Combating Corruption 2004: 26].

The first successful example of the use of administrative resources being at disposal of the public authorities to hold power was the Presidential election of 1996, especially the second round of this election.

In the course of this election the popular-patriotic bloc headed by Zyuganov, the KPRF leader, was opposed by the “party of power”, which could gather all shades of Russia’s centrists and a considerable part of the liberal flank around the incumbent President Yeltsin, whereas other political forces could only choose one of these main forces [Korgunyuk 2007: 351]. In order to counter the hypothetical threat of the conservative part of the Soviet nomenclature led by the KPRF there were used methods of administrative influence as well as information and propaganda-based manipulation and the administrative resources being at disposal of the public authorities.

As concerns the reelection of Yeltsin for his second term in office, a significant role was played by the “water truce” made with Chubais’ participation between the most influential at that time financial and industrial groups in order to jointly finance and provide informational support via mass media controlled by them to the electoral campaign of the incumbent President. The key measure was the propaganda campaign in Yeltsin’s support “Vote or lose”; in order to run it there were used “multimillion investments and a machine of unlimited manipulation of the public opinion” [Khodorkovsky 2005], there were used both private and public mass media, as well as official capacities and statuses of power of the President’s supporters.

In the period between the first round of the election (June 16), when Yeltsin won 35.29 per cent of the vote and Zyuganov – 32.04 per cent, and the second one (July 3), the Yeltsin’s team could recruit the followers of some candidates, who fell out of the race, together with political organizations supporting them. However, the position of the incumbent President was most strengthened by the alliance with General Lebed, who was in return granted public posts of the Secretary of the Security Council and Aide to the RF President for national security. In the second round Yeltsin had a clear-cut victory: 53.8 per cent of the vote as compared with 40.31 per cent won by Zyuganov [Korgunyuk 2007: 355-356].

After the completion of the cycle of Parliamentary and Presidential elections of 1995 and 1996, at the background of the new wave of struggle for power and resources on the part of nomenclature and oligarchic groupings the process of state capturing and incorporation of representatives of these groupings into the structures of the Russia’s public authorities intensified. The state capture is defined as “the extent to which firms have influence on the formation of laws, rules, regulations and decrees by state institutions without recourse to illicit and non-transparent private payments to public officials” [Hellman, Jones, Kaufmann 2000: 2].

By the time of the Parliamentary election of 1999, on the threshold of the change of the President, the ruling nomenclature experienced a split between

federal and regional nomenclature-oligarchic groupings. Therefore, two opposing each other “parties of power” – a social and political movement “Unity” and “Fatherland – All Russia” participated in the election of deputies of the third State Duma (1999 through 2003). In order to create and support “Unity” at the Parliamentary election there were used administrative resources of the federal authorities, whereas “Fatherland – All Russia” relied on some part of regional authorities. However, in spite of the fact that the administrative resources used by to promote both teams of the “party of power” were not only split but also played against each other, it total the “party of power” had much more success as at the previous Parliamentary election and could account of 36.65 per cent of the total vote cast in its support (“Unity” made 23.32 per cent and “Fatherland – All Russia” – 13.33 per cent) [Korgunyuk 2007: 404].

However, political corruption penetrated the body of the Russia’s politics the most decisively and deep, and became its main driving mechanism in the result of operation “Successor” carried out in late1999 through early 2000 and leading to Putin’s Presidency.

Operation “Successor” was an act of political corruption aimed at the retention of power on the part of the ruling nomenclature via use of administrative resources at disposal of the public authorities in order to suppress political competition and use the whole system of state and local authorities as an “electoral machine” to promote a candidate nominated by the ruling nomenclature.

This operation was launched with the assignment on August 9, 1999, of a little known official – the Director of the Federal Security Service Putin – to the position of acting Chairman of the RF Government. On the same day President Yeltsin named Putin as his successor at a televised address [Yeltsin 1999].

The next step of this operation was the voluntary early resignation on the part of President Yeltsin resulting in his successor to become the acting President. A tactical maneuver involving the early resignation of the President permitted not only consolidate the administrative and informational resources at the disposal of the successor, but also lawfully set the Presidential election scheduled for July to

be held in March of 2000, thus cutting back on the length of the electoral campaign.

It was only natural that Putin scored the victory yet in the first round with 52.94 per cent of the total vote – almost twice the number cast for his closest competitor Zyuganov (29.21 per cent) [Korgunyk 2007: 408].

Operation “Successor” was the key development as concerned the genesis of a nomenclature and oligarchic regime as the prevailing political regime in Russia, and the nomenclature as the country’s ruling social stratum. Although at the election of 2000 the person of the President changed for the first time, the political and social representation in the institution of Presidency remained the same, and this institution preserved its nature as the key institutional outpost of the ruling nomenclature and oligarchic regime run by the Russia’s nomenclature.

It seems that operation “Successor”, as a political precedent, and its outcome became the most dangerous political legacy of President Yeltsin to the future of the Russian state and the starting point of further victorious advance of political corruption in the post-Communist Russia.

Establishment of political corruption as the base of functioning of Russia’s political system

The establishment of political corruption as the base of functioning of the post-Communist Russia and privatization of public authorities had finally manifested themselves as the dominant of the political process as a team led by President Putin, genetically related to the Soviet special services, came to power.

The widening of the political corruption spiral and privatization of authority has started with the redistribution of power and property via abuse of, primarily, such types of administrative resources of public authorities as the regulatory, coercive, media and legislative resources.

As a matter of priority, there were used the regulatory resources related to appointments so the group that came to power could select and assign, by nomenclature-specific and corrupt methods, their loyal supporters, primarily, representatives of special services and affiliated persons, to key posts in the system

of public authorities, as well as in the management of state-owned and controlled by the state corporations and firms belonging to the oil and natural gas complex, which formed the base of the Russia's economy. As a result of this process, the number of so called "siloviks", i.e. officers of special services, army and other paramilitary organizations, in the structures of Russia's public authorities increased more than two times, from 11.2 per cent in 1993 to 25.1 per cent in 2002; at the same time in the top echelons of government their number made up to 70 per cent, whereas the number of the townspersons of the President in office grew also almost twice – from 13.2 per cent in 1993 to 21.3 per cent in 2002 [Kryshtanovskaya 2005: 269].

In the context of consolidation of the new team in power by appointment of loyal personnel, the first decree issued by President Putin after his inauguration concerned the establishment of the institution of his plenipotentiary representatives in federal districts [Ukaz No. 849 2000]. The division of the country's territory into seven federal districts was an act of superimposition of an administrative network made of federal districts, mainly coinciding with military districts, on the Constitutional political and territorial map of the country by a Presidential decree.

The creation of such an institution was the first step to implement a President Putin's project of consolidation of a "power vertical", which in its essence was the creation of a "dominant-power system" as defined by Carothers, in the framework of which "the long hold on power by one political group usually produces large-scale corruption and crony capitalism" [Carothers 2002].

After the team led by President Putin had come to power starts a new nomenclature and corruption-related repartition of property, the main tool of which was the abuse of the coercive resource at the disposal of the public authorities. The most illustrative and well-known example of this is the "YUKOS affair".

Due to the fact that the sphere of mass information was of a special political importance and the role played by information-based management increased dramatically, the mass media market was one of the first markets to experience repartition of property.

All large television and radio companies broadcasting on the federal level and a number of influential socio-political printed media slipped into state control or that of financial and industrial groups affiliated with the ruling authorities. There was observed a sharp decline in the number of alternative or not controlled by the authorities sources of information; in fact, although tacitly, there was introduced censorship. The total media resource concentrated in the way described above was used to informational and propaganda-based manipulation of popular consciousness and public opinion aimed at mobilization of society for support of the ruling authorities and informational discrediting and suppression of their political opponents and any political opposition at large.

The key factor of the establishment of political corruption was the use of the legislative resource at the disposal of the public authorities in order to monopolize and later privatize the power.

The first victims of the legislative offensive on political competition aimed at monopolization of the public authority were regional politicians.

In August of 2000, there was legislatively established a new order of formation of the Federation Council; according to the new procedure one member of the upper chamber of the Russia's Parliament representing the respective RF subject should be appointed by the highest official of such a subject and the second representative should be elected by the legislative body of this RF subject. The top officials and chairpersons of the legislative bodies of the RF subjects were deprived of the status of the Federation Council members they had had under the previous procedure due to their posts. Therefore, the heads of regions could not anymore directly influence the adoption of legislative and other state decisions at the federal level as legislators; as a result, they lost a significant measure of their political "weight".

Moreover, in July of 2003 there were introduced certain changes in the fiscal legislation; as a result, financial capacities the regional heads disposed of in order to influence the situation in their respective regions were constrained and those heads had to depend on the federal authorities.

As concerns the establishment of political corruption as the base of functioning of the Russia's political system, the decisive role played a special law on political parties adopted in July of 2001 [Zakon No. 95-FZ 2001]. The adoption of this law was the tipping point in the process of formation of the Russia's party system.

The law on parties had fixed and launched the mechanism of government regulation of the Russia's party system, thus presenting ample opportunities to administratively regulate the processes of creation, activities and liquidation of political parties. In fact, the law introduced an authorization-based, and not declarative, principle of state registration of parties based on a four-stage bureaucratic procedure. As the law enforcement practice had shown, such a procedure permitted the ruling authorities to prevent the creation and registration of new political parties, as well as liquidate parties they did not want to exist for some reason, rather easily, by using administrative influence on the federal and regional registration bodies.

From the time the law was adopted, the authorities had a possibility to intervene in the activities of the parties, to turn on power and coercive mechanisms to "sort out" the parties guided by the striving to recognize as lawful only the parties not threatening to them and to prohibit opposition ones, thus creating, in essence, police structures any party should turn to in order to achieve legitimacy.

In the result of adoption of the law on parties, by the Parliamentary election of 2003 the number of possible participants of the electoral process had dwindled by more than 4 times to 44 parties, of which 30 took part in this election – 18 parties run independently and 12 parties participated in the composition of five electoral blocs [...].

By the time of the Parliamentary election of 2003, the "party of power" was also reformed. In December of 2001, the Presidential Administration formed its next edition – the "United Russia" party. This party was founded on the base of merger of some political organizations earlier being members of the movements "Unity" and "Fatherland – All Russia" [Istoriya Partii]. "United Russia" party

immediately received support of all administrative resources at the disposal of the public authorities of all levels and, primarily, their regulatory, status and media resources in order to monopolize the public political and informational space and take the dominant position in the party system and in the State Duma.

The election of the State Duma deputies in 2003 can be to a certain extent considered to be competitive, but already not free and fair. Independent research of this election fixed facts of electoral corruption, deformation of the electoral process by the use of different types of administrative resources on the part of the public authorities all in favor of the “United Russia” party. [Internet-monitoring vyborov 2004, Monitoring zloupotrebleniy 2004].

To a large extent as a result of this unlawful administrative support “United Russia” could, according to the official statistics, get 223 deputy mandates (37.57 per cent of the vote, 120 seats, for party lists and 103 seats in single mandate constituencies) [Vybory deputatov 2004: 153, 192], what made slightly less than half of the total number (450) of State Duma deputies mandates.

This situation clearly could not suit the Presidential Administration and, under its influence, in the course of the formation of the political structure of the fourth State Duma (2003 – 2007) there were distorted even such favorable for “United Russia” results. Yet before the official start of the fourth State Duma’s work, the number of “United Russia” deputies was increased by administrative methods by almost 40 per cent as compared with the election results thus exceeding the Constitutional majority of 300 deputies. The deformation of the political representation in the fourth State Duma in favor of the “United Russia” party was necessary to shake up the administrative structure of this chamber of the Russia’s Parliament.

The distribution of elected offices in the fourth State Duma according to the instructions of the Presidential Administration was single-handedly carried out by “United Russia”, which usurped practically all elective administrative offices in the chamber – from its Chair to the heads of committees and commissions. In fact, there was created a strict vertical and centralized administrative structure and the

system of governing of the State Duma's activities subordinated to its Chair and fully controlled by the "United Russia" party at all levels.

Therefore, the lower Chamber of the Russia's Parliament, starting with its fourth election, had lost the nature of an institution of national political representation and acquired the features characteristic of legislative bodies of administrative type in authoritarian political systems with one ruling party.

While the Parliamentary election of 2003 could still be deemed to be an election, the Presidential election of 2004 already was a measure aimed at the plebiscitary legitimization of the incumbent President.

The main factor behind the transformation of the Presidential election of 2004 into a measure aimed at the plebiscitary legitimization of the incumbent President was the informational suppression of political competition, primarily, of any possible competitors to Putin, via unlawful use of the President's status resource, media, status and institutional resources at the disposal of the public authorities at all levels, which started yet in 1999. The news, public and political TV and radio broadcasts were purposely turned into a multi-episode saga about the only savior of the Fatherland, whereas public officials of all levels of the state and local authorities played the role of the classical antique chorus. In the result of the abuse of the administrative resources, the Presidential election became a priori non-competitive one; understanding this, two opposition Parliamentary parties – KPRF and LDPR – demonstratively nominated their minor political figures as candidates. Two independent runners had no chances of any meaningful results at all and took part in the election only as a means of self-advertisement. Yet another candidate took part as a supporter of the ruling authorities acting as insurance that the election would not be derailed if other candidates withdraw from the race as a mark of protest. In this situation, it was only natural that the incumbent President Putin could win yet in the first round with a result characteristic of the "dominant-power" system – 71.31 per cent [Vybory Prezidenta 2004: 106].

In the result of the electoral cycle of the Parliamentary and Presidential elections of 2003 – 2004, all branches of the public authorities were monopolized

by the ruling conglomerate of the old, created yet under the previous President, and new nomenclature and oligarchic groupings led by the incumbent President Putin, whereas political corruption became the main mechanism of functioning of the Russia's political system.

Privatization of public authorities

The success achieved in the course of the developments described above should be consolidated in a way preventing the ceding of state power to any other party. Public authorities should be not just monopolized, but privatized as well in order to carry out the state capture. In order to achieve these goals, the legislative resource at the disposal of the public authorities was used even more intensely.

In June of 2004, there was adopted a new Constitutional law on referendums [Zakon No. 5-FKZ 2004], which in fact deprived Russian citizens of the possibility to influence the decisions and actions of the public authorities and their policies via citizens' direct expression of will. The law turned referendums into a tool in the hands of the ruling authorities. It became enough for the authorities just to organize a referendum, whereas a set of requirements applicable to citizens' initiatives created practically insurmountable hindrances, including the authorities' power to stop referendums at any state of their preparation [Ne mesto dlya diskussiy 2005: 44-46].

In December of 2004, the laws determining the formation and general principles of organization of the state power bodies in the RF subjects were altered to abolish direct elections of highest officials of the RF subjects by citizens. There was established another procedure, which envisaged that a person introduced by the RF President should be granted the powers of the highest RF subject's official by the legislative assemblies of the respective regions. As the political practices had shown, this dubious in juridical sense legislative novation permitted the President to directly appoint and dismiss the heads of regions [...] in order to turn the Parliamentary and Presidential elections into administratively regulated measures aimed at the plebiscitary legitimation of the ruling authorities for the purposes of privatization of the public authorities, in fact, into acts of electoral

corruption, in December of 2004 there were introduced changes in the law on parties and in 2004 through 2007 – some fundamental change was made in the laws on the election of the State Duma deputies and the President.

The changes introduced in the law on parties had significantly toughen the requirements concerning the quantitative parameters of party structures. From that time on, the total number of party members should make 50 thousand as compared with 10 thousand required earlier, whereas the number of members of regional branches in more than half of the RF subjects should make 500 instead of 100. All registered by that time parties should confirm their compliance with the new requirements by January 1, 2006, or their registration should be withdrawn. In the result of this operation, clearly aimed at a reduction in the number of registered parties, their number further declined almost 3 times and by the Parliamentary election of 2007 there remained only 15 officially registered parties.

A new law on election of deputies [Law No. 93-FZ 2005] adopted in May of 2005 with the subsequent amendments and additions has dramatically changed the system of elections of deputies of the lower chamber of the Russian Parliament. Firstly, the purely “one person one vote” system in the framework of which all 450 deputies of the State Duma should be elected proportionally to the number of votes casted for the party lists of candidates was introduced instead of the majority-proportional system used earlier. At the same time, the threshold allowing a party to be represented in the State Duma was raised up to a prohibiting level of 7 per cent. Secondly, the party lists registration procedure was altered. The parties represented in the State Duma were granted the right to register their lists without collecting signatures or presenting electoral deposit; at the same time, the registration procedure was significantly bureaucratized and complicated as concerned the party lists of the parties not represented in the State Duma. At the same time, the amount of the electoral deposit was increased by more than 1.5 times to US \$ 2 million. Later, the registration based on the electoral deposit was abolished altogether. Thirdly, the formation of electoral blocs was prohibited thus excluding the possibility of creation of opposition parties’ coalitions.

It should be also noted that in July of 2006 the law on the status of the RF parliamentarians [Law No. 133-FZ] was amended in the way, which in fact established the imperative party mandate for the deputies of the State Duma. Since then each candidate must be a member of the parliamentary group formed by the party in the list of which he or she was entered; the withdrawal from the respective group should result in the loss of the deputy mandate.

The tougher stance on the registration requirements concerning political parties and the introduction of the proportional system in the framework of which only registered parties have the right to put forward the lists of parliamentary candidates has significantly infringed on the right of the RF citizens to be elected as members of the State Duma since no more than 1.5 per cent to 2 per cent of citizens are official members of registered parties; even less actually participate in their activities.

In 2005 – 2007, the law on the election of the President was also amended similarly to the changes introduced in the law on the election of deputies as concerned the procedures governing the nomination and registration of candidates from political parties or self-nomination and the abolition of electoral blocs.

Besides, in order to guarantee the juridical legitimacy of measures related to the plebiscitary legitimation of the powers that be all acts pertaining to the electoral legislation were amended as to abolish the right to vote against all candidates and all lists of candidates as well as the minimal threshold of voter turnover. At the same time, all nongovernmental and political associations with the exception of the parties nominating candidates were deprived of the right to monitor the course of election campaigns and the process of voting at the polling stations.

The laws on the election of deputies and the President were changed in order to a priori reduce the number of participants in the electoral process by limiting the number of registered parties and to be able to operatively – basing on the current electoral situation – regulate the menu of party lists and contenders for Presidency by administrative means at the stage of nomination and registration depending on

the feasibility and desirability of their participation in the process for the retention of the incumbent authorities.

Such an electoral mechanism constructed by the legislative means the operation of which was carried out by the system of election commissions manned by specifically chosen personnel ensured the triumph of political corruption during the Parliamentary and Presidential elections of the 2007 – 2008 electoral cycle, which convincingly won over the free expression of citizens' will.

In order to ensure the election of the deputies of the State Duma in 2007 as a measure of plebiscitary legitimation and guarantee the eventual privatization of power there was preeminently limited the menu and filtered the lists of candidates from the parties allowed to participate in the elections [...]. Only 11 parties from 15 officially registered ones were permitted to run; 5 parties played the role of spoilers for opposition parties: KPRF, SPS and Yabloko, whereas the party A Just Russia and, traditionally, LDPR were sparring partners for the United Russia. All parties permitted to participate in the elections had to preliminary agree, on the informal basis, the lists of their candidates with the Presidential Administration and exclude the nominees, which, for various reasons, were unacceptable for the Administration even if such developments undermined the electoral interests of the parties. Besides, the Presidential Administration controlled the financing of electoral campaigns of the parties carried out by business structures, which had to follow its recommendations or seek its agreement [Morar 2007].

The elections of 2007 were carried out in the framework of a scenario “referendum on support of Putin”. The incumbent President Putin headed the list of candidates put forward by the United Russia; however, he preemptively made a public statement refusing to be a member of the party and waiving a deputy mandate. As its election agenda, the United Russia choose “Putin’s plan”, a compilation of the President’s public statements.

The “referendum on support of Putin” was carried out by the system of public authorities of all levels, which used all types of its administrative resources and was in fact the “electoral machine” of the United Russia party. Eventually, the

required result of the plebiscitary level was secured – according to official figures the United Russia party won 64.3 per cent of the votes and 315 deputy mandates (70 per cent) – well over the constitutional majority.

The system of public authorities of all levels also acted as the “electoral machine” of the candidate nominated by the government in place in the course of the Presidential election of 2008, which was also made a measure aimed at its plebiscitary legitimation.

A specific feature of this Presidential election was that according to provisions of the working Constitution Putin could not run for the third consecutive Presidency, whereas nomenclature-oligarchic groups needed to retain their representative in this position in order to stay in power. Therefore, in 2008 the changeover of the head of the state was carried out in the framework of “successor” scenario; a similar operation was successfully performed in 2000.

In the situation, where political competition was fully suppressed, the only intrigue of the measure staged in 2008 was the choice of the successor. So, when less than two weeks after the official start of the election campaign, on December 10, 2007, the TV cameras set in the Kremlin saw a piece of the political absurd theater, in the course of which Medvedev was announced as the “successor”, the results of this measure became absolutely determined [...].

The “successor” should be nominated by the “United Russia” party. Two other Parliamentary parities – KPRF and LDPR – once again nominated their leaders as candidates. According to the legislation in effect, these three candidates were registered automatically. Out of 11 independent candidates, only two were permitted to collect signatures, only one of them was registered due solely to the fact that there was needed a technical candidate as insurance against possible derailing of the election.

In the framework of this event, the “electoral machine” of the authorities could ensure the triumph of electoral corruption – the “successor” Medvedev was announced to become the President yet after the first round with a plebiscitary

result of 70.28 per cent. At the same time, in accordance to the previous arrangements, Putin became the Chairman of the government.

In the course of the Parliamentary and Presidential elections of 2007 – 2008, the system of the public authorities acted as a direct and dominant participant in the electoral campaign having unlawfully used its administrative resources in order to place pressure on voters and election participants, to infringe on the principle of equal participation in the electoral process and to manipulate the results of the vote.

Administrative pressure on voters was organized via the issuance of secret instructions across the whole hierarchy of the system of state and municipal authorities requiring them to support the “United Russia” party and the “successor”. In order to fulfill the “electoral quota”, at each level of the system of the public authorities there were used regulatory, institutional and status resources the aim being to place pressure on various social groups exerting the necessary electoral support. There were also used such methods of influence as administrative coercion, bribery, including bribery involving budget resources, threats to degrade social services and financial standing of socially unprotected, materially and administratively dependent groups of citizens; purposeful use of social and public utilities services in the electoral campaign (propaganda and voting according to the requirements set by the authorities); educational, cultural and enlightenment institutions; voting controlled by managers of enterprises and organizations with the use of absentee voting certificates at specially organized and closed polling stations.

The pressure on the participants in the elections had been placed even before the official launch of the electoral campaign with the aim to force candidates to withdraw from the election. Different methods – from persuasion to “coercion” – were employed. The method of persuasion presupposed that to make a candidate to voluntary withdraw from the election it would be sufficient that a public official compellingly recommend to such a candidate to do so. A voluntary-compulsory method was based on corruption-related ties, when an office in the structures of the

public authorities, at enterprises or organizations controlled by the authorities, or a direct material remuneration in any form was offered as a compensation for the withdrawal from the election. The “coercive” requirement to withdraw included intimidation, persecution and obstruction to activities involving the public prosecutor office, law enforcement, tax and other regulatory bodies, as well as initiation or a threat of initiation of criminal investigations. Such methods were used not only against potential, but also against already registered participants.

A potentially vulnerable pressure point for all participants in the elections in Russia is the financing of electoral campaigns. In order to make enterprises belonging to the private sector to refuse to finance electoral campaigns of opposition political parties and candidates, and to make them voluntary-compulsory finance electoral campaigns of “United Russia” and the “successor”, various methods of administrative pressure were placed on such enterprises. In particular, there were employed such methods as “compelling recommendations” on the part of officials, creation of administrative barriers, or, alternatively, provision of some preferences; “coercive” pressure was exerted via organization of inspections by law enforcement, tax and other regulatory authorities.

A significant influence on the results of the election had the infringement on the principle of equality in the course of election campaigning, especially on TV. In the course of the electoral campaign “United Russia” and the “successor” obtained an unlimited access to the state-owned, municipal and controlled by the authorities electronic and printed mass media. There were used manipulative technologies to persuade voters that there was no other choice as official candidates, there were used the status resource and official positions of popular public officials being candidates from “United Russia”, such candidates were included in party lists of “United Russia” as “locomotives”. After the election, such “locomotives” rejected deputy mandates, what was direct electoral fraud. However, the main person of the hypnotic show of mass zombification was President Putin. Since the day he came to power, the media resource of the public authorities had begun to be used for a demonstration, primarily on federal TV

channels, of a multi-episode soap opera staged in the Soviet style, where the President was presented as the only savior of the state and the leader of the nation.

In order to achieve the required results, i.e. the plebiscitary legitimation, there were intensively used various methods of manipulation of the election results. In particular, there were employed such methods as: additional inclusion of voters casting their votes as ordered by the authorities in the electoral lists; organization of so-called “carousels” – multiple voting using one absentee voting certificate at different polling stations; stuffing of ballot boxes with sham bulletins, especially when mobile ballot boxes were used; infringements on the procedures of counting of bulletins and finalizing of electoral protocols; barring access of non-voting members of the electoral commissions and observers wishing to recount votes; substitution of protocols on the results of the election at polling stations before they were entered into the computer system “GAS-Vybory”; and so on. In order to camouflage such machinations, electoral commissions counteracted observers and representatives of mass media, in some cases turning for this to enforcement services.

The Parliamentary and Presidential elections held in the framework of the electoral cycle of 2007 – 2008 became a fact of electoral corruption and final privatization of the public authorities on the part of the ruling nomenclature. Exactly after this electoral cycle the ruling nomenclature used the legislative resource at the disposal of the public authorities, which it could privatize, to introduce changes in the Constitution in effect with the aim of a long-term strengthening of its dominant position. In December of 2008, there was adopted the first law changing the Russia’s Constitution; in accordance with the amendment, the Presidential term in office was increased from four to six years, whereas the State Duma should be reelected after five instead of four years.

Conclusion. Protests and Falsifications

As a result of political corruption, which grew in the post-Communist Russia since the early 2000s, a corrupt authoritarian regime of the corporate type has formed as the ruling government of the country, and state capture was carried out

by nomenclature and oligarchic groupings, which could privatize the public authorities under the aegis of President Putin. Political and economic corruption became the basis of the state functioning.

However, having achieved the summit of privatization of the public authorities, the ruling nomenclature faced the problem of democratic legitimacy arising only when people recognize the fairness of those rational and democratic procedures, which serve as the base of the formation of the system of power [Beetham 1991].

On the threshold of the Parliamentary and Presidential elections to be held in the framework of the electoral cycle of 2011 – 2012, there became noticeable a trend towards a decline in the level of approval and trust in the ruling tandem President Medvedev – Chairman of the government Putin, which personified the ruling regime, and the “United Russia” party [Belanovsky, Dmitriyev 2011]. This trend, a very negative one for the ruling authorities, was exacerbated by a statement about a back casting, i.e. Putin becoming again the President and Medvedev the Chairman of the government, made on September 24, 2011, at a “United Russia” congress [Stenogrammy 2011]. This statement shocked and offended not only opponents of the ruling authorities or those, who earlier were indifferent or even sympathetic to the authorities, but even their sincere supporters. People felt that their self-esteem was insulted and diminished by the fact that two officials, although at the supreme public posts, could decide among themselves, without public consent, who should have what office in the country.

After this statement, clearly made without due reflection on the consequences, in the situation of growing protest mood, the ruling authorities faced already not only the issue of plebiscitary legitimation, but that of retaining control over the State Duma. So, on the day of voting in the Parliamentary election of December 4, 2001, the wave of protest on the part of voters collided with electoral corruption in the form of mass falsifications of the ballot results. These falsifications were the only factor behind the ordinary majority (238 out of 450 deputy mandates) “United Russia” could secure, thus retaining its control over the

State Duma, whereas according to the official statistics it was supported by 49.32 per cent of the total vote.

Falsification of the results of the Parliamentary election has even stronger insulted and diminished the people, who could not manifest their attitude via the voting. Therefore, already the next day after the election a new wave of protests struck the streets of Moscow, St. Petersburg and other Russia's cities. The protesters filled the streets to manifest, first of all, their insulted self-esteem demanding a return of free and fair elections. This protest by "angry city-folk" became the dominant factor of the Presidential election of 2012.

The protesters' strategy, alongside with holding rather large meetings "For Fair Elections" and organization of street actions, became an active participation in the Presidential elections not only as voters casting their ballots against Putin's candidature, but also as observers at ballot stations on the day of the election.

The ruling authorities, as Putin's "electoral machine, countered this strategy with a mobilization electoral campaign and even larger-scale than in the course of the Parliamentary elections falsifications on the day of the voting. The system of the public authorities made it their goal to ensure Putin's victory yet in the first round, whereas in order to mobilize the population the "angry towns-folk" and, especially, residents of Moscow, were proclaimed to be internal enemies of the state, while the USA and NATO were shown as external enemies in the framework of yet Soviet tradition.

The strategy employed by the protesters could bring some results in large cities. First of all, it concerned Moscow, where Putin won less than half of the total vote – 46.95 per cent. However, across the country the protesters could not counter mass falsifications; according to some independent analysts, the level of such falsifications made from 15 per cent to 20 per cent. As a result, Putin was announced to become the President yet in the first round of the voting; according to the official statistics he got 63.6 per cent of the total vote.

Judging by the results of the Parliamentary and Presidential elections held in the framework of the electoral cycle of 2011 – 2012, the ruling authorities could,

with the use of political corruption, to formally retain their juridical legitimacy; however, they clearly lost their democratic legitimacy, this development being fraught with dire political cataclysms in the future.

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